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Via Email (County.Council@montgomerycountymd.gov) and upload
Montgomery County Council
Council Office Building
100 Maryland Avenue, 4th Floor
Rockville, MD 20850

Re: Comments on Planning Board Draft of the Silver Spring Downtown and Adjacent Communities Plan, for February 17, 2022, Montgomery County Council Public Hearing

Dear Council President Albornoz and Members of the Montgomery County Council:

On behalf of NRP Properties LLC (“NRP”), we are submitting this letter with our comments on the Planning Board Draft of the Silver Spring Downtown and Adjacent Communities Plan (the “Draft Plan”), for the Montgomery County Council’s (the “County Council”) consideration at its public hearing on February 17, 2022. NRP is the contract purchaser and developer of property identified as 8040 13th Street, located on the north side of 13th Street, adjacent to Kennett Street on the east and Eastern Avenue on the west (the “Property”). The Property is currently in the area subject to the Silver Spring CBD Sector Plan, approved and adopted in 2000, and in the South Silver Spring area of the Draft Plan. NRP has held several meetings with local residents and resident associations; held preliminary discussions with the Montgomery County Department of Transportation (“MCDOT”) regarding inclusion of the County-owned surface parking lot (the “County Parking Lot”) located just north of the Property and adjacent to the County-owned Kennett Street Garage (Garage 9 – the “County Garage”), into the Property assemblage; and also met with the Maryland-National Capital Park and Planning Commission (“M-NCPPC”) and Development Review Committee on the Concept Plan that NRP submitted for the Project (defined below) in order to receive preliminary feedback. The Property and the County Parking Lot are referred to collectively as the “Assemblage.”

NRP currently proposes to develop the Assemblage with a mixed-use project, comprised of a total of approximately 415 multi-family residential units, and approximately 9,500 square feet of non-residential uses, as well as a multi-level structured parking bay to be added to the existing County Garage that will serve the multi-family residential units and retail (along with potential replacement of the County Parking Lot spaces within the new parking bay), private amenities, and public benefit points (the “Project”). The Project as currently proposed would include three structures: (1) an approximately 373-unit multi-family building on the eastern side of the Property adjacent to Kennett Street, with 12.5% of these units proposed as Moderately Priced Dwelling Units (“MPDUs”), proposed to be 13 stories; an approximately 42-unit multi-family building on the western side of the Property adjacent to Eastern Avenue, for which the Applicant plans to pursue Low Income Housing Tax Credits (“LIHTC”) from the Maryland Community Development Administration, proposed to be 4 stories in compliance with the height stepdown



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provisions toward Eastern Avenue specified in the Ripley/South Silver Spring Overlay Zone; and (3) the multi-level parking bay to be added to the County Garage to serve the Project would technically be a standalone structure from a building code perspective.

While NRP hopes to proceed with submitting applications to M-NCPPC for redevelopment of the Assemblage in advance of final adoption of the Draft Plan, we submit these comments for your consideration as we believe they make smart planning sense notwithstanding the timing of redevelopment of the Assemblage. And, certainly if submittal of applications is delayed for any reason given the complexities of the proposed Project, the Project could potentially be subject to the ultimate provisions of the Draft Plan which make them all the more relevant.

NRP is supportive of most of the Draft Plan's recommendations relevant to the Property. Specifically, NRP supports permitting maximum height to 125 feet on the Property, rather than the current split-zoning of 125 feet on the westernmost lot and 90 feet on the two eastern lots. NRP also supports elimination of the South Silver Spring Overlay Zone, with stepback in height toward Eastern Avenue to be addressed through forthcoming design guidelines.

NRP's only concern regarding the recommendations for the Property pertains to the location identified for public open space, as shown on Figure 21, "South Silver Spring Illustrative Diagram" on page 58 of the Draft Plan. Specifically, the Draft Plan locates a large public open space adjacent to Kennett Street on the east side of the Project, which is problematic for several reasons. While NRP does propose a significant public open space on the Property, it is proposed more toward the middle-west portion of the Property, adjacent to 13th Street on the south. The reason for this location is primarily due to numerous discussions that NRP has had with its nearest neighbors, adjacent to the north, in the Eastern Village Cohousing development. Specifically, the neighbors were concerned about building structure of significant height blocking their sunlight and views to the south. As the result of a number of discussions, NRP proposed to reduce the massing of the west building and locate the Project's public open space adjacent to the smaller west building, to be respectful to the concerns of its neighbors. Further, the location of the proposed public open space relates to the existing public open space directly across 13th Street from the Property.

We do note that the Project is consistent with the narrative regarding the Property, on page 57, which states in part, "[t]his site should include a through-block connection providing pedestrian access through the site and connecting to the proposed Urban Recreational Park along Kennett Street". The public open space as currently proposed connects to the existing sidewalk along the Kennett Lane alley, which in turn connects to the pedestrian path along the north side of the County Garage and onto Kennett Street and the new public open space proposed to be located across Kennett Street from the Property.

As a result, the Project as proposed fully satisfies the intent for redevelopment of the Property as expressed in the Draft Plan's narrative, but Figure 21 does not account for this. We respectfully request that the County Council either direct revision to Figure 21 accordingly, or specifically note that Figure 21 is for illustrative purposes only and does not dictate the location in which public open space is created to be provided, which is instead to be determined as part of review of the development applications to be submitted to M-NCPPC. Potential additional language to be added



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to the Draft Plan could be that public open space must relate to existing and/or surrounding open space, rather than specifically directing locations of public open space at this time.

Aside from these specific comments, NRP is very supportive of the overarching goals and strategies proposed by the Draft Plan, and we look forward to continuing to follow the County Council's discussions. We thank you for your consideration of our comments. Please do not hesitate to contact us should you have any questions or require any additional information.

Sincerely,

Wire Gill LLP

A handwritten signature in black ink that reads "Heather Dhopolsky". The signature is written in a cursive style.

Heather Dhopolsky

cc: Atara Margolies, M-NCPPC