

LINOWES
AND | BLOCHER LLP
ATTORNEYS AT LAW

October 22, 2004

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HAND DELIVERED

Ms. Catherine Conlon
Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: Easter Seals Inter-Generational Care Facility- Preliminary Plan No. 1-00069B;

Dear Ms. Conlon:

On behalf of the Easter Seals Society for Disabled Children and Adults, Inc. ("Easter Seals"), we hereby submit a Preliminary Plan Amendment for the intergenerational care and office facility (the "IGC Facility") proposed for the 28,420 square foot property located in the southeast corner of the intersection of Spring Street and Second Avenue in Silver Spring (the "Property") as part of the Easter Seals' partnership with Montgomery County Department of Health and Human Services. The Easter Seals has improved the design for the IGC Facility with a smaller, more efficient and more economically feasible building and reduced some of the proposed programming for the IGC Facility. Therefore, instead of the previous 49,680 square foot structure (1.2 FAR) consisting of 30,180 square feet for adult and child day care services and 19,500 square feet for office uses that the Montgomery County Planning Board ("Planning Board") approved by Preliminary Plan Amendment Opinion dated April 16, 2002 (the "Opinion"), the Easter Seals intends to proceed with a smaller building consisting of approximately 41,400 square feet (1 FAR). The revised IGC Facility will include approximately 12,400 square feet for adult day care, 9,000 square feet of inter-generational space and meeting room facilities, and 20,000 square feet of office space. As discussed below in detail, the Easter Seals respectfully requests an administrative amendment to the Opinion, specifically to proceed pursuant to the standard method of development and thus delete condition number seven (7) binding the preliminary plan validity to the conditions of approval for Project Plan No. 9-00003. A copy of the Opinion is attached for your reference.

Although the Easter Seals obtained the approvals for the project pursuant to the optional method of development, the revised floor area of the IGC Facility enables the Easter Seals to

Ms. Catherine Conlon
October 22, 2004
Page 2

proceed under the standard method of development and therefore not be subject to the conditions of the previously approved Project Plan No. 9-00003 and Site Plan No. 8-02016. The IGC Facility will continue to provide over 10 percent public use space, will be lower than 60 feet in building height, and complies with the setbacks for a standard method of development project. The proposed 41,400 square feet is equivalent to the 1 FAR density permitted pursuant to the standard method of development (gross tract area = 41,400 square feet). As we discussed with Mr. Richard Weaver in your office, the footprint of the building on street edges will remain in the same configuration as previously proposed and the only footprint changes involve the removal of the private courtyard and the set back of the building from the eastern and southern property lines.

In consideration of the significant reduction in peak hour trips associated with the reduction in the office space and child care for the IGC Facility, we submit that there will continue to be no adverse impacts on the traffic of the surrounding area. Pursuant to condition No. 2 of the Preliminary Plan Opinion, the Traffic Mitigation Agreement for the project is already under review by the Park & Planning Transportation and Legal Staff and the Department of Public Works and Transportation ("DPWT") Development Review Staff.

The Easter Seals has met with the Woodside Civic Association ("Woodside") representatives to review the changes to the building. As represented to Woodside, Easter Seals will maintain its commitment to the streetscape on Second Avenue and Spring Street as represented at the site plan hearing, including the bus shelter and tree pits on Second Avenue. The DPWT, M-NCPPC and Department of Permitting Services ("DPS") Staff recommended approval of the non-standard streetscape as requested by Woodside as part of the Site Plan approval, which the Planning Board approved on January 14, 2002 (a copy of the Site Plan Opinion is attached for reference). We respectfully request that this streetscape approval and the DPS and DPWT approval for the covered entranceway in the Spring Street right-of-way be continued through the permitting process for the IGC Facility.

Thank you for your assistance and consideration in this matter. The Easter Seals is looking forward to opening this beneficial facility in Silver Spring in conjunction with the Montgomery County Department of Health and Human Services, as envisioned in the February 2000 Silver Spring CBD Master Plan. Further, the ability to construct the IGC Facility pursuant to the standard method of development will assist the Easter Seals and the County to proceed with this important project in a timely manner and with less expenditure of the valuable Easter Seals or County resources. Please call us to let us know when the matter can be scheduled on the

Ms. Catherine Conlon
October 22, 2004
Page 3

Planning Board's agenda and please do not hesitate to call us if you need any additional materials or information.

Very truly yours,

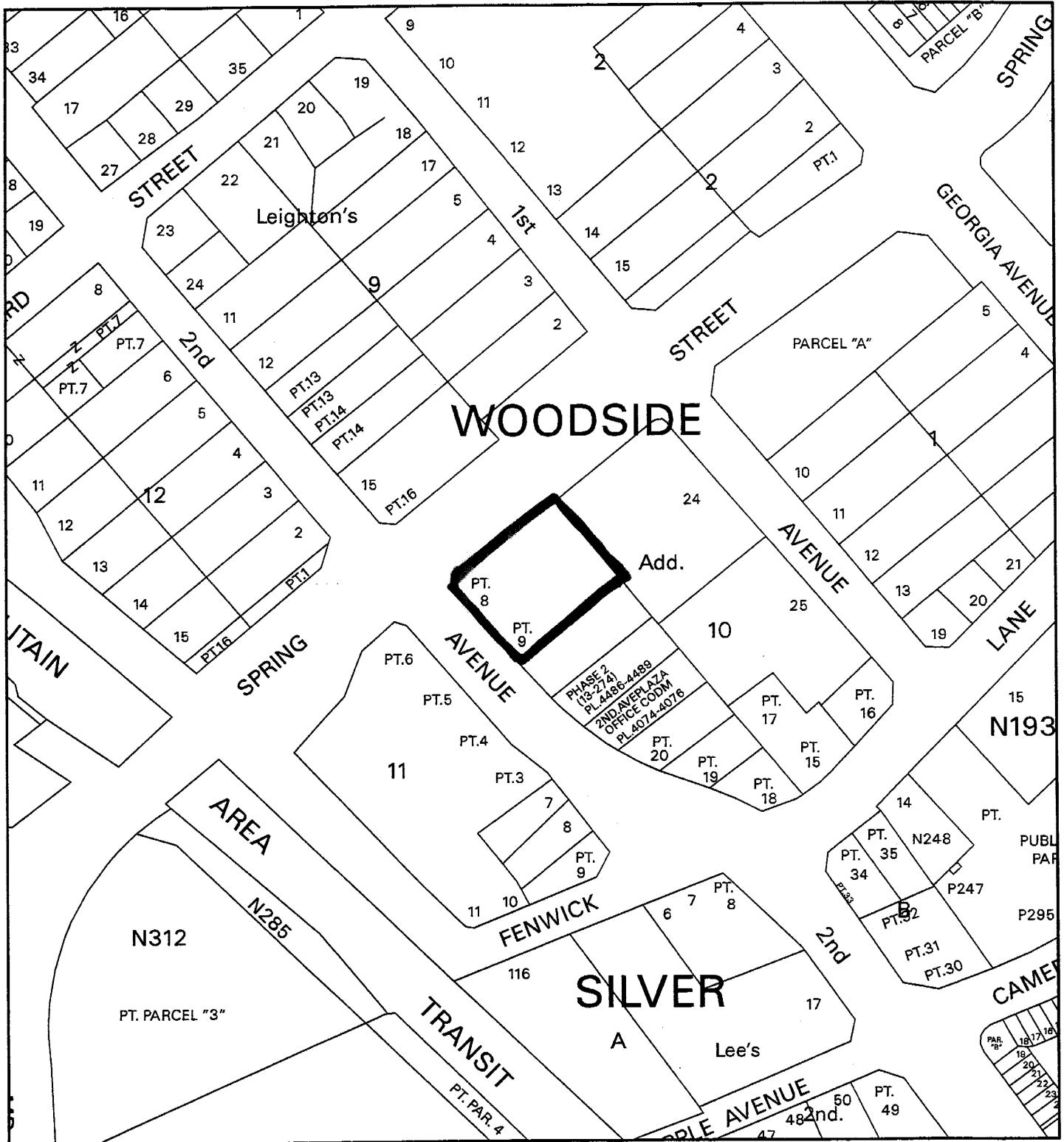
LINOWES AND BLOCHER LLP


Anne C. Martin

Enclosures

cc: Lisa Reeves, Easter Seals
✓ Richard Weaver, MNCPPC
Miguel Iraola, M-NCCPC
Robert Kronenberg, M-NCPPC
William Mooney, M-NCPPC
Sarah Navid, DPS
Jeffrey Reise, DPWT
Gary Stith, Silver Spring Regional Center and Urban District
Elizabeth Boehner, MC Dept. Health and Human Services
Robert H. Metz, Esq., Linowes and Blocher LLP

EASTER SEALS-SIVER SPRING (1-00069B)



Map compiled on March 04, 2005 at 10:52 AM | Site located on base sheet no - 210NW02

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Key Map



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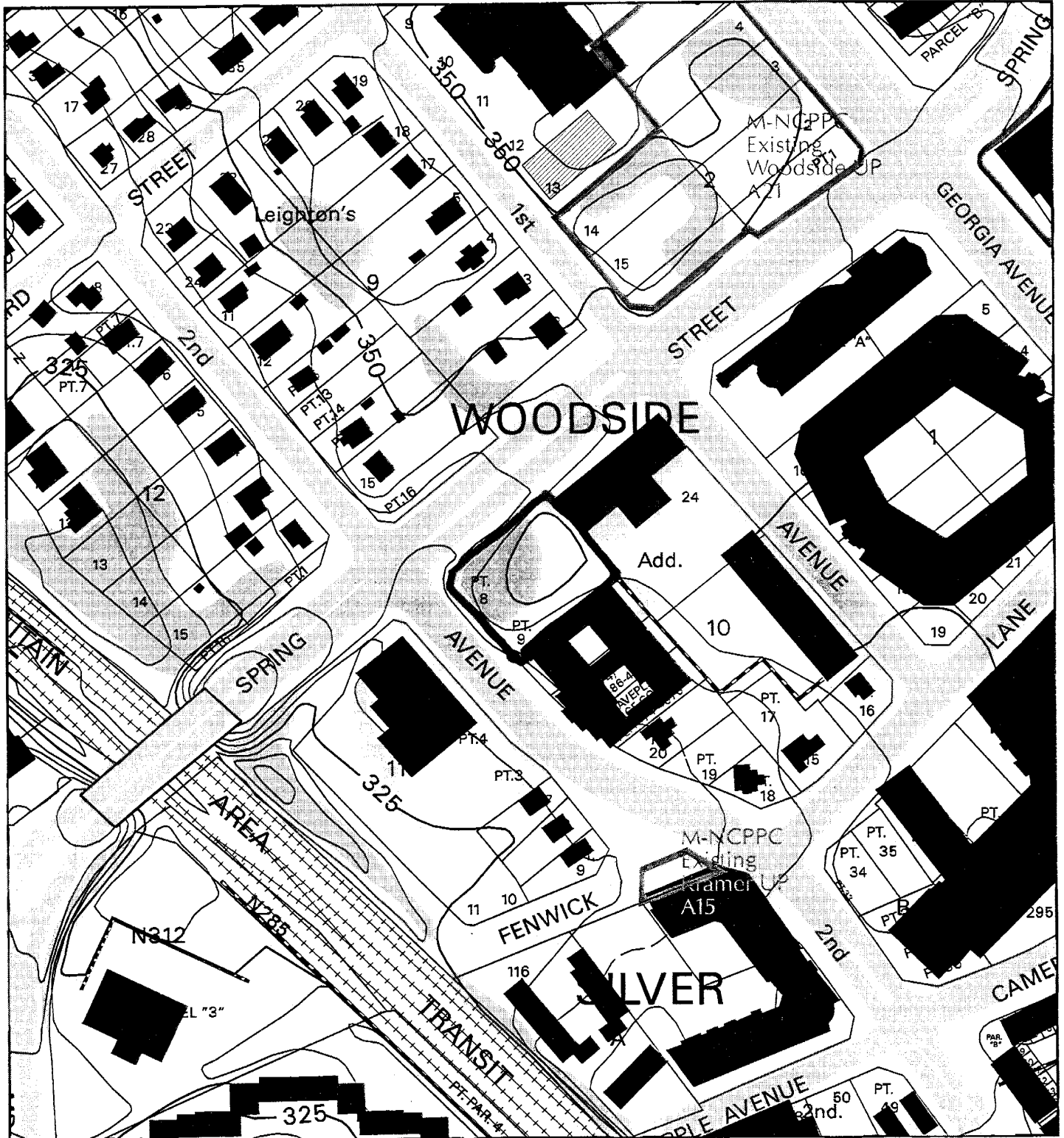


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1 inch = 200 feet
1 : 2400

EASTER SEALS-SIVER SPRING (1-00069B)



Map compiled on March 04, 2006 at 10:56 AM | Site located on base sheet no - 210NW02

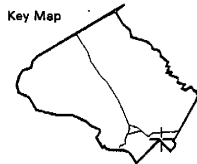
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