

MCP-Chairman

From: 1guru@verizon.net
Sent: Monday, July 07, 2008 2:38 PM
To: MCP-Chairman
Subject: Please preserve the Falkland as historical site

RECEIVED
0734
JUL 07 2008

To:

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Planning Board Chairman Royce Hanson

I am a member of the ADSW. While I am strong supporter of the revitalization of Silver Spring, with the addition of shops and restaurants galore and the Silver Theater, I think that careful thought needs to go in to further development. I urge you and the other Board members to recommend that the entire Falkland complex be given historic designation.

The Falkland deserves to be saved in its entirety to preserve its historical legacy and ambiance.

The area is way too congested and dense now.

Better you should spend your time eliminating the riff raff that congregates at the Mall area.

Sincerely,

Barbara Halpern

MCP-Chairman

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JUL 07 2008

From: Henry [contact@silverspringscene.com]
Sent: Monday, July 07, 2008 12:22 PM
To: MCP-Chairman
Subject: Letter in regards to Falkland Chase Development

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Honorable Chairman and members of the Montgomery County Planning Board

This letter is to inform you of the communities concerns regarding the Falkland North development (# 120070560) and the Evaluation for Master Plan for Historic Preservation Eligibility as they pertain to the existing Falkland Chase apartments.

As an activist in Silver Spring in several ways including Secretary on the South Silver Spring Neighborhood Association, and running a website dedicated to the area called the Silver Spring Scene. I have kept a close watch on development in Silver Spring.

I do this because I believe Silver Spring has great potential that has not yet been fully tapped.

I understand the concerns of the Historical society. The 1938 Falkland Chase project has several firsts but the unwillingness for either side to compromise only jeopardizes Silver Spring, its residents and the County. I am also concerned with the precedent that the approval of Falkland Chase as historic would set. I am apprehensive that such a large area that takes up a significant portion inside and outside the Central Business District designated as historic would weigh against other significant structures. While there are more than 20 structures that make up the Falkland Chase Apartment complex, there is only one Perpetual Building, or Coca Cola bottling plant. If Falkland Chase is designated historic will this mean we've met our quota for historic structures in Silver Spring?

There are finite land resources in the Silver Spring central business district, and since the beginning of the revitalization the amount of available developable parcels has become ever so scarce. Most of it is already spoken for. The question I ask is that are we using it to the fullest extent?

While I support the Falkland North proposal by Home Properties in concept, I do not approve of the overall site plan, particularly the layout and orientation of the structures. The Neo-Traditional architecture as depicted in the renderings is exquisite and would add variety to the skyline of downtown Silver Spring.

The problem is that the site plan illustrates a monotonous interconnected group of towers that become monolithic in nature.

The public use space "park", located in the center of the project is odd in its relation to the high-rise buildings of the development. It gives the feeling of a dated design concept called "Towers in the park" used throughout the 1960s. The public use space also separates pedestrians and the buildings from the street edge. What's even more concerning is the fact that some of the retail is pushed away from the street edge and is not placed throughout the length of the site along East-West Highway. The overall result is a suburban project for what is supposed to be an urban area.

The project could be improved by separating the buildings and varying their heights. You can also implement a grid pattern for the streets with different access points for pedestrians and cars.

Again, it is critical that the bulk of the retail be implemented along the street edge to create vibrant streets.

In addition to retail and residential, an office component should be included to create a true mixed use project.

The problems of the project could be abated if there were not such strict height limits in such close proximity to a metro station in the largest downtown in the state outside Baltimore and the busiest transit station in the state. Several nearby buildings are actually taller than 200'feet, including 8403 Colesville Road, which is actually Silver Spring's tallest and right next to the site in debate. Increased heights would reduce the buildings footprints and may even spare some of the existing Falkland Chase garden apartments.

This is why I recommend that the Falkland North project by Home Properties be allowed to move forward through the planning process but not without a rigorous reconfiguration of the site plan. In fact I call for charette similar to the one that was done during the Silver Place planning process to gain resident input.

If the existing Falkland Chase Apartments are designated as historic, then I am confused as to what Silver Spring is. Is it urban or Is it suburban? Because of the fact that the parcel is in such close proximity to a metro station and furthermore close to buildings above 200'feet, it would only make sense to utilize the principals of smart growth infill instead of greenfield developments like Clarksburg in the upper rural parts of the County.

Silver Spring can no longer stand on the fence, debating on whether it is suburban or urban, it cannot be both without failure. To paraphrase the late Jane Jacobs "In-between places are nothing but trouble."

Sincerely
Henry Odeniran
Silver Spring Scene [<http://www.silverspringscene.com>]
Secretary, South Silver Spring Neighborhood Association

MCP-Chairman

From: MyEmail [emailmarilyn@verizon.net]
Sent: Monday, July 07, 2008 10:48 AM
To: MCP-Chairman
Subject: Falkland Complex

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JUL 07 2008

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Royce Hanson
Chair - MCP
MNCPPC

Dear Mr. Hanson:

I have not idea what will make the "powers-to-be int his county stop the madness and continue to allow developers to build "rental" that very few can afford. case in point, the Falkland Complex...it is historical, and I would hope someone will have enough integrity to allow the area to have some historical properties.

Far too often in business, in the country, and now is this county, "greed will be the downfall" for displacement of middle income residents in Silver Spring.

Quite frankly, with all the construction and conversion that have taken place, Silver Spring is still a "small southern town", just outside of Washington, DC.

Having lived in other majors cities, Silver Spring does not have "what it takes" to make it Metropolis USA nor Bethesda II...it is what it is..and that is overcrowded and noisy.

For Christ sake, let people have a decent, moderate rent, quiet place to live.

You do not have to reply to my email, but Please VOTE AGAINST destruction of Falkland Chase Apartments.

Thank you,
Marilyn Turner

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JUL 08 2008

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

MCP-Chairman

From: Laura Abraham [laura.e.abraham@gmail.com]
Sent: Tuesday, July 08, 2008 8:34 AM
To: MCP-Chairman
Cc: Meredith
Subject: Falkland Chase

Mr. Chairman,

I am writing regarding the current pending development of the Falkland Chase housing community at the corner of East West Highway and 16th Street. Increased development, the addition of yet another high rise, and another shopping center with a large store (such as a Harris Teeter) will only serve to increase the congestion in this already overcrowded area. Please designate all of Falkland Chase as historic property, and save this wonderful community of Downtown Silver Spring.

Thank you,

Laura Abraham

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JUL 08 2008

OFFICE OF THE CHAIRMAN
MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

MCP-Chairman

From: Meredith Pearson [meredithrpearson@gmail.com]
Sent: Tuesday, July 08, 2008 8:43 AM
To: MCP-Chairman
Subject: Falkland Chase

Mr. Hanson and the Montgomery County Planning Board:

I would like to respectfully request that you designate all of the existing Falkland Chase property as historic.

I have been living on the parcel that is set to be torn down with the pending application for nearly five years and my experience has been overwhelmingly positive during that time. I must say that I fear this new development will drastically and detrimentally impact the already problematic traffic patterns in the near vicinity. Not to mention the fact that Falkland Chase has been a part of that landscape for well over 60 years. Every time I mention to a long-time County resident where I live they immediately ask "Falkland Chase?". The property is very well known and highly regarded as a landmark on the trip to D.C. down 16th Street. I would be most disappointed if this application is approved. First, I will have to relocate against my will and, second, it upsets me that the Board may consent to further altering the landscape of a downtown that has already significantly changed, mostly for the better, in just the last few years alone.

Please save Falkland Chase from the greed of the current property managers/developers and maintain the integrity and history of downtown Silver Spring. Designate ALL of Falkland Chase as historic property.

Thank you for your time,

Meredith R. Pearson
Falkland Chase Resident
(301) 237-3398

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OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

MCP-Chairman

From: Jimmy Pearson [jtpearson85@gmail.com]
Sent: Tuesday, July 08, 2008 8:48 AM
To: MCP-Chairman
Subject: Falkland Chase

Please designate all of Falkland Chase as historic property!

MCP-CTRACK

From: Jane Redicker [jredicker@gsscc.org]
Sent: Tuesday, July 08, 2008 3:28 PM
To: MCP-Chairman
Subject: Letter re Falklands Project Hearing -- July 10, 2008
Attachments: Home Properties - Falklands Historic.DOC

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OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Attached please find a letter in lieu of testimony submitted by the Greater Silver Spring Chamber of Commerce regarding the Falkland's project.
Thank you.

Jane Redicker

President

Greater Silver Spring Chamber of Commerce
8601 Georgia Avenue, Suite 203
Silver Spring, MD 20910
Phone: (301) 565-3777
jredicker@gsscc.org



July 8, 2008

Dr. Royce Hanson, Chairman
and Members of the Montgomery County Planning Board
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Public Hearing and Work Session – Falklands – July 10, 2008

Dear Chairman Hanson and Members of the Planning Board:

The Greater Silver Spring Chamber of Commerce is pleased to submit this letter and asks that you accept it in lieu of testimony in person at the Board's July 10 "Public Hearing and Work Session" on the Falklands. Unfortunately, this hearing falls on the same day as one of the Chamber's major annual events and we are unable to have an individual present at the hearing to represent our views.

On behalf of the Board of the Chamber, I am writing to urge you to allow a proposal by Home Properties to redevelop its north parcel of Falkland Chase to move forward. In order to accomplish this, we are asking you to vote against designating this parcel as historic.

While we appreciate the desire to preserve history in downtown Silver Spring and have supported these efforts in some cases, we do not support preserving the entire existing Falklands development. Indeed, we believe that there are limited historic elements worth preserving on the north parcel. Experts point to such notable characteristics on the property as landscaped courtyards, staggered setbacks, tree-shaded pathways, ample green space and preservation of natural features – but not the buildings themselves. We understand that this northern section was developed later, does not bear the historic elements evidenced elsewhere, is mundane in appearance and has few of the notable characteristics. That said, we believe that there are higher public purposes to be served by redevelopment.

First, the Chamber recognizes that the developer's proposal would create 282 affordable housing units. Providing more affordable housing is a stated "top priority" of Montgomery County leaders. Unfortunately though, despite frequent calls for more affordable housing, little, if any, has been built. This proposal would provide a significant boost to the dwindling stock of homes that low- and middle-income taxpayers can afford in down-County areas. Second, this proposal is in line with another top public policy – locating housing and density next to mass transit and on established roads – a prime "smart growth" opportunity that makes sense for Silver Spring. Speaking of mass transit, we also understand that the developer's proposal would reserve land for the future Purple Line. This is an important public transportation project for which this Chamber has long advocated. Creating a right of way for the Purple Line makes good economic and environmental sense, particularly as we watch fuel prices continue to increase.

8601 Georgia Avenue, Suite 203, Silver Spring, Maryland 20910
Phone (301)565-3777 • Fax (301)565-3377 • info@gsscc.org • www.silverspringchamber.com

Greater Silver Spring Chamber of Commerce

Re: Public Hearing and Work Session – Falklands – July 10, 2008

Page 2

We recognize that the issue before the Planning Board does not involve a specific plan. Still, we point out that redevelopment of this site is in accord with the Sector Plan, and it has been designated for redevelopment for nearly two decades. The details of the development, including access, will be worked out during the development process. A preliminary plan, project plan, and final site plan will all include full public input.

In conclusion, the Greater Silver Spring Chamber of Commerce supports the redevelopment of the north parcel of the Falklands because we believe redeveloping this section of the project serves a higher public purpose than leaving as it currently stands. That said, we urge you to vote against designating this parcel as historic.

We thank you for the opportunity to present our views on this important matter for Silver Spring.

Sincerely,

A handwritten signature in cursive script that reads "Jane Redicker".

Jane Redicker
President

MCP-Chairman

From: Tim Pearson [tpearson@comso.com]
Sent: Tuesday, July 08, 2008 11:00 AM
To: MCP-Chairman
Subject: Save Falkland Chase

Dear Mr. Hanson,

As a long time resident of Silver Spring (since 1976) I would like to throw my support behind the effort to continue to designate ALL of Falkland Chase as historic property and would request that the Montgomery County Planning Board do the same.

Thank you very much

Tim Pearson

**12712 Meadowood Drive
Silver Spring, Maryland 20904**

301 622-3398



MCP-CTRACK

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OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PLANNING COMMISSION

From: Susan Pearson [sdp_melody@yahoo.com]
Sent: Tuesday, July 08, 2008 9:56 AM
To: MCP-Chairman
Cc: Meredith R Pearson
Subject: Faulkland Chase

Please keep ALL of Faulkland Chase Apartment complex as historic property. Do not pass up the opportunity to have this beautiful, unique historic property right in the midst of Silver Spring. In a few years no one will care about the new proposed high rise, but historic property is a treasure already in place. Thank you.

Susan D. Pearson, Montgomery Co. property owner for 29 years

MCP-Chairman

From: Heather Salib [hlsalib@yahoo.com]
Sent: Tuesday, July 08, 2008 8:56 AM
To: MCP-Chairman
Subject: faulkland trace

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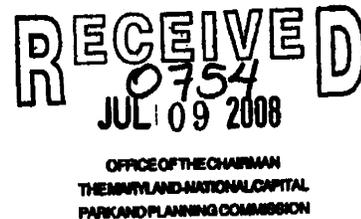
JUL 08 2008

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Keep all of Faulkland Trace a historic property.

MCP-Chairman

From: anneambler@comcast.net
Sent: Tuesday, July 08, 2008 5:23 PM
To: MCP-Chairman
Subject: Historic Preservation for Falkland Apartments



Montgomery County Group

The Honorable Royce Hanson
Chairman
Maryland National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Dr. Hanson:

Re: Historic Preservation: Falkland Chase Apartment Complex

The Sierra Club's mantra has long been dense development close to rapid transit, a key component of Smart Growth. But Smart Growth is not just high rises and mixed use around Metro stations; it is also creation or preservation of a sense of place through excellent design, variety, historical continuity, and moments of green respite.

Is it "smart," then, to consign to the landfill a well-designed, artistically detailed, solidly built, historically and environmentally significant complex of affordable rate apartments? We don't think so, and strongly support the recommendation of the Historic Preservation Commission to add the entire Falkland Apartment complex to the County's Master Plan for Historic Preservation.

At the Planning Board's own smart growth speaker series, experts have lamented the lack of design in modern urban America. But in 1936 when the Blairs began to build Falkland, their architect, Louis Justement, paid considerable attention to the layout of the buildings, the detail of their facades, the variety of their frontages and roof lines, and the environmental attributes of the site, which he intentionally preserved.

With respect to those environmental attributes, Falkland's remnant forest of large native trees--oaks, hickories, locusts, sassafras, tulips, red maples, black walnut, and even American elms--provide a shade break for refugees from the Silver Spring "heat island" and remove carbon dioxide from the air. All three sectors of the Falkland property have a wide variety of trees, some planted at construction; many predating construction. The north parcel, currently most at risk, contains nine species of specimen trees. These trees need the protection that the Master Plan can provide.

Architect Justement wrote: "...an existing Y-shaped valley has been carefully preserved." Indeed, this Rock Creek tributary that originates in the north sector and continues in the southeast sector is the last above-ground stream in downtown Silver Spring. Will we lose this one as well?

The Falkland complex provides precious, irreplaceable green space and variety—much-needed amenities in this CBD, host to over 5,000 new, approved, under construction, and proposed units, exclusive of the Falkland proposal, with more surely coming.

We preserved the Silver Theater and the B&O Station as landmarks of Silver Spring. We also preserved the corner strip mall at Georgia Ave. & Colesville Rd., totally out of place in an urban setting. But the strip mall adds the sense of place and historical continuity to Silver Spring. So too should we preserve the Falkland complex, the Blair family legacy of social responsibility and environmental protection.

The Sierra Club urges the Board to add the entire Falkland Apartment complex to the County's Master Plan for Historic Preservation. Such an investment in the future of Silver Spring and the county should not be allowed to slip through our fingers. The Audubon Naturalist Society joins us in wishing to see the entire remaining Falkland complex preserved.

Thank you for your consideration.

Sincerely,

Anne Ambler
Club spokesperson on this issue

MCP-Chairman

From: Amy Benoit [amybbenoit@hotmail.com]
Sent: Tuesday, July 08, 2008 7:35 PM
To: MCP-Chairman
Subject: Falkland Chase Apts

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OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Mr. Hanson,

I am writing you this e-mail in regards to the tearing down the north side of Falkland Chase apts. Falkland Chase has been my home for the past 7 years approximately. I love living here and I know the other residents do as well. These apts have character and they are the only apts in this area that offer reasonable rent and have so many beautiful trees and grass. These apts as you know have been here for such a long time and they are such a part of Silver Spring. I can't imagine having high rise apts and a Harris Teeter, the traffic is already getting bad due to downtown Silver Spring. Thank you for taking the time in reading this e-mail and I really hope that the northside of Falkland Chase apts can remain my home as well as the other residents.

Thank you,
Amy Benoit

Making the world a better place one message at a time. [Check out the i'm Talkathon.](#)

MCP-Chairman

From: Michael Kallens [mkallens@hotmail.com]
Sent: Wednesday, July 09, 2008 3:21 PM
To: MCP-Chairman
Cc: mkallens@hotmail.com
Subject: Falkland Hearing
Attachments: Planning Board Letter.doc

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OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Attached please find my written testimony on the Falkland matter on the Board agenda for tomorrow.

It's a talkathon – but it's not just talk. [Check out the i'm Talkathon.](#)

MICHAEL J. KALLENS
1543 NORTH FALKLAND LANE, #122
SILVER SPRING, MD 20910
301-608-3351

July 9, 2008

Planning Board
M-NCPPC
8787 Georgia Ave.
Silver Spring, MD 20910

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JUL 09 2008

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Via Email - MCP-Chairman@mncppc-mc.org

Dear Members of the Planning Board:

I am writing to urge you to:

- (1) Reject the staff recommendation to designate only the south and west portions of the Falkland development for historic preservation and remove the north portion from the Locational Atlas – effectively, freeing it up for demolition and high-density development; and,
- (2) Recommend to the County Council that all three existing portions of the Falkland development be designated for historic protection.

While I certainly am not an expert on zoning or the details of the various master plans adopted by the county for the development of Silver Spring, it appears from the materials posted by the Board that this decision essentially boils down to whether the historic value of the site is outweighed by countervailing public interests. Contrary to the staff's report, it does not.

In creating its report, the staff inappropriately only looks at public interests that would argue against the historic designation rather than considering both public interests that argue against such designation and for it. In other words, in considering whether the public interest for development outweighs the value of historic designation, the staff should have "netted-out" both the public interest in favor and against development and then applied that net evaluation against the value of designating all three portions of the Falkland development as historic property worthy of protection.

Had the staff done so, it would have reached a different recommendation. While the staff report does describe the public interests in favor of development, it does not discuss the public interests against it. These include:

- Substantially increased traffic at the already severely congested 16th Street – East-West Highway intersection.
 - The replacement of lower priced older apartments with higher priced new construction – notwithstanding claims that certain portions of the development would be classified as “affordable,” the fact is that the rents will be higher in the new development effectively pricing out many County residents from living in the downtown Silver Spring area.
- The risk of over-development in Silver Spring – with other projects that are currently on line or in development, development of this parcel would essentially create an unending string of high rise development along East-West Highway from 16th Street to Georgia Avenue, something that is not supported by current infrastructure and could jeopardize the overall redevelopment of the CBD.
- The value of having various types of residential communities – high rise, mid-rise and garden – in close proximity to the CBD.

Even if the Board does not finally reject the staff recommendation, it should at least continue this matter and direct the staff to redo its report considering both the positive and negative public interests in this development before comparing them to the value of historic preservation of all three Falkland parcels.

Furthermore, in reviewing the staff report, it does not appear that the staff fully incorporated or considered the opinions of the Board members in the prior meeting on this subject. In particular, the staff does not adequately consider the fact that the entire community represents a single vision and shaving off pieces leaving only token remnants essentially guts the original vision for the development.

In making its decision, I urge the Board to remember the comments by its members made just last December as to the historic value of this property and, accordingly, recommend that the County Council designate all three portions of the Falkland development as historic properties.

Sincerely,
/s/
Michael Kallens

(Please note that, in the interest of full disclosure, although I am a current resident of the north Falkland parcel, this decision would not impact me directly as I am already in the process of purchasing a home elsewhere in the county and would already be living elsewhere following implementation of any decision by the Council.)

MCP-Chairman

From: Schwartz, Lisa [Lisa.Schwartz@montgomerycountymd.gov]
Sent: Wednesday, July 09, 2008 2:53 PM
To: MCP-Chairman
Cc: Nelson, Rick; Reilly, Scott; Giloley, Joseph; Anderson, Christopher; Schriber, Steven
Subject: Falkland Apartments: Public Hearing Testimony
Attachments: Falkland Apartments Public Hearing Testimony.doc

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OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Chairman Hanson,

Attached please find written testimony concerning historic designation of the Falkland Apartments from Rick Nelson, Director of the Department of Housing and Community Affairs, on behalf of the County Executive. Mr. Nelson will present oral testimony at tomorrow's public hearing.

Lisa S. Schwartz
Senior Planning Specialist
Montgomery County Department of Housing and Community Affairs
100 Maryland Ave., 4th Floor
Rockville, MD 20850
(240) 777-3786 - office (240) 777-3709 - fax
lisa.schwartz@montgomerycountymd.gov
www.montgomerycountymd.gov/mpdu

**TESTIMONY OF RICHARD Y. NELSON, JR., DIRECTOR
AT MONTGOMERY COUNTY PLANNING BOARD PUBLIC HEARING
EVALUATION FOR MASTER PLAN FOR HISTORIC PRESERVATION ELIGIBILITY,
FALKLAND APARTMENTS, LOCATIONAL ATLAS RESOURCE #36/12
JULY 10, 2008**

Good afternoon, Chairman Hanson and members of the Planning Board. My name is Rick Nelson, Director of the Montgomery County Department of Housing and Community Affairs. I am testifying on behalf of County Executive Isiah Leggett.

The Executive is committed to preserving our historic resources, but recognizes the need to balance potential historic designation with other pressing and legitimate public interests. As noted in the Planning staff's report, the need for such a balance is stated in the County's *Approved and Adopted Master Plan for Historic Preservation*. The Executive believes it is necessary to consider historic designation of the Falkland Apartments in the context of the redevelopment plans for the North Parcel.

The growing affordable housing gap and the pressing need for multi-family rental housing is well documented in the Planning staff's recently published research for the update to the Housing Element of the County's *General Plan*. Numerous County policy documents, from the *General Plan* to the Executive's recently issued *Affordable Housing Task Force Report*, have stated that providing adequate affordable housing and providing housing near transit are policy goals that are of critical public interest. The development proposed by Home Properties for the North Parcel of the Falkland apartments would fulfill both of these important policy goals. The development also fulfills the vision for this area outlined in the *Silver Spring CBD Sector Plan*, which recommends high-density, transit-oriented mixed use development for the North Parcel, while maintaining the current density and residential multiple-family use of the South Parcel. (Maintenance of the current density and use is also recommended by the relevant Master Plan for the West Parcel, which is outside the CBD.)

The Home Properties development will yield 133 Moderately Priced Dwelling Units (MPDUs) that will have rents affordable to households earning less than 70 percent of area median income for 99 years. In addition, the developer has proffered several additional affordable units. Home Properties has agreed to provide 50 workforce housing units on the North Parcel, and another 50 workforce units in existing buildings on the South and West Parcels, for 20 years. Home Properties has also agreed to expand the number of units affordable to households earning less than 65 percent of area median income at the Woodleaf Apartments in Silver Spring. The number of affordable apartments will be increased from 44 to 49, and the term of this affordability will be extended for 20 years, from 2009 to 2029.

In sum, allowing full redevelopment of the North Parcel to proceed will yield 282 affordable housing units, and 233 of these units will be in close proximity to the Silver Spring Metro station and future Transit Center. The project will also provide 926 units of new market-rate rental housing within 800 feet of the future Transit Center. Home Properties has also agreed to invest \$3.5 million, or \$13,000 per unit, in rehabilitating the remaining apartment units in the South and West parcel.

If the North Parcel receives historic designation along with the South and West Parcels, and no significant new development is allowed on the North Parcel, all of the apartments in the Falkland complex will have market rate rents by the year 2014. At that time, the affordability controls expire on 90 Housing Opportunities Commission (HOC) bond units located throughout the complex. Market rents at the Falklands are already significantly higher than MPDU rents, and the growing demand for rental units and spiraling gas prices can be expected to increase this disparity even further. Construction of the Purple Line may require demolition of several of the existing 182 housing units on the North Parcel, further eroding its value as both a housing resource and a historic resource.

The Executive wholeheartedly supports historic designation of the South and West Parcels of the Falkland Apartments. The acreage of these two parcels comprises approximately two-thirds of the total Falkland Apartments complex. By recommending historic designation for the South and West Parcels of the Falkland Apartments, but not for the North Parcel, the Planning Board can support historic preservation while also promoting smart growth and well-located affordable housing. Such a decision would truly balance these potentially diverse public interests.

The County Executive urges the Planning Board to adopt the Planning staff's recommendation to place the South and West Parcels of the Falkland Apartments on the *Master Plan for Historic Preservation*, but to allow full redevelopment of the North Parcel. Thank you.

DHCA: 7/9/08
RYN:lss

S:\Files\recurring\Housing\MPDU\Falkland Apartments Public Hearing Testimony.doc

MCP-Chairman

From: jfolb@vt.edu
Sent: Wednesday, July 09, 2008 2:05 PM
To: MCP-Chairman
Subject: RE: Testimony submission
Attachments: FolbFalklands.doc

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OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Thank you for your attention....I apologize. Attached is my testimony.

There will likely be a large showing tomorrow.

Joshua Folb

Quoting MCP-Chairman <MCP-Chairman@mncppc-mc.org>:

> Did you mean to attach your testimony? If so, please resubmit as
> there is no attachment.
>
> Thank you
>
> -----Original Message-----
> From: jfolb@vt.edu [mailto:jfolb@vt.edu]
> Sent: Tuesday, July 08, 2008 6:17 PM
> To: MCP-Chairman
> Subject: Testimony submission
>
> I am respectfully offering, in printed form, the testimony that I wish
> to give on Thursday during the Public Hearing regarding Item 15, The
> Falklands.
> I
> attempted to get on the speakers list and found that the list is full
> and the walk-in list may be full when I arrive.
>
> If this is not the proper forum for submitting my testimony, please
> inform me of the correct process.
>
> Respectfully,
> Joshua Folb
> 1525 E Falkland Lane #47
> Silver Spring, MD 20910
>
>
>
>

Testimony to Item 15, The Falklands

To be presented on July 10, 2008 (time permitting) at the Park and Planning Commission Public Hearing.

My name is Joshua Folb and I along with my wife Belinda and two-month old son Michael, live in the North Parcel of the Falklands. I bring two stories and one request to the planning board.

At the University of Virginia in Charlottesville, one of the revered opportunities one can have is to live on "the Lawn." These are centuries-old single rooms—no bigger than many kitchens—that lack indoor plumbing with the bathroom around the corner and down the street. Yet despite these less-than-prime conditions, students still line up for the chance to be one of the chosen few that get to live in the heart of it all. I had the chance to spend the night in one of these rooms while visiting a friend and I immediately got the sense that if the walls could talk, the stories would be memorable. Could the University demolish these units and build density so that more people could live in the center of campus? I suppose, however, the magic of those old rooms would be lost along with the appeal.

When we found out my wife was pregnant, we began a search for a place to bring our son into this world. We looked at many high-rises and only stumbled on the Falklands. The moment we saw a model unit, we were sold. Windows, green-space, trees, a place for Michael to run right outside our door, real hardwood floors, the ability to walk to the library and parks all sold us. The proximity to Metro was a nice bonus, but not the deciding factor.

Often, my wife and I find ourselves sitting in the apartment thinking, "what if these walls could talk?" Who lived here? What did they do? How did they survive? We are then brought back to 2008 with the reality that with the stroke of a pen the voices will be silenced forever. Those voices were silenced on the "Draper Triangle" and it may happen again.

Despite the quotes by Home Properties representatives in the Washington Post, families DO want to live here as they did 70 years ago. I ask you to preserve ALL of the remaining Falklands so that my son might have the choice to live as I do today.

Submitted by
Joshua Folb, Resident
1525 E. Falkland Lane #47
Silver Spring, MD 20910

MCP-Chairman

From: Clare Marino [clare.marino@yahoo.com]
Sent: Monday, July 14, 2008 1:20 PM
To: MCP-Chairman
Subject: Falkland Chase: Smart Growth

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0790
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OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Mr. Hanson:

I have lived in Downtown Silver Spring over last 10 years. My interest is to promote smart, eco-friendly development in our neighborhood and this letter is my commentary regarding the proposed Falkland Chase preservation effort by the Silver Spring Historical Society.

Contrary to Jerry McCoy's perspective, I do not think the buildings on the proposed property are worth saving in lieu of a more progressive development in a growing region. I no longer think that the efforts of the FHA from the 1930's apply to this site and I think that the property as it is right now actually defeats the principles of smart growth and community density. In addition, the land owner has already made major adaptations to their development plan.

I appreciate the beautiful old trees and natural landscape on the site. With a more environmentally- sensitive design, I think much of this parcel can be preserved and a smaller-footprint building can be put in the place of several existing low-rise buildings. I don't think that another grocery store is necessary and I would discourage that type of retail development. Several existing stores in the area could be made larger and more efficient with much less of an environmental impact. They are all within bus lines or walking distance.

I would ask that Home Properties reconsider the current proposed design to incorporate the following elements:

- **Green building design** (LEED building certification) .
- Provide as many affordable units in the new building complex as those that were removed. The last time I checked, the rental rates at Falkland Chase were comparable to other similar units in the area.
- Preserve, repair and adapt landscape and site elements to retain the natural eco-system and site drainage.
- Save old growth trees wherever possible.
- Include Smart Growth retail options.

Silver Spring can be a great example of Smart Growth principles and ecologically sensitive design.

Sincerely,

Clare Marino

The Silverton Condominium

Homeowner, Board Member, Facility and Grounds Committee Chair

MCP-Chairman

From: Robert Goldman [rgoldman@mhpartners.org]
Sent: Friday, July 11, 2008 3:21 PM
Subject: Policy Alert!

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THE MARYLAND-NATIONAL CAPITAL
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Advocacy Alert

We are sending you this e-mail as part of an initiative by Montgomery Housing Partnership (MHP) to notify our donors, friends and partners about important affordable housing issues in our community that need your support and/or action. We are presenting the information in a concise manner, with easy to use links, and we will send them only when important issues are at stake (10—12 per year). Please note that these alerts are requesting your advocacy and not asking for financial support. If you do not wish to be on this e-mail list, send an email to info@mhpartners.org, with 'unsubscribe' in the subject line, and we will promptly remove your name. If you know someone we should add to our list, please send an e-mail to info@mhpartners.org, with 'add' in the subject line and provide the e-mail address.

Today's Alert—July 11, 2008

Falklands Update

NEEDS YOUR URGENT ATTENTION - A developer, Home Properties, has proposed the demolition of the portion of the Falklands apartments located north of East-West Highway and the construction of new high-rise residential. The Falklands are listed on the Locational Atlas and Index of Historic Sites. The staff recommended designating the South and West parcels as historic which the developer has agreed to do and to let the North parcel be re-developed. The Planning Board had a hearing yesterday and they must decide whether or not to designate this site on the Master Plan for Historic Preservation prior to any redevelopment.

Home Properties' hopes to build 1,100 apartments on this site. The redevelopment of the Falklands will provide much needed affordable housing and goes beyond what would otherwise be required. Currently, the North parcel of the Falklands provides 90 income-restricted units and 92 units that are somewhat affordable but not income-restricted. The redevelopment project would replace the 182 units one-for-one with 182 affordable and restricted units – providing not only replacement housing, but also insuring long term affordability.

In addition to these 182 affordable units, the developer has agreed to provide 100 units of workforce housing even though this is not a requirement. To provide such a large number of affordable and workforce units within walking distance to the Silver Spring Metro is a real benefit to the community and serves as a model for other redevelopment efforts in the county.

Please support the planning board's recommendation of allowing the North parcel to be redeveloped; retaining the 182 affordable housing units and expanding work force housing units by 100. The historical preservationists are very vocal about fighting the redevelopment. Affordable housing advocates need to be heard as well. Comments can be made until July 31, 2008 (but send an e-mail now!) at MCP-Chairman@mncppc-mc.org

Congressional Housing Legislation Update

There is an article in today's Washington Post, [*Senate Housing Bill Moves Toward Passage*](#) that provides an update on important housing legislation moving through Congress. It looks like the bill hit a snag but should be passed by the end of the month.

Affordable Housing Task Force Recommendation

NEEDS YOUR URGENT ATTENTION! The County Council's Planning, Housing and Economic Development (PHED) Committee will be discussing the County Executive's Affordable Housing Task Force recommendations, the new Recordation Tax for Rental Assistance, and general affordable housing plans - Monday, July 14th at 2:30 on the 7th Floor, 100 Maryland Avenue, Rockville, MD. To see a copy of the County Executive's Affordable Housing Task Force recommendations click on the following link: www.montgomerycountymd.gov/Content/DHCA/community/pdf/AHTFRrecommendations.pdf

Please call or e-mail your council representative before Tuesday and encourage them to accept these recommendations.

Note: Planning, Housing and Economic Development members are in bold and it is very important to contact them.

Council Vice President Phil Andrews, 240-777-7906,
councilmember.andrews@montgomerycountymd.gov

Councilmember Roger Berliner, 240-777-7828,
councilmember.berliner@montgomerycountymd.gov

Councilmember Marc Elrich, 240-777-7966,
councilmember.elrich@montgomerycountymd.gov

Councilmember Valerie Ervin, 240-777-7960,
councilmember.ervin@montgomerycountymd.gov

Councilmember Nancy Floreen, 240-777-7959,
councilmember.floreen@montgomerycountymd.gov

Council President Mike Knapp, 240-777-7955,
councilmember.knapp@montgomerycountymd.gov

Councilmember George Leventhal, 240-777-7811,
councilmember.leventhal@montgomerycountymd.gov

Councilmember Duchy Trachtenberg, 240-777-7964,
councilmember.trachtenberg@montgomerycountymd.gov

Upcoming Meetings and Chats

Other Issues:

1. July 14 – Just before the 2:30 meeting, the County Council's Planning, Housing and Economic Development (PHED) Committee together with the Health and Human Services (HHS) Committee will be discussing energy cost assistance to homeowners and implementation of the Housing First Plan – 1:30 – 7th floor – 100 Maryland Avenue, Rockville, MD. For more information on the committee's report click on the link below.
http://www.montgomerycountymd.gov/content/council/pdf/agenda/cm/2008/080714/20080714_PHEDH_HS2.pdf
2. JULY 24: KnowledgePlex and the National Low Income Housing Coalition are sponsoring an Expert Chat entitled "Out of Reach 2008: Rental Housing and the Current Crisis" at 2:00 p.m. ET on July 24th. The discussion will present recent data and analysis on the current housing market and draw some preliminary conclusions about the impact of the current crisis on the affordability and availability of rental housing for the lowest-income households. The material in the presentation will draw primarily from recent and ongoing research at NLIHC on foreclosure and rental markets--including the most recent *Out of Reach* report--providing participants with a comprehensible overview of the emerging patterns and trends to watch. For more information, visit www.knowledgeplex.org/xchat.html.

Please Note Address & Phone Change Below

Robert A. Goldman, Esq.
President
Montgomery Housing Partnership
12200 Tech Road
Suite 250
Silver Spring, MD 20904
Phone - 301-622-2400 x14
Fax - 301-622-2800

"2008 Best Community Development Program"
"2007 Innovative Program of the Year"
"2006 Community Life Award"
"2006 Innovative Program of the Year"
"2005 Catalogue for Philanthropy"
"2003 Montgomery's Best Honor Award"
"2002 Nonprofit Developer of the Year"

MCP-Chairman

From: Ken Rehfluss [krehfluss@rrrehab.com]
Sent: Friday, July 11, 2008 3:49 PM
To: MCP-Chairman
Subject: Falklands project in Silver Spring

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THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

I want to take a moment to voice my support of the proposed redevelopment of the Falklands property in Silver Spring. It is imperative we support as a community any redevelopment project that helps to ensure affordable housing for our area. The developer is taking significant steps on their end to incorporate affordable units within their development plan. We need to support this effort.

As a resident of Silver Spring, I welcome and applaud all efforts that are made to provide safe, affordable housing to our citizens of this area.

Thanks in advance for allowing my voice to be heard on this issue.

Sincerely,

Ken Rehfluss
1010 Nora Drive
Silver Spring, Maryland 20904

MCP-Chairman

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From: Rebecca Wagner [rwagner@communityministymc.org]
Sent: Friday, July 11, 2008 3:44 PM
To: MCP-Chairman
Subject: Falklands Development- Yes!

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THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION**

Interfaith Works strongly endorses the planning board's recommendation of allowing the North parcel of the Falklands community to be redeveloped, thereby retaining 182 affordable housing units and expanding work force housing units by 100. We must recognize these opportunities to increase affordable housing in Montgomery County and act on them without delay.

Best regards,

Becky

--

Rebecca Wagner
Executive Director
Interfaith Works
iworksmc.org
114 W. Montgomery Ave.
Rockville, MD 20850
301-315-1099

MCP-Chairman

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From: rmitchell@ifmvalue.com
Sent: Friday, July 11, 2008 6:02 PM
To: MCP-Chairman

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

I support Home Properties development proposal for the Falklands in Silver Spring.

MCP-Chairman

From: Fran Abrams [fran_abrams@hotmail.com]
Sent: Friday, July 11, 2008 8:49 PM
To: MCP-Chairman
Subject: Falklands--North Parcel

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OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Royce:

I am writing to support the developer's plans for the North parcel at Falklands. The affordable and workforce housing that will result from the implementation of this plan will be an important asset to the County. I hope the Planning Board will approve this plan and allow the construction of these units to move forward.

Thank you.

Fran Abrams
15005 Emory Lane
Rockville, MD 20853

MCP-Chairman

From: scott-parizer@comcast.net
Sent: Monday, July 14, 2008 8:36 AM
To: MCP-Chairman
Subject: Re-development -- Falklands

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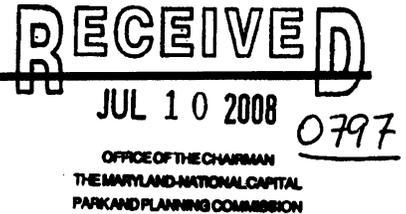
**OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION**

As a county citizen concerned about the availability of affordable housing in Montgomery County, I just wanted to let you know how much I support the planning board's recommendation of allowing the North parcel of the Falklands property to be redeveloped, retaining the 182 affordable housing units and expanding work force housing units. Thank you for your support of housing for our hard-working families whose incomes remain modest.

Gail Scott-Parizer
12125 Pawnee Dr.
Gaithersburg, MD 20878

Member: Board of Directors, Montgomery Housing Partnership

Coleman, Joyce



From: Rebecca Slazinski [rebecca.rv@gmail.com]
Sent: Thursday, July 10, 2008 11:39 AM
To: MCP-Chairman
Subject: Letter of support to Chairman Royce Hanson

Letter of support to Chairman Royce Hanson Royce Hanson, Chairman Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Chairman Hanson,

I write this letter in support of designating Falkland Chase a historic site. As a working professional, I, like my neighbors, am unable to attend the meeting this afternoon. Were the meeting to be held after 5pm, you would have a representative sampling of our community's opposition to the demolition of our historic home.

I therefore emphatically plead for you to preserve this historical area. When the building first opened, not doubt Eleanor Roosevelt thought she was cutting the ribbon to establish a new community. In our modern lives, a friendly and close community is a rare commodity – particularly in apartment living. Physical structures can be designed to foster community bonds yet most modern high-rises do not encourage people to get to know their neighbors. Falkland Chase is one of the rare, historic gems in this area.

I moved to the Falkland Chase community for a number of reasons. First, we are located next to the Metro which provides easy access to my office downtown. Second, I own a large dog, making renting anywhere in the area extremely difficult. Falkland Chase not only allows large pets, but also is pet friendly. There are dog parks in the complex and animal treats in the rental office. Owners walk the grounds and meet daily, creating strong neighborly bonds. Third, public service work necessitates my finding affordable living. Such housing is a scarcity in the DC area. Fourth, the buildings are unique and beautiful. Mature trees, small sub-units, and other delightful features encourage people to leave their apartments and get to know their neighbors. Modern structures often lack the beauty and thoughtful architecture of this historic site. The units themselves are well-built. Solid, brick construction and lush, established greenery makes them quiet and peaceful. They may not be brand new and ultra-luxurious, but they boast plenty of modern comforts, such as central AC, cable, and dishwashers. There are also many comforts only found in older buildings, such as mature trees, hardwood floors, well-designed cross-breeze, and large windows. In these ways, Falkland Chase is a unique community.

As for the people, we are a diverse community of young professionals. In my building alone are several attorneys, entrepreneurs, and families with young children. We come from across the country and around the globe. We walk to work and school together. All of us appreciate the community that Falkland Chase provides. Its very physical structure – walking distance to the Metro, safe charming paths, dog-friendly, and small sub-units in each building – make for a physical environment conducive to creating a strong community.

Faced with the prospect of losing our historic community, management has done little to address our concerns. Neighbors have been strongly discouraged from distributing information regarding the Planning Board meetings. From what I hear through my neighbors, management told the planning commission that all residents were informed of the proposal, offered to be moved, and have been kept up to date on this issue.

This could not be farther from the truth. Residents of Falkland Chase were not informed of this proposed development plan. I heard about the plan long after I moved in, by word of mouth from neighbors. When I signed my lease, management said their standard two year lease option was not being offered to new residents but provided no further explanation. I discovered later this was because our block was slated to be demolished. Neighbors claim we will be relocated to vacant apartments in other sections of Falkland Chase. I would love to believe all residents desiring to stay can be re-housed here for no additional cost. However I sincerely doubt there are enough vacant units to accommodate all of us. I also have not been able to learn of the details of when and how we would be moved, should the historic designation fail.

Additionally, the proposed new development will negatively impact our neighborhood. Silver Spring has shops, green space and other amenities that make it a livable neighborhood. Traffic is horrible on the major roads running through the area, including East-West Highway, 16th Street, and Route 29. Building more apartments with the potential for more cars would not at all improve the area. Moreover, the plot that is proposed to be demolished is for mixed use, including upscale restaurants and shopping, which will result in more traffic.

We all know that the price of housing in the DC area is outrageous.

To buy a condo with similar space and similar distance to the Metro would cost more than most of us – graduate students or professionals with graduate degrees – can afford. It is rare, and welcome, that we find an apartment that is close to public transportation, near grocery and other stores, pet friendly, AND with a sense of community.

For all of these reasons, our home is historic. I sincerely hope you, too, will value our little history and quality of life, and preserve it for people to come. This is a historic community. Please designate all of Falkland Chase a historic site.

Sincerely,

Rebecca Slazinski
Falkland Chase Resident

MCP-Chairman

From: WashDCR@aol.com
Sent: Monday, July 21, 2008 1:54 PM
To: MCP-Chairman
Subject: Testimony on Falkland Chase
Attachments: Falklands addendum.doc

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OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Mr. Chairman:

I would like to add the attached testimony to testimony I submitted in June regarding the Falkland Chase historic designation initiative.

Randy Boehm
8500 New Hampshire Avenue #133
Silver Spring, Maryland 20903

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ADDENDUM
TO
TESTIMONY
OF
RANDY BOEHM
Speaking as an individual
On the Matter of Historic Designation
for the Falkland-Chase Apartment Complex
Silver Spring Central Business District

July 10, 2008

In an effort to keep my testimony to less than three minutes as requested by the Chair, I refrained from discussing a few additional relevant points, which I would like to address in this addendum to my testimony.

I want to emphasize that I appreciate the good work the preservation advocates have done in unearthing the history of this property, its connection to the New Deal, Eleanor Roosevelt, and the accomplished architect, Louis Justement. I will always recall these significant historical roots as I bypass the property, thanks to their efforts.

However, I do not need 22 + acres to be preserved in order for me to appreciate this sites' historic significance. I don't think there are more than a handful of the most perfervid preservationist purists, who need more than 14 acres of this sprawling complex to appreciate its architecture and aesthetic significance.

The North Parcel can be "preserved" by other means, which in the spirit of compromise, the preservationists could pursue. These means include, preserving the north parcel via scale models, photos, and architect's renderings. Perhaps a mural depicting the site could be incorporated into the new development.

I worked for twenty-three years as an historian/archivist/preservationist. It was a frequent occurrence in archives throughout the world to confront the question of disposing of old historically valuable collections in order to make space for new acquisitions. The frequent solution was the medium of archival quality microfilm, which was widely used to conserve historically significant periodicals, books, and government records while originals were destroyed in the interest of conserving space for future acquisitions. I submit it is completely reasonable to compromise with erstatz mediums in the interest of balancing preservation of the old with the need to make room for the new in dynamic urban environments such as downtown Silver Spring.

Additionally, there are numerous other Justement structures extant in the Washington area, for architectural historians to admire. The achievement of this architect is not being effaced with the development of the north parcel of this property.

There are also scores of garden-style apartment complexes dating from the 1930s and 1940s where aficionados of these environments can rent historic units, or stroll, meditate, luxuriate or do whatever it is that preservationists like to do upon such grounds. We can start with the remaining 14 acres of the Falkland Chase site. And without even getting out of the Silver Spring Central Business District, aficionados can rent or stroll the grounds of Silver Spring Gardens, Rock Creek Gardens, Montgomery Arms, Blair Park Apartments, and Blair Garden Apartments. A short drive (or walk) from the Silver Spring Central Business District, there exist similar complexes along Washington Blvd. in Rosemary Hills, along Sligo Avenue, Thayer, and Nolte Avenues in Silver Spring, along Georgia Avenue in Forest Glen, and in locations too numerous to recount in Long Branch and Takoma Park. Silver Spring is rich in opportunities to admire garden-style apartment architecture from this period.

However, there is only one Metro station in Silver Spring.

And it is at the Metro where it makes the most sense from a planning perspective to concentrate dense development. While there are some low density areas served by Metro (Cleveland Park) low density sites are in essence enormous public subsidies for a low density of residents. The public investment in Metro stations is far more effectively leveraged with high-density uses within walking distance of these stations. Former low density sites like Takoma and Fort Totten are beginning to evolve into high-density nodes. Silver Spring has evolved quite far in that direction, and it would be an error to curtail that process.

The site in question is uniquely qualified for a dense, high rise development. It is bounded by Metro tracks, local highways, and adjoining high rise structures. A dense development here would not overwhelm any existing low-density neighborhoods.

Finally, the current owner and would-be developer has approached Montgomery County with a compelling model of mixed-income residential development. To repeat, the plan would preserve under historical preservation protection, 14 acres of the 1930s garden-style apartment complex. The developer would create an acre park and playground, which this area of the CBD presently lacks, and the developer would guarantee a mix of affordable and market rate housing in the same structure, integrating different income levels and avoiding the ghetto-ization of those on the lower ends of the income scale. It would be a huge mistake for Montgomery County to spurn this plan and jettison what should be a model of mixed income housing development for the County and indeed the region. But historic designation would jettison this plan.

For these reasons, I urge the Planning Board to allow development to proceed on the north parcel of the Falkland Chase site, and embrace the property owner's generous offer to commit the two southern parcels to historic preservation.

July 12, 2008

Residents of the South Silver Spring Neighborhood
Silver Spring, MD 20910

Mr. Royce Hanson, Chairman
Montgomery County Planning Board
8787 Georgia Ave.
Silver Spring, Md. 20910-3760

Re: Falkland Chase Redevelopment

Dear Chairman Hanson and Members of the Board:

We am writing to express our strong support for the redevelopment of the Falkland Chase apartment complex's north parcel.

As residents of South Silver Spring, living just down the street from the Falkland Chase property, we have chosen this neighborhood because of the "smart growth" ideals which the community embodies, policies which need to be expanded and continued.

The redevelopment of the Falkland Chase property which is closest to the Silver Spring Metro would not only encourage use of a strong public transportation system, it would provide future residents an opportunity to be automobile free. It is important to note that Silver Spring is home to the busiest Metro station in the state of Maryland, a fact that should not be overlooked.

Silver Spring is also a very socio-economically diverse community. If a section of the Falkland Chase complex is allowed to be redeveloped, it would allow for the creation of hundreds of new moderately priced units, providing those with lower incomes to enjoy the safety, security and transportation options afforded to those of us already living in downtown Silver Spring.

Our community's future must be rooted in sustainable smart growth initiatives. A vote to designate the entire Falkland Chase property an historic one would be choosing to ignore the environmental and economic warning signs of the entire Washington region.

We ask you to allow the progress in Silver Spring to continue and reject historic designation for the Falkland's north parcel.

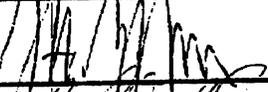
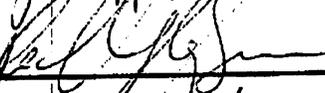
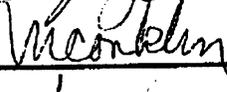
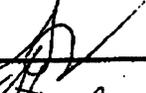
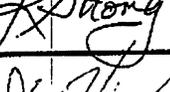
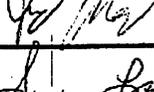
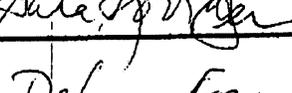
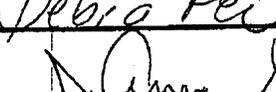
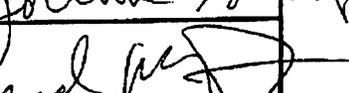
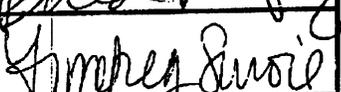
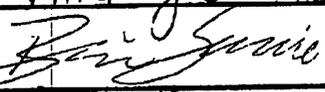
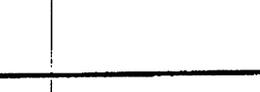
Respectfully,

Residents of South Silver Spring Neighborhood
(Names, Addresses and Signatures Attached)

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THE CHAIRMAN
THE FALKLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Petition on Falkland Chase Redevelopment

Name	Address	Signature
Stephan Sylvan	7981 Eastern Ave Apt 401; Silver Spring	
Rachel Sylvan	7981 Eastern Ave #401 Silver Spring MD	
Michael Conklin	7981 Eastern Ave #202 SS 20910	
Sharon Hertz	7981 Eastern Ave 416 SS 20910	
KADA S Strong	7981 EASTERN #117 SILVER SPRING 20910	
Ted Kaplan	7981 Eastern Ave #115 Silver Spring MD 20910	
Ana Spritzer	as above apt. 219	
Oden Lee	Same	
JoAnne Young	7981 Eastern #207 Silver Spring 20910	
DAVID MOSKOVITZ	7981 Eastern Ave #101 SS MD 20910	
Lindsay Savoie	7981 Eastern Ave #317 SS MD 20910	
Brian Savoie	7981 Eastern Ave #317 Silver Spring, MD 20910	
Jason Kinchar-Hock	7981 Eastern Ave #216 Silver Spring, MD 20910	

**Testimony to Montgomery Planning Board
Falkland Chase Apartments**

**by
Action In Montgomery
July 10, 2008**

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**OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION**

Introduction

I am Richard Pavlin, Co-Chair of the Affordable Housing Team of Action in Montgomery. Action in Montgomery.

AIM supports the MNCPP staff recommendation to approve the redevelopment of the north parcel of Falkland Chase Apartments, creating 1,059 new housing units, of which 133 units will be Moderately Priced Dwelling units that will be guaranteed to be affordable for the next 9 years. In addition the developer has committed to another 100 rental workforce housing units and extending for 20 years 49 rental bond units at another site in Silver Spring as housing for some of Montgomery County's poorest residents. Because this housing is guaranteed to remain affordable anywhere from 20 to 99 years into the future, we believe this is a significant improvement in affordable housing because the current units on Falkland North are not guaranteed to remain affordable into the future, and despite slow-downs in the housing markets, rents in downtown Silver Spring continue to climb.

Discussion

In addition to committing to providing 25% of the total housing units as affordable units, the developer has agreed to carry out the nine design principles that staff have recommended be followed in the redevelopment plan. In addition, the developer has pledged to preserve the historic character of the remaining 14 acres of the southern parcel, investing \$3 million to renovate portions of these buildings. This seems to AIM to be a good compromise with historic preservation concerns, balancing the needs of our citizens for affordable housing with the needs of preserving the character of the Falkland Chase Apartments. It should be recognized that if the purple line of Metro is built, one of the buildings of the north parcel will have to be torn down.

The Smart Growth Alliance endorsed this redevelopment plan because it is less than a quarter mile from the Silver Spring Metro Station, bus depot and shopping and jobs. In supporting smart growth, the Alliance recognizes the reduction in traffic congestion in Silver Spring when more housing and commercial space is located this closely to public transportation. AIM joins the Smart Growth Alliance in endorsing the principle of mixed used development with housing near metro stations which is achieved in the redevelopment pan for the North parcel of Falkland Chase Apartments.

Why isn't AIM concerned about what happens to the 182 residents of the North Parcel? Only 70 of the 182 units are currently occupied by residents who lived there before the developer decided to redevelop the property. AIM recognizes the other 100 residents who moved in after the developer announced plans to redevelop the property knew they might have to relocate. The developer has been very open and fair with current tenants in the North parcel, offering them first right to rent any apartments that become vacant in the South parcel and providing full moving costs. In addition, there

with the current turn-over rate on the parcels South of East-West Highway, all current residents of Falkland North should have the opportunity to move into similar apartments right across the street before the redevelopment occurs. For AIM, the gain of 282 affordable units that are guaranteed to remain affordable from 20 to 99 years over the loss of 182 moderately priced units benefits more people who have less financial capability. While moving is always difficult, the welfare of all of our residents, not just the welfare of the 170 current residents, persuades AIM that the benefits outweigh the costs.

Conclusion

We urge the Planning Board to approve the staff recommendation and the recommendation of the Smart Growth Alliance to redevelop the North parcel because a balance must be achieved in preserving the historic character of Falkland Chase while providing new affordable and workforce housing units so desperately needed in the County. In AIM's opinion, the plan for the North parcel strikes that balance. It's benefits far outweigh its costs.

Thank you.

Falkland Chase Hearing Testimony

July 10, 2008

Karen Goozner, Action In Montgomery

Greetings. My name is Karen Goozner. I moved here in 1998 with my family from Manhattan, and we bought a home in Woodside Forest. We love our beautiful suburban neighborhood with its very good public schools, and we are thrilled that we are now a stone's throw from Downtown Silver Spring - AFI, the Jazz Fest, Roundhouse Theater, the commercial and cultural buzz of our revitalizing "first ring" city.

I strongly encourage this commission to follow the staff's recommendation and approve the full redevelopment of the Falklands North property. It is in our economic self-interest, the right thing to do socially and environmentally, and it is excellent urban planning.

I work in public education, and there is a serious housing shortage for people who work in the schools in this end of the county. I commute nine miles, but most of my colleagues commute from W. Virginia, Damascus, Germantown, Howard County, Prince George's County, and Pennsylvania. With gas at over a gallon, how can moderate income workers commute to work to our Down-county schools from their very distant homes?

The Falklands proposal offers a model solution by guaranteeing to maintain some current housing while also adding new affordable housing. The Falklands proposal will provide 282 affordable units, totaling 26% of the new units, an important precedent.

Fifty years ago, when I was a child, the U.S. began the trend of moving people away from the problems and challenges of cities. We invested in oil, concrete, and cars. We left our dense urban infrastructures to build on woodlands, orchards, and dairy farms. But then we built

new business districts, medical centers, public school systems, transportation hubs - why? Because it turns out that many people want the amenities and densities of the big cities, where most of us still work.

We have invested a huge amount of public money in revitalizing the beauty, commerce, and entertainment and arts centers of Downtown. Living in the Silver Spring urban center, where one can work, go to cultural activities, be with people of all different backgrounds, shop and attend a congregation all without owning a car leads to a vibrant and beneficial life, both for the individuals and the environment. Fully redeveloping the North Parcel of Falkland Chase would provide many more households and moderate income people with the benefits of this urban center and support the financial investment Montgomery County has made in Downtown Silver Spring.

Given the recent collapse of our housing markets and the disaster facing all of us dependent on cars for mobility, dependable public transportation is going to become more and more important, especially to low and moderate income households. Public transportation and dense population will provide the seeds for world class urban centers, and ensuring that low and moderate income people can share in that benefit will benefit the county and its residents in the long term.

In addition, the Falkland North Redevelopment is environmentally healthy and would help reduce air pollution, traffic congestion, the pressure to build on agricultural and parks reserve.

I strongly urge this commission to approve the full redevelopment of the North Parcel of the Falkland Chase development.

Falkland Chase Hearing Testimony

July 10, 2008

Patty Kaczmariski, Action In Montgomery

Good, afternoon. My name is Patty Kaczmariski. I am a resident of Montgomery County, a Montessori preschool teacher, and the co-chair of Action in Montgomery, or AIM. AIM is made up of 30 congregational members and has been concerned with the need for affordable housing in the County since its establishment about 9 years ago. Because of this, we support the Park and Planning staff's recommendation to fully redevelop the north parcel of the Falkland Chase apartments resulting in 282 units of affordable housing, 26% of the development.

Throughout the years, AIM has been successful in working with the County Executive and County Council put \$144 Million in the Housing Initiative Fund and to increase that amount over the years, and has helped residents of Gaithersburg who were displaced from their apartments due to redevelopment to get what they needed from the City to help them make a new start.

As a history major in college and a history buff all my life, I truly believe in the preservation of our historical sites, and believe that being able to preserve part of our past, such as the Falkland Chase apartments, should be considered seriously. As a member of AIM, I also believe new development or the restoration of older buildings in Montgomery County must also seriously consider the desperate state of affordable housing in the County.

My husband and I moved to Montgomery County from Ohio with our two small children 25 years ago. It took all of our assets to move here and we started out with just my husband's salary of \$18,000. After much searching, we found an apartment we could afford in Gaithersburg at a place called the Pines, which is still there. We couldn't imagine ever being able to afford a home of our own.

A year-and-a-half later, two things happened. My husband's brother died and left us some insurance money, and we read an article in the Gaithersburg Gazette about the County's MPDU program. With the insurance money as a down payment and the County's program, we were able to purchase our townhouse at Captains Walk Court.

Our family grew up along with 54 other families in our square of MPDU townhouses, and my husband and I still live in that same house today. It is part of our personal history and that of our children.

The Falkland Chase apartments were built in the 1930's to give working class people a place to live. Their historical significance is tied to the many families who were just starting out who had the same chance as my husband and I to set down roots in the County.

I support the Park and Planning staff recommendation to fully redevelop the North Parcel while maintaining the South and West Parcels as historic because it will preserve our history while adding much-needed affordable housing to Montgomery County. This will allow more families like mine, who would otherwise be priced out of the market, the opportunity to make Montgomery County their home. Thank you.

Falkland Chase Hearing Testimony
July 10, 2008
Rev. Rebecca Brillhart, Action In Montgomery

Good afternoon, Planning Board Members:

My name is Rebecca Brillhart. I serve as the clergy co-chair of Action In Montgomery (AIM) and am also a pastor at Sligo Adventist Church in Takoma Park, Maryland--a 3,000-member congregation that represents more than 85 nationalities. We share a campus with Washington Adventist Hospital and Columbia Union College.

Affordable housing is a chronic, everyday issue on the hearts and in the minds of many of my members and their neighbors who live in this county. We run the gamut when it comes to Montgomery County, with members living in Takoma Park/East Silver Spring and all the way to Damascus. Our support of this exemption for Falkland North is because of the one-for-one replacement of affordable housing, the significant amount of workforce housing, and because it would provide dense housing next to a metro station while still paying homage to Montgomery County's architectural heritage and history of affordable housing.

As you know, the Falkland Chase apartments were built in the 1930's as part of President Roosevelt's *New Deal* to provide housing for moderate income, working families. Now, in the Montgomery County we know today, December 2007, we are facing some of the same challenges to make housing affordable.

In Action In Montgomery's 30 member congregations, we have been hearing more than an identification of affordable housing as a "problem." We have been experiencing a mourning, a *deep* mourning, for a time when people's children could afford to move back to the county after completing college without living in their parents' basements to make ends meet; when teachers, nurses, county employees and police officers could afford to live where they serve; where people who had worked a lifetime and invested in a community could plan to retire here.

Because of the significant loss of affordable housing in the county, we are again in a time when we need another New Deal. We need a New Deal so that our families can live near each other and where they have access to public transportation. We need a New Deal so our corps of county employees can forego commuting long distances and be close to the people they serve on a daily basis. We need a New Deal so that those who have invested in our communities with their lives do not need to leave when they need their community most, as in their retirement years. In my congregation, we say goodbye to too many folks who find they must move out of county to be tended to by total strangers. This is not just "too bad." It is devastating and rips at the very fabric of a community.

Home Properties redevelopment, with 182 MPDUs and 100 workforce housing units will preserve the original *intent* of the New Deal housing, will be designed to pay tribute to Falkland Chase's architectural heritage while still preserving more than 14 acres of the original architecture. We believe Home Properties is offering a New kind of Deal for Montgomery County, while still honoring the past, is a unique example of how a developer can and will work to increase affordable housing for those who need it. I urge you to support it.

Respectfully submitted by,

Rev. Rebecca Brillhart

Mr Hanson,

Subject: **Reasons to Retain** all of (what is left) of Falkland Chase:

1. The county is chiseling AWAY at our History. Please SAVE Somethings!

2. We need the oasis of Green space and mature trees to help cut down on our green-house gases and to provide Shade and;

3. Provide Relief From the manuscript ugly high-rise BOXES being built.

4. Silver Spring has more than 5 times the Affordable Housing units than Bethesda, Chevy Chase and Potomac combined!

5. We need more Affordable units in Bethesda (where the jobs are) to provide a fair distribution of Affordable units throughout the whole county, including Precious, protected Bethesda!

6. The "Gridlock" issue: If we had a better balance of Affordable units (ie #5) we would have more people Living closer to (their) Jobs! That's the definition of Smart Growth.

Dale Barnhard

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Ref: Felt and Case

Robert Hanson
and M.E. P.A.C.

533 S. P.R.
S.S. 800-240

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Goldberg, Marcia

From: mary reardon [mareardon3@yahoo.com]
Sent: Tuesday, July 22, 2008 2:28 PM
To: Goldberg, Marcia
Cc: Kelly, Clare
Subject: Falkland testimony
Attachments: SSHStestimony.doc

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Marcia,

On the day of the Falkland hearing, I was so worried about the videos that I forgot to turn in my 10 copies of testimony. Here it is for the record. Could you see that it's included? Thanks.

Mary

**Testimony
Mary Reardon
Preservation Chair, Silver Spring Historical Society
Hearing on Master Plan listing of Falkland Apartments
Montgomery County Planning Board
July 10, 2008**

My name is Mary Reardon, and I'm preservation chair of the Silver Spring Historical Society.

First, welcome to the two new Commissioners.

I'm honored to be participating in this panel with experts in architectural history, preservation, and planning. I would like to make some preliminary remarks about the decision the Planning Commissioners have to make.

Preservation is NOT about nostalgia, any more than a love of classical music signals nostalgia for the 18th century. As with the music, preservationists want to keep what is valuable in the built environment, which reflects the handiwork and creativity of previous (and sometimes contemporary) generations.

I'll also point out once again that losing part of Falkland would not be a compromise. It would simply be that someone in a position to take something valuable decides to take less.

This being summer, a number of our key supporters couldn't be here. The Art Deco Society is one. And Preservation Maryland is going through a staffing shortage at the moment, although they have sent a statement that you will hear later tonight.

The Board has already affirmed that all of Falkland is eligible for designation. Two of the Board members stated outright in December that they would like to preserve it. The logical next step is to recommend Master Plan listing.

There are other issues that the Board is going to be looking at today. The big ones are affordable housing and transit-oriented development.

As a long-time affordable housing advocate myself, I'm offended that the demolition of 182 units of Falkland would be hailed as a great victory for affordable housing. This is being treated by the owner and some others as if it's the last chance of making any progress on the affordable housing front.

But the number of affordable units to be gained (the MPDUs) is a tiny number compared with the thousands of units being lost in the county through massive rent increases. The fact that we would have to cannibalize a historic property and uproot 182 households is an indication of the failure of the county's approach to affordable housing. The MPDU program is fine, as long as it isn't applied at such a cost. But beyond that, the MPDU program is not nearly enough. I'm not the first to say we can't build our way out of the affordable housing crisis. We have to address the affordable units we are LOSING, and in my opinion we need some form of rent stabilization to do that. And by the way, rents in the Falkland Apartments ARE at workforce levels.

As for transit-oriented development and the smart growth argument, I believe planners need to use some judgment and avoid a simplistic approach that dictates monolithic high rise development in some selected radius around a metro station or other transit hub. The Chairman said it well at the December hearing: "The idea of preserving historically and architecturally important communities, even in dense urban areas may be as important if not more important than preserving them somewhere else." Consider downtown Takoma Park, and consider many DC neighborhoods near metro stations where the fabric of the community has been preserved. Consider what we call "downtown Silver Spring" where planners chose not to cover the area with high rise construction. There are already high rise residential properties marching down East-West Highway. Silver Spring IS accommodating smart growth, but how much more density do we need?

The recommended density in a sector plan is not a mandate. And bear in mind that in 1993 and in 2000, Silver Spring's revitalization had not yet occurred, nor did we have the thousands of housing units that have been constructed or approved that we do today.

In the end, it's the Planning Board, not the staff, that has to make the decision. I now turn the spotlight over to several experts who can make the case for designation far more eloquently than I can.

Coleman, Joyce

From: mary reardon [mareardon3@yahoo.com]
Sent: Wednesday, July 23, 2008 8:23 PM
To: MCP-Chairman
Cc: Kelly, Clare; Whipple, Scott; Goldberg, Marcia
Subject: Preservation Maryland statement on Falkland
Attachments: PreservationMdFalkland.pdf

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Chairman Hanson:

I would like to submit the statement of Preservation Maryland for the record on the Falkland Apartments historic designation (attached). Preservation Maryland provided its testimony to the Silver Spring Historical Society so that we could have someone read parts of it at the July 10 hearing. Unfortunately, the hearing ended before that could happen, although I indicated in my testimony that Preservation Maryland was unable to send a representative because they are short-staffed at this time, and that Josh Phillips, Director of Preservation Services, had prepared a statement before departing for a new job in another state.

Mary Reardon

Silver Spring Historical Society



Preservation Maryland

Testimony in Favor of Designation of the Falkland Apartments in the Montgomery County *Master Plan for Historic Preservation*

**Preservation Maryland
July 10, 2008**

Preservation Maryland is our state's oldest historic preservation organization. The organization continues to be dedicated to preserving historic buildings, neighborhoods, landscapes, and archaeological sites through funding, outreach, and advocacy around the state. Many of Preservation Maryland's organizational and individual members in Montgomery County are dedicated to the preservation of the Falklands Apartments and we enthusiastically support their efforts.

There is no question at this point that the Falklands are historic. As you know, the Historic Preservation Commission and this Planning Board both found the complex eligible for inclusion on the *Master Plan for Historic Preservation*. We feel that it is important to again emphasize the broad significance of the Falkland Apartments. They are an irreplaceable and unique part of the heritage of Silver Spring, Montgomery County, Maryland, and the nation. The staff of the Historic Preservation Commission should be commended for their thorough and professional research and evaluation of the importance of this resource.

But beyond the individual significance of the Falklands, the question before the Planning Board tonight raises fundamental questions about the value of the historic resources of Montgomery County and the County's commitment to preserve them. By failing to amend the *Master Plan* to include the Falkland Apartments in their entirety, the County signals that historic resources may be compromised in the name of profit no matter their qualifications for protection under the preservation ordinance and without regard to their contribution to the sense of place, quality of life, environmental values, and sense of community.

It is important to protect the Falklands not simply because they are old but because they tell the story of Silver Spring, and, more generally, the story of America in the 20th century. The quality of design and execution that made them a success and a model for other communities continues to serve their residents and neighbors well today. They are affordable yet convenient, and their ample, mature, well designed green spaces provide a respite from the bustle of the city and help to protect the watershed.

I urge you support the amendment of the Montgomery County *Master Plan for Historic Preservation* to include the Falkland Apartments due to their well established historic significance and their contributions to the quality of life and sense of place in Silver Spring. Thank you for your consideration.

Society for the Preservation of Maryland Antiquities
24 West Saratoga Street, Baltimore, Maryland 21201-4227
Telephone: 410-685-2886 e-mail: PM@PreservationMaryland.Org fax 410-539-2182

MCP-Chairman

2008-0868

From: majmaj@verizon.net
Sent: Sunday, July 27, 2008 7:50 AM
To: MCP-Chairman
Subject: Falklands Historic Preservation
Attachments: FALKLANDtestimony3.doc

Greetings!

I was among the residents that had signed up to testify and there wasn't enough time for my voice to be heard. I am sharing with you my testimony.

Sincerely,

MARY SINCLAIR JACOBS

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HISTORIC PRESERVATION OF FALKLAND-CHASE
Mary Sinclair Jacobs, President, Charter House Residents Association, Inc.

The renters and their families are finding themselves in catch 22 as they are becoming the next group of homeless people in Montgomery County. Seemingly, the **standard of living** and the **quality of living** are inching away, **including a place to live.** 60% of the homeless people in this country are veterans and many are disabled. **The truth never changes. It seems obvious we learn nothing from history. Any resident that is displaced is homeless and traumatized.**

In the 60's and 70's our salaries were considered a good income. We now receive about \$700.00 to \$1000.00 monthly. \$96.00 is deducted up front for medi-care insurance, supplemental insurance additional \$45, and a prescription plan \$20+ up front. This is the pay schedule for social security and the disabled veterans. If you made \$58,000 per year: at 62, income \$900.00 per month, at age 66 \$1200.00. Veterans with a 30% disability: \$345.00 per month, 50% disability: \$712.00 per month, and 100% disability: \$2,471.00 per month.

- ❖ How will fixed income/social security recipients fit into another expensive high rise apartment?
- ❖ Does Park and Planning have a public policy that will ensure the renters/residents and their families on fixed/social security incomes a secure, accessible, available, livable, and affordable place to live?
- ❖ Does Park and Planning have a financial plan available to house the displaced residents from Falkland-Chase? Where will the tenants be relocated?
- ❖ How will Park and Planning evaluate this issue to see that the displaced tenants on social security and fixed income will suffer little hardship and will the displaced residents qualify upon return?
- ❖ Will there be sufficient water, sewer lines, gas, and electricity available to accommodate more high-rise buildings in this congested area?

The horror of destroying this landmark property the "Falkland-Chase" will not solve the availability nor affordability issues of rental housing by replacing it with a humpty-dumpty towering structure. Our health is compromised with the air and noise pollutions. An evacuation plan in this congested area is a blundering nightmare.

Let this well established safe and sound housing stock of bricks and white siding historic landmark known as the Falkland-Chase be given historic preservation designation. It is at the opposite end of 16th Street where stands another magnificent landmark the White House. The Falkland Chase must continue to stand as the cornerstone for a wealthy neighborhood in Montgomery County, Silver Spring, MD.

As a matter of a sound policy, Montgomery County/Silver Spring has to be the expansion model to affordable housing through rent stabilization not the next homeless crisis.

**None so blind than those that will not see, except through greed grinded lenses.
Thank you.**

MCP-Chairman

From: mary reardon [mareardon3@yahoo.com]
Sent: Saturday, July 26, 2008 4:48 PM
To: MCP-Chairman
Cc: Marcie Stickle; Wayne Goldstein; Jerry McCoy; Ljpearsall@aol.com
Subject: Falkland Apartment statement

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Chairman Hanson and Commissioners:

I wanted you to be aware that a number of supporters of full designation of the Falkland Apartments did not get the opportunity to speak at the July 10 hearing. Please be aware of these supporters, some of whom submitted testimony for the record this time as well as in December. Among those representing organizations:

- John Parrish, Maryland Native Plan Society
- Anne Ambler, for Sierra Club of Montgomery County and Audubon Naturalist Society
- Jerome Paige, Civic League of North Portal Estates (DC neighborhood just over the Maryland line)
- Mary Sinclair Jacobs, Charter House Residents Association
- Christine Morgan, Woodside Civic Association
- Lorraine Pearsall, Historic Takoma (who was also to read Preservation Maryland statement)
- Linda Lyons, Art Deco Society of Washington

Also, here are direct links to the video statements of architectural historians Richard Longstreth and Isabelle Gournay. Links are among the resources on the archive page for July 10 on the Planning Board web site.

Longstreth: <http://www.youtube.com/watch?v=FHNqJFnFwlg>

Gournay: <http://www.youtube.com/watch?v=LtoADc2w07A&NR=1>

And this article in the Washington Post celebrates garden apartment living in an article on McLean Gardens, a garden apartment community just off Wisconsin Avenue in the District, built 5 years after Falkland and still serving its residents well. Near a major thoroughfare and near transit, it appeals to many who prefer the garden apartment option.

http://www.washingtonpost.com/wp-dyn/content/article/2008/06/27/AR2008062701656_2.html

Mary Reardon
Preservation Chair, Silver Spring Historical Society

MCP-CTRACK

From: Colleen S. Mitchell [colleenmitch@gmail.com]
Sent: Monday, July 28, 2008 4:45 PM
To: MCP-Chairman
Subject: Written testimony for July 31st
Attachments: Falklands072708.doc

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Dear Mr. Hason,

Attached please find written testimony for the upcoming Montgomery County Planning Board meeting on July 31st regarding the Falklands apartments.

Thank you,

Colleen Mitchell
Chair, Woodside Transportation & Development Committee



WOODSIDE CIVIC ASSOCIATION

8704 SECOND AVE.
SILVER SPRING, MARYLAND 20910

To: Royce Hanson, Chair, Montgomery County Planning Board
MNCPPC
8787 Georgia Avenue, Silver Spring, MD 20910

From: Webb Smedley, President, Woodside Civic Association
Colleen Mitchell, Chair, Transportation, Zoning and Development Committee

Re: Proposed Designation of the Falkland Apartments to the Master Plan for Historic Preservation

Date: July 27, 2008

Woodside is located several blocks from the Falklands Apartments, bordered by Spring Street on the south side and by the CSX right of way on the west side.

The Woodside Civic Association has not yet conducted a comprehensive review of the pros and cons of preserving the Falklands (to be done this fall). However, we have discussed the project at a meeting of the Woodside Transportation and Development Committee and want to submit several comments before the records close on July 31st.

1. Woodside is a longstanding supporter of the Purple Line, a critical project for the quality of life of this community and for the viability of our region's transportation system. The Purple Line is currently designed to run along the east side of the Falkland complex – possibly requiring removal of one or two units. Alternative alignment scenarios for the Purple Line are more problematic and may significantly delay or prohibit this transit line from being constructed. We believe the value that the Purple Line will bring to our region significantly outweighs the historic nature of one or two garden apartments located alongside the CSX right of way.
2. Our community is an equally strong supporter of the Capital Crescent Trail planned to run on the east side of the CSX right of way. The current design of the Purple Line along the Falkland complex will allow enough space for the trail to be constructed along the other side of the CSX corridor, and will provide for a trail that is wide and has ample buffer between the railroad and the trail. If the Purple Line cannot be constructed as currently designed, it is unlikely that the trail will be completed. The Capital Crescent Trail will be an asset to Silver Spring and will reduce auto trips, encourage walking and bicycling, and improve air quality and the health of residents.

Whatever position the Board takes on the historic nature of the Falkland complex, we urge the Board to specifically support allowing the Purple Line to pass alongside the parcel and removal of the number of units necessary for the light rail line to be constructed as currently designed.

Coleman, Joyce

From: Robert Nieweg [Robert_Nieweg@nthp.org]
Sent: Monday, July 28, 2008 2:38 PM
To: MCP-Chairman
Cc: mareardon3@yahoo.com
Subject: Historic Falkland Apartments / Letter to Montgomery County Planning Board from National Trust for Historic Preservation
Attachments: Falkland Apartments National Trust for Historic Preservation 07-28-08.pdf

Dear Chairman Hanson:

Attached please find a July 28, 2008 letter from the National Trust for Historic Preservation in support of the designation and preservation of the historic Falkland Apartments complex. Thank you in advance for considering the views of the National Trust.

Rob Nieweg
Director and Regional Attorney
Southern Field Office
National Trust for Historic Preservation
1785 Massachusetts Ave., N.W.
Washington, D.C. 20036
202-588-6223 (fax)
202-588-6107 (phone)

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July 28, 2008

VIA EMAIL mcp-chairman@mncppc-mc.org

Mr. Royce Hanson
Chairman, Montgomery County Planning Board
The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

**NATIONAL
TRUST
FOR
HISTORIC
PRESERVATION***

**Southern
FIELD OFFICE**

Re: Historic Falkland Apartments

Dear Chairman Hanson:

I am writing on behalf of the National Trust for Historic Preservation to express the National Trust's strong support for preservation of the Falkland Apartments and its 22-acre site. We respectfully encourage the Montgomery County Planning Board to reaffirm the August 2007 and February 2008 votes of the Historic Preservation Commission – as well as the December 2007 vote of the Planning Board itself – by voting to designate the entire complex of the Falkland Apartments on the Master Plan for Historic Preservation.

The idea that certain outstanding buildings from the 20th Century, like the Falkland Apartments complex, can be considered "historically significant" comes as a surprise to some Americans. However, the fact is 20th Century architecture has come of age, and public concern regarding the fate of increasingly rare but architecturally significant landmarks like the Falkland Apartments is one indication of growing public interest in the preservation of our nation's recent past. Fortunately, a new generation of historic preservationists and city planners has taken up the challenge of finding a way to identify, understand, and ultimately protect many of our most significant modern buildings. In many local communities, civic leaders with the same vision are pushing for the preservation of the historic buildings and places of the familiar past.

Buildings of this era may not be everyone's taste, but our personal opinions about their aesthetic merits are irrelevant. These buildings are part of the cultural legacy that defines us as a nation, and as such they are worthy of our best preservation efforts. After all, it hasn't been so long since Victorian houses were widely ridiculed as architectural monstrosities and Art Deco commercial structures were considered too "new" to be worth saving. By preserving the Falkland Apartments, Montgomery County has a golden opportunity to lead the nation in demonstrating a will to save its recent past.

Southern Field Office

1785 Massachusetts Avenue, NW
Washington, DC 20036
P 202.588.6040
F 202.588.6172
E sfo@nthp.org
Serving: DC, MD, VA & WV

Southern Office

William Aiken House
456 King Street, 3rd Floor
Charleston, SC 29403
P 843.722.8552
F 843.722.8652
E sro@nthp.org
Serving: AL, FL, GA, KY, LA, MS, NC, PR, SC, TN & VI

National Office

1785 Massachusetts Avenue, NW
Washington, DC 20036
P 202.588.6000
F 202.588.6038
E info@nthp.org
www.PreservationNation.org

Mr. Royce Hanson
July 28, 2008
Page 2

The National Trust concurs with the Montgomery County Planning Department's conclusion that: "All of the Falkland Apartments would qualify for listing in the Master Plan for Historic Preservation based on the historic merits of the buildings." [Montgomery County Planning Department Staff Report, July 2, 2008, page 7.]

Many others also support designation of the Falkland Apartments by the Planning Board, including the Montgomery County Historic Preservation Commission, Silver Spring Historical Society, Montgomery Preservation, Inc., Preservation Maryland, Maryland Historical Trust, as well as a number of nationally renowned architectural historians – including Richard Longstreth, Isabelle Gournay, James M. Goode, and Ralph Bennett. For example, we respectfully direct the Planning Board's attention to the December 3, 2007 letter from Rodney Little, director of the Maryland Historical Trust. Mr. Little's letter to the Planning Board describes the Falkland Apartments as an "outstanding example of a 1930s garden apartment complex, designed by prominent architect Louis Justement." Importantly, Mr. Little's letter also reiterates that the Maryland Historical Trust has officially determined that the Falkland Apartment complex is eligible for listing in the National Register of Historic Places.

For many years, of course, Maryland and Montgomery County has been an acknowledged leader in our nation's Smart Growth movement and a model of sustainable development. Today, we fully understand that maintaining tangible contact with our past strengthens the sense of stability and continuity that is essential in a healthy society, so we make the preservation of familiar landmarks a key component in the revitalization of neighborhoods that are attractive and livable. Historic preservation is part of any successful Smart Growth and sustainable development program.

Consequently, the National Trust for Historic Preservation does not concur with the analysis presented in the Planning Department Staff Report that: "A full-replacement scenario for the north parcel achieves the highest level of public benefits [because it] provides for the 'greenest' solution to achieving higher density through low to medium rise 'LEED' buildings and by utilizing the capacity of the existing infrastructure in downtown Silver Spring." [Montgomery County Planning Department Staff Report, July 2, 2008, page 17 (emphasis added).]

On the contrary, in the National Trust's view, the greenest building is one that is already built. Because historic preservation encourages property owners to maintain and reuse sound older and historic structures instead of abandoning and demolishing them, historic preservation is recycling on a grand scale. Preservation of the existing buildings on all three parcels of the Falkland Apartments complex would extend the useful life of the existing structures, protect the local community's unique character, and provide a distinguished aesthetic context for community revitalization. Given the massive investment of energy and materials in existing buildings, we believe it is obvious that extending the service life of the Falkland Apartments complex – which clearly constitutes an element of downtown Silver Spring's "existing infrastructure" – is common sense, good business, and sound resource management.

Mr. Royce Hanson
July 28, 2008
Page 3

According to a formula developed by the federal Advisory Council on Historic Preservation, about 80 billion BTUs of energy are expended to construct a typical 50,000 square-foot commercial building. If you tear down the building, all of that "embodied energy" is lost. What is more, demolishing that same 50,000 square-foot building would create nearly 4,000 tons of waste. Once the old building is gone, putting up a new building in its place takes more energy, of course, and it also uses more natural resources and releases new pollutants and greenhouse gases into our environment. It is estimated that constructing a new 50,000 square-foot commercial building releases about the same amount of carbon into the atmosphere as driving a car 2.8 million miles. (The Planning Department Staff Report did not consider the environmental consequences of razing and discarding the historically significant buildings on the north parcel of the Falkland Apartments complex.)

Therefore, in light of the historic and architectural significance of the Falkland Apartments and the public benefits of retaining and rehabilitating the historic structures for continued productive use, the National Trust respectfully asks Planning Board to support the designation and preservation of the entire Falkland Apartments complex for continued productive use.

Thank you in advance for considering the views of the National Trust for Historic Preservation.

Sincerely,



Robert Nieweg
Director, Southern Field Office
National Trust for Historic Preservation

MCP-Chairman

From: Harry Sanders [sandersh@verizon.net]
Sent: Wednesday, July 30, 2008 9:26 AM
To: MCP-Chairman
Subject: Statement on Falklands Historic Preservation
Attachments: FalklandsJuly22.docx

RECEIVED
0885
JUL 30 2008

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Our statement is attached. Please let me know if I should submit our statement in another form. As I understand the deadline for statements is July 31st, so we are in time.

Thank you,

Harry and Barbara Sanders
sandersh@verizon.net
301-587-1323

We have associates and allies on both sides of this historic designation debate. We believe there are merits in many of their arguments. At the public hearing, many speakers spoke eloquently about the value of affordable housing, the concerns of the rental community, and the importance of the Falklands and its historic designation.

First, we are concerned that any historic designation of the north parcel continues to recognize the need for at least partial removal of one building to allow room for the Purple Line right-of-way

Secondly, we would like to add comments that address global warming and climate change to the balance as you weigh the benefits of historic preservation versus new development.

To understand the climate change issue better, we quote from an excellent new book, "Growing Cooler," by Reed Ewing of the University of Md. National Smart Growth Center, along with others:

"As the projections show, the United States cannot achieve large reductions in transportation related CO2 emissions without sharply reducing the growth in the number of miles driven."

"When viewed in total, the evidence on land use and driving shows that compact development will reduce the need to drive between 20 and 40 percent, as compared with development at the outer suburban edge with isolated homes, workplaces, and other destinations."

"Among the co-benefits of compact development, perhaps the most important is greater energy security. Compact development uses less energy per capita than does sprawl. ... Americans in compact urban areas will be better able to weather the economic storm of rapidly rising gasoline prices."

Given the values of compact development touched on by these few brief extracts from "Growing Cooler", stated above, we think you should consider the net value of compact development as you weigh historic designation. In other words, it may be premature to identify all the units of the Falklands project as historic. We have a unique opportunity to retain our past by maintaining at least the two southern sections of the project, while allowing consideration of development of part of the northern section to be better prepared for the future. However, we ask that you be very careful in designating any new development that could be approved for this parcel.

- The design of any new development must be both excellent on its own and compatible with the remaining units, whether full or partial redevelopment. We suggest using the Silver Place charette as a guide to the process of meshing a new project with existing housing units.

- Parking requirements should be reduced in order to encourage new residents who by necessity or preference see the proximity to the transit center and Metrorail station as a major benefit, in lieu of the use of private cars.
- The mixed use in any project should be oriented and designed to be attractive to the nearby residential and office developments and Metro commuters, not to be a regional draw that would increase vehicular traffic.
- In addition to MPDUs and work-force housing, the project should be oriented to market rate rents, not luxury rentals.

In conclusion, this decision is more than just a up-and-down decision on the project. It should be about truly preserving a historic complex, addressing global warming and affordable housing issues while also requiring any new building have a design that is very compatible with the buildings that are preserved.

Harry and Barbara Sanders
1710 Noyes Lane, Silver Spring, Maryland
sandersh@verizon.net

Coleman, Joyce

2008-0891

From: Wayne Goldstein [waynemgoldstein@hotmail.com]
Sent: Thursday, July 31, 2008 3:42 PM
To: MCP-Chairman
Cc: Wright, Gwen; Whipple, Scott
Subject: Final Comments to Planning Board on Falkland Apartments Amendment to MPHP
Attachments: Final Falkland Comments to Planning Board 7-31-08.doc

Paper copies of the attachments will be delivered to the Chairman's office shortly. Wayne Goldstein

Stay in touch when you're away with Windows Live Messenger. IM anytime you're online.

RECEIVED
JUL 31 2008
OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

August 31, 2008

To: Chairman Hanson and members of the Planning Board
From: Wayne Goldstein, President, Montgomery Preservation, Inc.
Re: Final Comments to Planning Board on Falkland Apartments Amendment to Master Plan for Historic Preservation

Dear Chairman Hanson/Royce:

I submit my final comments prior to your September worksession. Here is an Executive Summary to help you navigate between my comments and supporting documents:

Summary of Comments:

1. Legal basis to balance other public policies with historic criteria during designation process. Page 3.
2. Zoning changes of three Falkland parcels - 1968-2000. Page 4.
3. Relevant language in Silver Spring CBD Sector Plans since 1975 related to Falkland parcels, the Core, areas targeted for redevelopment, and housing goals and accomplishments. Pages 4 - 9.
4. Documents and issues that compare and contrast the Montgomery Arms Apartments historic designation process and the Falkland Apartments historic designation process. Pages 9 - 20. Issues begin at Page 18.

I have already commented on the legal basis for balancing other public policies with historic criteria during designation process. In the course of trying to find a previous designation process that concerned many of the same issues we confront with the Falklands designation, I have extensively researched the public record on the 1990-1991 designation process for the Montgomery Arms Apartments. Both planning staff and a Linowes and Blocher attorney representing that owner had much to say on the subject. Jeff Zyontz, then Coordinator of the Community Planning South Division, said, at the Planning Board Work Session for Montgomery Arms:

"It is a historic preservation issue. This hearing is on an amendment to the Master Plan of Historic Sites. I referenced the Master Plan since I'm telling you what the Master Plan suggests you do in these instances and that you balance. If you read straight through the historic preservation law, you will not find anything about balancing... Within that Master Plan are guidelines for Historic Preservation. They are not contained within the Historic Preservation Ordinance. They are not contained within the... technical guidelines for Optional Method except insofar as an Optional Method has to be in conformance with a Sector Plan..."

William Kominers of Linowes and Blocher wrote this about the issue on pages 2 - 3 in his April 16, 1991 letter to the County Council:

"Unlike other preservation determinations, those in the Silver Spring CBD are not to be made solely on the criteria of Article 24A. The 1990 Amendment expressly mandates the incorporation of the Plan's policy objectives into the balancing, requiring the Planning Board to: 'decide preservation issues by using these criteria measured in balance with other public interests. The other public interests which will govern the decision making for the Silver Spring CBD are stated in the Sector Plan as the policy objectives. (1990 Amendment, p. 10. Emphasis added.)"

The first sentence of this quote indicates to me that this Linowes and Blocher attorney believed that the specific requirement to do balancing was only mandated by the 1990 Amendment. Thus, when the 1993 Silver Spring CBD Sector Plan replaced the 1975 Sector Plan and the 1990 Amendment, Silver Spring CBD properties being considered for historic designation returned to the same status as the rest of the county, where "other preservation determinations" are "to be made solely on the criteria of Article 24A".

I believe the history of zoning changes documents my assertion that all three sections of the Falklands have been steadily down-zoned since 1968-69. The decision to keep zoning in place on Falkland North to allow redevelopment is clearly contrary to general and specific language in both the 1975 and 1993 Sector Plans encouraging the preservation of CBD housing. Except for the Draper Tract, none of the Falklands has ever been part of the Core, which has also been expressed as both the Retail Core and the Metro Core. I have included passages from the 1975, 1993 and 2000 Sector Plans to document the changes and to show that the 2000 plan

clearly shifted its redevelopment focus to other CBD neighborhoods, with Falklands not being mentioned at all in the 2000 Plan.

I have found many parallel issues between the Montgomery Arms designation process and the Falklands designation process, and I have transcribed relevant passages from a number of documents. I have followed this with a list of eight issues comparing the two processes concerning: (1) Requirement to balance historic preservation with other public policies; (2) Balancing historic preservation with other public policies; (3) Balancing value of proposed project with existing development; (4) Housing needs in CBD; (5) Preservation of garden apartments in Silver Spring CBD; (6) Affordability of existing units vs. reliability of future affordability for units in official programs like MPDUs; (7) Usable Open Space & Recreation Area per unit of existing and proposed developments; (8) Relocation expenses.

If balancing is, in fact, supported by law, then the efforts to do that balancing were very thorough with the Montgomery Arms designation process and have been almost nonexistent with the Falklands designation process, beyond the owner and certain planning staff repeatedly expressing opinions and giving general information entirely lacking in specifics. I, as well as others, have tried to fill in some of the gaps, but this is the responsibility of both the owner and planning staff. Without necessary information to do any objective balancing, the Planning Board really cannot do so. If the Board does ask staff for more information or allows it to do additional analysis beyond summarizing additions to the public record, I would like the opportunity to analyze such new information and respond to it.

The issues of the loss of Silver Spring CBD garden apartments and the reduction of per unit open space between existing and proposed developments concerning the Montgomery Arms designation process were new issues to me, and I believe they are as worthy of this Board's consideration as they were of that Board. Although there was a great urgency in 1991 to move forward with the redevelopment of the Silver Spring CBD after decades of stagnation or conflict, and even though part of the Montgomery Arms site was in the Retail Core in 1975, and even though planning staff did a thorough job of balancing competing public policies as supposedly mandated by the 1990 Amendment, and even though there was the promise of permanently replacing most of the affordable units while building new market rate units, the Planning Board still voted unanimously to recommend designation of Montgomery Arms. The County Council PHED Committee and then the full Council also voted unanimously to place the Montgomery Arms on the Master Plan for Historic Preservation (MPHP).

I believe that all of the historic facts and other facts have shown and will show that the entire Falkland Apartments can and should be placed on the MPHP in full confidence that the successful redevelopment of Silver Spring is finally assured after 40 years of trying and that retaining the entire Falklands will significantly help to assure that success.

Sincerely,

/s/

Wayne Goldstein

Attachments delivered by hand:

- # 1 - Various Washington Post articles on Falklands
- # 2 - July 16, 1990 Montgomery Arms Application For: Optional Method of Development.
- # 3 - September 21, 1990; To: Montgomery County Planning Board; From: Jeff Zyontz, Coordinator, Community Planning South Division; Subject: Montgomery Arms Amendment
- # 4 - September 24, 1990 Memorandum To: Montgomery County Planning Board; From: Staff, Urban Design Division; Subject: Montgomery Arms
- # 5 - September 27, 1990; From: George Stone, Percontee, Inc.; Re: Public Hearing, September 27, 1990: Montgomery Arms Amendment to the Master Plan for Historic Sites
- # 6 - September 27, 1990 Planning Board Public Hearing on Montgomery Arms
- # 7 - September 27, 1990 Planning Board Work Session on Montgomery Arms
- # 8 - February 3, 1991 memo to Perry Berman, chief, Community Planning from Glenn Kreger, Principal Planner on rents at Montgomery Arms.

9 - April 16, 1991 Planning Staff "Response to Montgomery Arms Owners' Testimony at County Council Hearing".

10 - April 16, 1991 memo to the County Council from Linowes and Blocher on Montgomery Arms Apartments.

11 - July 2, 1991; From: Gus Bauman; The Honorable William E. Hanna, Jr.; Chairman, PHED Committee; Montgomery County Council.

12 - January 12, 2007 Preliminary Plan Drawing for Falkland North project.

Comments and Documents

1. Legal basis to balance other public policies with historic criteria during designation process.

There is nothing in Chapter 24A of the County Code which gives this authority to "balance" to the Planning Board. Since Chapter 24A-8(b)(6) instructs the Historic Preservation Commission (HPC): "In balancing the interests of the public in preserving the historic site or historic resource located within an historic district, with the interests of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit", it is clear that the legislative intent was to allow the HPC this authority for historically-designated properties. If the Planning Board was to have had this authority during the designation process, the law would say so. As a County Attorney opinion footnote to this chapter states: "...[A] regulation cannot amend or alter a statute."

[http://www.amlegal.com/nxt/gateway.dll/Maryland/montgom/partiocallawsordinancesresolutionsetc/chapter24a_historicresourcespreservationn?f=templates\\$fn=altmain-nf.htm\\$q=%5Band%3Amaster%20plans%5D%20\\$x=server\\$3.0#LPHit1](http://www.amlegal.com/nxt/gateway.dll/Maryland/montgom/partiocallawsordinancesresolutionsetc/chapter24a_historicresourcespreservationn?f=templates$fn=altmain-nf.htm$q=%5Band%3Amaster%20plans%5D%20$x=server$3.0#LPHit1)

Chapter 24A. Historic Resources Preservation.

"Editor's note—See County Attorney Opinion dated 12/22/98 explaining that the Historic Preservation Commission must consider historic area work permits (HAWP) guidelines, but is not bound by them.

<http://www.amlegal.com/pdf/files/MCMD/12-22-1998.pdf> See footnote 1 at bottom of page 2 of the Opinion: 1 - "The Commission must follow criteria set out in its statute because a regulation cannot amend or alter a statute."

In *Mossburg v. Montgomery County*, 329 Md. 494, 505, 620 A.2d 886, 892 (1993), the Court of Appeals wrote: "This Court has regularly held that where the Legislature in a statute expressly authorizes a particular action under certain circumstances, the statute ordinarily should be construed as not allowing the action under other circumstances." Neither Article 25A or Article 28 gives such an authority to the Planning Board in general or specifically related to historic preservation. While Article 66B does not apply to this county, it does not give such authority to municipalities or non-charter counties.

The 1993 *Mossburg* ruling has been repeatedly reaffirmed by Maryland appeal courts. In *Grand Bel Manor Condominium v. Graciano P. Gancayo et al.* 167 Md. App. 471; 893 A.2d 1144; 2006 Md. App. LEXIS 28, a March 2006 opinion by the Court of Special Appeals stated: "Furthermore, Dr. Gancayo's claim undermines the very purpose of a special exception. [HN19] A special exception allows a use as a right only if specific statutory criteria have been fulfilled. *Mossburg v. Montgomery County*, 107 Md. App. 1, 7, 666 A.2d 1253 (1995)(citing *Ash v. Rush County Bd. of Zoning Appeals*, 464 N.E.2d 347, 350 [***17] (Ind. App. 1 Dist. 1984)). An agency, that has no jurisdiction over special exceptions cannot be permitted to, in effect, waive the very criteria that justified the creation of the special exception in the first place."

In its April 2002 opinion concerning *In Re: Ryan S.* 369 Md. 26; 797 A.2d 39; 2002 Md. LEXIS 169, the Court of Appeals wrote: "...We refuse to read any broader the language of the Legislature, so apparently carefully constructed to avoid such situations. As we have stated, [HN23] "where the Legislature in a statute expressly authorizes a particular action under certain circumstances, the statute ordinarily should be construed as not allowing the action under other circumstances." *Mossburg v. Montgomery County*, 329 Md. 494, 505, 620 A.2d 886, 892 (1993).

2. Zoning changes of three Falkland parcels - 1968-2000.

August 1968 - Development syndicate headed by Kingdon Gould, Jr. and D.F. Antonelli, Jr., partners in the PMI parking and land development company propose project to cover all 27 acres of the Falkland Apartments. There would be 12 high-rise towers containing 2 million square feet of office, a 400-room hotel, 1500 apartments, and up to 200,000 square feet of retail. Tenants would be workers at the complex, which would employ 10,000 persons. "Council Told of Center's Housing Plan" Washington Post, 8/30/68

September 1969 - County Council, by a vote of 5-1, creates a Residential-Office-CBD Zone (R-O-CBD) that the Falkland Apartments can be rezoned to. "New Zone Opens Way For Falkland Complex" Washington Post, 9/24/69

September 1972 - Hearing examiner recommends that Falkland Apartments be rezoned to the R-O-CBD zone. "Examiner Backs Falkland Plan" Washington Post, 9/2/72

July 1974 - Planning Board approved a plan for the Silver Spring CBD in May 1974, with later protests from civic and business groups, including the corporation which owns the Falkland Apartments. "It would impose strict boundaries on the Silver Spring [CBD]... to protect adjacent residential neighborhoods, limit the allowable development and provide for a mixture of different kinds of development." "65 Protest Silver Spring Business Limit" Washington Post, 7/2/74

July 1975 - County Council approves 1975 Silver Spring CBD Sector Plan, also preventing any redevelopment of the Falklands before 1980. "Council Backs Plan to Demolish Falkland" Washington Post, 7/2/75
In the 1975 Sector Plan, Falkland West was removed from the CBD and down-zoned to R-10, Falkland North and the Draper Tract were down-zoned to CBD-2, Falkland South was down-zoned to CBD-1.

July 1988 - 34 apartments and townhouses in Draper Triangle are demolished. "Silver Spring Tract Is Again in Spotlight" Washington Post, 7/9/88

April 1993 - Upon passage of the 1993 Silver Spring CBD Sector Plan, the Draper Tract was being redeveloped at CBD-2, Falkland North was down-zoned to CBD-R1 and Falkland South was down-zoned to R-20.

January 2000 - The 2000 Silver Spring Sector Plan makes no changes of current zoning of the Falklands and makes no mention of the Falklands at all.

3. Relevant language in Silver Spring CBD Sector Plans related to Falkland parcels, the Core, areas targeted for redevelopment, and housing goals and accomplishments.

Silver Spring Central Business District & Vicinity Sector Plan – July 1975

Page 24: A Range of Housing – Silver Spring must continue to provide a range of housing opportunities to serve a broad spectrum of the metropolitan population. A variety of housing accommodations would help to satisfy a demand for housing that may not be available in other parts of the County. Apartments – High and middle income apartment housing in close proximity to both Metro station and to high-density office development, would provide built-in purchasing power for local retail establishments, while not substantially contributing to the demand for commuter parking...

Page 26: Figure 3 – Land Use Concept Plan. Shows "High Density Multi-Use Core" as being bordered on the southwest by East-West Highway, including the southwest corner of East-West Highway and Colesville Road; bordered on the northwest by Apple Avenue and Cameron Street; bordered on the northeast by Georgia Avenue; bordered on the southeast by a line just drawn from above the B & O Train Station to the corner of East-West Highway and Blair Mill Road.

Page 32: Housing Objectives – A Variety of Housing types – In Size, Age And Layout Should Be Provided – By retaining a mixture of single-family homes adjacent to the CBD and low-rise and garden apartments in the CBD,

and by encouraging expansion of high-rise apartments closer to the Metro station and Metro Park, the greater Silver Spring area can maintain not only a variety of housing types but also a variety of inhabitants: singles, young marrieds and "empty-nesters," and families with children. Simultaneously, existing and new housing units will generate a wide range of housing prices in the total housing stock, thereby retaining in Silver Spring a substantial number of moderately-priced dwelling units. **Housing Should Be Planned To Serve Specific Populations:** the market demand for new units within short commuting time from Capitol Hill; housing for people who will be employed in businesses and institutions in Silver Spring and the rest of Montgomery County; housing to meet some portion of the County's need for moderate income housing and housing for the elderly. **Housing Should Be Planned At A Variety Of Densities, Reflective Of The Real Cost Of Providing Housing:** The Plan recognizes the residential densities should reflect the realities of high land costs. However, it also recognizes the need to avoid the life-defeating aspects of high-density living through sensitive, creative design.

Page 42: Figure 7 – Land Use Plan. Shows "Loving" and Draper Tracts as "Mixed Use Development, Falkland North as "High Intensity Residential," Falkland Center [East] and Falkland West as "Medium Intensity Residential."

Pages 43 & 45: Land Use Plan: The Metro Center - ...Moreover, as a major urban place, Silver Spring is well suited to large scale residential development at a variety of densities... In order to take advantage of Metro, residential development should be encouraged within walking distance of Metro, particularly in under-utilized parcels west of Georgia Avenue. Many of these parcels should also contain mixed uses – office and retail – and service commercial, etc. Of particular importance in this regard are parcels of the Falkland and Loving properties both of which adjoin the Silver Spring Metro station. Both parcels are in single ownership.

Falkland – Falkland garden apartments now provide a large block of moderate income housing in Silver Spring, as well as some of the best natural environmental values. While the maintenance of existing moderate income housing is a county goal, the geographic location of Falkland presents an additional consideration. This location is ideal to the development of substantially more housing, convenient to Metro, to shopping, and to community services. Under the County's [MPDU] ordinance, new housing development is required to provide new dwellings for moderate income families. The number of moderately priced dwellings built in new development at Falkland can be expected to approximately equal the number demolished, so that redevelopment of a greater density would not involve a net loss of such housing. The natural values of the tract can and should be preserved under the site plan approval requirements of the CBD zones. The Plan recommends, therefore, an integrated and well planned redevelopment for Falkland (at the appropriate stage..."

Falkland North (adjacent to Metro station and tracks) – This parcel is most impacted by construction of Metro and of improvements associated with it, and **WILL HAVE A DIRECT ENTRY TO THE STATION** [emphasis added]. This parcel should be redeveloped in mixed use, with office functions predominant adjacent to the transit station, and residential uses predominant over the remainder of the tract. Direct, weather protected passage into the transit station should be provided for the new development.

Falkland Center (bounded by East-West Highway, Colesville Road, and Sixteenth Street) – This parcel is impacted, primarily east of Draper Lane, by reconstruction of both East-West Highway and Colesville Road. This parcel should be used for residential uses, with the highest densities on the triangle east of Draper Lane. New development should provide direct, weather-protected passage into Metro. At minimum, pedestrian grade separations across East-West Highway are essential. On this parcel particularly are some significant stands of trees which should be retained in the event of redevelopment, and integrated into the overall site plan.

Falkland West (west of Sixteenth Street) – It is recommended that no change take place in the use and density of development on this parcel. Accordingly, it is withdrawn from the [CBD]. This section should provide replacement housing to long-time residents of the other sections of Falkland who will be dislocated when redevelopment takes place. Under the redevelopment permitted above, 365 of the existing 485 units in Falkland could be removed. The remaining 121, west of Sixteenth Street, would not be affected.

In order to assure that redevelopment will not result in undue dislocation of long-time residents, a program of assisting families presently living in Falkland in relocating to alternative housing should be mandated as a part of a development and staging plan for the portions of Falkland subjected to redevelopment. Moreover, as part of

any such approval, the Planning Board should determine the effectiveness of the development plan in providing that [MPDUs] are made available as replacement housing to those families dislocated by the development who desire to relocate within Falkland, with highest priority given to these households which have lived in Falkland for the longest number of years.

Those residents forced to move should have the first opportunity to relocate in the existing Falkland complex as vacancies occur. Those residents forced to move should also have the first opportunity to relocate in the redeveloped Falkland complex. In reviewing and acting on any application for development under the optional method for development provided in the CBD zone, the Planning board should take care that the redevelopment is designed to provide a high-quality architectural environment for residents and users.

Silver Spring Central Business District & Vicinity Sector Plan – April 1993

Page 9: The Goals of The Plan... 2. Create New Housing Opportunities – Although the most controversial aspect of this Plan has been the proposed regional mall, the primary thrust of the Plan at its inception was the creation of new housing opportunities near Metro. The Council resolution disapproving the proposed 1989 Amendment said, “specifically, recognition should be taken of the Council’s policy discussion to emphasize density in housing adjacent to Metro.” (See Appendix O.) To this end, this plan supports new housing in a variety of locations close to Metro (see figure 1.1 and Table 1), including Apple Metro Plaza, the site of Parking lots 71 and 22, the area south of Bonifant Street between the CSX/Metro tracks and Georgia Avenue, and selected sites along East-West Highway such as Blair Centre. The preservation of housing at the Blairs, the southern section of the Falklands, and other locations is strongly encouraged.

Page 13: 4. Conserve Existing Neighborhoods... It is the intent of this plan that the highest densities and maximum building heights should be located as much as possible in or near the Core.

Page 30: The Silver Spring [CBD] covers approximately 268 acres, excluding roads and the CSX/Metro [ROW]... Almost all of the 4,730 existing dwelling units are in multi-family structures.

Pages 136-137: The Falklands District is an attractive and pleasant residential neighborhood comprising mostly low-rise garden apartments. The District is not only a gateway into the Silver spring CBD, but is also an entrance into Maryland and Montgomery County from [D.C.]. The Cupola Building of the Falkland Chase apartments is a landmark identifying the District, as is the traffic circle at the same intersection. The Falklands District is envisioned to continue the important function of providing a diversity of housing choices in close proximity to the Core and the transit center. Improved pedestrian and cyclist connections are recommended to enable people to walk or bicycle to the Metro and the other services in the Silver Spring [CBD].

1. Overview – The Falklands District is located on the western edge of the Silver Spring [CBD]. The district is bounded by the railroad tracks on the east, Colesville Road on the south, and Sixteenth Street on the west... The existing character of the Falklands District is a predominantly low- to mid-rise residential community. The only major commercial use in the district is an office building at the corner of Sixteenth and Spring Streets. The Falklands district is named after the Falkland Chase complex of apartment buildings... They are also an early example of garden-style apartment design, which subsequently became popular throughout Montgomery County. There are 325 rental units in the well-maintained two- and three-story brick buildings. (Another 125 units are located west of Sixteenth Street, outside the CBD.) The Falklands apartments provide reasonably priced units that are generally more attractive to families with small children than are high-rise apartments. The complex has significant semi-private open space in the interior of each block, including a stream valley... There are also two playgrounds.

The other major residential complex in the District is the recently completed Lenox Park high-rise apartment building at the corner of Colesville Road and East-West Highway. Lenox Park includes 408 residential units. This housing development is appealing to people who want an urban lifestyle within close proximity to mass transit, shopping, and employment opportunities.

Pages 138-139: Like the neighboring district of South Woodside, the Falklands functions as a buffer area between the Core and the residential neighborhoods outside the CBD. Both sides of Sixteenth Street are fully developed with low- or mid-rise apartments. This medium density housing helps to define the western edge of the CBD and provides a transition from the single-family neighborhood to the west to the more intensely developed Core.

Another important function of the Falklands District is its role as a gateway to the CBD. There are three major gateways, or entrance points, in this district: Colesville Road at Eastern Avenue and Sixteenth Street, East-West Highway and Sixteenth Street, and Spring and Sixteenth Streets. The most important of these three gateways is the intersection of Colesville Road, Eastern Avenue and Sixteenth Street. This intersection marks the end of the District of Columbia and the entrance into Maryland, Montgomery County, and the Silver Spring CBD. A traffic circle at this intersection adds to the distinctive character of this gateway. The cupola of the Falkland Chase apartment building (at the northeast corner of Colesville Road and Sixteenth Street) is a prominent architectural feature and a landmark which identifies this district. The Cupola Building has been designated a historic site...

The location of the attractive Falkland Chase apartments on both sides of Sixteenth Street reinforces the function of this District as both a gateway and a buffer area. Falkland Chase further enhances the pleasant character of this neighborhood through its good relationship to the street: entrances and courtyards open into the street and parking is located in the interior of the development rather than in the front. Various improvements should be considered in the Falklands District to enable people to walk or bicycle comfortably and safely to the CBD...

Page 139: 2. Objectives – The Falklands district should continue to function as an area which provides the CBD with a diversity of housing choices in close proximity to the transit center. The District's definition as a gateway into the Silver Spring CBD, as well as an entrance to Maryland and Montgomery County, should be enhanced. In order to strengthen and improve these important features and functions of the Falklands District, the following objectives are recommended: Maintain the CBD boundary at Sixteenth Street to protect the single family neighborhood to the west.; Provide a mix of housing types to include low, medium and high-rise structures.; Preserve the existing housing stock south of East-West Highway and provide an appropriate transition to densities north of East-West Highway.; Rezone the district to reflect its existing and potential residential uses.; Maximize tree preservation and green space.; Provide bikeways on Colesville Road and East-West Highway.; Study the intersection of Colesville Road and Sixteenth Street for improved pedestrian and cyclist crossings.; Improve the sidewalks along East-West Highway and Colesville Road.

Page 141: 3. Recommendations - ... Existing Development: Block 51 - The Falkland Chase apartments cover the western two-thirds of this block. At the corner of East-West Highway and Colesville Road is the recently completed high-rise Lenox Park residential building. On the east side of Draper Lane, the Lenox Park project includes eight townhouses, which provides an appropriate transition to the Falklands units west of Draper Lane. Redevelopment Opportunities and Guidelines: With the completion of Lenox Park, Block 51 is completely developed; no further redevelopment is expected or recommended. The Falklands district is currently lacking neighborhood stores that could be patronized by residents walking to and from the transit station area. Future opportunities for community serving retail stores may exist on Lot 2 of Block 52 in the Core, which is immediately adjacent to the Falklands District [Rite-Aid and Fedex/Kinko's site].

Zoning: Block 51 is currently zoned CBD-2 east of Draper Lane and CBD-1 west of Draper Lane. The Plan recommends that Block 51 continue to have two zones. East of Draper Lane, the Lenox Park residential building will continue to be zoned CBD-2 due to its high density and close proximity to the Core. West of Draper Lane, the Plan recommends that the Falkland Chase apartments be rezoned R-20 to reflect the existing use and encourage its continued use as multi-family garden and townhouse apartments.

Block 52 – Existing Development – With the exception of Lots 1 and 2, which are part of the Core, all of Block 52 is within the Falklands District. Existing development on the block consists of the Falkland Chase apartments and an office building located at the corner of Sixteenth and Spring Streets. Redevelopment Opportunities and Guidelines: The owner of the Falkland Chase apartments has expressed an interest in redeveloping Block 52 (Lot 3) under the CBD-R1 zone. The proposed redevelopment would increase the number of residential units in close proximity to Metro, including additional affordable housing units. The Plan recommends that the redevelopment

of the northern portion of the Falklands include a mix of housing types to include low, medium and high-rise structures. The higher buildings should be oriented away from East-West highway; the buildings should be stepped down along East-West Highway to provide an appropriate transition to the Falklands units on Block 51. Tree preservation and green space should be maximized in any redevelopment of Block 52...

Zoning: Block 52 is currently zoned CBD-2. The Plan recommends that Lot 3, which contains the Falkland Chase apartments, be rezoned CBD-R1 to allow for residential redevelopment in the future. Lot 4, where the office building is located, should be rezoned CBD-1 to limit redevelopment opportunities on the edge of the CBD.

Pages 143-145: The Blair District is a residential community comprising both high rise elevator buildings and low-rise garden apartments. Housing is an important and necessary component of the successful revitalization of downtown Silver Spring. Therefore, substantial redevelopment of the Blair district is not expected or encouraged... Housing and associated parking are the only land uses in the Blair District. The District is named after the Blair complex of apartment buildings. The residential developments in the Blair District include Spring Gardens, Rock Creek Springs, Springwood, Blair Towers, and Blair House. These buildings range in height and style from low-rise garden apartments to high-rise elevator apartments. They are generally attractive developments, with mature trees and well-maintained lawns.

The five residential developments in the Blair District provide over 1,000 units of reasonably priced housing, an important resource for the CBD. A major policy objective of this Plan is to preserve existing residential developments. With the exception of Block 52 in the Falklands district, the Plan recommends that existing residential areas be zoned as closely as possible to existing densities in order to discourage redevelopment. As a result, most of the Blair District is recommended for R-10 zoning. There are two different patterns of residential development in this District. Spring Gardens and Rock Creek Springs are garden-style apartments. The scale is low and the buildings are arranged in a "close block" configuration which defines the street and creates interior, semi-private courtyards. These low-rise structures contribute to a more human scale than high-rise buildings, and provide a good transition to the single-family homes across Eastern Avenue...

Page 146: Objectives: Following are the objectives for the Blair District: Preserve all existing residential developments.; Rezone blocks in the District to reflect and protect the existing residential uses.; Improve connections to Jesup Blair Park along Eastern Avenue.; Provide a local bikeway along the proposed public mixed street through Block 50, Draper Lane extended.

Pages 153-154: The total number of existing residential units in East-West Promenade, the Falklands, and the Blair Districts is 2,608. If approved and proposed projects are built, an estimated 2,600 units would be added, for a total of 5,208 units in these western CBD districts. Zoning changes are recommended for East-West Promenade and the adjacent districts which will reinforce the policy objective of preserving existing housing and encouraging new residential developments. Objectives: Following are the land use policies and urban design objectives for the East-West Promenade: Preserve existing residential units.; Encourage new residential and retail development.; Rezone blocks to protect existing residential buildings, encourage new residential development, and allow for expansion of neighborhood retail services.; Create a green promenade along East-West Highway... Encourage renovation and reuse of vacant buildings

Page 323: Montgomery Arms Apartments – It is historically important as a representative example of pre World War II apartment design in Montgomery County. These apartments reflect the economic and social forces that encouraged the growth of suburbs in the 1930s. Within the collection of early 20th century multi-family dwellings in the County, Montgomery Arms is one of the most architecturally sophisticated and creatively planned examples of the building type. Currently, the Montgomery Arms Apartments functions as garden-type housing for moderate-income residents. Preserving housing of this type and price range is essential to maintaining a range of housing choices in the Silver Spring CBD. To this end, CBD-R1 zoning is recommended for the Montgomery Arms.

Page 324: The Falkland Apartments' Cupola Building provides a landmark entrance to Montgomery County on Sixteenth Street. The garden apartment complex was designed by architect Louis Justement and constructed 1936-38. It was one of the first three projects insured by the Federal Housing Administration (FHA), thus serving as a model for subsequent projects. The primary planning issue affecting the Falkland Apartments concerns the

preservation of garden apartments as a housing type in the Silver Spring CBD. The owner of the Falklands has expressed an interest in redeveloping a portion of the site. This Plan recommends rezoning the Falklands property north of East-West highway from CBD-2 to CBD-R. In order to encourage the preservation of the Falklands apartments south of East-West Highway, including the Cupola Building, this Plan recommends rezoning this portion from CBD-1 to R-20.

Silver Spring CBD Sector Plan – Approved and Adopted – February 2000

Page 28: Land Use & Zoning – “This Plan recommends focusing new development near transit at the Core, and other flexible zoning options to encourage redevelopment. Objective: Creating a development envelope that encourages revitalization and focuses high density development in the Core, and transitions down from the Core to the surrounding residential areas. Summary recommendations: Other Areas – Rezone the Easter Seals site to allow for future development.

Page 34: Zoning Recommendations For Revitalization Areas – Four revitalization areas within the Silver Spring CBD warrant zoning changes to achieve the important public goal of downtown revitalization: the Core, the Ripley District, South Silver Spring, and Fenton Village. In these areas, and on specific sites outside these revitalization areas, the Plan recommends changing the base zones, and applying two new overlay zones. Generally, the zoning is intended to provide development incentives and flexibility. Specifically, the zoning changes will increase the overall development envelope of these districts and continue development focus in the Core.

Page 47: Recommendations - This Plan is intended to create a development environment that invites revitalization. Zoning alone, without market demand, cannot make an investment happen. However, zoning can deter development. This has been the case in the Ripley District’s CBD-R2 zone because achievable rental rates do not cover development costs for high-rise housing, the land use envisioned in Ripley by the 1993 Sector Plan... Rezone all CBD-R2 properties in the Ripley District to CBD-2.

The decision to continue to zone to allow redevelopment of Falkland North was completely contrary to other significant language in the 1993 Sector Plan: “Another important function of the Falklands District is its role as a gateway to the CBD... The location of the attractive Falkland Chase apartments on both sides of Sixteenth Street reinforces the function of this District as both a gateway and a buffer area. Falkland Chase further enhances the pleasant character of this neighborhood through its good relationship to the street: entrances and courtyards open into the street and parking is located in the interior of the development rather than in the front... The five residential developments in the Blair District provide over 1,000 units of reasonably priced housing, an important resource for the CBD. A major policy objective of this Plan is to preserve existing residential developments. With the exception of Block 52 in the Falklands District, the Plan recommends that existing residential areas be zoned as closely as possible to existing densities in order to discourage redevelopment. As a result, most of the Blair District is recommended for R-10 zoning.”

In the 2000 Plan, the word “Falkland” is not mentioned once. Instead, the Plan states: “Four revitalization areas within the Silver Spring CBD warrant zoning changes to achieve the important public goal of downtown revitalization: the Core, the Ripley District, South Silver Spring, and Fenton Village. In these areas, and on specific sites outside these revitalization areas, the Plan recommends changing the base zones, and applying two new overlay zones. Generally, the zoning is intended to provide development incentives and flexibility. Specifically, the zoning changes will increase the overall development envelope of these districts and continue development focus in the Core.

4. Comparisons, similarities and contrasts between Montgomery Arms Apartments historic designation process and Falkland Apartments historic designation process.

The process of placing the Montgomery Arms Apartments on the Master Plan for Historic Preservation (MPHP) generated a number of documents that are instructive for the Falkland Apartments designation process.

Montgomery Arms Documents

September 21, 1990; To: Montgomery County Planning Board; From: Jeff Zyontz, Coordinator, Community Planning South Division; Subject: Montgomery Arms Amendment to the Master Plan of Historic Sites - Planning, Administrative and General Background

Planning and Administrative Background

The criteria for the designation of a site worthy of historic preservation in the Master Plan of Historic Sites is established in the Montgomery County Code. Those particulars are set forth in Gwen Marcus' memo. Those criteria are the standards for your review today. This memo is merely for the purpose of providing background material. The 1990 Silver Spring Sector Plan Amendment (the Messitte Amendment) set up an element of balancing the benefits of preservation as against other policy objectives stated in the amendment.

"In making its determination of the development application, the Planning Board shall consider the criteria for evaluation listed in the Historic Preservation Ordinance along with the policy objectives listed in this plan. The Planning Board shall evaluate the historic preservation issues raised by a particular project within the context of the policy objectives. To this end, the Planning Board shall assess the public benefit of preservation, balancing the importance of the historic property with other public interests such as enhancing the general accessibility of the Transit Station/Retail Area, helping a project achieve compatibility with the existing urban fabric, or otherwise furthering the achievement of the stated policy objectives."

It is my opinion that the above Sector Plan text covers the Montgomery Arms site for the limited purpose of evaluating the historic designation. The Guidelines for Historic Preservation in the Sector Plan include a map and a short discussion of possible historic sites throughout the CBD. Unlike the policy objectives section which is limited to the "Core" area, the geographic scope of the Guidelines for Historic Preservation was not limited.

After a determination of the historic significance of Montgomery Arms has been made, the standard of review of the project plan for Sector Plan conformance, will be the Approved and Adopted 1975 Silver Spring CBD Sector Plan. The project as proposed is consistent with the density and uses permitted by the site's CBD-2 zoning. The recently approved Preliminary Draft Sector Plan will not be the standard of review...

General Background

The proposed project plan makes two positive contributions to the policies of the Messitte Amendment: (1) it provides affordable housing beyond the existing statutory requirements for moderately priced dwelling units; and (2) it expands the total housing stock in the CBD. It does this, however, at the cost of demolishing an existing housing resource and changes the character of the housing from garden apartments to high-rise.

...The retention of garden apartment units is desirable. All of the new housing projects in the CBD have been for high-rise with the exception of a few units associated with those high rises [townhouses included in Lenox Park project as a buffer to Falkland South/East]. In the past several years the Board has approved almost 2,500 [2436] such units. To date, none of these units are under construction but 30 garden apartments have been demolished [Draper Triangle - Lenox Park project]. The approval of a project plan does not guarantee the construction of the approved project, but it has the potential of destabilizing the existing use. Of the some 4,700 existing housing units in the Silver Spring CBD today, 23% [1079] are garden apartments. When all of the project plans are completed that percent will be down to 15% [1079 is 15% of 4,700 + 2,436 existing = 7136]. The demolition of 130 more garden apartment units as proposed, would only further limit housing choice. Garden apartments offer a housing choice more conducive for larger households... Maintaining garden apartments retains housing opportunities for a more diverse population than a future Silver Spring which only has high-rises.

September 24, 1990

Memorandum To: Montgomery County Planning Board; From: Staff, Urban Design Division; Subject: Montgomery Arms... [Over 7 pages of text and no pictures]

Background - In order to equitably balance the importance of the historic resource with other goals of the Sector Plan, it is important to look at the historical and architectural significance of the resources versus the desirability of the proposed project plan. The following is an evaluative description of the major characteristics of the application which is based on the application, as submitted...

Project Description

1. Application
2. Site Conditions
3. Surrounding Land Uses
4. Proposed Amenities
 - a. On-site Amenities
 - b. Off-site Amenities

Summary of Issues

1. Housing
 - a. Affordable Housing
 - b. Density
 - c. Average Unit Size
 - d. Garden Versus High-Rise
 - e. The Provision of Outdoor Space and Recreation... In the existing development, the usable open space, excluding the surface parking, amounts to 37,251 square feet (out of a total lot area of 76,555 square feet), or 286 square feet per unit... The total provision of open space and recreation area in the proposed development amounts to 32,440 square feet or approximately 87 square feet per unit. Opportunities do exist, however, to improve this provision, by making some of the roof tops usable.
2. Conformance with Development Standards
3. Adequacy of Public Facilities
4. Compatibility, Land Use Configuration, and Building Scale
5. Public Use Space and Proposed Amenities
6. Operational Characteristics

Conclusion

Staff finds in this application the potential for a good residential, mixed-use project in the CBD-2 zone. The proposed development will be attractive and compatible with adjacent developments. The massing of the building, the streetscape and public places, and the ground floor activities will provide for human scale at the street level. The optional method provides opportunities for significant public amenities.

The unit type, high-rise versus garden apartment, is the major difference between the application and the existing project. The density in the existing garden apartment project is significantly lower thereby providing far more open space per unit. Staff notes that currently 41% of the housing stock in Silver Spring consists of high-rise apartment and only 23% are garden. Also, in all the approved project plans the residential component consists of high-rise units. Although the applicant is trying to achieve some of the other attributes of garden apartments through the design, approval of this application would represent further depletion of the garden unit type in favor of high-rise.

The existing project represents a viable garden apartment development. The proposal is based on the demolition of this development. If approved, this will be the seventh project plan in the Silver Spring CBD, which includes a high-rise residential component. None of these approved projects, which total 2,436 dwelling units, have been built to date. The concern is that the existing project will be demolished, while the construction of the new project is not guaranteed.

Attachment #1 - list of Approved Project Plans With a Residential Component

Silver Spring Metro Center - 190 units [never built]

East-West Plaza - 508 units [never built, but replaced by Silver Spring Gateway project, now under construction]

CSX - 593 units [never built, and replaced with new Fire Station]

Cameron House [never built, but replaced with new Cameron House, now under construction. 79 units of St. Charles [Garden] Apartments were demolished to allow the project to be built.]
Draper Triangle - 408 units [Completed in 1994]
Elizabeth II - 311 units [Completed as Alexander House in 1994]
Total 2,436

September 27, 1990; From: George Stone, Percontee, Inc.; Re: Public Hearing, September 27, 1990: Montgomery Arms Amendment to the Master Plan for Historic Sites... The Gudelskys and the Scheffres have been long time area residents and business people. Over a period of 50+ years their development activities have been exclusively motivated by a perceived need in the community, with pride of ownership playing a major role in development plans. These motives are exemplified in the history of Montgomery Arms. In 1941, with war imminent, moderately-priced rental housing in the Washington, D.C. area was in short supply. It was with this in mind that the Gudelskys and the Scheffres engaged Mr. Santmyer and the Standard Construction Co., both known for designing and building units with the emphasis on functionality and convenience at a reasonable rent, rather than extravagance. It was purposely designed as a family-oriented rental community. Both Gudelsky and Scheffres families lived at the Montgomery Arms through the 1940s, and remember the majority of tenants as families with small children... However, even under the best of management and care, the functional aspects of the building have become outmoded: while 525 s.f. efficiencies to 764 s.f. 2BR apartments were well accepted in 1941, such living space is now grossly undersized...

"Montgomery County Planning Board... Public Hearing - September 27, 1990... Preliminary Draft Amendment to the [MPHP] Montgomery Arms Apartments... Commission - Gus Bauman, Chairman; Jack Hewitt; Nancy Floreen.

Pages 13-14: "... For the record, my name is Jeff Zyontz, Community and Planning South...The core of the issue from where I sit is balancing the benefits of a proposed project plan on this site versus preservation. In this instance, I come down on the preservation side. The core of the issue, is an existing garden apartment better than a future high-rise? You know that the garden apartment exists. It's a matter of how much a housing choice will leave the future of Silver Spring.

Pages 14-15: "Chairman Bauman: ...Let me ask Jeff, when I read your memo, you were focusing on the housing policy issue, the housing issue. And from what you just said, you seem to be latching onto the historic issue which I understand; but as I read through your memo, you were also dealing with the housing issue as it relates to the directive of the Master Plan to look at issues such as affordable housing, historic preservation, the need for redevelopment at the appropriate location, and so forth.

Page 15: Mr. Zyontz: There's two central aspects of the housing policy within the 1990 Messitte Amendment, and they are affordable housing and increasing housing opportunities within the Sector Plan Area. This project does propose a considerable amount of MPDUs and opportunity housing, and you can argue back and forth on affordability. The current rents are certainly below the rents that would be required under MPDUs, but there is no rent control. These projects could at some time be renovated and charge whatever rents they want. So the central question to me is really the housing opportunity question and whether it's better to have more housing of high-rise or continued opportunity for garden apartments. As this board knows, we've approved almost 2500 units of high-rise apartments to date. We are-we will have a declining percentage of garden apartments as we move to a future. In this particular instance you have a site that has a successful ongoing project that's worthy on the land use side of being maintained. And I say this all as background because your issue before you is historic preservation.

Pages 15-16: Ms. Floreen: That last comment, Jeff, seemed especially relevant here. We -- in the context in which we are in at this exact point in time, we are not being presented with a full project plan presentation by staff. We have had evaluation. We have had a report on what it contains at this stage, but we don't have a final project plan here to review... The comments that have been made about urban design and the balance in terms of housing units, are those really before us tonight? ...Are we making a purely historic preservation issue decision, or are we doing a balancing act?

Pages 16-17: Mr. Zyontz: It is a historic preservation issue. This hearing is on an amendment to the Master Plan of Historic Sites. I referenced the Master Plan since I'm telling you what the Master Plan suggests you do in these instances and that you balance. If you read straight through the historic preservation law, you will not find anything about balancing. This is slightly different than other projects that we have brought through in that for the first time staff is recommending full presentation. In other instances, we saw significant benefit in not recommending preservation, and the board said those other projects were not historic in some cases. This case is just the reverse. So we're bringing the historic preservation to you...

"Montgomery County Planning Board... Work Session - September 27, 1990... Preliminary Draft Amendment to the [MHP] Montgomery Arms Apartments...

Page 2: Chairman Bauman: ...And my question is, is the staff -- are you raising the housing policy in reaction to the project plan testimony we're getting from the applicant; or are you raising the housing policy issue as a part of or in some way connected to the historic preservation issue before the Board?

Page 2: Mr. Zyontz: Mr. Chairman, I am raising it as part of what is in the existing and adopted Master Plan that affects this project. Within that Master Plan are guidelines for Historic Preservation. They are not contained within the Historic Preservation Ordinance. They are not contained within the... technical guidelines for Optional Method except insofar as an Optional Method has to be in conformance with a Sector Plan...

Page 3: Ms. Floreen: The point is that I think that the Sector Plan requires us to balance these policy objectives in reviewing the project plan, correct? ... But we have to... make a decision about the historic preservation element in some context... And I suppose because -- it is solid as to precisely which context need be employed for the Board to at least establish a viewpoint on that before it resolves the other. You could do it independently, or you could do it together, I suppose.

Page 3: Mr. Zyontz: Well, in a sense we are obliged to provide you enough information so you can make that balancing test. In the respect the one action still has to be ahead of the other. Given the recommendation for historic preservation, we are putting it before you first.

Ms. Floreen: We would still have -- whatever decision we make on historic preservation, we would still have a project plan, presumably, that would require our further balancing perhaps of the issues.

Mr. Zyontz: That's correct, but essentially we're doing that balancing here and now.

Page 4: Chairman Bauman: ... Of course, in terms of... what would be dispositive should the Council in the end designate this apartment complex on the Historic Master Plan does not guarantee that it could not be at some point demolished in the future.

Ms. Marcus: That's correct. This Historic Preservation Ordinance basically means that exterior changes, demolition, and/or new construction need to be reviewed and approved by the Historic Preservation Commission. And the ordinance does contain provisions for dealing with requests for demolitions, issues of... cost of rehabilitation, economic hardship, all of those kinds of issues are covered in the Historic Preservation Ordinance.

Pages 4-5: Chairman Bauman: And therefore, those issues... as to the viability of the building, cost benefit analysis, the historic preservation analysis, all of that is made at that time. The real issue here is the threshold issue of is it historic? And then you go to the next step at some future point in the process. If the issue is joined by an actual live project plan that comes in, if designation takes place.

Page 6: Mr. Kominers: Mr. Chairman, if you look at the materials there is no net space lost. In fact, there is a space increase among the affordable housing.

Chairman Bauman: Ah, but I did look at the materials and I noticed that there were some other statistics that were interesting, notably that the usable open space for the number of apartments that are there decreases from 286 square feet per unit to 87 square feet per unit.

Pages 7-10: Chairman Bauman: The real question that we have before us is whether or not, as recommended by staff and HPC in light of the testimony we heard tonight, the criteria in the ordinance of 1A, 1D, and 2A apply to this project. The other issue which is related as staff has pointed out on the housing policy ties in accordingly... I couldn't help but be struck by the fact that this is a unique building in not just Silver Spring but in Montgomery County... The point is what about this structure? I am persuaded that this clearly meets the criteria of the Historic Preservation Ordinance as outlined by the staff and the [HPC]. It is a beautiful and lovely oasis in downtown Silver Spring. It is wonderful art type of art deco housing. It is unique. It is unique in Montgomery County. It certainly is unique in Silver Spring, but it is unique in Montgomery County.

...The diversity of housing types here that we seek in the Sector Plan -- that the Sector Plan speaks to -- when we talk about diversity, the Sector Plan really meant diversity. And what we need is to hold on to that which we have. This is an easy issue for me because the architectural and the historical features of this building standing alone cry out for designation on the Master Plan. If you looked at that issue by itself and did not reflect upon what it was used for, just looked at the building, it meets the criteria. But knowing what it is used for adds to the argument, I think, because of what the Sector Plan requires. As Nancy said this balancing of the goals set out in the Sector Plan. This housing provides affordable housing for 130 families. We know that. The Sector plan makes clear that we need affordable housing in the [CBD] in order to support all of these big buildings we have been approving for downtown Silver Spring.

...So the diversity argument is very important. There is no doubt that in terms of rents, it is true that rents can change all over the place. We recognize that, but it cannot be ignored that right now what we have here is an affordable project that's been around for almost 50 years... But I want to stress that even though the housing policy in this Sector Plan cries out for my thought that this is something we must hold onto, even if that policy were not there, that need for affordable housing, even if it weren't there, the architectural detail in this building, of these buildings, the uniqueness of them for Montgomery County by themselves on their own warrant that we recommend to the Executive and the County Council that they go onto the Master Plan for Historic Preservation.

Pages 12-14: Ms. Floreen: ...One thing I've learned since I've come on this Board is that we can't face the future successfully if we don't recognize the past itself... We cannot ignore that and just move ahead with constant new structures that replace valued memories and locations especially when they are of such significance. When I came here tonight, I had no idea how I was going to feel about this proposal; and I've been worrying about it since I've had the materials. But looking at the slides convinced me, and certainly looking at the slides from both our staff and the applicant made it even clearer that the best examples of this kind of construction were in Montgomery County. They are the Spring Gardens and premiere is the Montgomery Arms. There's no question. I don't think you could find... that collection of elements in any other building. And I'm satisfied that this building meets the architectural criteria for preservation.

And I'm also thinking that it's equally important in terms of community planning to retain the sense of place that these kinds of structures allow you to. It's the low scale as much as anything. It's the protected courtyard. It is the sense that the people in the community dominate in one location and not the building itself that I think are important as we look to the future of Silver Spring. And this is a rare and somewhat nearly pristine kind of example of that kind of thinking, and I think we would really be doing the county a great disservice if we were to say it was not significant, did not warrant preservation.

I think the issue of affordability will continue to plague us. There's no question that there may be pressures to improve this, to rip out all the bathrooms and the kitchens and everything. I'm sure you could spend a great deal of money changing this to meet a high end of the market. We apparently have been very lucky in terms of the current ownership policies in this building, and I hope that the county will be able to work with this owner to assist in maintaining a quality of life here that's been so important to the people who are here tonight and all those who aren't. And so with all that said and done I would move that we approve the staff recommendation and designate the Montgomery Arms Apartments as a historic site on the Master Plan for Historic Preservation.

January 12, 1991; Re: Montgomery Arms Apartments... Project Development Plan; Dear Mr. Potter: ...1. The owners of Montgomery Arms will provide financial assistance: up to \$450.00 for undocumented expenses, and up

to \$900.00 for documented expenses, to residents who are moving to another building. In addition, a rent subsidy will be provided at the new residence for up to 6 months to minimize disparity between rental rates at the two residences. 2. The Gudelsky family, co-owners of the Montgomery Arms, will offer to relocate tenants to another Gudelsky-owned project, with similar rent concessions mentioned above. This offer would open the possibility of relocation to one of 6 other communities within a 3-4 mile radius of Montgomery Arms. 3. The owners have approached [County DHCA] to explore a means by which current residents of Montgomery arms could be given first opportunity to return to affordable units (MPDU or HOC) at the redeveloped Montgomery Arms, provided that they otherwise qualify for the programs... George Stone; Vice President

Memorandum; To: Perry Berman, chief, Community Planning; From: Glenn Kreger, Principal Planner; Subject: Rents at Montgomery Arms; Date: February 3, 1991;

The analysis of renovation costs and post-reconstruction rents at Montgomery Arms was prepared by Grady Management. The bottom line is their conclusion: "We don't believe the market would support average rents of \$704 plus electric a month, a 43.5% increase over the existing rents, therefore we recommend against this [renovation] plan. I would begin by questioning their numbers. The backup data provided by Grady shows an overall existing "street rent" of \$639/month at Montgomery Arms... Percontee states that they will have to spend about \$24,000/unit -- almost half the cost of new construction -- to renovate Montgomery Arms. This will result in a new average rent of \$704/month. However, a post-rehab rent of \$704 would be an increase of about 10% over the current average "street rent" of \$639/month, not the 43.5% increase cited by Grady.

Bill Kominers says that the 43.5% figure represents the increase over the actual rents being paid by current tenants, which are substantially less than the rents which would be paid by new tenants off the street. I don't feel this is a fair comparison... However, these existing tenants will probably be displaced by the intensive renovation work on the building... I believe the important point is whether the overall market will support a new rent of \$704/month at renovated Montgomery Arms, not whether the tenants who live there now can afford these rents. A new garden apartment in the CBD could support a rent of nearly \$900/month for a one bedroom unit; it may therefore be reasonable to assume that the market for a substantially rehabbed building could support an average rent of \$704/month.

In support of this assertion, I would cite the 1990 average rents at two other recently renovated garden apartment complexes in Silver Spring: -Falkland Chase (renovated in 1985): \$728/mo. -Rock Creek Springs (renovated 1988): \$778/mo. Bill Kominers raises an important point which bears upon this comparison; the small size of the units at Montgomery Arms. Apparently, his client feels that an overall average rent of \$704/month would not be achievable for one bedroom units that are only 622 square feet and 2 bedroom units that are only 764 square feet. Certainly, these unit sizes are much smaller than the size of new units being constructed. To address Bill's point, I would put the above comparables into the following perspective:

Complex	Avg. Rent	Avg. Sq. Ft.	Rent/Sq. Ft.
Falkland Chase Gdn	728	667	\$1.09
Rock Creek Springs Gdn	778	774	\$1.00
Proposed Montgomery Arms	704	642	\$1.09

Source: Hammer Siler George Assoc. market study for Alexander House (4/90)

The resulting rent structure at Montgomery Arms appears to be similar to the renovated gardens at Falkland Chase. In 1990, Falkland Chase had a 1.8% vacancy rate. Based upon this very limited data base, it would appear that the post renovation rents at Montgomery Arms might be difficult but would also be achievable.

April 16, 1991; To: Montgomery County Council; From: Linowes and Blocher; Re: Montgomery Arms Apartments

Pages 2-4: III. Designation Analysis A. Standard -- Sector Plan Requires Historic Preservation to be Balanced Against Other Objectives; The Approved and Adopted 1990 Amendment to the 1975 Silver Spring [CBD] Sector Plan (the "1990 Amendment") (which terminated the 1987 Interim Amendment designating a "core" area of the CBD) contemplates a balancing of historical preservation values with other public interests when making a determination of historic designation. Unlike other preservation determinations, those in the Silver Spring CBD

are not to be made solely on the criteria of Article 24A. The 1990 Amendment expressly mandates the incorporation of the Plan's policy objectives into the balancing, requiring the Planning Board to

"decide preservation issues by using these criteria measured in balance with other public interests. The other public interests which will govern the decision making for the Silver Spring CBD are stated in the Sector Plan as the policy objectives. (1990 Amendment, p. 10. Emphasis added.)"

To facilitate this balancing process, the Planning Board is permitted to "conduct a combined public hearing with an optional method proposal to consider simultaneously both the preservation of locational atlas sites and the property owner's development application." Id. The proper application of the balancing procedure is as follows:

"In making its determination on the development application, the Planning Board shall consider the criteria for evaluation listed in the historic preservation ordinance along with the policy objectives listed in this plan. The Planning Board shall evaluate the historic preservation raised by a particular project within the context of the policy objectives. To this end, the Planning Board shall assess the public benefit of preservation, balancing the importance of the historic property with other public interests such as enhancing the mixed use function of the Silver Spring CBD, implementing transportation linkages, enhancing the general accessibility of the transit station retail area, helping a project achieve compatibility with the existing urban fabric, or otherwise furthering the achievement of the stated policy objectives (1990 Amendment, p. 12. Emphasis added.)"

The language of the balancing analysis is mandatory. The need to apply the balancing analysis was enunciated by Planning Board staff in a memorandum dated September 21, 1990... Using the balancing test to evaluate the proposed redevelopment of the Montgomery Arms, demonstrates that the proposed redevelopment will contribute more to furthering the policy objectives (1) than preservation of the existing Montgomery Arms.

(1) The four broad policy objectives are as follows (each contains numerous subsidiary elements):

1. To reinforce the mixed use vitality of the transit station/retail core area;
2. To enhance the general accessibility of the transit station/retail core area;
3. To enhance the general vehicular and pedestrian circulation within the transit station/retail core area; and
4. To achieve architectural, historical, cultural and functional compatibility within the existing urban fabric.

B. Application of the Balancing Test – The Montgomery Arms Should Not Be Designated

The 372 residential units proposed in the new project including 30%, nearly twice the required number, of [MPDUs], providing a greater mixture of affordable rental housing choices, "incorporating residents who will contribute to a continuing sense of community involvement and identity with Silver Spring." (Policy Objective III.1.) These units also reflect a recognition of the existing apartments as de facto moderate income housing, and are an attempt to continue that economic resource while providing residences consistent with current expectations.

July 2, 1991; From: Gus Bauman; The Honorable William E. Hanna, Jr.; Chairman, PHED Committee; Montgomery County Council; "...In addition, some discussion has taken place on the County's current laws regarding the transfer of development rights for historic properties and the potential for broadening and increasing the use of TDRs in conjunction with historic preservation efforts. An analysis of these issues is attached.

The board recognizes and has taken into account the need to weigh the benefits of historic designation of Montgomery Arms against the public policy objectives outlined in the 1990 Sector Plan Amendment. It is the Planning Board's carefully considered opinion that the preservation of the existing Montgomery Arms Apartments is of greater public benefit than the replacement of that complex with a new high rise apartment building.

The Board reached that conclusion for a number of reasons. First, the Montgomery Arms clearly meets the designation criteria of the Historic Preservation Ordinance... Secondly, as a housing resource, the Montgomery Arms provides a dwelling type that is no longer being built in downtown Silver Spring. Retention of this garden apartment complex offers Silver Spring residents a greater selection of housing types from which to choose and is compatible with the vision of Silver Spring as an active, diverse, urban area.

Finally, the Montgomery Arms has been and can continue to be good, solid housing for citizens with moderate incomes. Although the owners of the Montgomery Arms and their representatives have testified that the current apartment sizes at the complex are too small for "today's" standards, they have proposed the construction of even smaller units in the new development. The proposed new building would include 26 efficiency units that are 35 square feet smaller than 7 existing efficiency units in the new development. Further, the new building as proposed includes 44 junior one bedroom units that are only 3 square feet larger than the existing one bedroom units. It appears that apartment size alone is not a marketing problem...

Falkland Documents

Drawing of Preliminary Plan - Falkland Chase - January 12, 2007

Existing Net Lot Area - 7.55 acres; Area of Lot - 328,834 SF; Public Use Space on Site - 72,235 SF; % of Lot Area - 22%; Dwelling Units per Acre - 113.5; New apartments planned - 1020; MPDUs required (12.5%); MPDUs assigned to E[ast] & W[est] Parcels - 80; MPDUs assigned to North Parcel - 48 [4.7%]; Ending Mix of Bond units and MPDUs in East & West Parcels; MPDUs - 80 - 30%; Bond Units - 54 - 20%; Market Rate Units - 134 - 50%.

Unit Type	Unit Count
Studio	130
Studio MPDU	10
1 Bedroom	450
1 BR MPDU	19
2 Bedroom	366
2 BR MPDU	15
3 Bedroom	26
3 BR MPDU	4

[Amount of on-site public use space per unit - Existing for 182 units based on 50% open space - $328,834/2 = 164,417/182 = 903$ SF of open space per unit. Proposed - $72,235/1020 = 71$ SF of open space per unit. With new proposal of 1059 units - $72,235/1059 = 68$ SF of open space per unit.]

Linowes and Blocher; June 8, 2008; Dr. Royce Hanson...; Re: Falkland North; Dear Chairman Hanson...: Page 7: Affordable Housing Benefits; 100 Workforce Housing Units - 50 located on the North Parcel...; 50... located in existing buildings on the South and West Parcels. These units would remain in the workforce housing program for 20 years as required by law. 49 affordable units at Woodleaf Apartments - The affordable units at Woodleaf Apartments in Silver Spring currently reserved for families with income of less than 65% of AMI will be extended through 2029 and five more units will be added to this program... The current OOC rent supplement program at Woodleaf Apartments otherwise expires in May of 2009. The project will provide a total of 282 affordable units... in various County programs replacing the 182 market rate units on the North Parcel.

Pages 8-9: For residents who do not wish to relocate to the South and West Parcels, Home Properties has a comprehensive relocation program to aid residents in finding new, off-site housing and to minimize any negative financial impact to these residents. In addition to the above priority, this includes: Home Properties will waive application fees and transfer security deposits from a North Parcel apartment to any other Home Properties-owned apartment for residents in good standing. For residents in good standing who opt to move to an apartment not owned by Home Properties, Home Properties will pay any reasonable application fee and security deposit offset by any security deposit refund due from Falkland.

Home Properties will also pay \$500 of North residents' relocation expenses (moving, utility hook-up, etc.) Once formal notice has been given that a resident must relocate, that resident would receive the assistance mentioned above, as well as being entitled to all rights under Montgomery County Code and Regulations including relocation assistance equal to two month's rent. Residents of the North Parcel who relocated to the South or West Parcels will continue to pay their current rent for the remainder of their leased term...

ISSUES

Issue: Requirement to balance historic preservation with other public policies.

Montgomery Arms: Applicant's attorney argues that the 1990 Silver Spring CBD Sector Plan Amendment makes the requirement of a balancing analysis to be mandatory. "Unlike other preservation determinations, those in the Silver Spring CBD are not to be made solely on the criteria of Article 24A. The 1990 Amendment expressly mandates the incorporation of the Plan's policy objectives into the balancing, requiring the Planning Board to: 'decide preservation issues by using these criteria measured in balance with other public interests. The other public interests which will govern the decision making for the Silver Spring CBD are stated in the Sector Plan as the policy objectives. (1990 Amendment, p. 10. Emphasis added.)'"

See April 16, 1991 memo to the County Council from Linowes and Blocher on Montgomery Arms Apartments. Pages 2-3.

However, if, according to Linowes and Blocher, the 1990 Amendment is what made a balancing analysis mandatory just in the Silver Spring CBD, then as soon as the 1990 Amendment was replaced with the 1993 Sector Plan, that requirement ended, returning the Silver Spring CBD to the same circumstances as the rest of the county where "other preservation determinations" are "to be made solely on the criteria of Article 24A".

Falklands: See June 8, 2008 memo to the Planning Board from Linowes and Blocher on Falklands stating that balancing is required, contradicting the April 16, 1991 Linowes and Blocher letter.

Issue: Balancing historic preservation with other public policies.

Montgomery Arms: See September 21, 1990 memo to Planning Board from Jeff Zyontz, Coordinator, Community Planning South Division on Montgomery Arms - Planning, Administrative and General Background - 2 pages.

See September 24, 1990 memo to Planning Board from Staff, Urban Design Division on Montgomery Arms - Over 7 pages of text about the project.

See April 16, 1991 memo to the County Council from Linowes and Blocher on Montgomery Arms Apartments - 9 pages.

See pages 2-5 of September 27, 1990 Planning Board Work Session on Montgomery Arms

Falklands: See July 2, 2008 memo to the Planning Board from staff director Rollin Stanley - 1 page on balancing and 3 pages with few details on the project.

See June 8, 2008 memo to the Planning Board from Linowes and Blocher on Falklands - 13 pages.

Issue: Balancing value of proposed project with existing development.

Montgomery Arms: Submission of project by owner and specific analysis of project by staff.

See July 16, 1990 Montgomery Arms Application For: Optional Method of Development.

See September 24, 1990 memo to Planning Board from Staff, Urban Design Division on Montgomery Arms.

See April 16, 1991 Planning Staff "Response to Montgomery Arms Owners' Testimony at County Council Hearing".

Falklands: No detailed submission by the owner is part of the public hearing record. There has been scant analysis by planning staff that includes few specifics of the project.

See July 2, 2008 memo to the Planning Board from staff director Rollin Stanley.

Issue: Housing needs in CBD.

Montgomery Arms: In 1991, there were 4,700 housing units in the CBD and 2,436 in six approved projects to be built. Planning staff was concerned about whether the approved units would actually be built. Although the proposed project would have replaced the 130 existing affordable units with 372 new units, including 111 MPDU and HOC units, staff was also concerned that the new project might not be built after the existing units were demolished.

See September 21, 1990 memo to Planning Board from Jeff Zyontz, Coordinator, Community Planning South Division on Montgomery Arms.

See September 24, 1990 memo to Planning Board from Staff, Urban Design Division on Montgomery Arms.

See pages 13-15 of September 27, 1990 Planning Board Public Hearing on Montgomery Arms.

Falklands: There has been no discussion of progress toward meeting CBD housing goals. Information provided by planning staff has been incomplete and inaccurate. My calculations show that with 10,850 housing units built, approved and proposed, with a potential for 4,000 more, that total housing in the CBD will have more than tripled with residential build-out without redeveloping Falkland North.

See July 2, 2008 memo to the Planning Board from staff director Rollin Stanley.

See July 10, 2008 testimony to Planning Board from Wayne Goldstein.

Issue: Preservation of garden apartments in Silver Spring CBD.

Montgomery Arms: In 1991, according to Planning staff, there were 1,079 garden apartments in the Silver Spring CBD, out of a total of 4,700 housing units. Garden apartments were 23% of the total housing stock. With approvals for 2,436 new housing units, all high-rise, staff was concerned about the further loss of garden apartments because, if all of the approved units were built, garden apartments would decline to just 15% of the housing stock. This issue was also very important to the Planning Board chairman.

See September 21, 1990 memo to Planning Board from Jeff Zyontz, Coordinator, Community Planning South Division on Montgomery Arms.

See pages 13-15 of September 27, 1990 Planning Board Public Hearing on Montgomery Arms.

See pages 7-10 of September 27, 1990 Planning Board Work Session on Montgomery Arms.

Falklands: There has been no discussion of the loss of the 182 garden apartments in Falkland North as a loss of that type of housing, just that the lost housing units will be replaced with high-rise units. With the demolition of the 79 garden apartments at the St. Charles Apartments, the number of garden apartments has declined to 1000 from the 1991 number. However, the 120 garden apartments at the Falkland West are not, physically, in the CBD. Since there had to be a second round of hearings in 2005 concerning the initial placement of the Falklands on the Locational Atlas, because the owner argued that there hadn't been proper noticing that Falkland West was also included, it seems fair and reasonable not to count those units. This leaves 880 garden apartments in the CBD. I have calculated that 6150 new housing units have been built, approved, or proposed in the CBD since 1993, bringing the total to 10,850 units, not including the Falkland North proposal. This reduces garden apartments to 8.1% of the total. If, as I have indicated, there is a potential that as many as 4,000 more units can be built on remaining CBD parcels, this would bring the total to 14,850, further reducing garden apartments to 6% of the total. If the Falkland North parcel were redeveloped, the loss of those 182 units and the addition of another 1,059 high-rise housing units would reduce the total number of garden apartments in the CBD to 698, or 4.4% of the total.

Issue: Affordability of existing units vs. reliability of future affordability for units in official programs like MPDUs.

Montgomery Arms: There was extensive discussion of this issue, backed up by written analyses done by the applicant and the staff, which were disputed by one another.

See September 24, 1990 memo to Planning Board from Staff, Urban Design Division on Montgomery Arms.

See February 3, 1991 memo to Perry Berman, chief, Community Planning from Glenn Kreger, Principal Planner on rents at Montgomery Arms.

See April 16, 1991 Planning Staff "Response to Montgomery Arms Owners' Testimony at County Council Hearing".

Falklands: There has been no specific, detailed analysis or discussion of comparisons of costs and rents by either the owner or planning staff. There have been claims made about replacement and new affordable housing. However, these claims appear to be either inaccurate or perhaps even untruthful and are not backed up by any details. For example, the existing units at the Falklands and the proposed new units in the Falkland North project are priced at workforce levels, yet much is made of the commitment to "guarantee" a total of 100 workforce level units in both areas. Without detailed numbers, this appears to be a meaningless claim related to affordable housing. The 49 units promised for 20 years at the Woodleaf Apartments is through an HOC program that pays the owner a rental supplement on behalf of a tenant so that the owner receives full market rate, yet much is made of this commitment to affordable housing that costs the owner nothing.

See June 8, 2008 letter from Linowes and Blocher to Planning Board on Falkland North.

Issue: Usable Open Space & Recreation Area per unit of existing and proposed developments.
Montgomery Arms: Existing - 37,251 SF (out of a total lot area of 76,555 SF), or 286 SF per unit.
Proposed - 32,440 SF or 87 SF per unit.

This was an important issue for planning staff and the Planning Board chairman.

See September 24, 1990 memo to Planning Board from Staff, Urban Design Division on Montgomery Arms.
See page 6 of September 27, 1990 Planning Board Work Session on Montgomery Arms.

Falklands: Existing - 164,417 SF (out of a total lot area of 328,834 SF), or 903 SF per unit.
Proposed - 72,235 SF or 68 to 71 SF per unit.
No discussion of issue by planning staff.

Issue: Relocation expenses.

Montgomery Arms: January 12, 1991 letter from Percontee VP George Stone to County Executive on Montgomery Arms - 1. Up to \$450.00 [\$740 adjusted for inflation to 2008] for undocumented expenses, and up to \$900.00 [\$1480 adjusted for inflation.] for documented expenses, to residents who are moving to another building. In addition, a rent subsidy will be provided at the new residence for up to 6 months to minimize disparity between rental rates at the two residences. 2. The Gudelsky family will offer to relocate tenants to another Gudelsky-owned project, with similar rent concessions mentioned above. This offer would open the possibility of relocation to one of 6 other communities within a 3-4 mile radius of Montgomery Arms.

Up to an inflation adjusted total of \$2220 in voluntary reimbursements, and up to a 6-month rent subsidy.

Falklands: June 8, 2008 letter from Linowes and Blocher to Planning Board on Falkland North - Home Properties will waive application fees and transfer security deposits from a North Parcel apartment to any other Home Properties-owned apartment for residents in good standing. For residents in good standing who opt to move to an apartment not owned by Home Properties, Home Properties will pay any reasonable application fee and security deposit offset by any security deposit refund due from Falkland. Home Properties will also pay \$500 of North residents' relocation expenses (moving, utility hook-up, etc.) Once formal notice has been given that a resident must relocate, that resident would receive the assistance mentioned above... Residents of the North Parcel who relocated to the South or West Parcels will continue to pay their current rent for the remainder of their leased term...

If a tenant in "good standing", up to \$500 in voluntary reimbursements and for "reasonable" application fee and security deposit offset if moving elsewhere or no application fee if moving to another Home Properties apartment. There is a statutory requirement for a landlord to provide the equivalent of 2 month's rent to a tenant actually being displaced by redevelopment.

Council Told Of Center's Housing Plan

By Lawrence Feinberg
Washington Post Staff Writer

The developers of a proposed \$100-million office and apartment center in Silver Spring, in answer to criticism that they would displace moderate cost housing with luxury apartments, said yesterday they hope to build more low cost apartments than are now on the site.

The project would be built on 27 acres at the corner of East-West Highway and 16th Street just over the District of Columbia line.

The property now contains some small shops and the 458-unit Falkland apartments, a group of 30-year-old walk-up buildings. Their monthly rents now range from \$100 for a one-bedroom apartment to \$189 for three bedrooms.

Attorney R. Robert Linowes told the Montgomery County Planning Board that the development syndicate he represents hopes to build one 14-story tower with 500 apartments renting in the same price range.

The overall project would include 12 high rise buildings containing 2 million square feet of office space, a 400-room hotel, 1500 apartments, and up to 200,000 square feet of retail stores.

The developers hope to finance it, he said, with along-term, low interest loan under a Federal Housing Administration program that sets limits on both tenant income and builder profit. Many of the tenants would be workers in the complex, which Linowes said would provide employment for about 10,000 persons.

Concern Expressed

Linowes made his announcement after Planning Board member Gordon Lamb expressed concern that the project would reduce the County's

See SILVER, B7, Col. 1

William Raspberry is on assignment in Chicago. His Potomac Watch column will resume upon his return.

Council Told Of Center's Housing Plan

SILVER, From B1

supply of moderate cost housing, which the Planning Board and the County Council are seeking to increase.

Lamb also questioned Linowes sharply about the effect the project would have on the present Silver Spring business district a few blocks away.

The "golden concept" adopted by the County Council last month for a new Silver Spring master plan called for expanding the business district only slightly but rejuvenating it with high rise buildings.

Linowes argued that the new complex on the Falkland tract would act as a magnet, spurring developments in downtown Silver Spring which he said is "dying of strangulation."

Development Syndicate

The development syndicate for the complex is headed by Kingdon Gould Jr. and D. F. Antonelli Jr., who also are partners in the PMI parking and land development company.

Linowes said his next step would be to press for County Council approval of a new zoning category, called "Residential-Office Plaza," to permit apartments, offices, and stores in a planned downtown development of more than 5 acres.

Linowes agreed to request a delay until January for a Council hearing on the new category. The Planning Board said its consultants need the time to prepare details of the new Silver Spring master plan and to consider the effect of the proposed complex on the entire area.

New Zone Opens Way For Falkland Complex

By Paul G. Edwards Washington Post Staff Writer

The Washington Post, Times Herald (1959-1973); Sep 24, 1969; ProQuest Historical Newspapers The Washington Post (1877 - 1 pg. C1

New Zone Opens Way For Falkland Complex

By Paul G. Edwards

Washington Post Staff Writer

The way was cleared yesterday for approval of the proposed \$150 million Falkland office-apartment complex in Silver Spring by the creation of a new Montgomery County zoning classification.

The County Council, by a 5-to-1 vote, created a residential-office-central business district zone that would permit construction of integrated office building-apartment house complexes in Montgomery business districts.

Developers of the proposed Silver Spring project must now apply for zoning approval under the new classification.

The need for such a zoning tool has been cited in preliminary master plans for Silver Spring and Bethesda. Planners have pointed out that developers must make separate zoning applications on small parcels in order to put together a commercial-residential package in Montgomery.

The zoning classification was adopted to simplify this procedure, but it also was done with full knowledge that the success of the Falkland proposal depended upon it.

Under the new zoning classification, D. F. Antonelli Jr., a partner in PMI Parking and

Land Development Co., hopes to develop a 27-acre tract at 16th Street and East-West Highway, now occupied by the Falkland Apartments. The proposed Falkland project

would include 2 million square feet of office space and 1,500 apartment units.

With Falkland in mind, the Council included in the new zoning classification a requirement that any housing destroyed by the development would be replaced. There are 450 moderately priced apartments now in Falkland.

The Council, under pressure from citizens' groups, has grown increasingly concerned about the shortage of low and

moderate income housing in the county.

No definition of "moderate income" was included in the zoning classification, leaving the setting of standards to the agencies that review zoning applications.

Councilwoman Idamae Garrott cast the only dissenting vote. She objected to the lack of a height limitation on buildings in the new zone. Councilman William W. Greenhalgh was absent.

Examiner Backs Falkland Plan
 By LaBarbara Bowman Washington Post Staff Writer
The Washington Post, Times Herald (1959-1973); Sep 2, 1972; ProQuest Historical Newspapers The Washington Post (1877 - 1991)
 pg. E1

Examiner Backs Falkland Plan Opponent of Project Calls Decision 'Shocking'

By LaBarbara Bowman
 Washington Post Staff Writer
 Falkland, the proposed \$150 million development at the intersection of 16th Street and East-West Highway in Silver Spring, moved closer to reality Tuesday when a Montgomery County zoning hearing committee recommended that the project be approved by the County Council.

Examiner Arthur S. Drea recommended that the 27-acre tract, now the site of 485 moderate-cost garden apartments, be rezoned to allow construction of high-rise apartments, office buildings, a restaurant, a planned Silver Spring Metro station at Columbia Road and the B&O railroad tracks.

Drea's recommendation was made to the seven-member, all-Democratic County Council, which must approve all zoning applica-

tions. The Council, which has criticized the recommendations of its two hearing committees in 85 percent of all cases, probably will vote on the proposal later this month.

The Falkland project has been a controversial issue since it first was unveiled in May, 1968. District officials have opposed the project, charging that such a major complex on the D.C.-Maryland line would overload sewer lines and treatment facilities.

Residents of the existing apartments also fought the proposal, contending it would create massive traffic congestion in the area.

If the project is approved by the Council as presently planned, it would be the first time the percentage of subsidizing housing for the elderly and low- and moderate-income families. Developers decided to in-

clude 500 subsidized units because of the loss of the garden apartments presently on the tract. The apartments were built for families in the 1950s.

Under Drea's recommendation, no demolition of the present apartments could begin until one year before the opening of the subway station, which is now scheduled for January, 1975.

The first section to be demolished would be the apartments located in the tract between East-West Highway and 16th Street at Columbia Road.

If the project is approved, the developers plan to expand the existing Falkland apartments, thereby creating vacancies as families move out between now and 1975. Families living in the first section to be demolished will be moved to these new apartments to give them additional time to look for new housing.

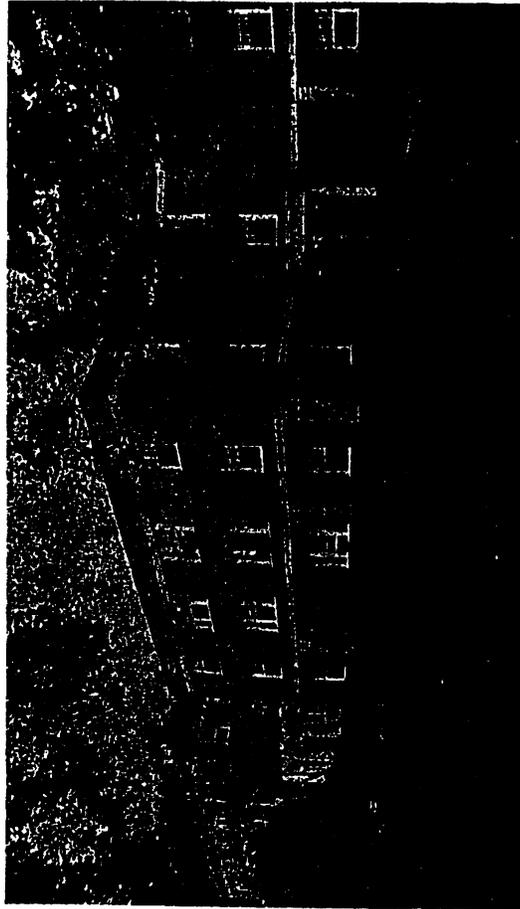
Although the 500 new subsidized apartments are planned to replace the existing units, present Falkland tenants will not receive preferential treatment in renting the new units under the developer's plan.

In his recommendation, Drea rejected the arguments of some District officials and tenants who opposed the project.

Drea said that "some additional traffic generated in the immediate vicinity would result from the complex but 'additional generation will not be significant and will not change the existing level of service at the critical intersections.'"

On the sewer issue, Drea said, "It is clear that there is not additional capacity in the existing sewage treatment facility. However, it is my opinion that this factor is insufficient alone to justify denying the applica-

The Falkland apartments, which the developers plan to replace with a high rise containing stores and a hotel.



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High Rise at Falkland Approved by Examiner

FALKLAND, From E1

tion because active proposals are underway to relieve the problem.

Zina Greene, one of the leaders of citizens opposing the project, said yesterday Drea's recommendation was shocking.

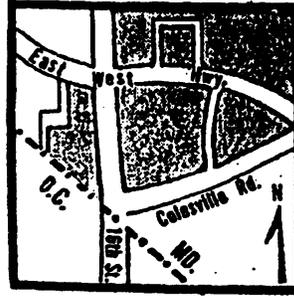
Mrs. Greene and other citizen opponents contended that the massive development would draw business away from downtown Silver Spring, leading to a general deterioration of the Silver Spring shopping area.

The Falkland development is sponsored by a group of businessmen, including parking magnates Dominic Antonelli and Kingdon Gould Jr., owners of the PMI parking lots, Robert Smith of the Charles E. Smith development company, which built Crystal City, and Richard Kirstein of the Richmorr Company, which built Rosslyn Plaza.

Zoning attorney R. Robert Linowes, who represents the developers, was exuberant over the recommendation.

"We are obviously very pleased with the opinion . . . and believe the findings are clearly supported by the evidence," he said.

Linowes contended in many days of public hearings before Drea that the new development would, among other things, spur the redevelopment of the Silver Spring central business district, which has been called ugly and deteriorating by county planners.



Shaded area locates Falkland development.

65 Protest Silver Spring Business Limit

By Alice Bonner
...Washington Post Staff Writer

The Montgomery County planning board heard a chorus of opposition yesterday to its plan to limit and regulate development in the 300-acre Silver Spring central business district.

Most of the 65 business and citizen representatives who spoke at a public hearing before the board criticized the plan, some protesting various details and others complaining that they had too little time to study the complex 161-page document.

The plan, approved by planners in May, still must be reviewed by the County Council before it can go into effect.

It would impose strict boundaries on the Silver Spring business district—the county's largest "downtown" area—to protect adjacent residential neighborhoods, limit the allowable development and provide for a mixture of different kinds of development.

It also would restrict access to Georgia Avenue, Colesville Road, East-West Highway and 16th Street, all of which are major commuter routes.

Central to the plan is the Silver Spring Metro station, which will be on Colesville Road west of Georgia Avenue.

The planning board's headquarters, 5787 Georgia Ave., was picketed yesterday by a coalition of citizen groups that protested they had had too little time to study the plan.

Royce Hanson, board chairman, said he saw no justification for postponing a project the board has worked on for two years and noted that the County Council has the option of holding more hearings.

Business interests opposing the plan included Loving Chevrolet, Col. R. Brooks Inc., who has interests in a number of stores at Colesville Road and Georgia Avenue, and a corporation that owns the large Falkland Apartment complex.

Council Backs Plan To Demolish Falkland

By Joe Green, Washington Post Staff Writer

The Washington Post (1974-Current file); Jul 2, 1975; ProQuest Historical Newspapers The Washington Post (1877 - 1991)
pg. C1

Council Backs Plan To Demolish Falkland

By Joe Green
Washington Post Staff Writer

The Montgomery County Council yesterday approved a controversial plan which, if implemented, would result in eventual demolition of most of the Falkland Apartments in Silver Spring to make way for high-rise apartments and commercial buildings.

In approving the sector plan for the Silver Spring central business district on a 4-0-3 vote, the Council also unanimously passed a resolution that gave the more than 1,000 residents of Falkland a reprieve by barring any changes in the 300-unit garden-style housing development before 1980.

At that time, two-thirds of the units would be demolished and the rest remain untouched, according to planning officials.

The Council action came after long and heated debate as about 100 Falkland residents of all ages, wearing "Save Falkland" buttons, watched from the audience. Opponents had contended that destruction of Falkland would eliminate one of the county's few moderately priced apartment complexes and displace many elderly people who live on fixed incomes.

The Council's action today does not guarantee demolition of Falkland and eventual redevelopment, but it does put the proposal in the master plan, making it more difficult for opponents to fight rezoning.

Set on both sides of East-West Highway between 18th Street and Coleville Road, just over the District of Columbia line, Falkland is a cluster of stately brick apartment houses surrounded by trees. Rents range from \$100 to \$400 a month.

Former Council member Idamea Garrott, a leading opponent of the proposed changes, said she was extremely disappointed.

She said Falkland residents won "practically very little protection" from having to give up their homes to bulldozers, and that the "real fight" will come when the Council votes final approval of the entire Silver Spring master plan two or three months from now. The sector plan approved yesterday would be included in the master plan.

John Kennedy, a Falkland resident and member of the tenants' group that has been organizing to defeat the demolition plan, said the five-year reprieve was superficial.

Kennedy said many Falkland residents believe the county government wants to demolish their neighborhood so the county can reap the profits from development of businesses and high-priced apartments.

"Most of the people I've talked to are convinced that they (the Council) are going to tear Falkland down," Kennedy said. "The county is going to continue to fight this thing," he said.

During yesterday's debate, one Council member, Jane Ann Moore, who previously had said she was opposed to redevelopment in the Falkland area, voted for the plan. She also accused the county planning board members, drafters of the plan, of being "technocrats" who had no real sense of the need of Montgomery County residents.

See FALKLAND, C8, Col. 1

Falkland Demolition Plan Wins

FALKLAND, From C1

idents who were only able to afford moderate-priced housing.

Mrs. Moore earlier in the meeting had moved to expunge the Falkland redevelopment proposal from the plan, but received no second for her motion. She indicated she voted for the plan in final action because of the provision that no redevelopment could occur until 1980.

She was one of three Council members who previously had voted against the planning board's recommendation for eliminating two-thirds of the Falkland area residences and developing businesses and high-rise apartment complexes in its place.

Dr. Royce Hanson, chairman of the planning board, said yesterday that development of the Falkland area was essential to his panel's proposal to revitalize the commercial corridor of Silver Spring, which he said has been deteriorating in recent years.

Hanson said a Metro station is scheduled for Colesville Road, adjacent to the railroad tracks there and within walking distance of the Falkland apartments. Hanson and his staff repeatedly have told the Council that the proposed Metro station will bring new life to the Silver Spring community, generating business development and high-priced apartment dwellings. Hanson said yesterday that the range of rents probably would be higher than rents now paid by Falkland residents.

Included in the Silver Spring sector plan is a proposal to build a civic center complex that would include a theater, an art center, indoor recreational facilities, a restaurant, hobby shops, and walking areas.

Council member Esther Gelman, a proponent of the Falkland redevelopment plan, said the change would be good for Montgomery County. She said 15 per cent of the new high-rise apartment buildings would be moderately priced and that Falkland residents who were displaced would get relocation assistance.

Silver Spring Tract Is Again in Spotlight

Joan McQueeney Mitric Special to The Washington Post

The Washington Post (1974-Current file): Jul 9, 1988; ProQuest Historical Newspapers The Washington Post (1877 - pg. E13

Silver Spring Tract Is Again in Spotlight

By Joan McQueeney Mitric
Special to The Washington Post

A two-acre tract in downtown Silver Spring that is zoned for high-rise residential development is again the focus of intense interest by builders who see the parcel's potential for apartments within 500 feet of the Silver Spring Metrorail station.

Last month, bulldozers razed 16 town homes and 18 apartments on the site along the east side of Draper Lane between Colesville Road and East-West Highway. These units were once part of the adjacent 450-unit Falkland Apartment complex, one of Montgomery County's oldest garden apartment projects, built in the 1930s.

Once zoned for commercial development and proposed for a joint hotel-conference center project, the land is now owned by the Draper Lane L.P. that is seeking a buyer to build upscale high-rise apartments on the site, according to Charles Dalrymple, an attorney for the partnership.

The site was zoned for commercial development before the new sector plan for Silver Spring established a boundary for the central business core, according to county planner John Carter.

"Now the site is just outside the CBD and only residential projects will be allowed there," Carter said. "Several potential developers have

come to us expressing interest in the site."

Rick J. Ferrara, head of the county's Housing and Community Development Department, said that in the 1970s all 450 of the Falkland's two-story apartments were slated to be razed.

But in 1985, Crow, Terwillinger & Michaux Inc. bought the Falkland property, with the exception of the two-acre triangle along Draper Lane, from Montgomery County's Blair family for just under \$10 million. Then the firm, now known as Trammell Crow Co., negotiated \$28 million in tax-exempt financing from the county's Housing Opportunities Commission to renovate the 50-year-old buildings.

The new owners agreed to keep the complex as a rental property until the year 2000 and to set aside 90 units for people with low or moderate incomes. Renovations on the 450 units were finished last year, but the 34 apartments on the triangle were not part of the deal and they eventually were vacated because of structural decline and the fact that they had no heat, Carter said.

More recently, Trammell Crow Co. was among several developers that took a second look at the site, as was Cleveland-based Forest City Enterprises, developers of the Ballston Metro's Common Mall housing project in Arlington.

Forest City is considering wheth-

er to take an option on the parcel, Dalrymple said. A spokesman for the company said that if a contract is signed, it will seek to build a mixture of high-rise and mid-rise apartments that are compatible in design with the older Falklands apartments immediately to the west.

Carter said developers of the parcel could build a structure as tall as 143 feet—12 or 13 stories—under the so-called optional zoning method. That system would permit a developer to construct housing with a higher population density than normal in exchange for agreeing to provide an amenities package for the nearby community.

Ferrara said he is concerned that too many upscale apartments may be built in Silver Spring and that the needs of the low- or average-income wage earner in the county may be forgotten.

"Right now another plan is being considered to put 1,400 upper-end apartments on the old railroad site off Georgia Avenue" about a half-mile to the south, Ferrara said.

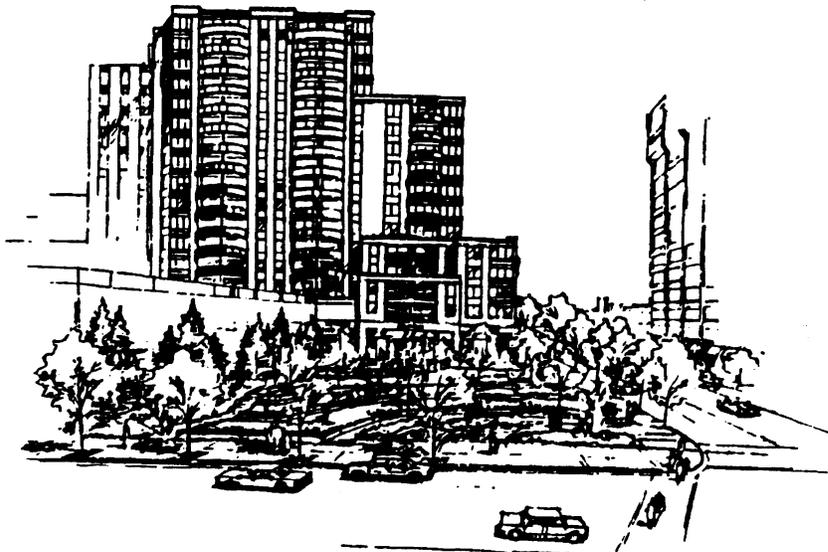
Ferrara said that "a developer of the Draper Lane site is going to have to look very carefully at how many high-rent projects can succeed in Silver Spring. And if upscale won't fly, there aren't many other options because no one's building low- or moderate-income housing anymore because of the change in the [federal] tax laws."

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#2

MONTGOMERY ARMS
MONTGOMERY COUNTY, MARYLAND

APPLICATION FOR:
OPTIONAL METHOD OF DEVELOPMENT
CBD-2



Prepared for:

PERCONTEE INCORPORATED
SILVER SPRING, MARYLAND

Prepared by:

CHK ARCHITECTS AND PLANNERS, INC.
SILVER SPRING, MARYLAND

JULY 16, 1990

Montgomery Arms: Comparison of Unit Mix and Projected Rents

Current				Proposed			
# of units	Size (s.f.)	Rent	Rent/s.f.	# of units	Size (s.f.)	Rent (1990)	Rent/s.f.
7	525	\$529.00	\$1.01	26	490	\$675 - \$750	\$1.33 - \$1.53
7	525	\$423.00	\$0.81				
<u>7</u>				<u>26</u>			
<i>Jr. 1 BR:</i>							
99	622	\$620.00	\$1.00	14	625	\$775 - \$815	\$1.24 - \$1.30
99	622	\$532.00	\$0.86				
<u>99</u>				<u>30</u>	<u>625</u>	<u>\$465</u>	<u>\$0.74</u>
				<u>44</u>			
<i>1 BR:</i>							
				130	805	\$775 - \$850	\$0.96 - \$1.05
				<u>31</u>	<u>805</u>	<u>\$637</u>	<u>\$0.79</u>
				<u>161</u>			
<i>1 BR/Den:</i>							
				39	910	\$865 - \$950	\$0.95 - \$1.04
				<u>39</u>			
<i>2 BR:</i>							
23	764	\$775.00	\$1.01	52	1040	\$1270 - \$1350	\$1.22 - \$1.30
23	764	\$611.00	\$0.80				
				<u>44</u>	<u>1040</u>	<u>\$600</u>	<u>\$0.58</u>
				<u>6</u>	<u>1040</u>	<u>\$715</u>	<u>\$0.69</u>
<u>23</u>				<u>102</u>			
129 82,825 642 s.f. Average size				372 366,525 985 s.f. Average size (based on total bldg)			
Total units				Total affordable units			
111 95,705 862 s.f. Average size (affordable units only)							

Note 1 Existing rents include utilities.
 Projected rents do not include utilities' costs or credit for individual utilities service.
 2. Proposed Rents include 1 structured parking space/unit.

Proposed: 74 MPDU units 20%
 37 HOC units 10%
 111 Affordable 30% of total units

**MONTGOMERY ARMS:
BALANCING HISTORIC DESIGNATION
WITH PROPOSED REDEVELOPMENT**

	<u>Existing</u>	<u>Existing after full rehab.</u>	<u>Proposed</u>
Size of Units and comparable rent rates	525 s.f. efficiency for \$529.00	525 s.f. efficiency for \$759.00	490 s.f. efficiency for \$712.50
	622 s.f. 1BR for \$620.00	622 s.f. 1BR for \$889.00	625 s.f. 1BR MPDU for \$465.00 805 s.f. 1BR HOC for \$637.00 625 s.f. 1BR mkt. for \$795.00 805 s.f. 1BR mkt. for \$795.00
			910 s.f. 1BR/Den for \$907.50
	764 s.f. 2BR for \$775.00	764 s.f. 2BR for \$1,112.00	1,040 s.f. 2BR MPDU for \$600.00 1,040 s.f. 2BR HOC for \$715.00 1,040 s.f. 2BR mkt. for \$1,310.00
Affordable Units	No units are formally designated as affordable units. Rents of all apartments are determined by market.		30% (111) of the units will be formally designated as affordable via MPDU & HOC guidelines.
Relocation Options	Existing tenants will be offered their choice of: a. relocation allowance b. relocation to one of 6 other Gudelsky-owned communities within a 4 mile radius. c. with County approval, current residents who qualify will be given first opportunity to return to affordable units in the new Montgomery Arms.		
Private Amenity Space	The interior courtyard is the only private amenity.	Private amenities will include pool, exercise & party room, plus an interior courtyard.	
Public Amenity Space	There is no public amenity space.		Retail arcade along Colesville Rd., half acre public park with retail concessions at Fenton & Cameron. Plans also call for landscaping on Colesville, Fenton & Cameron.
Parking	44 above ground spaces (0.3 spaces/unit)	435 underground spaces (1 space/unit)	
Non Conforming Status	The existing buildings are subject to non conformance in building setbacks, required public amenity space, and required parking.		

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pool, exercise & party room, plus an interior courtyard.

RECONSTRUCTION PLAN

In order to bring this community up to marketable standards and extend its useful life, a community reconstruction plan which includes the following components would be required: roof replacement; building exterior repair; window replacement; complete interior apartment common area hallway rehab; individual apartment heat pump installation; elevator replacement; and electrical/plumbing upgrades.

The following is a listing of required repair/replacement costs for each of the recommended reconstruction plan components:

Roof Replacement	-	\$ 180,900
Exterior Building Repair	-	\$ 385,000
Window Replacement	-	\$ 561,000
Asphalt/Concrete	-	\$ 73,000
Landscaping	-	\$ 7,500
Interior Apartment Rehab	-	\$ 779,000
Interior Apartment Extras	-	\$ 955,000
HVAC Replacement	-	\$ 636,000
Lobby/Hallway Replacements	-	\$ 166,000
Elevator Replacement	-	\$ 165,000
Architectural/Engineering Fees	-	\$ 60,000
Construction Supervision Fee (6%)	-	<u>\$ 178,000</u>
 Total Reconstruction Cost	-	 \$4,146,400

The loan for \$4,146,400 at 10¼% rate with a 10-year balloon and a 35-year amortization would place a \$456,520 annual debt service on the community. We believe a lender would require average rents of \$704 per unit plus electric to support that loan. The apartment mix at Montgomery Arms is 82% one bedrooms and efficiencies with only 18% two bedrooms.

Recommendation

We don't believe the market would support average rents of \$704 plus electric a month, a 43.5% increase over the existing rents, therefore, we recommend against this plan.

Agenda Date: 9/27/90

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

September 21, 1990

TO: * Montgomery County Planning Board

FROM: Jeff Zyontz, ²Coordinator
Community Planning South Division

SUBJECT: Montgomery Arms Amendment to the Master Plan of
Historic Sites - Planning, Administrative and General
Background

Planning and Administrative Background

The criteria for the designation of a site worthy of historic preservation in the Master Plan of Historic Sites is established in the Montgomery County Code. Those particulars are set forth in Gwen Marcus' memo. Those criteria are the standards for your review today. This memo is merely for the purpose of providing background material.

The 1990 Silver Spring Sector Plan Amendment (the Messitte Amendment) set up an element of balancing the benefits of preservation as against other policy objectives stated in the Amendment.

"In making its determination of the development application, the Planning Board shall consider the criteria for evaluation listed in the Historic Preservation Ordinance along with the policy objectives listed in this plan. The Planning Board shall evaluate the historic preservation issues raised by a particular project within the context of the policy objectives. To this end, the Planning Board shall assess the public benefit of preservation, balancing the importance of the historic property with other public interests such as enhancing the mixed use function of the Silver Spring CBD, implementing transportation linkages, enhancing the general accessibility of the Transit Station/Retail Area, helping a project achieve compatibility with the existing urban fabric, or otherwise furthering the achievement of the stated policy objects."

It is my opinion that the above Sector Plan text covers the Montgomery Arms site for the limited purpose of evaluating the historic designation. The Guidelines for Historic Preservation in the Sector Plan include a map and a short discussion of possible historic sites throughout the CBD. Unlike the policy objectives section which is limited to the "Core" area, the geographic scope of the Guidelines for Historic Preservation was not limited.

After a determination of the historic significance of Montgomery Arms has been made, the standard of review of the project plan for Sector Plan conformance, will be the Approved and Adopted 1975 Silver Spring CBD Sector Plan. The project as proposed is consistent with the density and uses permitted by the site's CBD 2 zoning. The recently approved Preliminary Draft Sector Plan will not be the standard of review. This site has long ago been recorded. A preliminary plan, which would trigger a reference to the Preliminary Draft Plan, will not be required for the proposed project plan.

General Background

The proposed project plan makes two positive contributions to the policies of the Messitte Amendment: (1) it provides affordable housing beyond the existing statutory requirements for moderately priced dwelling units; and (2) it expands the total housing stock in the CBD. It does this, however, at the cost of demolishing an existing housing resource and changes the character of the housing from garden apartment to high-rise.

The current rents for Montgomery Arms are substantially below the amount which could be charged for high-rise MPDU's. There is no legal impediment for the owner to raise the current rents. It is possible for the owner to charge whatever the market will bear. Outside of the MPDU's or Opportunity Housing Units there is no rent control in Montgomery County. One could argue that renovated units would command lower rents than a new high-rise but it would be a speculative argument. The one thing that is known about the future project compared to the existing project is the change of housing type; garden to high-rise.

The retention of garden apartment units is desirable. All of the new housing projects in the CBD have been for high-rise with the exception a few units associated with those high-rises. In the past several years the Board has approved almost 2,500 such units. To date, none of these units are under construction but 30 garden apartment units have been demolished. The approval of a project plan does not guarantee the construction of the approved project, but it has the potential of destabilizing the exiting use. Of the some 4,700 existing housing units in the Silver Spring CBD today, 23% are garden apartments. When all of the project plans are completed that percent will be down to 15%. The demolition of 130 more garden apartment units as proposed, would only further limit housing choice.

Garden apartments offer a housing choice more conducive for larger households. Demographic studies have indicated that it is far more likely to have school age children in garden apartments than high-rise. Maintaining garden apartments retains housing opportunities for a more diverse population than a future Silver Spring which only has high-rises.

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THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

September 24, 1990

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Staff, Urban Design Division

SUBJECT: Montgomery Arms
Preliminary Draft Amendment to the
Master Plan for Historic Preservation
CBD-2 Zone
NW Quadrant of Colesville Road and Fenton Street
Silver Spring

BACKGROUND

In order to equitably balance the importance of the historic resource with other goals of the Sector Plan, it is important to look at the historical and architectural significance of the resource versus the desirability of the proposed project plan. The following is an evaluative description of the major characteristics of the application which is based on the application, as submitted. If the project plan were to go forward, staff would work with the applicant on any outstanding issues as well as possible augmentation of the amenity package.

PROJECT DESCRIPTION

1. Application

This project plan is an application for the optional method of development in the CBD-2 zone. Percontee Incorporated submitted the application on July 18, 1990, for the Montgomery Arms site at Colesville Road, Fenton Street, and Cameron Street in Silver Spring. The proposal is for a predominantly residential mixed-use development with approximately 372 dwelling units. The project consists of a high-rise multi-family apartment building in a U-shaped structure which is set on a five-story residential structure. The building will reach a maximum height of 143 feet. The proposed development will enclose an interior open court, which is designed for the use of the residents. Retail with the associated plaza will be provided along Colesville Road. A corner park will be provided at the corner of Fenton and Cameron, with some retail space opening directly to it. The garage and service entrance as well as the drop-off area are provided on Fenton Street.

The main entry level will consist of a drop-off area, offices and lobby, internal parking, retail, and four dwelling units, with porches along Fenton street. The second story will consist of dwelling units' along the street frontages and parking at the interior of the site. The third story will consist of approximately 38 units surrounding an interior court. Units along the court will have direct access to it. The building configuration changes to a U-shaped high-rise at the sixth floor with approximately 25 units per floor. The building steps back further at the 13th floor, with 19 units per floor. Recreation facilities, including a pool, an exercise room, and a party room will be located at the top floor (16th floor). Three underground parking levels are provided for a total of approximately 435 cars.

2. Site Conditions

The proposed site consists of 1.75 acres on one recorded lot. The property is currently improved with a single six-story and two four-story residential buildings, constructed approximately 45 years ago, which include 130 dwelling units. There is an existing parking lot at the west side of the property. The site slopes from an elevation of +345 at the intersection of Fenton and Cameron Streets to an elevation of +352 at the intersection of Colesville Road and Fenton Street. The site is not located within the 100- year flood plain and there are no bodies of water or watercourses on the site. The property is presently identified on the Locational Atlas and Index of Historic Sites in Montgomery County as part of the Silver Spring Historic District.

3. Surrounding Land Uses

The adjacent properties to the north consist of the PEPCO Substation and a 12-story-high office, all in the CBD-2 zone. Colesville Road forms the western boundary; the confronting property on Colesville Road is improved with the high-rise Quality Hotel. Fenton Street forms the southern boundary; the confronting property, zoned CBD-3, is improved with low-rise retail, a parking lot, and a 13-story-high office building. The western boundary is formed by Cameron Street; the confronting property is the County's parking garage, zoned CBD-2. Also to the west is the PEPCO substation.

4. Proposed Amenities

The site is zoned CBD-2. Under the standard method of development, the allowable density is 153,110 square feet. The applicant is proposing to use the full allowable optional method density of 5.0 FAR for a total area of 382,775 square feet. This would represent an additional density of 229,665 square feet. Approximately 14.8% of the total area, or 56,650 square feet, will be dedicated to affordable Opportunity Units (HOC program). The resulting additional density that should be weighed against the provision of amenities is therefore 173,015 square feet (229,665 - 56,650). In order to justify the increased density, the applicant is proposing the following amenities:

a. On-Site Amenities

1) Fenton Street Corner Park

This landscaped rectangular space at the corner of Fenton and Cameron measures approximately 130 feet x 100 feet (13,000 square feet). It will include sitting areas, a sculpture, and extensive planting. The park will be activated by the retail that is immediately adjacent to it to the east. The blank wall of the PEPCO substation at the northern boundary of the park will be decorated with art deco details of the existing building.

2) Sculpture

The Maryland College of Art will be involved in a sculpture design for the art component forming the focal point of the corner park.

3) Colesville Street Plaza

A semi-active, landscaped plaza will be located on Colesville Road. The space measures 38 x 178 (6,764 square feet); it will be activated by the retail that opens directly onto it. The space will be embellished with two entrance pavilions, planting, and special paving and will include sitting areas.

b. Off-Site Amenities

1) Fenton Street Streetscape

The applicant will provide streetscaping in accordance with the Silver Spring streetscape guidelines along the frontage of the property.

2) Colesville Road Streetscape

The applicant will provide streetscaping in accordance with the Silver Spring streetscape guidelines along the frontage of the property.

SUMMARY OF ISSUES

The following summarizes the major issues in connection with this project plan. The project plan findings are not included in this report, given staff's recommendation for an extension of the review period.

1. Housing

The applicant proposes to replace the existing 130 units with 372 new units. The following is a comparison of the proposed project plan with the existing development with respect to housing characteristics:

a. Affordable Housing

The existing 130 units are currently affordable. A new project will offer more expensive units. However, the applicant is proposing a total of 111 affordable units through the MPDU and HOC programs; in addition to the required 55 MPDU's, the applicant will provide 56 opportunity units (HOC units) for people with lower income brackets. This represents a provision of approximately 30% affordable units.

b. Density

The existing density of Montgomery Arms is approximately 74 units per acre. The proposed density for the new project will be 211 units per acre.

c. Average Unit Size

The average units size in both the existing and the proposed developments is approximately 1,000 square feet.

d. Garden Versus High-Rise

Garden apartments are more conducive to family living than high-rise apartments. The demographics of garden apartments are significantly different from high-rise developments in that the households are larger and include more children. The existing development consists of two buildings that have three stories and a raised basement (75 units), and a third building that is a six-story elevator structure (55 units).

The applicant is trying to achieve some of the attributes of a low-rise project with the provision of a low-rise base of five stories. In addition, 16 units will have direct access to the interior courtyard and four units on Fenton Street will have front porches opening to the sidewalk.

e. The Provision of Outdoor Space and Recreation

Staff compared the provision of outdoor space and recreation in the existing development with the proposed application. In the existing development, the usable open space, excluding the surface parking, amounts to 37,251 square feet (out of a total lot area of 76,555 square feet), or 286 square feet per unit.

The proposed scheme offers the following open spaces and recreation areas:

- * The interior court and the patios, which will be used by the residents only. Total area is 13,000 square feet or 37 square feet per unit.
- * The internal recreation area, consisting of a pool, an exercise room, and a party room will total approximately 5,440 square feet or 14.6 square feet per unit.
- * The corner park which will be used by the public at large - 13,000 square feet or 35 square feet per unit

The total provision of open space and recreation area in the proposed development amounts to 32,440 square feet or approximately 87 square feet per unit. Opportunities do exist, however, to improve this provision, by making some of the roof tops usable.

2. Conformance with Development Standards

The chart below compares the development standards shown in the proposed project plan with the development standards required for the optional method in the CBD-2 zone.

Development Standard	Permitted/Required	Provided	Existing
1. Minimum Lot Area	22,000 s.f.	76,555 s.f.	76,555
Net Lot Area	N/A	76,555 s.f.	76,555
2. FAR	5	5	1.62
3. Floor Area			
Overall Floor Area Retail		6,500 s.f.	0
Overall Floor Area Residential		<u>376,275 s.f.</u>	<u>124,400 s.f.</u>
TOTAL	382,775 s.f.	382,775 s.f.	124,400 s.f.
4. Unit Distribution			
Efficiency:		26	6
1 bedroom junior		44	-
1 bedroom		161	101
1 bedroom/den		39	-
2 bedroom		<u>102</u>	<u>23</u>
TOTAL		372	130
5. Affordable Housing			
MPDU	15% (56)	56	
Opportunity units	N/A	(all 1 bedroom) 55	
		(53-1 bedroom, 2-2 bedroom)	
TOTAL		111	130
6. Max Building Height	143 feet	143 feet	60 feet
7. Parking			
Retail - 6.5x5 =	32.5		
Residential - Efficiencies - 26x1 =	26		
1 bedroom - 188x1.25 =	235		
1 bedroom MPDU - 56x0.625 =	35		
2 bedroom - 102x1.5 =	153		
TOTAL (including 10% discount)	434	435	Approx. 50
8. Public Use Space On Site (Sect. 59-C-6.233) (% of net lot area)			
TOTAL	20%	39.08% (29,916 s.f.)	48.66% (37,251 s.f.)
9. Amenity Areas (Sect. 59-C-6.215) (% of net lot area)			
a. On-Site			
Colesville Plaza		8.8% (6,764 s.f.)	
Corner Park		16.4% (12,544 s.f.)	
b. Off-site (improvements within the public ROW)		7.6% (5,805 s.f.)	
c. TOTAL	N/A	58.9% (12,359 s.f.)	

3. Adequacy of Public Facilities

The present limit on new jobs and housing in the Silver Spring CBD will not be exceeded if this project plan is approved. The applicant is proposing 6,500 square feet of retail, which will translate into 17 jobs and 372 housing units. The current ceiling for jobs for the optional method of development consists of 88 jobs; the current housing ceiling consists of 990 units.

The Transportation Planning Division staff indicated that they believe the project will be approvable within passes the LAR guidelines. These include: queuing, access and safety, and pedestrian intersection crossing analysis.

4. Compatibility, Land Use Configuration, and Building Scale

The massing and height of the proposed development is compatible with the surrounding developments. The lower part of the building, along Fenton Street, will consist of five stories. That low base helps to create a more human scale along the street. The building will step up to a height of 16 stories, in the high-rise component along the northern boundary. The high-rise component will reach a height of 143 feet which is similar to many of the buildings in the vicinity. The stepping of the building creates more interest in terms of the massing.

The street frontage consists of street-oriented uses and configurations for the most part. A retail promenade is located along Colesville Road. The additional setback, which will be embellished with paving, planting, and street furniture, offers an outdoor sitting environment. The Fenton Street frontage consists of the lobby, four dwelling units with front porches/patios, retail along the corner park to the west, and service entrances.

The proposed elevation treatment is attractive and well-articulated. The residential scale is expressed through the provision of multiple colors, finishes of brick, and the detailing, including balconies and terraces. The design incorporates art deco detailing through the special brick treatments. Special awnings will be provided along the retail facade as well as the top floor balconies to create added interest to the development.

5. Public Use Space and Proposed Amenities

The proposed corner park with its art features, the retail promenade, and the streetscapes represent a creative beginning to an amenity package that is intended to justify a bonus density of 173,015 square feet. Staff held preliminary discussions with the applicant and indicated that provision should be augmented if the project plan is to go forward. Staff suggested that additional amenities may include art events in the park (in cooperation with the Maryland College of Art) and off-site streetscape improvements.

6. Operational Characteristics

The drop-off area, the entrance to the parking garage, and the three loading docks are all provided off Fenton Street.

CONCLUSIONS

Staff finds in this application the potential for a good residential, mixed use project in the CBD-2 zone. The proposed development will be attractive and compatible with adjacent developments. The massing of the building, the streetscape and public spaces, and the ground floor activities will provide for human scale at the street level. The optional method provides opportunities for significant public amenities.

The unit type, high-rise versus garden apartment, is the major difference between the application and the existing project. The density in the existing garden apartment project is substantially lower thereby providing far more open space per each unit. Staff notes that currently 41% of the housing stock in the Silver Spring CBD consists of high-rise apartment and only 23% are garden. Also, in all the approved project plans the residential component consists of high-rise units. Although the applicant is trying to achieve some of the other attributes of garden apartments through the design, approval of this application would represent further depletion of the garden unit type in favor of high-rise.

The existing project represents a viable garden apartment development. The proposal is based on the demolition of this development. If approved, this will be the seventh project plan in the Silver Spring CBD, which includes a high-rise residential component. None of these approved projects, which total 2,436 dwelling units, have been built to date. (See Attachment #1 for list of approved residential project plans.) The concern is that the existing project will be demolished, while the construction of the new project is not guaranteed.

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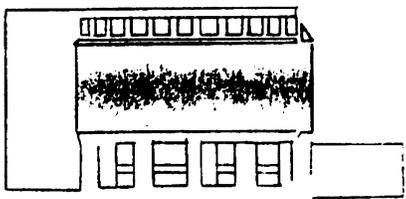
Attachments:

1. List of approved project plans with residential component
2. Project Plan Exhibits

List of Approved Project Plans
With a Residential Component

<u>Project #</u>	<u>Name</u>	<u>Date Approved</u>	<u>Number of Units</u>
9-88004	Silver Spring Metro Center	8-4-88/7/19/90	190
9-87002	East-West Plaza	2-25-88	508
9-87003	CSX	1-26-89	593
9-86002	Cameron House	2-26-87	426
9-88008	Draper Triangle	3-9-88	408
9-88002	Elizabeth II	4-6-89	311
	TOTAL		2,436

HS



PERCONTEE

INCORPORATED

(WASH) 301-622-0100
(BALTO) 301-792-4030

11900 TECH ROAD · SILVER SPRING, MARYLAND 20904

September 27, 1990

To: Montgomery County Planning Board

From: George Stone, Percontee, Inc.

Re: Public Hearing, Septebmer 27, 1990:
Montgomery Arms Amendment to the Master Plan of
Historic Sites

As an employee of Percontee, Inc., the applicant for optional method of development of Montgomery Arms Apartments, I would like the following text to be entered into the record in conjunction with the above referenced public hearing.

PUBLIC HEARING TESTIMONY

Good afternoon, my name is George Stone and I work for Percontee, Inc. representing the owners of Montgomery Arms: The Gudelsky and Scheffres families.

Aside from the historical characteristics of buildings, the overall merit of a project must also rest on social and cultural attributes: the potential benefits that the project provides to a community. In this regard, the Gudelskys and Scheffres feel that it is important for the Planning Board and Silver Spring citizens to understand the reasons that the redevelopment of Montgomery Arms is being proposed.

The Gudelskys and the Scheffres have been long time area residents and business people. Over a period of 50+ years their development activities have been exclusively motivated by a perceived need in the community, with pride of ownership playing a major role in development plans. These motives are exemplified in the history of Montgomery Arms. In 1941, with war immanent, moderately-priced rental housing in the Washington DC area was in short supply. It was with this in mind that the Gudelskys and Scheffres engaged Mr. Santmyer and the Standard Construction Co: both known for designing and building units with the emphasis on functionality and convenience at a reasonable rent, rather than extravagance. It was purposely designed as a family-oriented rental community. Both Gudelsky and Scheffres families lived at the Montgomery Arms through the 1940's, and remember the majority of tenants as families with small children. With the continued explosive growth of the suburban Washington area, the character of Silver Spring underwent inevitable changes, to the point where

PERCONTEE, INC.

Montgomery Co. Planning Board
September 27, 1990
Page 2

today Montgomery Arms is nearly surrounded by high-rise structures that make up the Silver Spring CBD. Demographics have also changed. The current census of 6 children at Montgomery Arms clearly reflects the fact that the majority of growing families have moved to communities further removed from business districts.

Throughout these changing times the existing buildings have served the community well. However, even under the best of management and care, the functional aspects of the building have become outmoded: while 525 s.f. efficiencies to 764 s.f. 2BR apartments were well accepted in 1941, such living space is now grossly undersized: original casement windows, while still functional, are far from energy efficient: none of the existing apartments have air conditioning. Finally, the once park-like setting in which the original buildings were constructed now includes a 140 foot blank brick wall of the Computer Sciences Corporation Building that totally obliterates any view of earth or sky to residents in the north-facing apartments.

In view of these changes in social and physical setting, the same owners are now proposing to redevelop the Montgomery Arms site to again provide Silver Spring with a rental community that addresses current community needs. The new Montgomery Arms will provide much the same type of housing stock for Silver Spring's future as was provided by the original Montgomery Arms in 1941. Apartments will be designed as architecturally-appealing, functional, solid, long-lived residences. Of the 372 planned units, 30% will be devoted to moderate-income families. Both on-site private, as well as planned public amenities will enhance the value of life of the residents, as well as the Silver Spring community: the public park planned for the corner of Fenton and Cameron St's especially will provide a welcome social space in the midst of the business-oriented surroundings.

As for the tenants in the existing Montgomery Arms units, the Gudelskys and Scheffres are sensitive to, and concerned about any hardships that they may encounter during re-development. Contrary to what is suggested on page 8 of the Urban Design Staff Report, it is absolutely inconceivable that the owners would ever remove the existing buildings until the construction of the new building is guaranteed and immanent. Once construction is scheduled, residents will be given the option of receiving relocation allowances, or of being relocated to other Gudelsky-owned apartment communities in the area pending completion of the new Montgomery Arms. Finally, they will be given first opportunity to occupy the new building. The owners acknowledge that rents in the new building will be necessarily higher than current Montgomery Arms rents. At the same time,

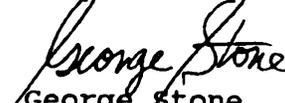
PERCONTEE, INC.

Montgomery Co. Planning Board
September 27, 1990
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however, the owners are committed to establishing market rents in the new building that are competitive with older rental communities in the Silver Spring area.

In short, the Gudelskys and Scheffres as continuing owners of the Montgomery Arms are committed to a re-statement of their original objective: to provide Silver Spring with solid, reasonably-priced rental housing of which they and the community can be proud. They strongly encourage you to put the historic preservation issue in perspective relative to the clear benefits to the Silver Spring community of the proposed re-development plan for the Montgomery Arms.

Respectfully submitted,


George Stone
Vice President

HSG

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MONTGOMERY COUNTY PLANNING BOARD

to

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

PUBLIC HEARING

September 27, 1990
7:45 p.m.

Silver Spring, Maryland

Preliminary Draft Amendment to the
Master Plan for Historic Preservation
Montgomery Arms Apartments

COMMISSION

GUS BAUMAN, CHAIRMAN
JACK HEWITT
NANCY FLOREEN

STAFF

GWEN MARCUS
CAROL KENNEDY
JEFF ZYONTZ
JEAN KAUFMAN

1 tions to this buildings though. The windows have been
2 changed. There have been holes punched in as you can see
3 next to those windows for ducts; and although I don't think
4 they do damage to the overall feel of the building, they have
5 changed the character a bit.

6 Back to the Montgomery Arms; I think after looking
7 at a number of these buildings both in the District and in
8 Montgomery County staff felt that the Montgomery Arms complex
9 really was one of the more successful examples of this
10 particular style. We always try with all of our recommenda-
11 tions to try and pick the best examples of a style. If there
12 are a hundred gothic revival farmhouses, we can't designate
13 them all. We try to pick the best ones.

14 Well in this case we're trying to recommend the
15 best art deco multi-family dwellings from the pre-World War
16 II period. Just one more view. That's basically all we have
17 to say in terms -- in terms of our presentation on architec-
18 tural and historical significance. Jeff may have a few words
19 to say, and Jean will try and finish up real quick.

20 CHAIRMAN BAUMAN: Thank you.

21 MR. ZYONTZ: For the record, my name is Jeff
22 Zyontz, Community and Planning South. At 3:00 I would have
23 been eloquent; at 8:00 I will be brief. The core of the
24 issue from where I sit is balancing the benefits of a
25 proposed project plan on this site versus preservation. In

1 this instance I came down on the preservation side.

2 The core of the issue, is an existing garden
3 apartment better than a future high-rise? You can't deter-
4 mine that the future high-rise will exist. You know that the
5 garden apartment exists. It's a matter of how much a housing
6 choice will leave the future of Silver Spring. I'll be
7 available for questions in your work sessions.

8 CHAIRMAN BAUMAN: Okay, Jean.

9 MS. KAUFMAN: For the record, I'm Jean Kaufman,
10 Urban Design Division. The Urban Design Report contains
11 primarily an evaluative description of the project plan as
12 proposed and some comparison between the proposal and the
13 existing development. As the report indicates, the preli-
14 minary review shows a potential for a good optional method
15 CBD 2 project. However, the concern is like Jeff stated the
16 loss of an existing garden apartment community for a poten-
17 tial high-rise development.

18 CHAIRMAN BAUMAN: Thank you. Let me ask Jeff, when
19 I read your memo, you were focusing on the housing policy
20 issue, the housing issue. And from what you just said you
21 seem to be latching onto the historic issue which I under-
22 stand; but as I read through your memo, you were also dealing
23 with the housing issue as it relates to the directive of the
24 Master Plan to look at issues such as affordable housing,
25 historic preservation, the need for redevelopment at the

1 appropriate location, and so forth.

2 MR. ZYONTZ: There's two central aspects of the
3 housing policy within the 1990 Messitte Amendment, and they
4 are affordable housing and increasing housing opportunities
5 within the Sector Plan Area. This project does propose a
6 considerable number of MPDUs and opportunity housing, and you
7 can argue back and forth on affordability. The current rents
8 are certainly below the rents that would be required under
9 MPDUs, but there is no rent control. These projects could at
10 some time be renovated and charge whatever rents they want.
11 So the central issue to me is really the housing opportunity
12 question and whether it's better to have more housing of
13 high-rise or continued opportunity for garden apartments.

14 As this board knows, we've approved almost 2500
15 units of high-rise apartments to date. We are -- we will
16 have a declining percentage of garden apartments as we move
17 to a future. In this particular instance you have a site
18 that has a successful ongoing project that's worthy on the
19 land use side of being maintained. And I say this all as
20 background because your issue before you is historic preser-
21 vation.

22 CHAIRMAN BAUMAN: Thank you. Nancy?

23 MS. FLOREEN: That last comment, Jeff, seemed
24 especially relevant here. We -- in the context in which we
25 are in at this exact point in time, we are not being pre-

1 sented with a full project plan presentation by staff. We
2 have had evaluation. We have had a report on what it
3 contains at this stage, but we don't have a final project
4 plan here to review. And I see the next item involves giving
5 that some breathing space while this issue is resolved.

6 The comments that have been made about urban design
7 and the balance in terms of housing units, are those really
8 before us tonight?

9 MR. ZYONTZ: I hate to say can you repeat the
10 question, but let me see if I can separate it out.

11 MS. FLOREEN: Are we making a purely historic
12 preservation issue decision, or are we doing a balancing act.

13 MR. ZYONTZ: It is a historic preservation issue.
14 This hearing is on an amendment to the Master Plan of
15 Historic Sites. I referenced the Master Plan since I'm
16 telling you what the Master Plan suggests you do in these
17 instances and that you balance. If you read straight through
18 the historic preservation law, you will not find anything
19 about balancing. This is slightly different than other
20 projects that we have brought through in that for the first
21 time staff is recommending full preservation.

22 In other instances we saw significant benefit to
23 not recommending preservations, and the board said that those
24 other projects were not historic in some cases. This case is
25 just the reverse. So we're bringing the historic preserva-

1 tion to you. From the standpoint of efficiency, we thought
2 this the better procedure rather than bringing a project plan
3 which you may or may not approve then the next week designat-
4 ing it as historic. And that just seemed like a waste of
5 time.

6 We hope we've provided you and certainly the
7 applicant will provide you with enough information on the
8 details of that project plan so you have some real under-
9 standing of what it is they are proposing.

10 MS. FLOREEN: It is in a sense a reality check --

11 MR. ZYONTZ: Reality check.

12 MS. FLOREEN: -- on what the issues are.

13 MR. ZYONTZ: Yes.

14 MS. FLOREEN: Thank you.

15 CHAIRMAN BAUMAN: Jack.

16 MR. HEWITT: Yeah, I wanted to ask --

17 CHAIRMAN BAUMAN: Use the mike.

18 MR. HEWITT: You related the fact that you had 2500
19 units of high-rise approved in the Silver Spring area, the
20 Silver Spring Sector Plan, Silver Spring CBD. And there's
21 138 units here in garden apartments. How many garden
22 apartments do we have in the Silver Spring area? I mean,
23 2000, 2500 --

24 MR. ZYONTZ: I'll find that number for you right
25 now. It's about 23 percent of total, and I'll get that

MONTGOMERY COUNTY PLANNING BOARD

to

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

WORK SESSION

September 27, 1990

Silver Spring, Maryland

Preliminary Draft Amendment to the
Master Plan for Historic Preservation
Montgomery Arms Apartments

COMMISSION

GUS BAUMAN, CHAIRMAN
JACK HEWITT
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STAFF

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P R O C E E D I N G S

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2 CHAIRMAN BAUMAN: We are now in work session. As I
3 understand it and I want to be clear on this -- of course,
4 the issue before us is the issue as put to us by the Historic
5 Preservation Commission and the staff of the criteria in the
6 ordinance for designation. The issue on housing policy is in
7 the materials before us raised by staff. The issue of the
8 proposed project that would replace the existing development
9 is here as well so that the applicant can explain to the
10 public and to the Board what is being proposed, and staff is
11 raising the housing policy issue.

12 And my question is, is the staff -- are you raising
13 the housing policy issue in reaction to the project plan
14 testimony we're getting from the applicant; or are you
15 raising the housing policy issue as a part of or in some way
16 connected to the historic preservation issue before the
17 Board?

18 MR. ZYONTZ: Mr. Chairman, I am raising it as part
19 of what is in the existing and adopted Master Plan that
20 affects this project. Within that Master Plan are guidelines
21 for Historic Preservation. They are not contained within the
22 Historic Preservation Ordinance. They are not contained
23 within the -- within the technical guidelines for Optional
24 Method except insofar as an Optional Method has to be in
25 conformance with a Sector Plan.

1 So if that's not technical enough, I'll try again.

2 MS. FLOREEN: The point is that I think that the
3 Sector Plan requires us to balance these policy objectives in
4 reviewing the project plan, correct?

5 MR. ZYONTZ: Yes, again --

6 MS. FLOREEN: But we have to have -- have to make a
7 decision about the historic preservation element in some
8 context.

9 MR. ZYONTZ: Yes.

10 MS. FLOREEN: And I suppose because -- it is solid
11 as to precisely which context need be employed for the Board
12 to at least establish a viewpoint on that before it resolves
13 the other. You could do it independently, or you could do it
14 together, I suppose.

15 MR. ZYONTZ: Well, in a sense we are obliged to
16 provide you enough information so you can make that balancing
17 test. In that respect the one action still has to be ahead
18 of the other. Given the recommendation for historic preser-
19 vation, we are putting that before you first.

20 MS. FLOREEN: We would still have -- whatever
21 decision we make on historic preservation, we would still
22 have a project plan, presumably, that would require our
23 further balancing perhaps of the issues.

24 MR. ZYONTZ: That's correct, but essentially we're
25 doing that balancing here and now.

1 MS. FLOREEN: Uh-huh.

2 MR. ZYONTZ: And it would be dispositive on when we
3 directly bring back the project plan. We'd say, okay, we've
4 been through that balancing test. We've come out for or
5 against, and here we go on the project plan. In any event as
6 a matter of procedure, the project plan will be back before
7 you.

8 CHAIRMAN BAUMAN: And the -- of course, in terms of
9 what's being -- what would be dispositive, should the Council
10 in the end designate this apartment complex on the Historic
11 Master Plan does not guarantee that it could not be at some
12 point demolished in the future.

13 MS. MARCUS: That's correct. This Historic
14 Preservation Ordinance basically means that exterior changes,
15 demolition, and/or new construction need to be reviewed and
16 approved by the Historic Preservation Commission. And the
17 ordinance does contain provisions for dealing with requests
18 for demolitions, issues of, you know, cost of rehabilitation,
19 economic hardship, all of those kinds of issues are covered
20 in the Historic Preservation Ordinance.

21 CHAIRMAN BAUMAN: And therefore, those issues as to
22 because of that, as to the viability of the building, cost
23 benefit analysis, the historic preservation analysis, all of
24 that is made at that time. The real issue here is the
25 threshold issue of is it historic.

1 And then you go to the next step 'at some future
2 point in the process. If the issue is joined by an actual
3 live project plan that comes in, if designation takes place.

4 MR. ZYONTZ: Well, let's get it straight. There is
5 an actual project plan before you. What you're talking about
6 if there's an actual demolition permit --

7 CHAIRMAN BAUMAN: Correct, correct, correct. All
8 right, thank you. Another question is as I understand it,
9 there's 130 --

10 MR. ZYONTZ: Eight.

11 CHAIRMAN BAUMAN: A hundred and thirty units in the
12 Montgomery Arms. There's 130 according to the materials I've
13 got.

14 MR. ZYONTZ: One hundred twenty-nine.

15 MR. KOMINERS: One hundred twenty-nine.

16 CHAIRMAN BAUMAN: One hundred twenty-nine, thank
17 you.

18 MR. ZYONTZ: That's the first number we've agreed
19 on tonight.

20 MR. KOMINERS: It took us a while to get that one.

21 CHAIRMAN BAUMAN: And the project plan that's
22 proposed for the site --

23 MR. ZYONTZ: Three seventy-two total.

24 CHAIRMAN BAUMAN: right, with 111 be recommended as
25 MPDU or HOC units.

1 MR. KOMINERS: Combination below-market units.
2 Some MPDU and some the HOC Opportunity Units we call them
3 meaning financed through HOC presumably.

4 CHAIRMAN BAUMAN: Right. You know, it might be
5 something we can all think about is whether or not we may
6 want to start working towards a national housing policy of
7 net loss of affordable housing.

8 MR. KOMINERS: Mr. Chairman, if you look at the
9 materials there is no net space lost. In fact, there is a
10 space increase among the affordable housing.

11 CHAIRMAN BAUMAN: Ah, but I did look at the
12 materials and I noticed that there were some other statistics
13 that were interesting, notably that the usable open space for
14 the number of apartments that are there decreases from 286
15 square feet per unit to 87 square feet per unit.

16 MR. KOMINERS: Well, that also includes the area
17 between the buildings and the blank wall high-rise whether
18 you characterize that as usable or not is a matter of
19 subjectivity.

20 CHAIRMAN BAUMAN: Okay.

21 MS. FLOREEN: I think, I think one can -- the
22 statistics and the figures are interesting and helpful in
23 order to evaluate the scale of the different proposals. They
24 by no means define the extent of the issues, and I think we
25 all recognize that.

1 CHAIRMAN BAUMAN: The real question that we have
2 before us is whether or not, as recommended by staff and HPC
3 in light of the testimony we heard tonight, the criteria in
4 the ordinance of 1A, 1D, and 2A apply to this project.
5 That's the real important issue. The other issue which is
6 related as staff has pointed out on the housing policy ties
7 in accordingly. You know, it -- I couldn't help but be
8 struck by the fact that this is a unique building in not just
9 Silver Spring but in Montgomery County.

10 In fact, as one travels about Montgomery County,
11 you begin to notice what we have lost over the years. And I
12 know that I recall the battle over the library in downtown
13 Los Angeles in which the argument was made -- no, the art
14 deco library of downtown L.A. And I remember being there at
15 the time.

16 And one of the arguments made for demolishing the
17 library was it was too small a building on the site sur-
18 rounded by very large structures, and that argument was not
19 persuasive. I found that argument that was presented tonight
20 also to be unpersuasive. The importance of the structure is
21 delineated by 1A, D, and 2A. It means that the structure
22 stands on its own, and in the setting in which that structure
23 sits, while it is true there is a high-rise building nearby,
24 there are also low-rise buildings right across the street.
25 I'm not sure of the relevance of all of that, whether there's

1 high-rise or low-rise that are near it.

2 The point is what about this structure. I am
3 persuaded that this clearly meets the criteria of the
4 Historic Preservation Ordinance as outlined by the staff and
5 the Historic Preservation Commission. It is a beautiful and
6 lovely oasis in downtown Silver Spring. It is a wonderful
7 art type of art deco housing. It is unique. It is unique in
8 Montgomery County. It certainly is unique in Silver Spring,
9 but it is unique in Montgomery County.

10 And the landowner as staff pointed out is to be
11 commended. I have always been impressed over the years that
12 this landowner has taken such care to keep the property up,
13 and it's always been noticeable as you walk through the
14 courtyard that the tenants take great pride in the building
15 as does the owner. And they are all to be commended for
16 that.

17 At the same time, we must look at the issue raised
18 regarding the housing side. Jack asked the question during
19 the hearing about what are the percentages of housing in
20 downtown Silver Spring, and the numbers of interesting.
21 Jack, I was going through the materials and noticed that
22 currently in downtown Silver Spring 41 percent of our housing
23 is high-rise and 23 percent is garden. That will decrease
24 markedly because this Board has improved a number of projects
25 for another 2000 -- roughly, approximately 2500 high-rise

1 apartments which have not been built.

2 In fact, none of them have been built. In fact,
3 one of the great frustrating to this Board is that we have
4 approved so many projects for some many high-rise apartments,
5 and the spade hasn't hit the ground yet for any of them.
6 It's about 2500 of them that we've approved.

7 The diversity of housing types here that we seek in
8 the Sector Plan -- that the Sector Plan speaks to -- when we
9 talk about diversity, the Sector Plan really meant diversity.
10 And what we need is to hold on to that which we have. This
11 is an easy issue for me because the architectural and the
12 historical features of this building standing alone cry out
13 for designation on the Master Plan.

14 If you looked at that issue by itself and did not
15 reflect upon what kind of a building it was. If we did not
16 reflect upon what it was used for, just looked at the
17 building, it meets the criteria. But knowing what it is used
18 for adds to the argument, I think, because of what the Sector
19 Plan requires. As Nancy said this balancing of the goals set
20 out in the Sector Plan. This housing provides affordable
21 housing for 130 families. We know that. The Sector Plan
22 makes clear that we need affordable housing in the Central
23 Business District in order to support all of these big
24 buildings we have been approving for downtown Silver Spring.

25 And we always say, there is so much traffic on the

1 roads because everyone wants to drive in from who knows where
2 to work in these buildings. It would be the height of
3 silliness for us to say, "Well, that's true; but we don't
4 mean it in this case."

5 So the diversity argument is very important. There
6 is no doubt that in terms of rents, it is true that rents can
7 change all over the place. We recognize that, but it cannot
8 be ignored that right now what we have here is an affordable
9 project that's been there for almost 50 years. Were it to
10 replaced it would be replaced by a less number of affordable
11 units, and the prices of those units would be somewhat
12 higher.

13 But I want to stress that even though the housing
14 policy of the Sector Plan cries out for my thought that this
15 is something we must hold onto, even if that policy were not
16 there, that need for affordable housing, that need for a
17 diversity of housing, even if it weren't there, the architec-
18 tural detail of this building, of these buildings, the
19 uniqueness of them for Montgomery County by themselves on
20 their own warrant that we recommend to the Executive and the
21 County Council that they go onto the Master Plan for Historic
22 Preservation. Jack.

23 MR. HEWITT: Well, Mr. Chairman, you know, I agree.
24 I think that the presentations made by our staff and also the
25 applicant and the pictures indicated that Montgomery Arms was

1 the best example of the period of time that -- I'm not
2 necessarily convinced that Montgomery Arms even if made a --
3 put in the Historical District as a historical site will
4 continue as affordable housing because as time goes by
5 certain elements are going to have to be improved to make it
6 livable. It just can't continue. It would have to have some
7 improvements, and that's going to make it less affordable as
8 time goes by.

9 Now, the vinyl window industry is very, very strong
10 today; and people as soon as they can afford it are replacing
11 their steel casement windows. I do believe that Montgomery
12 Arms does merit historical designation. I believe that the
13 future can be reconsidered in the future, and I think at the
14 present time with the situation in the Silver Spring District
15 that we should attempt to preserve some of the building of
16 that era. And I think Montgomery Arms is a good example.

17 And I can recall Mr. Charlie Scheffres when he
18 built this building and Mr. Gudelskey as they built the
19 building across the street also, and they are -- they're
20 quality people and residents and contributors to the quality
21 of life in Montgomery County. And I believe if it were
22 possible for those people and I think that they would perhaps
23 donate this site to Montgomery County as a historical site,
24 but that's not possible now.

25 But I am going to vote for the staff recommendation

1 to designate Montgomery Arms as a historic district site.

2 CHAIRMAN BAUMAN: Are you making a motion?

3 MR. HEWITT: No, I'm not making a motion.

4 CHAIRMAN BAUMAN: I can't make the motion.

5 MS. FLOREEN: No, we know that. Let me comment.

6 One thing I've learned since I've come on this Board is that
7 we can't face the future successfully if we don't recognize
8 the past itself. Where would we be without Jack Hewitt here
9 to remind us of who did what when.

10 CHAIRMAN BAUMAN: When do we designate him?

11 MS. FLOREEN: Jack will be the subject of our next
12 hearing. But I think Jack's observations show us how much
13 depth and color there is to life, to history, and to Montgom-
14 ery County. And I don't -- we cannot ignore that and just
15 move ahead with constant new structures that replace valued
16 memories and locations especially when they are of such
17 significance.

18 When I came here tonight, I had no idea how I was
19 going to feel about this proposal; and I've been worrying
20 about it since I've had the materials. But looking at the
21 slides convinced me, and certainly looking at the slides from
22 both our staff and the applicant made it even clearer that
23 the best examples of the this kind of construction were in
24 Montgomery County. They are the Spring Gardens and premiere
25 is the Montgomery Arms. There's no question. I don't think

1 you could find those collection -- that collection of
2 elements in any other building. And I'm satisfied that this
3 building meets the architectural criteria for preservation.

4 And I also think that it's equally important in
5 terms of community planning to retain the sense of place that
6 these kinds of structures allow you to. It's the low scale
7 as much as anything. It's the protected courtyard. It is
8 the sense that the people in the community dominate in one
9 location and not the building itself that I think are
10 important as we look to the future of Silver Spring.

11 And this is a rare and somewhat nearly pristine
12 kind of example of that kind of thinking, and I think we
13 would really do the county a great disservice if we were to
14 say it was not significant, did not warrant preservation.

15 I think the issue of affordability will continue to
16 plague us. There's no question that there may be pressures
17 to improve this, to rip out all the bathrooms and the
18 kitchens and everything. I'm sure you could spend a great
19 deal of money changing this to meet a high end of the market.
20 We apparently have been very lucky in terms of the current
21 ownership policies in this building, and I hope that the
22 county will be able to work with this owner to assist in
23 maintaining a quality of life here that's been so important
24 to the people who are here tonight and all those who aren't.

25 And so with all that said and done I would move

1 that we approve the staff recommendation and designate the
2 Montgomery Arms Apartments as a historic site on the Master
3 Plan for Historic Preservation.

4 CHAIRMAN BAUMAN: Second. Any further discussion?
5 All those -- all those in favor of the motion.

6 (A chorus of ayes.)

7 Thank you all very much.

8 I'm sorry, we have now the follow-up item. Of
9 course, where would we be without staff. Let me find my
10 memo. Okay, we have the project plan extension of the
11 project plan.

12 MR. HEWITT: Second, the motion.

13 CHAIRMAN BAUMAN: Is the motion to extend it. The
14 second. All those in favor.

15 (A chorus of ayes.)

16 Done. Thank you. Good evening.

17 (Whereupon, the work session concluded at 9:30
18 p.m.)

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HS

MEMORANDUM

TO: Perry Berman, Chief, Community Planning

FROM: Glenn Kreger, Principal Planner **GK**

SUBJECT: Rents at Montgomery Arms

DATE: February 3, 1991

The analysis of renovation costs and post-reconstruction rents at Montgomery Arms was prepared by Grady Management. The bottom line is their conclusion: "We don't believe the market would support average rents of \$704 plus electric a month, a 43.5 percent increase over the existing rents, therefore we recommend against this [renovation] plan."

I would begin by questioning their numbers. The backup data provided by Grady shows an overall existing "street rent" of \$639/month at Montgomery Arms, which is 77% one bedroom units and 18% two bedroom units. Percontee states that they will have to spend about \$24,000/unit--almost half the cost of new construction--to renovate Montgomery Arms. This will result in a new average rent of \$704/month. However, a post-rehab rent of \$704 would be an increase of about 10% over the current average "street rent" of \$639/month, not the 43.5% increase cited by Grady.

Bill Kominers says that the 43.5% figure represents the increase over the actual rents being paid by current tenants, which are substantially less than the rents which would be paid by new tenants off the street. I don't feel that this is a fair comparison. Existing tenants probably do pay lower rents than the \$639/mo. average rent which would be paid by a new tenant. However, these existing tenants will probably be displaced by the intensive renovation work on the building. What difference does it make if the post-rehab rent is 43.5% higher than the rents paid by former tenants?

I believe that the important point is whether the overall market will support a new rent of \$704/month at renovated Montgomery Arms, not whether the tenants who live there now can afford these rents. A new garden apartment in the CBD could support a rent of nearly \$900/month for a one bedroom unit; it may therefore be reasonable to assume that the market for a substantially rehabbed building could support an average rent of \$704/month.

In support of this assertion, I would cite the 1990 average rents at two other recently renovated garden apartment complexes in Silver Spring:

- Falkland Chase (renovated in 1985): \$728/mo.
- Rock Creek Springs (renovated in 1988): \$778/mo.

Bill Kominers raises an important point which bears upon this comparison: the small size of the units at Montgomery Arms. Apparently, his client feels that an overall average rent of

\$704/month would not be achievable for one bedroom units that are only 622 square feet and 2 bedroom units that are only 764 square feet. Certainly, these unit sizes are much smaller than the size of new units being constructed.

To address Bill's point, I would put the above comparables into the following perspective:

<u>Complex</u>	<u>Avg.Rent</u>	<u>Avg.Sq.Ft.</u>	<u>Rent/Sq.Ft.</u>
Falkland Chase Gdn	728	667	\$1.09
Rock Creek Springs Gdn	778	774	1.00
Proposed Montgomery Arms	704	642	1.09

Source: Hammer Siler George Assoc. market study for Alexander House (4/90)

The resulting rent structure at Montgomery Arms appears to be similar to the renovated gardens at Falkland Chase. In 1990, Falkland Chase had a 1.8% vacancy rate. Based upon this very limited data base, it would appear that the post renovation rents at Montgomery Arms might be difficult but would also be achievable.

cc: Jeff Zyontz

RESPONSE
TO MONTGOMERY ARMS OWNERS' TESTIMONY
AT COUNTY COUNCIL HEARING ON 4/16/91

Note: Owner testimony is at left margin; Planning Department response is indented, in boldface type.

HOUSING ISSUES

The intention of the owners in redeveloping is to provide for an acknowledged need in the community --- to provide decent, reasonable housing in the Silver Spring Central Business District; the new development will provide greater quantity of housing, larger units, and 30% MPDU or HOC opportunity units (a greater number than that available following a rehabilitated Montgomery Arms).

Redevelopment will demolish 129 existing garden apartment units, further limiting housing choice in the Silver Spring Central Business District as the proposed units would be in a high rise structure. The retention of garden apartment units is desirable. As Silver Spring continues to undergo redevelopment, new residential projects in the CBD will be at densities that make garden apartments an impossibility. A true mix of housing types can only be achieved by retention of the existing housing stock. Of the some 4,700 existing housing units in the Silver Spring CBD today, 23 % are garden apartments. When all of the approved project plans are completed, that percent will be down to 15 %.

The small size of the existing units has been cited as a problem. It should be noted that while the existing building includes 7 efficiency units of 525 sq. ft., the proposed new building would include 26 smaller units of 490 sq. ft. In addition, 99 existing Jr. 1 bedroom units of 622 sq.ft. compare with 44 proposed units of 625 sq. ft. (30 of these are MPDUs). The proposed new development would include larger 2 bedroom units of 1040 sq.ft. compared with existing 2 bedroom units of 764 sq.ft., and additional apartment sizes in the 161 1 bedroom units of 805 sq. ft. (31 HOC opportunity units) and 39 1 bedroom/den units (910 sq.ft.).

The new building would offer some larger apartments, but also includes 70 units smaller or nearly equivalent in size to the existing building. It appears that the existing apartment sizes do not present a marketing problem.

Historic designation will not preserve a low cost apartment community in the Silver Spring Central Business District.

It is true that historic designation does not control rents which could be charged; that is not the purpose of historic designation. However, designation will preserve housing choice by preserving garden type apartments. All currently proposed new housing units in downtown Silver Spring are

#10

LAW OFFICES

LINOWES AND BLOCHER

TENTH FLOOR
1010 WAYNE AVENUE
P.O. BOX 8728

SILVER SPRING, MARYLAND 20907

(301) 588-8580

TELECOPIER (301) 495-9044

SUITE 840
800 K STREET, N.W.
WASHINGTON, D.C. 20001
(202) 408-3220
TELECOPIER (202) 408-1719

SUITE 800
6411 IVY LANE
GREENBELT, MARYLAND 20770
(301) 982-3382
TELECOPIER (301) 982-0595

145 MAIN STREET
P.O. BOX 31
ANNAPOLIS, MARYLAND 21404
(301) 268-0881
TELECOPIER (301) 261-2603

SUITE 200
14 W. PATRICK STREET
FREDERICK, MARYLAND 21701
(301) 695-0244
TELECOPIER (301) 695-0247

SUITE 1050
10480 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
(301) 740-3337
TELECOPIER (301) 740-3432

WRITER'S DIRECT DIAL NUMBER

M E M O R A N D U M

TO: Montgomery County Council
FROM: Linowes and Blocher
DATE: April 16, 1991
RE: Montgomery Arms Apartments

The decision to designate the Montgomery Arms Apartments as an historic resource is improper for the following reasons. First, the intention of the owners in redeveloping the Montgomery Arms site is to provide for an acknowledged need in the community. Second, the benefits of the proposed redevelopment far outweigh any marginal benefit of preservation. Third, the existing Montgomery Arms does not rise to the level of an historic landmark. Finally, designation of the Montgomery Arms as an historic resource will not preserve a low cost apartment community in the Silver Spring Central Business District.

I. OBJECTIVES FOR THE BUILDINGS

The intent of the owners is no different today than it was fifty years ago when they built the present Montgomery Arms. Through redevelopment of the Montgomery Arms, the owners are providing for the needs of the community in a way that enhances the surrounding neighborhood and elevates the quality of life in the Silver Spring Central Business District.

II. EXISTING BUILDINGS/PROPOSED REDEVELOPMENT

The current Montgomery Arms consists mainly of one-bedroom and two-bedroom apartments (containing 622 and 764 square feet, respectively). The buildings are at the point of obsolescence and feature many elements that are far out of date, for example each apartment has the original casement windows which lack energy efficiency; none of the apartments have central air conditioning.

Montgomery County Council
April 16, 1991
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The sylvan setting of years past has given way to a canyon setting of high-rise structures, including the 12-story blank brick wall of the Computer Sciences Corporation building that completely obstructs the view of many north-facing apartments.

The proposed redevelopment project, like the original Montgomery Arms construction, will provide for the future housing needs of the Silver Spring Central Business District. The new project will provide 372 units designed for comfort (but not luxury) for the next 50 years. Approximately 30% of the new units are designated for moderate income and compare favorably with rents of the existing building but are of significantly larger size. On-site private and public amenities will enhance the quality of life for residents and nonresidents alike. The focal point of the public amenities is a public park, at the corner of Fenton and Cameron Streets; private amenities are in an enclosed, raised courtyard and on the roof.

The setting of Silver Spring as a low-rise, green suburb of 1941 when the Montgomery Arms was built, has disappeared. As consistent as the Montgomery Arms was with the Silver Spring of 1941, so is it inconsistent with the community of 1991. Quiet contemplation in the green courtyard is deafened by the roar of vehicles on Colesville Road. Vistas to the countryside stop twelve feet away at the wall of the Computer Sciences Building. A suburban center has urbanized and decayed.

The physical change of the surrounding neighborhood has been accompanied by changes in demographics. What was once an apartment home for growing families (including the owners/builders) has been transformed into an urban apartment home for mostly singles. The current census of six children at the Montgomery Arms reflects this change.

III. DESIGNATION ANALYSIS

A. Standard -- Sector Plan Requires Historic Preservation to be Balanced Against Other Objectives

The Approved and Adopted 1990 Amendment to the 1975 Silver Spring Central Business District Sector Plan (the "1990 Amendment") (which terminated the 1987 Interim Amendment designating a "core" area of the CBD) contemplates a balancing of historical preservation values with other public interests when making a determination of historic designation. Unlike other

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preservation determinations, those in the Silver Spring CBD are not to be made solely on the criteria of Article 24A. The 1990 Amendment expressly mandates the incorporation of the Plan's policy objectives into the balancing, requiring the Planning Board to

decide preservation issues by using these criteria measured in balance with other public interests. The other public interests which will govern the decision making for the Silver Spring CBD are stated in the Sector Plan as the policy objectives. (1990 Amendment, p. 10. Emphasis added.)

To facilitate this balancing process, the Planning Board is permitted to "conduct a combined public hearing with an optional method proposal to consider simultaneously both the preservation of locational atlas sites and the property owner's development application." Id. The proper application of the balancing procedure is as follows:

In making its determination on the development application, the Planning Board shall consider the criteria for evaluation listed in the historic preservation ordinance along with the policy objectives listed in this plan. The Planning Board shall evaluate the historic preservation issues raised by a particular project within the context of the policy objectives. To this end, the Planning Board shall assess the public benefit of preservation, balancing the importance of the historic property with other public interests such as enhancing the mixed use function of the Silver Spring CBD, implementing transportation linkages, enhancing the general accessibility of the transit station retail area, helping a project achieve compatibility with the existing urban fabric, or otherwise furthering the achievement of the stated policy objectives. (1990 Amendment, p. 12. Emphasis added.)

The language of the balancing analysis is mandatory.

The need to apply the balancing analysis was enunciated by the Planning Board staff in a memorandum dated September 21, 1990, entitled "Montgomery Arms Amendment to the Master Plan of Historic Sites." In the opinion of the staff,

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the text covers the Montgomery Arms site for the limited purpose of evaluating the historic designation Unlike the policy objective section which is limited to the core area, the geographic scope of the Guidelines for Historic Preservation was not limited. (Memorandum, page 2.)

Using the balancing test to evaluate the proposed redevelopment of the Montgomery Arms, demonstrates that the proposed redevelopment will contribute more to furthering the policy objectives^{1/} than preservation of the existing Montgomery Arms.

B. Application of the Balancing Test--The Montgomery Arms Should Not Be Designated

The 372 residential units proposed in the new project include 30%, nearly twice the required number, of moderately priced dwelling units, providing a greater mixture of affordable rental housing choices, "incorporating residents who will contribute to a continuing sense of community involvement and identity with Silver Spring." (Policy Objective III.1.) These units also reflect a recognition of the existing apartments as de facto moderate income housing, and are an attempt to continue that economic resource while providing residences consistent with current expectations. In addition, the mixed-use vitality of the Silver Spring CBD will be enhanced by the proposed redevelopment. The project provides a corner park and retail plaza, "both of which

1/ The four broad policy objectives are as follows (each contains numerous subsidiary elements):

1. To reinforce the mixed use vitality of the transit station/retail core area;
2. To enhance the general accessibility of the transit station/retail core area;
3. To enhance the general vehicular and pedestrian circulation within the transit station/retail core area; and
4. To achieve architectural, historical, cultural and functional compatibility within the existing urban fabric.

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promote a vital street environment." The corner park-plaza contains an outward-oriented sitting and sculpture plaza, lawn panels, curved seating spaces and semi-private intimate-type seating spaces.

Today, the complex's spaces turn inward, away from the streets and the public. The new street-level retail plaza along Colesville Road will accommodate activities which include sitting, strolling, people watching, and could provide an opportunity for retail activities to spill out onto the adjacent area, i.e., bookstores, dining, art galleries, etc. These areas will provide opportunity for a wide variety of public activities. (Policy Objective III.3.) The street-level park and retail plaza will enhance pedestrian circulation and create a focal point for the area.

At triple the number of existing units, the proposed redevelopment will further important County housing policies. The proposed redevelopment will contain 111 affordable housing units. This number is 30% of the total new units and only 18 units less than the current number of 129 units. Representatives of the Department of Housing and Community Development have indicated that it will cooperate by providing a mechanism through which tenants who have been relocated from the existing Montgomery Arms will have the first opportunity to lease the affordable units at the new redeveloped Montgomery Arms.

Underground parking (454 spaces) will enhance the general accessibility of the Silver Spring CBD by more than offsetting the parking needs created by the proposed project. (Policy Objective III.2.) Additional spaces are provided to accommodate visitors and retail traffic. All residential units will have parking spaces, including the 30% moderately priced.

The project enhances the general pedestrian circulation within the CBD by extending the enhanced streetscape along Colesville Road, and lining the route with retail uses to provide visual interest and pedestrian-reinforcing activity along the way. (Policy Objective III.3.) Similar streetscape treatment along Fenton Street will be supported by ground-level residential units, accessed directly from the street. The streetscape, building and park will be attractive, using high quality materials, for visual and functional amenity.

Architectural, historic, cultural and functional compatibility with the existing urban character are also preserved. (Policy

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Objective III.4.) The building mass is compatible with neighboring buildings and the streetscape of the surrounding streets. The five-story low-rise apartment wing is placed along Fenton Street which will ensure a sense of human scale at the pedestrian level. The residential character of the block will be reinforced by the ground level residential units along Fenton Street which are to include landscaping embellishment and private entrances. Placement of the high-rise element against the windowless twelve-story Computer Sciences building is designed to mask the starkness of the blank wall while orienting the apartment units to maximize use of the sunlight and to elevate the aesthetic value of the neighborhood. Elimination of that large blank wall will enhance all properties that have visual connection to its intrusive mass.

The proposed development will save and reuse various art deco details of the existing buildings, incorporating them along the walls of the park to enhance the two-story blank wall of the adjacent PEPCO building. In addition, the building articulation will itself enrich the CBD by incorporating detailing reminiscent of art deco, in combination with balconies, terraces and other attractive fenestration.

C. The Montgomery Arms Are Not Historic

The Montgomery Arms Apartments were determined to be historic based on three criteria of Chapter 24A^{2/}, but the existing Montgomery Arms is not representative of these three criteria. At best, the historic resource values of the Montgomery Arms Apartments may be debatable.

2/ The criteria are:

1. Section 24A-3(b)(1)a: Character, interest, or value as part of the development, heritage or cultural characteristics of the County, State, or Nation;
2. Section 24A-3(b)(1)d: Exemplifies the cultural, economic, social, political or historic heritage of the County and its communities; and
3. Section 24A-3(b)(2)a: Embodies the distinctive characteristics of a type, period or method of construction.

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George T. Santmyers, the architect of the Montgomery Arms, designed more than 400 garden apartment complexes over a period of three decades. An overwhelming majority of the garden apartments designed by Santmyers, display clearly recognizable design characteristics and features. The common nature of these design characteristics and features do not constitute a character, interest or value that enables one to understand the past--one of the cardinal tenants of historic preservation.

The Montgomery Arms cannot be said to "exemplify the cultural economic, social, political or historical heritage of Montgomery County." The integrity of setting and unity of urban design that characterized the Montgomery Arms at its birth, have been fundamentally changed by nearby high-rise construction and the change in character of the entire Silver Spring CBD, both physically and demographically. Considering the more than 400 Santmyers apartments constructed in the metropolitan Washington area, the loss of the Montgomery Arms is insignificant and will not impair the ability to understand the architect's work, the development of garden apartments, the urban elevator apartment or residential patterns in Silver Spring and the County.

The typicality and ordinariness of the Montgomery Arms' features are like literally hundreds of other garden apartment complexes throughout the County such as the St. Charles Apartments, located literally across the street in Silver Spring. Considering that over 400 similar buildings have been designed by the same architect, it cannot be said that the Montgomery Arms embodies the distinctive characteristics of a type, period or method of construction which rises to the level of historic distinction.

What little architectural value the Montgomery Arms Apartments might be considered to possess will be preserved in the proposed new apartment building. The proposed development will save and reuse various art deco details of the existing buildings. The design of the building will incorporate corner windows, special brick banding and detailing, balconies, terraces, and other attractive fenestration echoing the art deco style. (Just down Colesville Road rests the other late twentieth century art deco style building -- Lee Plaza. The new Montgomery Arms will similarly enrich the community.)

Evaluation of the old Montgomery Arms and the proposed new Montgomery Arms in accordance with the mandated balancing of the 1990 Amendment results in the conclusion that the proposed

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redevelopment will improve the Silver Spring Central Business District in the manner contemplated by the policy objectives, far outweighing the preservation of the existing Montgomery Arms Apartments.

IV. Historic Designation will not Preserve a Low Cost Apartment Community

Historic designation of the Montgomery Arms Apartments will preserve neither the current Montgomery Arms Apartments' community nor the inexpensive rents which the tenants now enjoy. On the contrary, historic designation will compel the owners to undertake a costly renovation, and the consequent increase in rents, in order to avoid the current economic hardship of the Montgomery Arms.

The majority of units currently produce much less than market rents (even lower than the levels that would otherwise be available to a building like Montgomery Arms). The physical plants are very old and require upgrading. Upgrading of structures and systems that are fifty years old (50) will be difficult and costly. Rent increases to fund these improvements will eliminate the below-market character of the rents.

The owners have conducted a feasibility study to determine the extent of physical renovation necessary to bring this community up to a marketable standard and extend its useful life. Such a reconstruction plan will include the following components: roof replacements, building exterior repairs, window replacements, complete interior and apartment common area rehabilitation, individual apartment heat pump installation, elevator replacement, and electrical/plumbing upgrades.

The estimated cost for such a rehabilitation plan is in excess of Four Million Dollars (\$4,000,000.00). To support a loan for that work, if such a loan could be obtained, a lender will require an average rent of \$704.00 per unit, not including electric utility costs. This results in a 43+ percent increase over the existing average rents.

V. The Choice

Members of the Montgomery County Council are presented with two clear choices -- preserve the existing Montgomery Arms or provide for its reconstruction. The former results in preservation of the exterior of buildings without any significant architectural,

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cultural or historic value and will ultimately eliminate a valuable reservoir of affordable housing. Reconstruction will: (1) enable the construction of an architecturally significant structure that will further the Sector Plan objectives, (2) improve the vitality of the Silver Spring CBD by providing significant public amenities, and (3) provide almost three times as many dwelling units as presently exist, of which fully one-third will be dedicated to the owners' commitment to preserving affordable housing.

The choice is clear.

#11

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

(301) 495-4605

Montgomery County Planning Board
Office of the Chairman

July 2, 1991

The Honorable William E. Hanna, Jr.
Chairman, PHED Committee
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Dear Mr. Hanna:

As the PHED Committee considers the historic status of the Montgomery Arms Apartments, I would like to reiterate the Planning Board's recommendation in favor of the designation of this complex as a historic site on the Master Plan for Historic Preservation.

Several issues have been raised by the owners of Montgomery Arms and their representatives regarding housing, zoning, historic designation, and certain requirements of the Silver Spring Central Business District Sector Plan's 1990 Amendment. Detailed responses to these comments are attached.

In addition, some discussion has taken place on the County's current laws regarding the transfer of development rights for historic properties and the potential for broadening and increasing the use of TDRs in conjunction with historic preservation efforts. An analysis of these issues is attached.

The Board recognizes and has taken into account the need to weigh the benefits of historic designation of Montgomery Arms against the other public policy objectives outlined in the 1990 Sector Plan Amendment. It is the Planning Board's carefully considered opinion that the preservation of the existing Montgomery Arms Apartments is of greater public benefit than the replacement of that complex with a new high rise apartment building.

The Board reached that conclusion for a number of reasons. First, the Montgomery Arms clearly meets the designation criteria of the Historic Preservation Ordinance as a fine example of Art Deco design and is significant as a pre-World War II multi-family dwelling type that represents the tremendous growth of Montgomery County and the Washington metropolitan area in the years leading up to the Second World War.

Secondly, as a housing resource, the Montgomery Arms provides a dwelling type that is no longer being built in downtown Silver Spring. Retention of this garden apartment complex offers Silver Spring residents a greater selection of housing types from which to choose and is compatible with the vision of Silver Spring as an active, diverse, urban area.

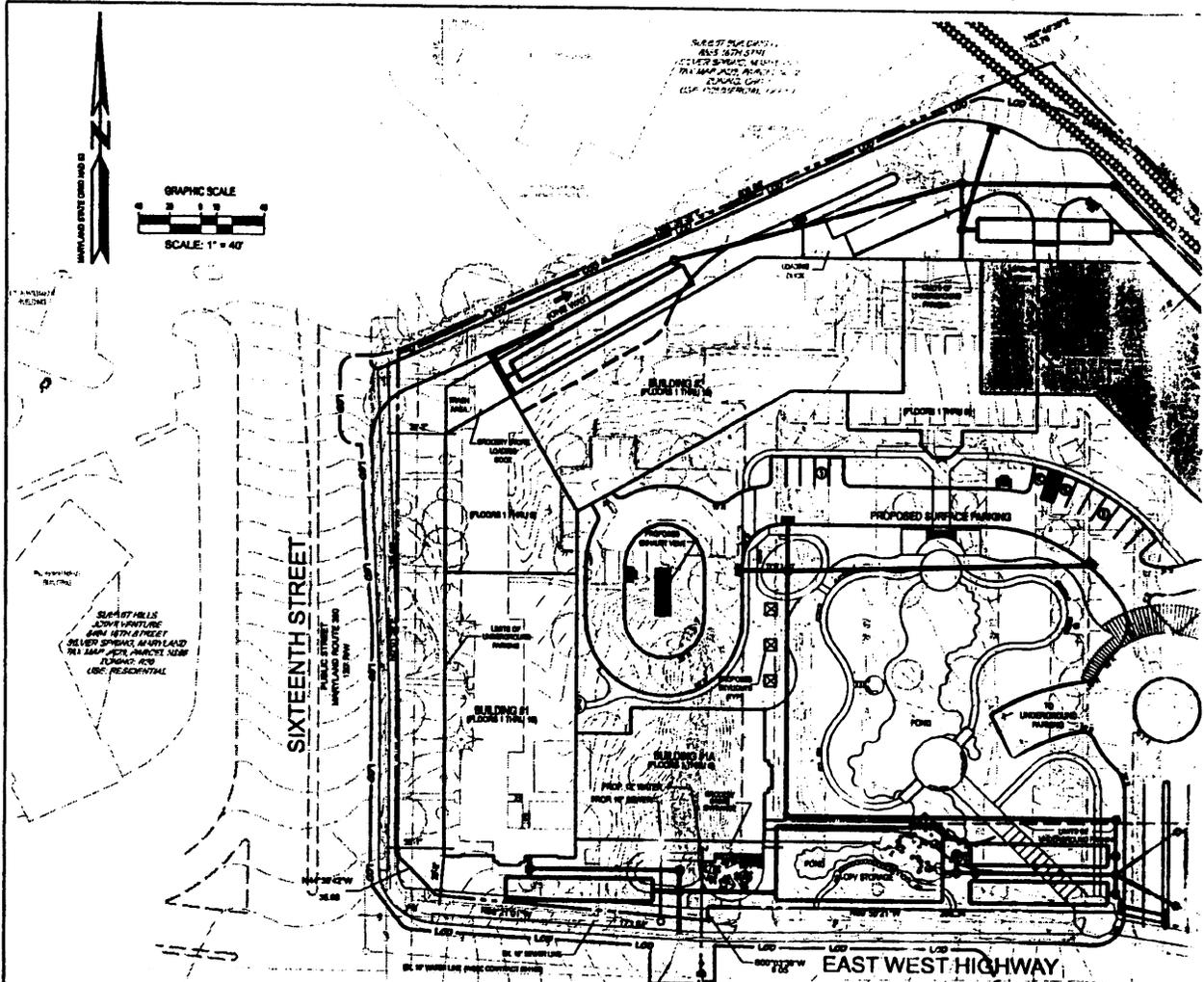
Finally, the Montgomery Arms has been and can continue to be good, solid housing for citizens with moderate incomes. Although the owners of the Montgomery Arms and their representatives have testified that the current apartment sizes at the complex are too small for "today's" standards, they have proposed the construction of even smaller units in the new development. The proposed new building would include 26 efficiency units that are 35 square feet smaller than the 7 existing efficiency units. Further, the new building as proposed includes 44 junior one bedroom units that are only 3 square feet larger than the existing one bedroom units. It appears that apartment size alone is not a marketing problem.

I look forward to attending the PHED Committee meeting on this issue on July 8th.

Sincerely,



Gus Bauman
Chairman



PROJECT PHASING

Phase 1	Demolition	
---------	------------	--

Phase 2	Core and Shell	Ready for Occupancy
Building	X	X
Underground Parking	X	X
Grocery	X	X
Building 1	X	X
Building 1A	X	X
Building 2	X	X
Building 3	X	X
Building 4	X	X
Building 4A	X	X
Retail	X	X
Surface Amenities	X	X

Phase 3	Core and Shell	Ready for Occupancy
Building 3	Completed Phase 1	X

Phase 4	Core and Shell	Ready for Occupancy
Building 4	Completed Phase 1	X
Building 4A	Completed Phase 1	X

CERTIFICATION
 I HEREBY CERTIFY THAT THE PRELIMINARY PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS (CHAPTER 20 MONTGOMERY COUNTY CODE, 2004 AS AMENDED).

MARSHALE KOERNER, P.E. MD REG. NO. 20028 DATE

SURVEYOR'S CERTIFICATION
 I HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAN IS COMPLETE AND ACCURATE, WITH REFERENCE TO ALL BOUNDARY LINES, TOPOGRAPHIC DATA, AND OTHER SHOWINGS OR SURVEY INFORMATION AS APPROPRIATE.

C. ALLEN PUGH, MARYLAND SURVEYOR REG. NO. 475 DATE

SITE TABULATIONS: ZONE CBD-R1 (OPTIONAL METHOD OF DEVELOPMENT)

	Required/Allowed	Provided
Existing Net Lot Area - Ac		7.549 ACRES
Plus Previous Dedication Area		1.441 ACRES
Gross Tract Area - Ac		8.99 ACRES
Less Previous Dedication - Ac		1.441 ACRES
Net Lot Area - Ac		7.549 ACRES
Net Lot Area - SF		328,824 SF
Area of Lot		18,000 SF
Public Use Space On Site	44,787 SF	73,255 SF
% of Lot Area	248%	407%
Public Use Space Of Site-North		15,558 SF
Public Use Space Of Site-South		47,158 SF
Total Public Use Space		132,446 SF
% of Lot Area		736%
4 Story Building Height at-Way Setback	1'-5"	21'-3"
15 Story Building Height at-Way Setback	22'-2"	22'-0"
Northward Rear Yard Setback	1'-0"	41'-0"
Northward Rear Yard Setback	1'-0"	37'-0"
Building Units Per Acre	128	118 UNITS
IMPDS	112 8% OR 128 UNITS	128 UNITS
Maximum Building Height*	143 FT	143 FT

* Per section 20-C-4-2351 The Planning Board may approve height over 90' but not more than 143'

BUILDING TABULATIONS:

PROPOSED DEVELOPMENT	MULTIFAMILY RESIDENTIAL & RETAIL
NEW CONSTRUCTION	SURFACE & STRUCTURED UNDERGROUND GARAGE
ON SITE PARKING	

BUILDING TABULATIONS	G S F	LOT COVERAGE (SF)	PERCENT OF G S F
NEW BUILDINGS (1028 UNITS)	1,157,787	110,336	26%

GROSS SITE AREA

GROSS BUILDING AREA	301,618 S.F.
RESIDENTIAL BUILDING AREA	1,157,787 S.F.
NONRESIDENTIAL BUILDING AREA	61,310 S.F.

FLOOR AREA RATIO	ALLOWED	PROPOSED
RESIDENTIAL	3.06	3.06
NONRESIDENTIAL	0.80	0.16

Area Deductions for public Use (sq ft)

Public Use	132,446	Public Use	132,446
Other	0	Other	0

DESIGN ASSOCIATES
 A DIVISION OF DESMAN ASSOCIATES
 1000 OGDEN SPRINGFIELD, S.W. MONTGOMERY COUNTY, MARYLAND 20854

GRIMM + PARKER
 ARCHITECTS
 Planning
 Urban Design
 Landscape Architecture

SCHEDULE OF REVISIONS

NO.	DESCRIPTION	DRAWN BY	AUTHOR BY	ISSUE DATE	ISSUE STATUS
1					
2					
3					
4					
5					

FALKLAND CHASE
 SILVER SPRING, MD
 1545 N. FALKLAND LANE
 13th ELECTION DISTRICT

GENERAL NOTES

1. Owner/Applicant:

Home Properties, Feldand Chase, LLC
850 Clinton Square
Rochester, New York 14604-1730
Parcel 302: 1543 N. Falkland Lane
Silver Spring, Maryland 20910

2. Site Address:

Parcel 302: 1543 N. Falkland Lane
Silver Spring, Maryland 20910

3. Project Plan No.

Plan: 1103008

4. Tax Map:

Parcel 302: JN23

5. Tax ID #:

0070002

6. Parcel:

P302

7. Subdivision:

Feld:

8. Lot:

708

9. Total Tract Area:

Parcel 302: 7.548 Acres

10. Zone:

Parcel 302: CBD-R1

11. Election District:

13

12. Council District:

6

13. WSSC Grid:

210NW02

14. Water Service:

WSSC

15. Sewer Service:

WSSC / DC WABA

16. Electric Service:

Pecon

17. Gas Service:

Washington Gas

18. Existing Use:

Multi-family Residential

19. Proposed Use:

Multi-family Residential

20. Planning Area:

Silver Spring (PA, 30)

21. USGS Contour:

Washington West

22. Wetlands:

Blank Creek

23. Nat. Wetlands Inventory:

Washington West

24. Mont. Only, Sale Max:

May 027

25. Total Disturbed Area:

7.548 Ac. On Site / 0.781 Ac. Of Site

26. Total Impervious Area:

8.12 Ac.

27. The site is not located within a Historic District.

28. The site is not located within a Special Protection Area.

29. The site is located in flood zone C based on FEMA Flood Insurance Rate Map, Panel 0900400 C288 C, dated August 6, 1991.

30. Contours and distances shown hereon are based on survey by VEGA Inc. dated June 2005.

31. Parcel 302. Survey control established by GPS and is on a horizontal datum based on NAD 83(01) and a vertical datum of NAVD 88 and has been derived from the following NGS Control Station:

32. Parcel 302. Information shown hereon represents 80% on the ground field survey performed by KCI Technologies, Inc. on or about January 17, 2006. Only above the ground evidence of utilities have been located.

33. Parcel 302. This survey has been prepared without the benefit of a Title Report.

34. There are no waters of the U.S. Wetlands or 100 year flood plain limits on the subject property.

35. The project is proposed to be served by the Public Water and Sewer Systems, and to currently in service categories w-1 and s-1, respectively.

36. Public utility easements and rights of ways will be provided where needed on site to allow for water, sewer, gas, electric, telephone and cable service to the proposed buildings. Locations to be determined at permit.

37. Based on a review by the Department of Permitting Services Review Staff, dated 01/02/07, The stormwater management concept for the above mentioned site is acceptable as per SM File # 220-200.

38. Development and final unit count may vary within the total units approved.

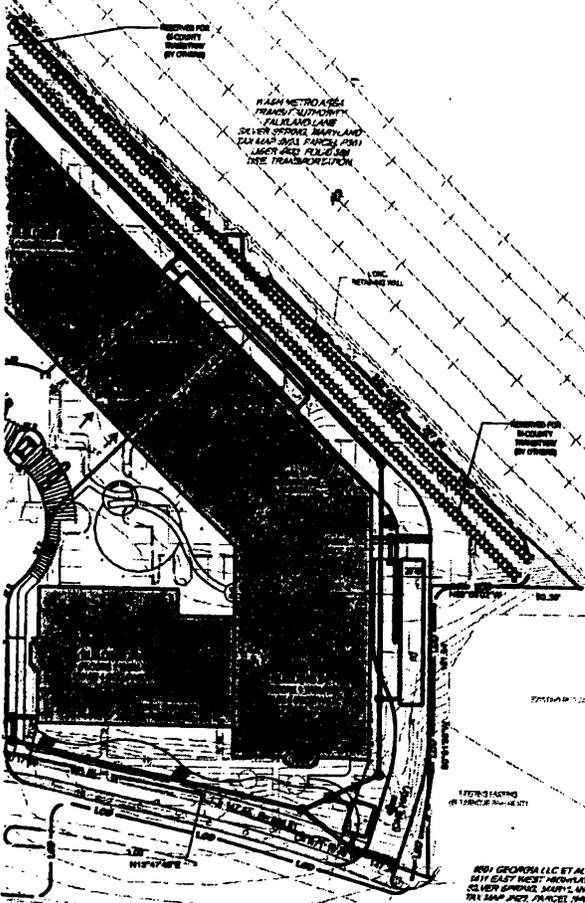
39. The number of private parking spaces will be set at site plan, subject to parking requirements unless unless in general at Site Plan approval.

40. Building height measurement: Per section SB-4-2-1; Height of building on a corner lot shall be measured at the middle of the building facing the Street curb grade. This elevation is 310.80'.



LEGEND

- BUILDING
- CONCRETE
- EDGE OF ROAD
- DRAIN PIPE
- SEWER PIPE
- WATER PIPE
- GAS PIPE
- PARKING STRIPES
- METAL FENCE
- WOOD FENCE
- MAJOR CONTOURS
- MINOR CONTOURS
- UNIT OF DISTURBANCE
- ELECTRIC BOX
- STORM DRAIN INLETS
- STORM DRAIN MANHOLE
- SEWER MANHOLE
- CLEAR CUT
- WATER METER
- WATER VALVE
- GAS METER
- GAS VALVE
- LIGHT POLE
- SIGN
- PROP SAND FILTER
- PROP SWH VALVE
- PROP STORM DRAIN PIPE
- PROP MANHOLE
- PROP FIRE HYDRANT
- PROP WATER LINE
- PROP SEWER LINE
- PROJECT PHASE 2
- PROJECT PHASE 3
- PROJECT PHASE 4
- PROP SECURITY THRESHOLD (BY OTHERS)



RETAIL PARKING TABULATIONS

RETAIL AREA	G.S.F.	SPACES PER 1,000 GROSS LEASABLE S.F.	PARKING SPACES	88-4-3.32 15% CREDIT WITHIN 1,000 FEET OF METRO/RAIL STATION	TOTAL PARKING SPACES REQUIRED
GROCERY	80,000	5	280	-37	213
RETAIL GENERAL	17,314	8	87	-8	49
			TOTAL RETAIL PARKING REQUIRED	282	282
			TOTAL RETAIL PARKING PROVIDED	282	282

RESIDENTIAL PARKING TABULATIONS

UNIT TYPE	UNIT COUNT	SPACES / UNIT	PARKING SPACES	88-4-3.33 - 8% CREDIT WITHIN 1,000 FEET OF METRO/RAIL STATION	88-4-3.33 - 15% CREDIT IN CENTRAL BUSINESS DISTRICT	TOTAL PARKING SPACES REQUIRED
STUDIO	130	1.00	130	-8	-13	111
STUDIO MPDU	10	1.00	10	-1	-1	8
1 BEDROOM	480	1.25	600	-38	-48	479
1 BEDROOM MPDU	18	0.825	12	-1	-1	10
2 BEDROOM	384	1.80	640	-27	-45	487
2 BEDROOM MPDU	18	0.75	11	-1	-1	8
3 BEDROOM	28	1.75	48	-2	-4	42
3 BEDROOM MPDU	4	1.00	4	-1	-1	2
			TOTAL RESIDENTIAL PARKING REQUIRED	1128	1127	1127
			TOTAL RESIDENTIAL PARKING PROVIDED	1127	1127	1127
			TOTAL HANDICAP PARKING REQUIRED	24	24	24
			TOTAL HANDICAP PARKING PROVIDED	24	24	24
			TOTAL MOTORCYCLE SPACES REQUIRED	28	28	28
			TOTAL MOTORCYCLE SPACES PROVIDED	28	28	28
			TOTAL BICYCLE SPACES REQUIRED	28	28	28
			TOTAL BICYCLE SPACES PROVIDED	28	28	28
			LOADING SPACES REQUIRED	6	6	6
			LOADING SPACES PROVIDED	7	7	7

TABULATION OF MPDU'S BY NUMBER OF BEDROOMS, CONSTRUCTION PHASE AND LOCATION

NOTE: FINAL BEDROOM COUNT WILL BE SET AT SITE PLAN AND WILL COMPLY WITH THE MONTGOMERY COUNTY REQUIREMENTS. FINAL # OF MPDU'S WILL BE 12.5% OF NUMBER OF UNITS APPROVED AT SITE PLAN AND ACTUALLY CONSTRUCTED.

MPDU's assigned to E & W Parcels	MPDU's assigned to North Parcel	Phase 1	Phase 2	Phase 3	Total
80	48	800	250	270	1,020
MPDU's by Phase in New Development		Percent			
Studio and One Bedroom		80%	200	150	182
Two Bedroom & Three Bedroom		40%	200	100	108
Totals		100%	500	250	270
MPDU's by Phase in East & West Parcels		Percent			
Studio & One Bedroom		47%	14	7	4
Two Bedroom & Three Bedroom		53%	9	5	5
Totals		100%	23	12	13
MPDU's required in East & West Parcels as North is constructed by phase		Percent			
One Bedroom		47%	18	8	10
Two Bedroom & Three Bedroom		53%	21	10	11
Totals		100%	38	20	21
Existing Apartments in E & W Parcels		Percent			
One Bedroom		47%	128		
Two Bedroom & Three Bedroom		53%	142		
Totals		100%	270		
Ending mix of Bond Units and MPDU's in East & West Parcels		Percent			
MPDU's		30%	80		
Bond Units		20%	54		
Market Rate Units		50%	134		

PRELIMINARY PLAN

TAX MAP: JN23 PARCEL: 393 WSSC GRID: 210NW02
MONTGOMERY COUNTY, MARYLAND 20910
JANUARY 12, 2007

HOME PROPERTIES
Owner:
Home Properties Feldand Chase, LLC
850 Clinton Square
Rochester, New York 14604-1730

KCI TECHNOLOGIES
ENGINEERS
PLANNERS
SCIENTISTS
CONSTRUCTION MANAGERS
14502 Greenview Drive
Laurel, Maryland 20708
Phone: (410) 792-8006
Fax: (410) 792-7419
www.kci.com

SHEET NO.
3 of 4
SCALE: 1" = 40'

PRELIMINARY PLAN

RECEIVED
0893
JUL 31 2008

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

July 31, 2008

Barbara A. Sears
301.961.5157
bsears@linowes-law.com

BY ELECTRONIC MAIL AND HAND DELIVERY

Dr. Royce Hanson, Chairman,
and Members of the
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Re: Falkland North, Silver Spring, Maryland – July 10, 2008 Public Hearing (Preliminary)
Draft of Amendment to the Master Plan for Historic Preservation for Falkland
Apartments, #36/12

Dear Chairman Hanson and Members of the Planning Board:

On behalf of Home Properties Falkland Chase, LLC (“Home Properties”), the owner of the Falkland Apartments in Silver Spring, Maryland (“Property”), the purpose of this letter is to submit for the Record the proposed Declaration of Restrictive Covenant (“Declaration”), which sets forth the voluntary covenants Home Properties is willing to place on its Property if the North Parcel is not designated in the Master Plan for Historic Preservation and is automatically removed from the Locational Atlas when the Planning Board approves final site plan(s) for redevelopment of the parcel. A copy of this Declaration has been previously provided to Staff and was referenced by Home Properties at the July 10, 2008 Board hearing on this matter.

This covenant assures that the buildings on the North Parcel will not be demolished during its term unless site plan(s) for the entirety of the Property are submitted containing the fifteen (15) specific Development Commitments listed in Exhibit “B” to the Declaration and approved by the Board. This assures the Board that the public benefits associated with the development of the North Parcel as proposed by Home Properties will be included in any redevelopment plans filed for the Property. As mentioned by Planning Staff and Home Properties at the July 10, 2008 hearing, the Declaration is intended to ensure that the public benefits discussed in relation to redevelopment of the Property are in fact included in the revised plans and that prior to any demolition of the North Parcel buildings, development in accordance with the approved plans is proceeding.

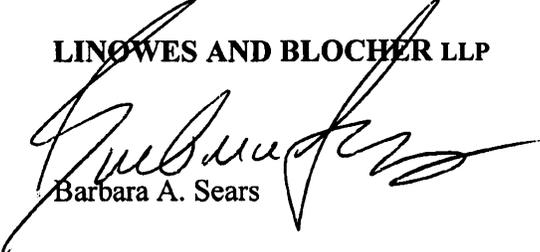
LINOWES
AND **BLOCHER LLP**
ATTORNEYS AT LAW

Dr. Royce Hanson and Members
of the Montgomery County Planning Board
July 31, 2008
Page 2

Thank you for your inclusion of these documents in the Record for this case.

Very truly yours,

LINOWES AND BLOCHER LLP



Barbara A. Sears

cc: Mr. Rollin Stanley
David Lieb, Esquire
Mr. Nelson Leenhouts
Mr. Donald Hague
Mr. Michael Eastwood

DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (this "**Declaration**") is made this _____ day of _____, 2008, by **HOME PROPERTIES FALKLAND CHASE, LLC.**, a Delaware limited liability company, formerly known as Falkland Partners, LLC ("**Declarant**"), for the benefit of the **MARYLAND-NATIONAL CAPITAL PARKING AND PLANNING COMMISSION**, a body corporate and politic created and existing under the laws of the State of Maryland (the "**Planning Commission**").

RECITALS:

- A. Declarant is the fee simple owner of a parcel of land located in Montgomery County, Maryland described on Exhibit "A" to this Declaration (the "**North Parcel**"). The North Parcel is part of a larger tract of land owned by Declarant.
- B. The North Parcel is currently improved by several apartment buildings (the "**North Parcel Buildings**") and related facilities.
- C. The North Parcel and North Parcel Buildings are identified as an historic resource in the Locational Atlas and Index of Historical Sites in Montgomery County, Maryland (the "**Historical Atlas**") maintained by the Planning Commission in accordance with Chapter 24A of the Montgomery County Code. As such, the North Parcel and North Parcel Buildings are subject to being included as an historic site in the Master Plan for Historic Preservation adopted by Montgomery County (the "**Historical Master Plan**").
- D. Declarant has filed with the Montgomery County Planning Board of the Planning Commission (the "**Planning Board**") an application for approval of a project plan and preliminary subdivision plan providing for the redevelopment of the North Parcel. Declarant intends to amend such plans and file a site plan covering the entire North Parcel (collectively, the "**Revised Development Plans**") in connection with such redevelopment. The redevelopment of the North Parcel in accordance with the Revised Development Plans will necessarily require the removal of the North Parcel and North Parcel Buildings from the Historical Atlas, the elimination of the North Parcel and North Parcel Buildings from consideration for designation in the Historical Master Plan, and the actual demolition of the North Parcel Buildings. Declarant, in an effort to demonstrate that redevelopment of the North Parcel will provide substantial public benefits, shall proffer as part of its application for Planning Board approval of the Revised Development Plans the commitments by Declarant described in Exhibit "B" to this Declaration (the "**Proposed Developer Commitments**"). The Planning Board has adopted a resolution providing that if and when the Revised Development Plans are approved by the Planning Board, with or without condition, the North Parcel and North Parcel Buildings shall automatically be removed from the Historical Atlas, without the requirement of any further action by the Planning Board (except ministerial action to confirm and implement the removal).
- E. In furtherance of its contemplated redevelopment of the North Parcel and to maintain the current status of the North Parcel while the Revised Development Plans are being prepared and processed, Declarant is willing to make certain voluntary covenants for the benefit of the Planning Commission as set forth below in this Declaration.

NOW, THEREFORE, in consideration of the above Recitals and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Declarant declares and covenants as follows:

1. During the Forbearance Period (defined below), Declarant shall not demolish or substantially alter the exterior features of the North Parcel Buildings, including by neglect, without the prior approval of the Planning Board, except as may be reasonably necessary in the case of fire or other casualty, condemnation, or unsafe or hazardous condition or in connection with the construction or planned construction of public improvements on or about the North Parcel, including, without limitation, any public transit facilities. **“Forbearance Period”** means the period that (a) commences upon the date that the Revised Development Plans are finally approved (beyond appeal) by the Planning Board, and the North Parcel and North Parcel Buildings are removed from the Historical Atlas without having been included in the Historical Master Plan, and (b) terminates upon the earliest to occur of the following: (i) issuance of a building permit in connection with the redevelopment of the North Parcel pursuant to the approved Revised Development Plans (the **“Development Commencement Date”**), (ii) ninety (90) days after Declarant notifies the Planning Board in writing that Declarant is abandoning the Revised Development Plans or otherwise abandoning its plans to develop the North Parcel in accordance with the Revised Development Plans (the **“Application Abandonment Date”**), or (iii) June 30, 2018 (the **“Forbearance Period Outside Termination Date”**). Nothing in this Declaration shall be deemed to prevent Declarant from electing at any time not to pursue the Revised Development Plans or not to proceed with the development of the North Parcel in accordance with the Revised Development Plans.

2. Declarant shall have the right, in its sole discretion, to extend the Forbearance Period beyond the Forbearance Period Outside Termination Date from time to time as Declarant may deem appropriate. Such extension shall be effected by Declarant recording an amendment to this Declaration in the Land Records setting forth the extension. In the event of any such extension, Declarant shall promptly furnish a copy of the amendment to the Planning Commission.

3. Despite the foregoing, if (a) neither the Development Commencement Date nor Application Abandonment Date have occurred by the end of the Forbearance Period, (b) Declarant has determined not to extend the then applicable Forbearance Period Outside Termination Date, and (c) this Declaration would otherwise expire on such Forbearance Period Outside Termination Date in accordance with the terms of Paragraph 1 above, this Declaration and the demolition and alteration restrictions applicable during the Forbearance Period shall nonetheless remain in full force and effect and shall automatically be extended until ninety (90) days after Declarant gives written notice to the Planning Commission advising that the Forbearance Period Outside Termination Date has passed without the Development Commencement Date having occurred and that the term of this Declaration will expire ninety (90) days from the date of the notice. Upon any termination of the Forbearance Period in accordance with this Declaration, this Declaration shall be deemed terminated and of no further force or effect, except that Paragraph 15 shall survive termination.

4. Nothing in this Declaration shall be deemed to prohibit or impair, or require the Planning Board’s approval for, (a) any ordinary repairs or maintenance to the exterior of the

North Parcel or North Parcel Buildings, (b) any landscaping work on or about the North Parcel, or (c) any work or alterations to the interior of the North Parcel Buildings.

5. Declarant agrees that the Proposed Developer Commitments may be incorporated by the Planning Board as conditions to approval of the Revised Development Plans and that Declarant shall not object to such conditions, provided that such conditions are not greater in scope or more onerous to Declarant than the Proposed Developer Commitments as stated in **Exhibit "B"**.

6. This Declaration is made for the sole benefit of the Planning Commission and the Planning Commission shall have the sole right to enforce the terms of this Declaration. In the case of any breach or threatened breach of this Declaration, the Planning Commission may exercise any rights or remedies available at law or in equity for such breach, including, without limitation, a suit for specific performance or injunctive relief. No other person or entity may enforce this Declaration or shall have any right or remedy with respect to this Declaration. This Declaration is not intended to create, nor shall it be construed as creating, any rights in or for the benefit of the general public or any tenants of the North Parcel Buildings nor shall it affect or benefit any real property outside of the North Parcel or the owners or tenants of such real property.

7. Declarant acknowledges that the Revised Development Plans remain subject to review and approval by the Planning Commission according to its regulatory processes and that nothing in this Declaration obligates the Planning Commission to grant such approval. This Declaration shall not affect, in any manner whatsoever, any public action, review or approval process involving the Planning Commission or for which the Planning Commission is responsible, including, without limitation, any proceedings under the Subdivision Regulations. No representations or commitments have been made by the Planning Commission or anyone on behalf of the Planning Commission regarding the approval of the Revised Development Plans.

8. The covenants, agreements, rights, benefits, obligations and liabilities created in this Declaration shall be deemed to touch, concern, run with, and be binding upon the land with respect to the North Parcel. This Declaration shall bind Declarant and its successors and assigns and inure to the benefit of the Planning Commission and its successors and assigns (except that the Planning Commission shall not be entitled to assign its right to enforce this Declaration). This Declaration may be amended by an instrument in writing executed by Declarant, its successors or assigns, and recorded in the Land Records. All amendments shall require the written approval of the Planning Commission, except that amendments extending the Forbearance Period Outside Termination Date as provided in Paragraph 2 above shall not require such approval.

9. The liability and obligations of Declarant or any successor under this Declaration shall only apply to Declarant or such successor during the term in which it owns a fee simple interest in the North Parcel. When Declarant or any successor owner of the North Parcel ceases to own a fee simple interest in the North Parcel, the liability and obligations thereafter accruing under this Declaration (but not any accrued and unperformed liability or obligations) shall be the liability and obligations of its transferee in title to the North Parcel.

10. Declarant represents that it has all requisite power and authority to execute, deliver, and perform its obligations under this Declaration. This Declaration constitutes the legal, valid, and binding obligation of Declarant and is enforceable against it in accordance with its terms.

11. The Recitals set forth in this Declaration and all Exhibits attached to this Declaration are incorporated in and made a part of this Declaration.

12. No delay or omission by the Planning Commission in enforcing the provisions of this Declaration shall impair or be construed to be a waiver of any such right of enforcement.

13. This Declaration shall be governed by and construed in accordance with the laws of the State of Maryland, excluding choice of law principles.

14. Each provision of this Declaration is intended to be severable. If any term or provision of this Declaration shall be determined to be illegal or invalid for any reason whatsoever, such provision shall be severed from this Declaration and shall not affect the validity of the remainder of this Declaration.

15. Upon written request by Declarant from time to time, the Planning Commission shall execute, acknowledge, and deliver to Home Properties a written statement certifying to Declarant and/or its transferees or mortgagees that, to the best of its knowledge, information, and belief, there are no outstanding defaults by Declarant under this Declaration (or specifying the details of any default by Declarant outstanding at that time) and addressing such other matters as may be reasonably requested by Declarant, its transferees or mortgagees. In addition, upon any termination of this Declaration, the Planning Commission shall execute, acknowledge, and deliver to Declarant such written instrument, in recordable form, as Declarant may request to confirm the termination of this Declaration and Declarant shall be entitled to record such instrument in the Land Records. Any document submitted by Declarant to the Planning Commission in accordance with this Paragraph shall be executed, acknowledged and delivered by the Planning Commission to Declarant within ten (10) business days after receipt by the Planning Commission. Documents executed by the Planning Commission under this Paragraph may be relied upon by Declarant and any prospective transferee or mortgagee of Declarant.

16. All notices, requests, demands or other communications under this Declaration shall be in writing and deemed given (a) when delivered personally, with signed receipt of delivery, (b) on the day deposited in the U.S. Mail, by registered or certified mail, return receipt requested, postage prepaid, (c) on the day deposited with a recognized overnight courier service which requires signed receipt of delivery (such as Federal Express), or (d) on the day transmitted by fax, provided that notice is also sent the same day by one of the foregoing methods of delivery. In all events, such notices and communications shall be addressed as follows (or to such other address which a party may from time to time hereafter designate by notice given in accordance with this Paragraph):

If to Declarant: Home Properties
Washington Regional Office
8229 Boone Boulevard
Suite 500
Vienna, Virginia 22182
Attn: Donald R. Hague, Senior Vice President/Development
Telecopy No.: (703) 370-7368

with a copy to: Home Properties
850 Clinton Square
Rochester, New York 14604
Attn: Kathleen K. Suher, Esq.
Telecopy No.: (585) 340-5949

If to Planning Commission: The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910
Attention: Planning Director

with a copy to: The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910
Attention: Associate General Counsel

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Declarant and the Planning Commission have signed, sealed and delivered this Declaration as their own free act and deed as of the day and year first written above.

Witness/Attest

Declarant:

HOME PROPERTIES FALKLAND CHASE, LLC.,
a Delaware limited liability company, formerly known as
Falkland Partners, LLC

By: HOME PROPERTIES, L.P.,
a New York limited partnership,
its sole member

By: HOME PROPERTIES, INC.
a Maryland corporation,
its general partner

By: _____
Name: _____
Title: _____

Witness/Attest

Planning Commission:

**MARYLAND-NATIONAL CAPITAL PARKING AND
PLANNING COMMISSION,**
a body corporate and politic created and existing under the
laws of the State of Maryland

Patricia Colihan Barney
Secretary-Treasurer

By: _____
Oscar S. Rodriguez,
Executive Director

* * *

State of _____

County of _____

I HEREBY CERTIFY that on this ____ day of _____, 2008, before me, a Notary Public in and for the State and County aforesaid, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, as _____ of Home Properties, Inc., a Maryland corporation and general partner of Home Properties, L.P., a New York limited partnership and sole member of Home Properties Falkland Chase, LLC, a Delaware limited liability company, and acknowledged that he/she, being authorized to do so, executed the foregoing and annexed instrument as the act and deed of the said corporation for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

[NOTARIAL SEAL]

* * *

* * *

State of Maryland
County of Montgomery

I HEREBY CERTIFY that on this ____ day of _____, 2008, before me, a Notary Public in and for the State and County aforesaid, personally appeared _____, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, as _____ of Maryland-National Capital Parking and Planning Commission, a body corporate and politic created and existing under the laws of the State of Maryland, and acknowledged that he/she, being authorized to do so, executed the foregoing and annexed instrument as the act and deed of the said body for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires: _____

[NOTARIAL SEAL]

* * *

ATTORNEY'S CERTIFICATION

I hereby certify that I am an attorney duly licensed to practice before the Court of Appeals of Maryland, and that this Declaration was prepared by me or under my supervision.

Andrew M. Goldstein

EXHIBIT "A"
(Description of North Parcel)

(See attached)

PART THREE:

Being a portion of Parcel #4 as shown on a Plat of Street Dedication recorded among said Land Records in Plat Book 13 as Plat No. 851 and being more particularly described as follows:

BEGINNING at an iron pipe found at the Southwesterly corner of Parcel #3, Rosemary Woods as shown on a Plat recorded among the Land Records in Plat Book 70 as Plat No. 6645 and being on the Easterly right of way line of 16th Street, 120 feet wide; thence departing said 16th Street and binding on said Parcel #3, Rosemary Woods

- 1) North 65 degrees 36' 39" East, 409.65 feet to an iron pipe set; thence
- 2) North 66 degrees 45' 39" East, 43.76 feet to an iron pipe set at the Northwesterly corner of a Declaration of Taking by The Washington Metropolitan Area Transit Authority and described in Part 1 of Parcel MB309 of a deed recorded among said Land Records in Liber 4433 at folio 386; thence departing said Parcel #3, Rosemary Woods and binding on said Declaration of Taking Parcel
- 3) South 45 degrees 40' 35" East, 305.04 feet to a point; thence
- 4) South 44 degrees 19' 24" West, 6.00 feet to a point; thence
- 5) South 45 degrees 40' 35" East, 16.45 feet to a point; thence
- 6) North 89 degrees 58' 55" East, 17.66 feet to a point; thence
- 7) South 00 degrees 01' 05" East, 17.25 feet to a point; thence
- 8) South 45 degrees 40' 35" East, 17.11 feet to a point; thence
- 9) North 44 degrees 19' 24" East, 5.00 feet to a point; thence
- 10) South 45 degrees 40' 35" East, 267.96 feet to an iron pipe set on a Northwesterly line of Parcel No. 6 as shown on a Plat entitled "Parcels Nos. 6 & 7, a Division of Parcel No. 5, Property of Blair Management Corporation" and recorded among said Land Records in Plat Book 14 as Plat 938; thence departing said Declaration of Taking Parcel and binding on said Parcel No. 6;
- 11) North 89 degrees 58' 02" West, 90.36 feet to an iron pipe set; thence
- 12) South 00 degrees 01' 58" West, 181.04 feet to an iron pipe set on the Northerly right of way line of East West Highway, variable width; thence departing said Parcel No. 6 and binding on said East West Highway
- 13) 147.44 feet along the arc of a non-tangent curve to the left, having a radius of 868.51 feet and a chord bearing and distance of North 71 degrees 19' 46" West, 147.26 feet to a point; thence
- 14) North 13 degrees 47' 45" East, 3.00 feet to a point; thence
- 15) North 78 degrees 50' 17" West, 183.95 feet to a point; thence
- 16) North 89 degrees 56' 21" West, 256.34 feet to a point; thence
- 17) South 00 degrees 03' 39" West, 9.05 feet to a point; thence
- 18) North 85 degrees 21' 01" West, 173.84 feet to a point; thence
- 19) North 44 degrees 36' 42" West, 35.68 feet to a point on the Easterly right of way line of said 16th Street; thence departing said East West Highway and binding on said 16th Street
- 20) North 00 degrees 01' 59" East, 319.95 feet to the point of beginning containing 328,846 square feet or 7.54927 acres of land, more or less.

TAX ID NO. 13-959802

TOGETHER WITH a non-exclusive easement and right of way for purposes of parking and ingress and egress over the property, more particularly described as "Easement East Center Line" as set forth in Amendment to Declaration of Easements, Covenants and Related Agreements recorded in Liber 6956 at folio 126, re-recorded in Liber 6979 at folio 494.

EXHIBIT "B"

PROPOSED DEVELOPMENT COMMITMENTS

1. 12.5% of the final number of total units on the North Parcel shall be subject to the County's MPDU program.
2. 4.72% of the final number of total residential units on the North Parcel shall be subject to the County's workforce housing program for 20 years.
3. A number of units equal to 4.72% of the final number of total units on the North Parcel shall be subject to the County's workforce housing program for 20 years and located in existing buildings on the South and West Parcels.
4. The affordable units reserved for families with income less than 65% of the Annual Median Income ("AMI") at Woodleaf Apartments in Silver Spring will be extended through 2029 and the number of units subject to the Program adjusted such that it equals 4.63% of the final number of total units on the North Parcel.
5. A 1+-acre green area running through the South Parcel shall be designated as off-site public use space to be improved by Declarant by stream restoration, landscaping, pathways, entrances to East-West Highway, 16th Street and Colesville Road, and include signage, seating areas and an educational trail with interpretative panels. A public use easement shall be placed on this area once the improvements are complete.
6. The streetscape along the East-West Highway frontage of the North Parcel shall provide sufficient right of way for, and Declarant shall construct, a five-foot wide brick public sidewalk and a ten-foot wide bicycle path separated from the street by a five-foot brick area with tree pits.
7. A tenant relocation program for those tenants in the North Parcel who were tenants prior to August 1, 2006, to include the following:
 - Waiver of application fees and transfer security deposits from a North Parcel apartment to any other Declarant-owned apartment for residents in good standing. For residents in good standing who opt to move to an apartment not owned by the Declarant, Declarant will pay any reasonable application fee and security deposit offset by any security deposit refund due from Falkland.
 - Payment of \$500 of North Parcel residents' relocation expenses (moving, utility, hook-up, etc.). Once formal notice has been given that a resident must relocate, that resident would receive the assistance mentioned above, as well as being entitled to all rights under Montgomery County Code and Regulations including relocation assistance equal to two months' rent.

- Residents of the North Parcel who relocated to the South or West Parcels will continue to pay their current rent for the remainder of their lease term (e.g., a resident of the North Parcel who is paying \$1175 for a 1-bedroom unit with a lease that expires in May 2008 would continue to pay \$1175 for a South or West Parcel 1-bedroom unit through May 2008).

8. Architectural standards addressing the following:

- percent of glass to solid wall area on the exterior of the buildings
- acceptable exterior building materials for the buildings
- an acceptable range of widths of the floor plates for any building over four stories

Prior to filing its Revised Development Plans, Declarant shall consult and endeavor to reach agreement with the Planning Director on the above items. Declarant shall not contest the authority of the Planning Board to condition approval of the Revised Development Plans upon standards setting forth the percent of glass to solid wall area on the exterior of the building, acceptable exterior building materials, or the width of floor plates for any building over four stories. The foregoing will not be construed to prevent Declarant from advocating its position with respect to or contesting the specific details of the architectural standards.

9. Structured parking shall not be visible from street except for necessary egress and ingress areas, ventilation and similar equipment.
10. Surface parking shall be limited to curbside locations.
11. All commercial and/or residential buildings shall be certified LEED Silver or the equivalent and Declarant shall make commercially reasonable efforts to achieve LEED certified gold or its equivalent.
12. Each residential or mixed use residential building containing residential units shall contain the following minimum unit mix: 10% efficiency, 10% one bedroom, 10% two bedroom, and 7.5% three bedroom.
13. Commercial space shall be provided along the East-West Highway frontage.
14. 65% of the lot frontage along East-West Highway shall have buildings that front on East-West Highway and of this 65% a minimum of 50% of the ground-level space shall have retail uses.
15. Prior to filing the Project Plan component of the Revised Development Plans, Declarant shall make commercially reasonable efforts to secure a grocery store user so that a grocery store may be included in the Revised Development Plans.

Action Committee for Transit

www.actfortransit.org

P.O. Box 7074, Silver Spring, MD 20907

July 30, 2008

Mr. Royce Hanson, Chair
Montgomery County Planning Board
8787 Georgia Ave.
Silver Spring, MD 20910

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0894
JUL 31 2008

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Subject: Falkland Chase Historic Designation

Dear Mr. Hanson:

The Action Committee for Transit urges the Planning Board not to designate as historic those Falkland Chase buildings that are partially located within a potential right-of-way for the Purple Line. We take no position on historic designation of the remainder of the complex.

The Purple Line is a vitally needed transportation link that will serve travelers who live and work in all parts of Montgomery and Prince George's Counties. It is faced, however, with a small group of extremely well-funded and unprincipled opponents. The opponents have already disbursed over \$1,000,000 in documented expenditures, and much more money that is not identified on the public record. They have not hesitated to use both judicial and administrative procedures to delay and obstruct the project. Consistency has been no concern in this effort; for example, they filed a petition with the Interstate Commerce Commission asking that body to forbid the use of the Georgetown Branch right of way for a trail, and when that petition failed they argued that light rail should not be built because it would "destroy" the trail.

In this context, the Planning Board should take extreme care not to put anything in the way of the Purple Line that could become a pretext for delay in the hands of unscrupulous opponents. We urge you, therefore, to carefully delineate any historic designation so that all buildings that might be altered or removed in the course of building the new light rail line are completely outside its scope.

Sincerely,



Ben Ross
President

Facsimile Transmission Cover Sheet

To Planning Board

Phone number _____

Number of pages (including cover sheet) 2

From Action Committee for Transit - Ben Ross

Our voice telephone: (202) 293-3993

Our fax telephone: (202) 293-0169



R. CHRISTOPHER GOODWIN & ASSOCIATES, INC.

cultural resource management and preservation planning

30 July 2008

RECEIVED

JUL 31 2008

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

The Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910-3760

**RE: Falkland Apartments, Location Atlas #36/12
Evaluation for Master Plan for Historic Preservation Eligibility**

Honorable Commissioners:

R. Christopher Goodwin & Associates, Inc. has been working over the last several years with Home Properties, REIT in the historical and architectural analysis of the Falkland Apartments applying the Montgomery County criteria for listing in the *Master Plan for Historic Preservation*. With over 26-years of national practice, Goodwin & Associates, Inc. has in-depth experience in the history of twentieth century Federal housing policy and its influence upon American domestic architecture.

The purpose of this letter is to provide Home Properties' brief response to the letter, dated 1 July 2008, from J. Rodney Little, Director, Maryland Historical Trust (MHT) and State Historic Preservation Officer to The Honorable Marc Elrich, Montgomery County Council regarding the eligibility of the Falklands Apartments for listing in the National Register of Historic Places. The Falklands Apartments were recommended as eligible for listing by the MHT in 1999 pursuant to a Maryland State Highway Administration (SHA) improvement project at the intersection of Maryland Routes 390 and 410. The two-paragraph NR-Eligibility Review Form submitted by SHA for MHT consideration referenced the Maryland Inventory of Historic Properties Inventory Form prepared in 1980 by Michael Koop that focused on the architectural and historical significance of the South Parcel. While the SHA submission acknowledged that the Falkland Apartments comprise "three distinctive groupings," no analysis was provided of the substantial differences between the three parcels in history, design, and integrity. The SHA submission also did not document the 1990 demolition of thirty-four units occupying 2.1 acres of the South Parcel east of Draper Lane.

Recent studies of the Falkland Apartment, undertaken on behalf of Home Properties by our firm and others, clearly demonstrate the differences in historical association, design, and integrity between the South, North and West Parcels. This new evidence, which was not available to MHT in 1999, documents that the characteristics possessed by the South Parcel are separate and independent of the North and West Parcels.

241 East Fourth Street, Suite 100 Frederick, Maryland 21701
(301) 694-0428 Fax (301) 695-5237 frederick@rcgoodwin.com www.rcgoodwin.com

Frederick, MD

New Orleans, LA

Tallahassee, FL

Lawrence, KS

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The importance of new information to evaluations of significance is recognized by the National Register program. While I have the utmost professional regard for the Maryland Historical Trust and their leadership in historic preservation, I respectfully disagree that the loss of the North Parcel would compromise the historical importance of the South Parcel as the first, federally insured and financed garden apartment in Maryland.

Thank you for your consideration of this important evaluation.

Sincerely,



Kathryn M. Kuranda, M.Arch.Hist.
Senior Vice President
Architectural and Historical Services

KMK/blb

Coleman, Joyce

From: dparis5@verizon.net
Sent: Thursday, July 31, 2008 4:58 PM
To: MCP-Chairman
Subject: Falkland Master Plan Nomination
Attachments: Attachment information.; D Paris re Falkland Nomination.doc

RECEIVED
JUL 31 2008

OFFICE OF THE CHAIRMAN
THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Attached: D Paris re Falkland Nomination

Dear Chairman Hanson:

Please include the attached material in the hearing record regarding the master plan nomination for the Falkland Apartments.

Thank you for your attention.

Sincerely,

David Paris
dparis5@verizon.net

David B. Paris
901 LARCH AVENUE, TAKOMA PARK, MD 20912

July 31, 2008

To: MCP-Chairman@mncppc-mc.org

Royce Hanson, Chair,
Montgomery County Planning Board
8787 Georgia Ave.
Silver Spring, MD 20910

Ref: Review of Falkland Apartments for listing on Master Plan for Historic Preservation

Dear Dr. Hanson and Members of the Planning Board:

I urge the planning board to approve the proposed nomination of the Falkland Apartments for the Montgomery County Master Plan for Historic Preservation. The entire county will benefit from the preservation of Falkland, which is an irreplaceable community resource.

Please continue to focus your attention on the qualification of the historic property for nomination. This is not the appropriate point in the process to consider illusory public benefits, which are not among the enumerated nomination criteria.

Neither the Historic Master Plan Nomination Criteria nor related State and County Statutes Require Balancing During the Historic Nomination Process

The present historic master plan nomination hearing should focus on the historic value of the existing Falkland building. I am unaware of any legal authority supporting the assertion of Home Properties that the planning board is required to balance historic considerations against other public policy concerns when considering a nomination application. Neither the state nor the county code provisions require such balancing.

The Maryland Code specifically authorizes the planning board to "identify and designate" historic resources with "historical, archeological, architectural or cultural value." Maryland Code Article 28, § 7-108 (e). In turn, Chapter 24A of the Montgomery County Code details specific criteria for the designation of historic sites that conspicuously fails to provide for the balancing historic and other public policy concerns. Montgomery County Code § 24A-3 (b).

Instead of balancing, the Maryland code specifically contemplates the possibility that there might be unharmonized inconsistencies between a historic master plan and the advisory master plan elements set forth in paragraphs (3) and (4) that include housing needs, transportation resources, and environmental population forecasts

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The material in paragraphs (3) and (4) of this subsection shall be considered as guidelines concerning the basis, contents, and considerations of the general plan, functional master plans, local area master plans, or any amendment thereto, and the plans or any amendments thereto shall not be deemed null and void, inapplicable or inoperative on the ground that the basis, contents, or considerations thereof are not consistent with this article;

Md. Code Art. 28, § 7-108 (a) (6).

The Montgomery County code also confines to the permitting process references to balancing of historic preservation and other policy considerations.

In balancing the interests of the public in preserving the historic site or historic resource located within an historic district, with the interests of the public from the use and benefit of the alternative proposal, the general public welfare is better served by granting the permit.

Mont Code § 24A-8 (b) (6). Therefore, there seems to be no statutory basis for the application of balancing to the master plan nomination process.

Last year, in *Casey v. Mayor and City Rockville*, the Maryland Court of Appeals clarified that the Rockville historic preservation ordinance, which is strikingly similar to its Montgomery County counterpart, requires consideration of economic matters only when a demolition permit application is being reviewed. 400 Md. 259, 289, 929 A.2d 74 (Md. 2007)

The singular consideration indicated expressly by the General Assembly in *Article 66B, § 8.02*, by which the local legislative body must consider amendments to the historic area zone is whether a subject property has "historic, archeological, or architectural significance." As indicated *supra*, this determination of significance appears to be guided, at least in Rockville, by twelve enumerated criteria deemed characteristic of a property suitable for designation. Noticeably absent from the checklist is the economic impact of preservation should the property be included in the historic district. **It is only after the property is designated historic and a development permit application is maintained by the landowner that the statutory scheme contemplates economic feasibility and financial hardship as required factors in determining whether a permit should be issued and on what conditions.** (emphasis added)

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Casey v. Mayor and City of Rockville, 400 Md. at 289, 929 A.2d at 92.¹

Nevertheless, the attorneys for Home Properties persist in advancing the incorrect position that “[w]hen evaluating whether a property should be designated for inclusion within the Master Plan, the Board **must balance** historic considerations with other public benefits.” (emphasis added) Letter from Barbara Sears & Samantha Mato to the Planning Board, June 8, 2008, p. 2. However, instead of citing statutory authority to establish this position, both Home Properties and the planning board staff report rely on an undocumented general description of the historic preservation process that existed in 1979.

Sites should be evaluated against the criteria listed above. After receiving the recommendation of the Commission, the Montgomery County Planning Board would hold a Public Hearing to make its determination, using the **same criteria**, considering the purposes of the ordinance, and balancing the importance of the historic property with the other public interests. If the Planning board decides to place the historic resource on the Master Plan, it will then recommend a Master Plan Amendment to the County. (emphasis added)

MNCPPC, Approved and Adopted Master Plan for Historic Preservation, Montgomery County, Maryland, 1979, Page 22; Rollin Stanley, Director, Planning Board Hearing and Work Session on the Public Hearing (Preliminary) Draft Plan Amendment to the Master Plan for Historic Preservation – Falkland Apartments, July 2, 2008, p. 2.

There is no basis for finding a unique planning board statutory balancing test in language that expressly authorizes the planning board to use the same nomination “criteria” as the HPC. Even Planning Director Stanley, who seems to accept the balancing argument uncritically, notes that the master plan’s “reference to ‘using the same criteria’ refers to that used by the Historic Preservation Commission.” *Id.* The 1979 master plan states that the HPC and planning board permitting hearings “would use the criteria recommended in this plan in reaching their decision.”

It is ironic that Home Properties, which is very concerned about *res judicata*, appears to be attempting to revisit the *Casey* litigation by utilizing the balancing of public policy considerations as a thinly veiled substitute for the economic factors that the *Casey* decision found to be intended primarily for the permitting rather than the nomination process. Home is representing that it cannot afford to provide public amenities unless it can demolish the northern portion of Falkland. Consequently, the claimed amenities functionally are really just another side of an economic feasibility discussion that should

¹ The *Casey* court also found that the property rights of the owner are not legally impacted until the regulating authority makes a final determination regarding the disposition of a permit application. *Id.* at 314 and 107.

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be left to the demolition permit process. The amenities represent a public subsidy to Home and dangerous waters for the planning board in light of the *Casey* decision and because the Historic Preservation Commission has not reviewed the so-called public benefits.

The quotation from the 1979 master plan does not appear to reflect the understanding of the nomination process shared by members of the current planning commission at the worksession following the December 6, 2007 hearing regarding the master plan designation of Falkland. In response, Attorney Sears maintained that the designation hearing would be the only opportunity for the planning board to engage in balancing. Moreover, she asserted that when the planning board designated the cupola building in 2003 that there were assurances from the planning board staff that the next review would involve balancing. However, it appears that the planning board included the building to protect the property from demolition and to promote negotiation. Contrary to expectations, instead of pursuing discussions, Home Properties applied to tear down the entire north section in return for illusory amenities.

Legal Principal of Res Judicata Is Inapplicable to Exclusively Administrative Decisions; Moreover, the Resurgence in Silver Spring Development Prospects Sharply Distinguishes the 1985 Designation Effort from the Current Nomination

Home Properties has asserted repeatedly that the legal principal of "administrative res judicata," should preclude consideration of the present Master Plan Amendment since the Cupola Building was designed in 1985. Sears Letter, p. 4, n. 2. However, Maryland courts have long "held that the principles of the doctrine of *res judicata* do not apply where the earlier decision as well as the later decision is made by an administrative agency," and when there is appropriate legal justification for the new decision. *Gaywood Community Assn. v. Metropolitan Transit Authority*, 246 Md. 93, 99, 227 A.2d 735, 738 (Md. 1967).

The record of this proceeding contains considerable evidence detailing significant changes in circumstances that have occurred since the original designation decision. The resurgence of Silver Spring as a center for development constitutes a monumental difference between the present and 1985 when only the Cupola Building was designated. In 1984, the art deco decorations and architectural elements had just been removed from the Silver Spring Shopping Center and the Silver Theater in an effort to thwart historic designation. Additionally, the decline of Silver Spring was further evidenced by the preparation of the Hecht Company to abandon the location of its first suburban store.

In light of the recent upsurge in Silver Spring housing, office, and commercial construction, it clearly is not necessary to cannibalize the northern portion of Falkland, an irreplaceable historic resource, to revitalize Silver Spring housing construction.

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Earlier Silver Spring sector plans might have anticipated that the development of Falkland would help to trigger a resurgence in Silver Spring housing construction. However, it is reported that the 2000 Silver Spring sector plan does not mention Falkland. Moreover, the master plan might not have seriously contemplated the construction of the a north sector apartment tower because, “[i]n 2000, the construction of a new high-rise housing was not believed to be economically viable.” Glenn Kreger, Acting Chief, Memorandum from Community Based Planning, Amendment to the Master Plan for Historic Preservation – Falkland Chase, June 16, 2008, p. 21. (emphasis added).

Falkland has been Recognized as an Irreplaceable Community Resource

There has been an increased appreciation of Falkland as an historic, cultural, and architectural resource. Recent studies have contributed to a greater recognition of Falkland’s merits as an architectural, planning, and financing garden apartment prototype. *See e.g.* James Goode, Letter, October 15, 2007 (in record for the December 6, 2007 hearing). In 1999, seven years after the Draper Triangle area was demolished, the Maryland Historical Trust (MHT) recognized that Falkland was eligible for listing in the National Register of Historic Places. Moreover, a 2002 study performed in partial mitigation for the 1998 demolition of the Silver Spring Armory, identified Falkland as one of several properties with architectural significance. Additionally, Commission Robinson recollected that the subsequent placement of Falkland on the Locational Atlas in 2005 was intended to protect the property from demolition and to encourage negotiation. Transcript December 6, 2007 MPB Worksession (near end).

Falkland was the first large-scale garden apartment constructed in Maryland and probably the second such facility in the county to receive Federal Housing Administration (FHA) backing, according to testimony from architectural historian Richard Longstreth, author of an extensive study of the FHA’s role regarding apartment construction. This finding is contrary to misinformation presented by both of the Home Properties historic preservation consultants.

In 1988, Andrea Rebeck in her extensive study of Montgomery County identified Falkland as the first garden apartment complex in the county. However, in 1984, Park Historian Mark Walston, a source relied upon by Godwin’s predecessor, claimed that a four-flat structure in Takoma Park was the first garden apartment in the county. See Barbara Sears, Esq., Letter to Jeff Fuller, Chair, Historic Preservation Commission, August 14, 2007, *citing attached* Dr. Koski-Karell, Letter to Derick Berlage, Chair, MPB, March 21, 2005. Walston probably consulted a 1931 Klinge atlas that erroneously labeled the building as “garden apartments.” However, that building lacked green space, a distinguishing feature of garden apartments. Dr. Koski-Karell’s suggestion that the Falkland designers borrowed “copied heavily from earlier garden apartment developments such as Colonial Village in Arlington, Virginia” is unrealistic because

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Colonial Village construction began in 1935, only one year before Falkland construction commenced.

In fact, Falkland was a prototype for the nation as well as the county. James M. Goode in his celebrated book *Best Addresses*, states that Falkland was one of three projects in the Washington, D.C. area (the others were in Virginia) that “set the pace for hundreds of thousands of garden apartments throughout the nation.” A 1937 *Washington Post* article similarly identified Falkland and Colonial Village as major national prototypes. Interestingly, Home Properties’ own website has stated that Falkland was a prototype for other apartment complexes.

The Koski-Karell claim that Falkland is divided into “three distinct parts” is refuted by an article by William D. Blair, President of Falkland Properties that was written at the time that the second phase was under construction. *Koski-Karrel Letter, supra*, p. 3. Blair, who was business manager for the venture, described the combined west and north parcels as the “second section, which will contain 301 family units.” William D. Blair, *Solving an Estate Investment Problem, Insured Mortgage Portfolio*, November 1937, p. 8. For Blair the result of the Falkland effort “is that we have transformed 24 acres of land, which 2 years ago were a liability to the Blair estate, into a community providing housing completed or under construction, for 479 families.” *Id.* at 9. The second section was financed as a single unit by the Union Central Life Insurance Company. *Id.* at 27.²

While Dr. Koski-Karell contended that since “the Garden City Movement does not deal with apartment buildings” no part of the Falkland design could have been influenced by the Garden City Movement, the Goodwin Company has adopted a fallback position admitting that the south portion evidences such influences. *Koski-Karell Letter, supra*, pp. 1-2. Nonetheless, Kathryn Kuranda persists in contending that the “north and west project does not incorporate the principals of the garden city design, but rather illustrates features common to high density developments...” Kathryn Kuranda, *Letter to Planning Board*, June 5, 2008, p. 2. This view ignores common design elements include the design and construction of the entire Falkland complex in harmony with the hilly terrain and old growth trees that characterized the original landscape. A 2007 study of the north sector prepared for the Maryland Transit Administration concluded:

The Falkland Apartments complex embodied classical design elements that evolved from the “garden city” movement originated in England by Ebenezer Howard at the turn of the century, including its Colonial Revival architectural style, varied

² In contrast, Colonial Village, the first FHA insured garden apartment, was constructed in four phases between 1935 and 1940. Gail Baker, *Garden Apartments – Three Preservation Case Studies In Virginia*, CRM, No. 5, 1999, pp. 23.

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yet harmonious and organic site planning, and its combination of traditional and natural landscape design. (citation omitted.)

Parsons Brinkerhoff, *An Historic Preservation Assessment of the Falkland Apartments Complex*, May 2007, p. 5.

The second phase of the Falkland project represents a design evolution that recognized the increasing role of the automobile in American society, but nonetheless continued to provide a park setting with ample light and airflow. As Commissioner Lynch speculated during the December 6 worksession, designers are likely to “change and adapt to what you hear your customers are saying, and I think that’s exactly what happened here.” This evolution resulted in what the Home Properties history consultant, chose to dismiss as “an intense and workmanlike design for privately financed apartment development.” Goodwin Letter, *supra*, p. 1.

The Goodwin letter and testimony neglected to consider the historic significance of the evolved design that appears to reflect goals of the FHA Large Scale Housing Division regulations that “emphasized the elimination of wasted and unprofitable spaces” in order to encourage “affordable, yet attractive and desirable, living units for the residents.” EHT Traceries, Arlington Village Historic District (VDHR No. 000-0024), National Register of Historic Places Registration Form, June 1, 2002, Section 8, p. 27. William Blair described the subsequent development as a “more ambitious project” that was planned with the FHA’s “active cooperation” and insurance. Blair Article, *supra*, p. 10, 27. He further reported that the planning of the north section was influenced positively by FIIA operating and financial requirements. *Id.* at 27.

Adherence to the FHA goals appears to have accounted for design features that Goodwin Associates chose to characterize as “[a]rchitectural standardization with minimal orientation” without placing the observation into a historic context. Kauranda Letter, *supra*, p. 2. Similarly, Architect Ward Bucher stated that the apartments were modern, but he failed to recognize that the units were constructed to combat the shortage of housing for moderate income families. Arlington Village Form, *supra*, Section 8, p. 23. The growth of Washington area population from new deal employment resulted in rent increases of over 25% and the construction of thousands of units of single and multiple family housing. “D.C. Building Activities Show Boom-Like Gains,” *The Evening Star*, December 28, 1935.

Without explanation, Historian Katheryn Kuranda maintained that the northern section is less valuable because it contains greater density than the southern portion. Inexplicably, she failed to consider the pretty obvious possibility that the increased density of the North section, which was completed in 1939, might have reflected an emerging national priority to prepare for World War II. “In 1939, American preparations for war were far behind those of its enemies, who had been mobilizing for almost ten years.” National Park

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Service, World War II and the American Home Front – A National Landmarks Theme Study, October 2007, p. 3. In 1940, President Franklin Roosevelt utilized emergency powers to create the Defense Homes Corporation (DHC) to finance apartment complexes and developments needed to provide housing for workers employed by war industries and by Federal employees. *See* Records of the Defense Homes Corporation, Record Group 234.5.4;³ *see also* Chamberlin, Holly, "The Defense Homes Corporation: Permanent Defense Housing for the Home Front," M.A. thesis, George Washington University, 1990.⁴

In addition to being a pioneer offering innovative design and affordable pre-war housing, Falkland was a prototype with respect to construction financing. Falkland was the "first rental housing project financed by the RFC Mortgage Company through an FHA-insured mortgage." *See* Blair Article, *supra*, at 10. The Union Central Life Insurance Company, which paid a premium when it purchased the mortgage on the first section from the Reconstruction Finance Company (RFC), became interested in the project "through contact with the Federal Housing Administration," rather than by the Falkland company *Id.* However, Union agreed to make the second loan directly to Falkland because of the successful track record of the first section. *Id.* at 11. Blair maintained that the RFC's integration of construction and permanent financing, increased investor confidence by permitting lenders to supervise the construction process. *Id.* at 10.

In 1937, Union agreed to a \$1,625,000 loan, an amount in excess of its institutional \$1-million single mortgage loan limit. *Id.* The private financing of the second phase of Falkland construction is indicative of the rapid acceptance of the form and financing of garden apartments. Considering that the first phase of Falkland was only the second garden apartment development in the country, it is amazing that only one year later, the second phase was among "139 FHA projects that were underway in 1937, including 8 in Maryland that added over 1,400 retain units to the state's inventory." Goodwin Letter, June 5, 2008, p. 2. Additionally, the number of apartments projects that accompanied the commencement of the second phase of Falkland construction explains why the follow-up project might have generated less attention than south portion. Yet, Home Properties Consultant Katheryn Kuranda twice shared with the planning board the unwarranted conclusion that the northern parcel is less worthy because it generated less commentary. On both occasions, she leaped to reach a convenient conclusion without considering the more reasonable alternative explanation that one of 139 apartments is likely to attract less attention than the second FHA project funded nationally.

³ *See* Robert B. Matchette et al, Guide to Federal Records in the National Archives of the United States. Compiled by Washington, DC: National Archives and Records Administration, 1995, 3 volumes, 2428 pages. Viewed at <http://www.archives.gov/research/guide-fed-records/groups/234.html>

⁴ The Farlington garden apartment complex in Virginia, initiated in 1942, was the largest defense housing project financed by the DHC. Gail Baker, Garden Apartments – Three Preservation Case Studies In Virginia, CRM, No. 5, 1999, pp. 23.

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The denigration of the architectural contribution of Louis Justement is yet another example of the strained advocacy that has been exercised on behalf of Home Properties. The unwarranted conclusion of Dr. Koski-Karell that FHA architects were responsible for the Falkland design derived from a bizarre twisting of William Blair's statement that Justement, an "excellent architect...had the advantage of FHA architects' and landscape architects' checking and suggestions." Blair Article, *supra*, at 27. The role that Home Properties would assign is inconsistent with William Blair's report that Justement was the only person outside the Blair family to obtain a block of Falkland Properties stock. *Id.* at 10. However, ironically, the unprecedented involvement of New Deal architects with the Falkland design probably would provide an additional basis for nomination. In contrast, the Godwin firm has not contended that FHA architects designed the other 139 FHA funded apartments projects that it reports were underway in 1937.

Dr. Koski-Karell's testimony places great weight on the absence of Justement buildings in the American Institute of Architects guide to the architecture of Washington, DC. However, Justement's 1952 Barrett Prettyman Courthouse, a National Register eligible building, is found in the fourth edition of the guide, a volume that includes 2006 material. In 1946, the Justement was included among the 50 prominent participants at a major planning symposium at Princeton that included Frank Lloyd Wright, Walter Gropius, Phillip Johnson, Mies van der Rohe, and Robert Moses. That same year, Justement was one of only eight architects named a Fellow of the American Institute of Architects, the highest honor the profession can bestow on its peers. Falkland further demonstrates Justement's ability as a master architect.

At the December 6, 2007 workshop session, members of the planning board appeared to recognize the design integrity of the entire Falkland complex. Dr. Hanson observed "a reflection on the North side of the East side. In fact the alignment of the central buildings in the central space is a direct reflection of the East parcel on the North." In response, HPC Commissioner Rotenstein, an architectural historian, added that that "there is no break in the architectural style or ... attempt to delineate distinctions between the individual parcels." Commissioner Cryer was impressed that Falkland reflects the unified design vision of Architect Louis Justement. Later, Commissioner Robinson shared with the commission that his support for placing the entire development on the historical atlas was influenced by the total site's "symmetry of design." He noted that the northern portion shared the entire site's respect for the "continuity of the stream valley" and the fostering of plant life.

Demolishing the North Section Reduces Per Capita Parkland, Destroys Old Growth Trees, Impacts a Stream Valley, and Dishonors a Garden City-Inspired Design

As well as obliterating the buildings of the north section, the Home Properties proposal would have a significant adverse impact on the remaining historic properties. The existing buildings would be overshadowed, and the radical surgery necessary to bring the

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topography of the northern area down to an artificial street level would adversely affect natural features that were carefully preserved to enhance the quality of life of Falkland residents. The last remaining natural free-flowing spring in Silver Spring, begins on the north sector grounds and emerges above ground flowing through the south sector before entering Washington, DC at Portal Street.

The lack of objectivity of some members of the planning board staff is evidenced by their failure to reveal that the stream valley originates in the northern sector. Each of the staff reports references to the stream valley focuses in a misleading fashion on how Home Properties is going to improve the southern parcel. According to Rollin Stanley:

The **south parcel** of the Falkland Apartments includes a significant stream valley feature that has deteriorated over the years. This space is an opportunity to turn underutilized space into a component of the downtown Silver Spring open space network. Any **redevelopment of the north parcel** should include an agreement to improve this stream resource on the **south parcel** and an easement for public use.

The restoration of the stream valley on the **south parcel** as described above is an important enhancement not only to the current and future residents of the development but to the downtown as a whole.

Rollin Stanley, Director, Planning Board Hearing and Work Session on the Public Hearing (Preliminary) Draft Plan Amendment to the Master Plan for Historic Preservation – Falkland Apartments, July 2, 2008, pp. 14, 18 (emphasis added)

Mr. Kreger does no better when he writes:

The property owner also proposes to improve the stream valley on the **southeast parcel**, thereby enhancing this area as a green respite within the urban fabric of the downtown.

The **southeastern parcel** would also be enhanced through restoration of the stream valley.

Kreger Memo, p. 22.

Testimony presented by John Parish of the Maryland Native Plant Society cautions that “[r]eddevelopment within the streams headwaters in the north sector would reduce groundwater infiltration and further degrade the stream.” Testimony submitted, December 6, 2007. Accordingly, the Mr. Kreger’s poetic musing about “green respite” are lacking in substance. Moreover, the staff conclusion seem misleading since the proposed development reduces the *per capita* open space and pedestrian amenities of the

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present Falkland development that was inspired by garden city principals.

Falkland contains the "last significant stands of native trees and greenspace in downtown Silver Spring," according to Parish, who further reports:

The stream bank and surrounding buffer area in the Northern and Southern Sectors support 13 species of native forest trees reflecting the original forested landscape at Falklands. These are remnant stands of trees comprised of Red, White and Black Oaks, two kinds of Hickories, Black Walnut, American Elm, Black Cherry, Black Locust, Sassafras, Tulip-tree, Sycamore, and Red Maple.

All told, there are at least 38 species of trees (both native and non-native) growing within the complex, 10 of these are showy springtime flowering species. They include cherries, dogwoods, redbuds, junberries, hawthorns, crabapples and yellowwood. Several of the flowering trees date to the original plantings. One is a county- champion hawthorn growing on the North Sector grounds.

Id. Moreover, the northern section contains 9 species of specimen trees, including several irreplaceable White Pines. *Id.* Since the combined trees help to dissipate the buildup of urban heat and to offer relief from the urban streetscape, the Silver Spring community presently enjoys the "green respite" area about which Mr. Kreger fanaticizes.

It would be inappropriate to allow Home Properties to profiteer from having neglected Falkland's green areas, having disregarded erosion control and having failed to provide appropriate amenities such as park benches in the northern area. The record contains no explanation for an absence of stewardship that includes representations by Home Properties that an unspecified number of the northern trees are in decline and that the stream requires a "major restoration." Therefore, it is shameful that Home Properties would claim that a public benefit results from remediation of problems relating to its poor corporate stewardship of Falkland green space. Please reject this attempt to profiteer from offering illusory public benefits in return for cleaning up the effects of its own neglect.

Incredibly, the recent planning board staff report identifies a positive benefit from "bringing the building up to the street frontage to create a pedestrian environment that offers small shops opening into a wide sidewalk." Stanley Memo, *supra*, p. 13; *see also* Sears Letter p. 6. The proposed radical surgical mutilation of the existing topography of the northern area will result in a per capita net loss of parkland, a very uninviting pedestrian environment, and loss of the site's special sense of place. The existing northern area buildings contribute more to street life than the proposed automobile-

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oriented tower that is set back too far from the street to contribute to a pedestrian environment or to offer a sense of human scale. Moreover, it is unclear how the development will accommodate the elevation difference between the street level and the wall along the railroad.

The "terraforming" of the existing landscape is all about fitting in an underground parking garage, and providing a sweeping automobile-oriented entrance area lacking in human scale that is reminiscent of a gigantic motel. In contrast, Falkland was constructed in harmony with the natural landscape, and despite increased provision for automobiles, the north portion's landscaping was designed "to allow the buildings to blend into the site creating a unified whole" and "to minimize the presence of automobiles in the complex." Parsons Brinkerhoff/MTA Study, *supra*, pp. 4-5. "Additional trees and scrubs were placed to provide privacy, minimize the intrusion of automobiles, and to enhance outdoor activities. *Id.* at 5. Most north section apartments have an unencumbered view of green areas and far more light and air circulation than would be provided to residents of the proposed unimaginative tower.

As Commissioner Lynch stated in December, "smart growth is not always more density close to transportation. Smart growth also includes the preservation of the fabric of an area, and the Falkland ... today, is a pretty important part of" the fabric of Silver Spring. Parsons Brinkerhoff/MTA Study, *supra*, note 1, p. 4-5. Attorney Sears reports that the north parcel tower would reduce sprawl. However, as a matter of equity, there should be recognition by policymakers that it is unjust to expect downcounty areas such as Silver Spring and Takoma Park, which already possess sufficient density to support transit, to shoulder a disproportional share of the county's housing burden. Like the area surrounding Takoma Station, Falkland is a transit-oriented development of the past that deserves recognition and support.

Community based planning also engaged in a one-sided analysis of the design integrity of the Falkland complex. Mr. Kreger concluded that "[t]he integrity of the overall Falkland Chase property became irreparable once Lenox Park was built; this situation will be compounded because implementation of the Purple Line will likely require demolition of additional buildings on the northern parcel." Kreger Memo at 23. However, this assessment ignored the Maryland Historical Trust finding that Falkland was eligible for inclusion on the National Register of Historic Places in 1999, seven years after the Draper Triangle was demolished. Demolition reduced the whole of the complex by approximately 7% in both area and number of units. Parsons Brinkerhoff/MTA Study, *supra*, p. 5. "Design integrity for individual buildings and landscape features in the northeastern quadrant remains good." *Id.* at 6.

Similarly, Mr. Kreger grossly exaggerates the impact of the purple line on the integrity of Falkland by twice alluding to entire buildings being demolished. Kreger Memo, *supra*, at

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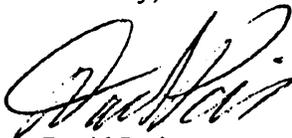
21 & 23. Attorney Sears also writes of "the necessary right-of-way for the Purple Line, which will require demolition of several buildings on the North Parcel. Sears Letter p. 6. According to the 2007 MTA study, the Purple line is likely to "require a narrow slice of additional right-of-way from Falkland Chase for the proposed transit alignment. The easternmost parts of two Falkland Chase structures lay within that slice." *Id.* at 5. Parsons Brinkerhoff calculated that the slice would take no more than 25% of the north Falkland building on East Falkland Avenue and concluded that "the proposed construction does not worsen the site's current overall integrity of design, materials and workmanship." *Id.* at 8.

Finally, I wish to take issue with the contention of the Home Properties contingent, that the historic designation of the south and west areas represents a compromise. Instead, it appears that that Home Properties was always prepared to back off from its original insistence that only the Cupola building should be designated and that Falkland was developed in three distinct parts. My view is based in part on the observation that both the November 3, 2006 project plan and the January 27, 2007 preliminary plan applications only sought to redevelop the north area. There is a difference between a compromise resulting from dialogue and an orchestrated pre-arranged fallback position.

Please recognize the importance of Falkland to the fabric of the Silver Spring and to the history of our community and of the nation. I was very encouraged by the recognition by the planning board last December of the design excellence of the project. I urge the planning commission to continue to resist the invitation to turn the hearing session away from the historical, archeological, architectural, or cultural fitness of Falkland and its environs for designation on the County Master Plan for Historic Preservation.

Thank you for your attention.

Sincerely,



David Paris
Takoma Park