



MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Staff Report: Project Plan 920070060 & Preliminary Plan 120070190, Bonifant Plaza

ITEM #s: _____ & _____

MCPB HEARING

DATE: March 12, 2009

REPORT DATE: March 2, 2009

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
 Robert Kronenberg, Supervisor
 Cathy Conlon, Supervisor *CC*
 Development Review Division



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APPLICATION DESCRIPTION:

Creation of one lot for a maximum of 72 multi-family dwelling units, including a minimum of 12.5% MPDUs, on 0.59 acres in the CBD-1 and Fenton Village Overlay zones; located within the Silver Spring Central Business District Sector Plan.

APPLICANT: 949-961, LLC

FILING DATE: Preliminary Plan: October 5, 2006
 Project Plan: February 2, 2007

RECOMMENDATION: Approval with conditions.

EXECUTIVE SUMMARY:

The proposed development requests approval for a 90-foot tall multi-family building for up to 72 residential units, including a minimum of 12.5% MPDUs. Underground parking for 72 vehicles would be provided and accessed via the existing one-way alley running from Bonifant Street to Wayne Avenue; no new curb cuts are proposed. A public terrace with seating and integrated artwork and landscaping is proposed along Bonifant Street.

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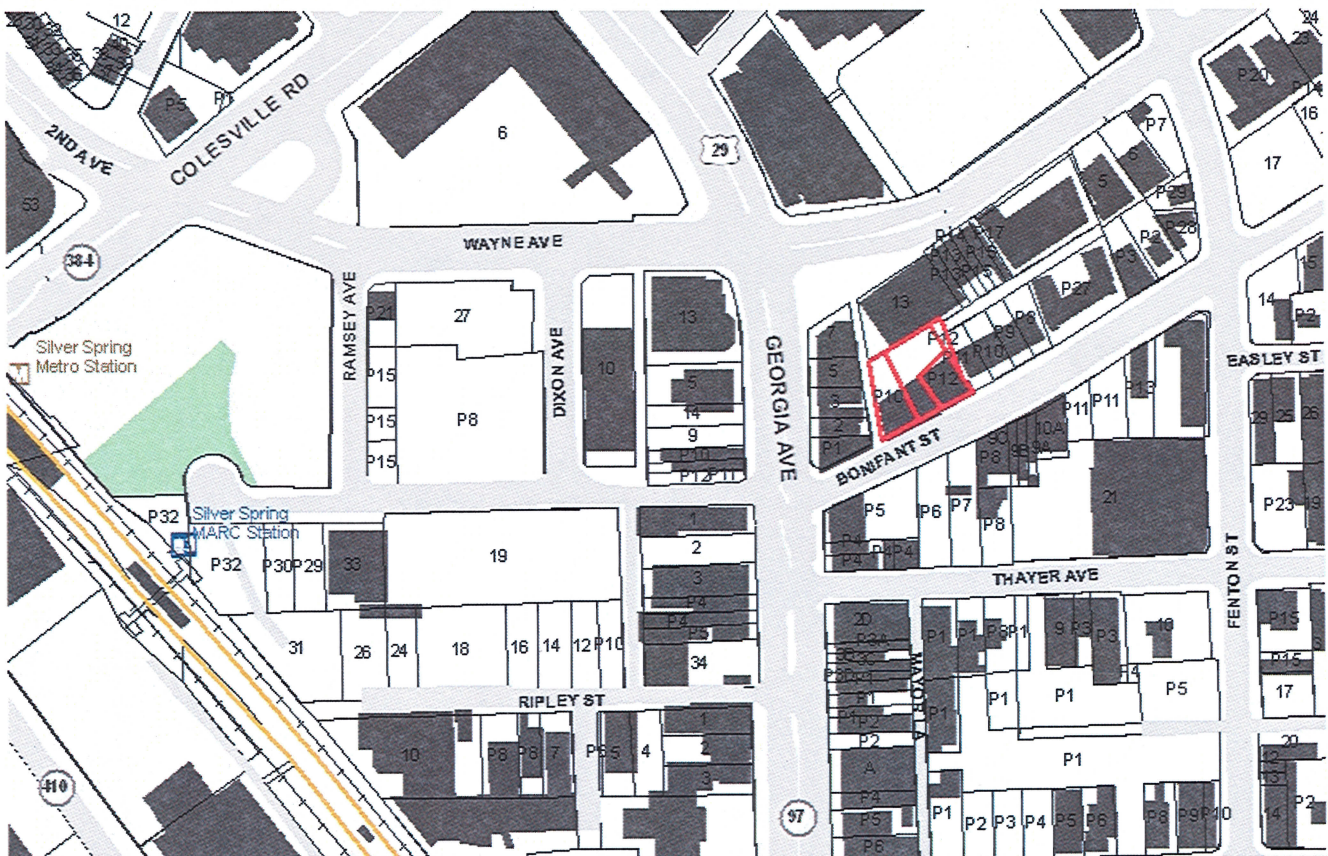
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SITE DESCRIPTION

Vicinity

The subject property is located on the north side of Bonifant Street in the Silver Spring Central Business District. A multi-story office building is located along the northern boundary of the site with frontage on Wayne Avenue. Directly to the west, one- and two-story commercial buildings are located along Georgia Avenue; these properties share access with the subject property to a one-way commercial alley. To the south, across Bonifant Street, is a parking lot for Chevy Chase Bank. Directly to the east are two-story structures containing commercial uses. The proposed Silver Spring Library site is located at the eastern end of the block and a proposed Purple Line route is currently planned within the Bonifant Street right-of-way along the property frontage. The site is within a one-half mile walking distance of the Silver Spring Metro and MARC stations.



Vicinity Map

Site Analysis

The site is currently improved with low-rise commercial buildings and a parking lot. The existing site lacks any on-site stormwater management, pervious area, or tree canopy. The surface parking and low-rise buildings are inefficient uses for a lot this close to transit facilities, retail facilities, and cultural resources. The existing mix of predominantly office and commercial uses in the area also provide employment opportunities. Parallel parking will continue to be

provided along the north side of Bonifant Street, although the final Purple Line alignment may change this situation.

The site is relatively flat, sloping roughly three feet up from east to west across its 170-foot frontage (2%). There are no known environmental or historic features on this site.



Aerial Photo Looking North

PROJECT DESCRIPTION

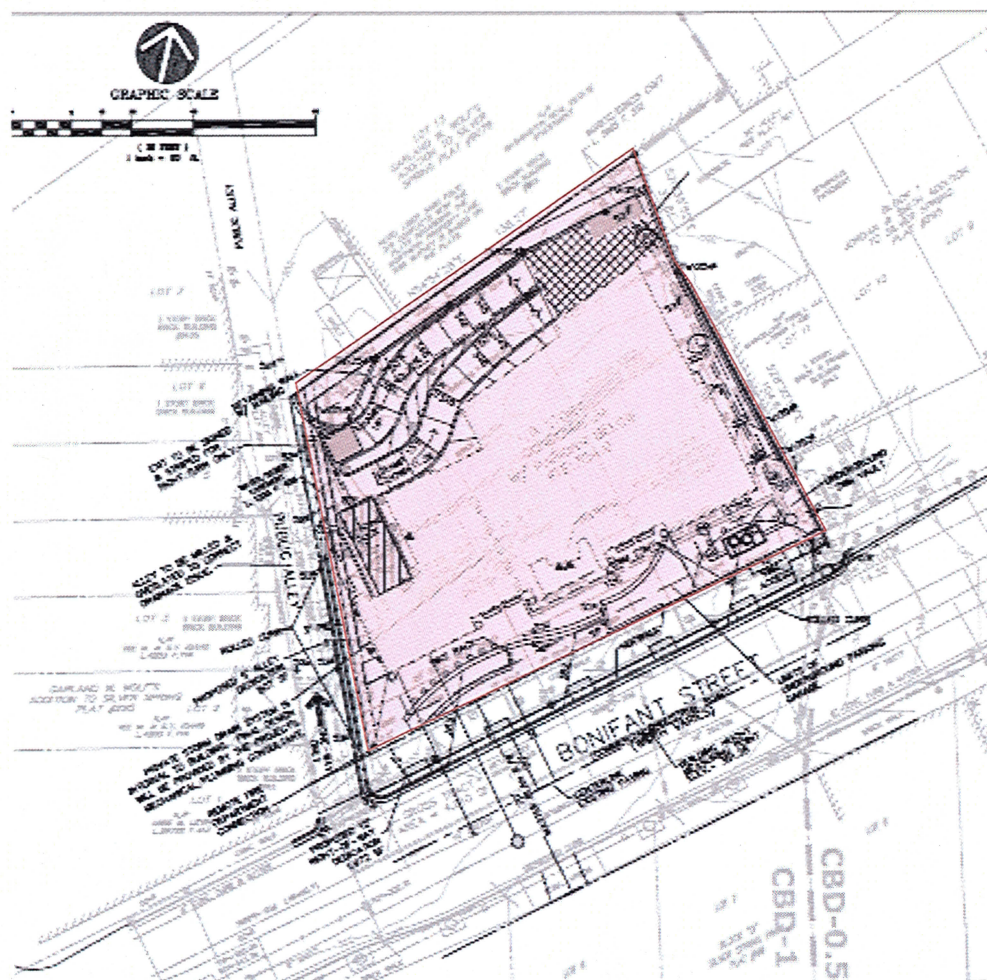
Proposal

The application proposes the creation of a nine-story multi-family residential building with parking below grade. Parking and loading will be accessed via the adjacent alley. Approximately 25% of the site will be devoted to public-use space and the sidewalk will be improved to meet the Silver Spring streetscape standards. Recreation facilities will be provided on-site to meet the 1992 Recreation Guidelines.

Subdivision of Land

The preliminary plan proposes to consolidate Lot 10, Part of Lot 11, Part of Lot 12 and Lot 12A into 1 recorded lot, 18,380 square feet in size, after dedications. Access to the underground

parking garage below the multi-family units will occur from the public alley. Primary pedestrian access is located along Bonifant Street.



Preliminary Plan

Land Use

The proposed development would provide a maximum of 72 multi-family dwelling units (122 units per acre) including 12.5% MPDUs on the 18,380 square foot net lot. The ground floor provides the main street entrance and also accommodates a lobby, social room, fitness room, and offices. The upper floors typically house 9 units each with one or two bedrooms. The private parking garage will have capacity for up to 72 parking spaces for residents. This is somewhat below the minimum required for such uses, but this site is within a parking lot district and no minimum amount of parking is required.

The sidewalks and open space along Bonifant Street provide two sitting areas, integrated artworks, and landscaping. The street itself will be upgraded to Silver Spring streetscape standards with new paving, street trees, and lighting. A pedestrian pathway will be installed along the alley and the northern boundary of the property to maintain access to the office building to the north and the alley to the east.

Design

The footprint of the proposed building is setback from the street an average of 24 feet from the property line to provide the required public use space. This southern façade runs the length of the property and is highly fenestrated along the ground floor. Because vehicles will access the site from the alley, no new curb cuts or pedestrian conflicts will be created along the building frontage allowing for the creation of a long, well-designed, and landscaped pedestrian environment.



A. R. MEYERS + ASSOCIATES ARCHITECTS, INC. AIA
Architecture Interiors Planning

BONIFANT

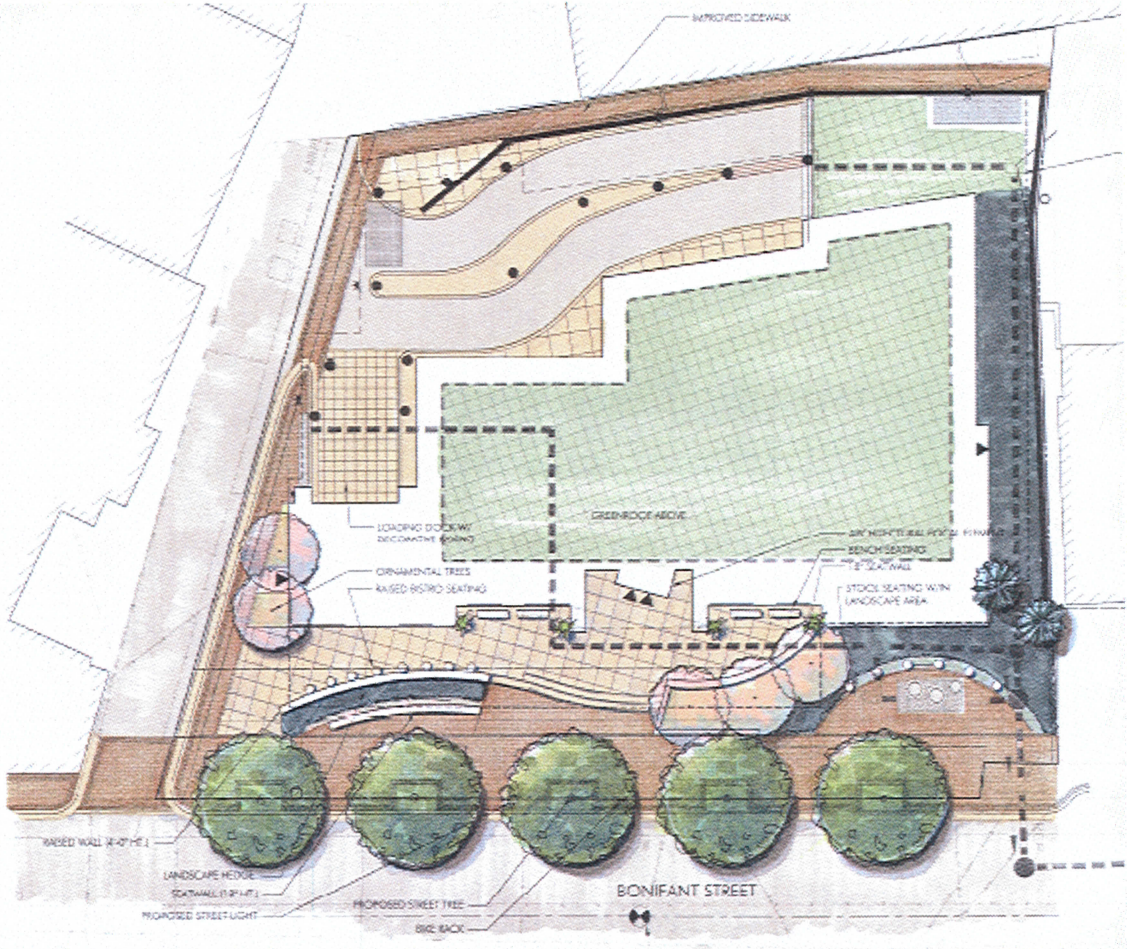
Illustrative Rendering (landscape has been revised)

The building itself is largely glass and masonry, with distinct sections of glass paneling on the corners and along the center of the façade, above the entrance. Balconies will be provided for many of the units and a green roof is provided over much of the structure. The detailed specifications of the building façade and of all public amenities and their integration into the landscape and architecture will be detailed with the site plan submittal.

Public Amenities

The proposed development would provide approximately 4,600 square feet (25% of the net lot area) of on-site public use space and approximately 3,600 square feet (19% of the net lot area) of off-site public amenity space. The on-site space is primarily composed of a terrace and sitting areas along Bonifant Street and the pedestrian access to the emergency door of the adjacent office building and alley to the west. Due to a lack of dedicated right-of-way along Bonifant Street, the off-site amenity space is limited to paving improvements along Bonifant Street towards Georgia Avenue. This total on- and off-site public amenity area of approximately 8,200

square feet is about 45% of the net lot area, which is relatively low for a project in the Silver Spring CBD. The aforementioned lack of dedicated right-of-way along adjacent properties is one reason for this deficit, the size of the project is another. The net lot is only 18,380 square feet, which is just above the required gross tract size for an optional method project. To ensure that Section 59-C-6.215(b) of the Zoning Ordinance, which describes the provision of public facilities and amenities in optional method CBD projects, is satisfied, the Applicant must ensure that the balance of four things positively contributes to the locality: affordable housing, environmental sustainability, quality design, and the quantity of local amenities created. These are discussed further in the analysis and findings.



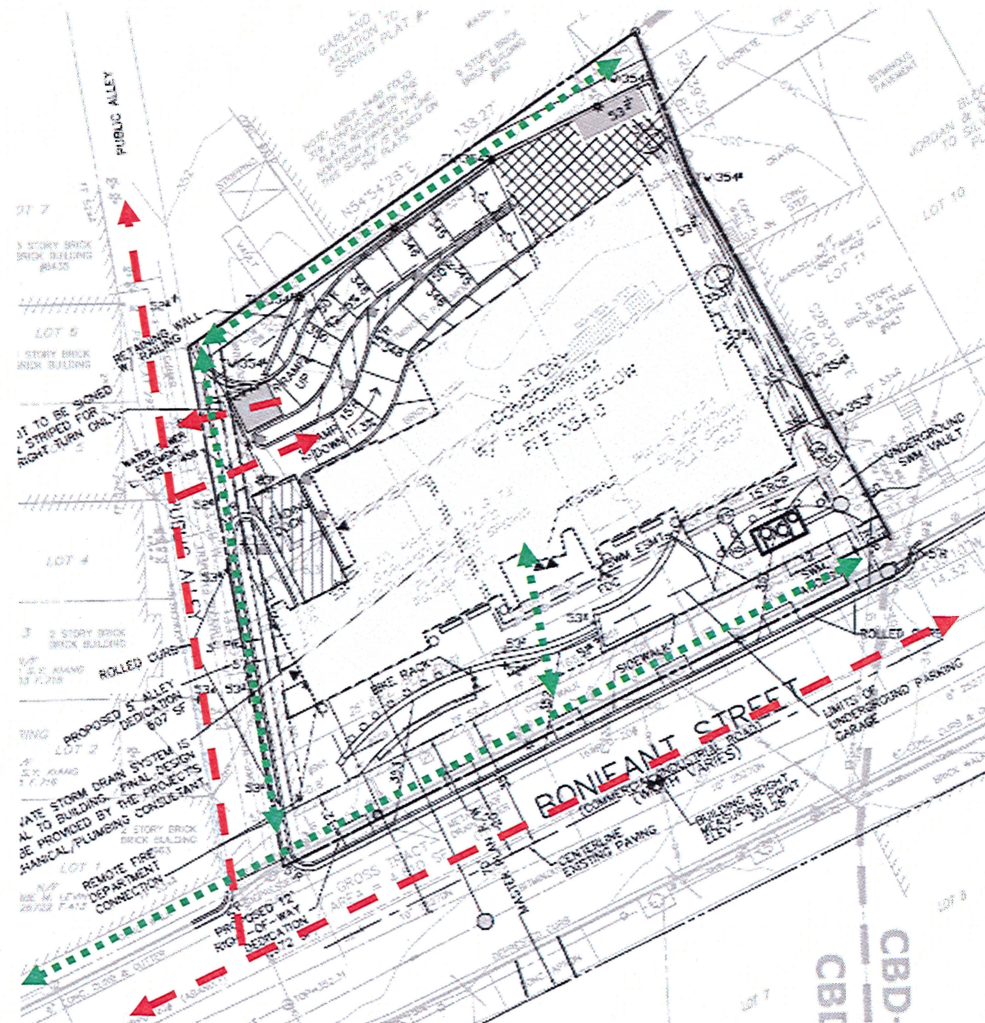
Illustrative Landscape Plan

With regard to the public use space provided on-site, the Applicant proposes a combination of street-grade and terraced paved areas, landscaping, and amenities that will enhance the pedestrian environment along Bonifant Street. Ornamental and shade trees will provide shade and softening of the dominant hardscape; shrubs and groundcovers will beautify the area and increase pervious area. Sitting walls, stools, and benches are offered for rest and relaxation. Last, a bistro wall/sitting area and niche area stools will be fancifully designed and artistically enhanced. The design of these spaces is intended to flow from the street with at grade access to the terrace from the west, integrated design elements and forms, and large, open steps. Final

details of the proposed open space and public amenities will be determined during the review of the site plan.

Vehicular and Pedestrian Circulation

Vehicular access for resident parking from the public alley to the site is provided at the northwestern corner, as is the loading area. This is an existing alley, being widened to meet commercial alley standards through dedication of an additional five feet. This one-way alley also provides access to the adjacent commercial properties. Given the importance of the pedestrian environment along Bonifant Street, sole access is being granted from this alley to minimize vehicular/pedestrian conflicts. Additional curb cuts for driveways would only be complicated and exacerbated if the Purple Line is built at grade along the northern side of Bonifant Street. Any further traffic design measures will be determined by site plan.



Circulation Plan

Pedestrians will access the site from Bonifant Street. Cyclists are provided racks to safely lock their bikes on-site and will have additional storage facilities within the building. The improved streetscape will greatly enhance pedestrian comfort and security along Bonifant Street.

PROJECT ANALYSIS

Sector Plan

The approved CBD Sector Plan recommends the CBD-1 zone for this site, which was applied through the Sectional Map Amendment adopted July 18, 2000, per County Council Resolution 14-600. The property is within the Fenton Village Overlay Zone, which provides for flexibility of development standards and a range of permitted uses, while ensuring that new development is compatible with nearby uses and incorporates critical design elements, such as streetscaping and useful public open spaces.

The Silver Spring CBD Sector Plan outlines six themes that articulate the shared goals and vision for a revitalized Silver Spring. Three of these themes, a residential downtown, a green downtown, and a pedestrian-friendly downtown apply to this proposal. One of the objectives of the Fenton Village Overlay Zone of the Sector Plan is to encourage new residential development that can provide housing opportunities, upgrade the physical environment, and provide a residential market for new CBD commercial opportunities. This project provides new housing that will help support the commercial uses in Fenton Village. The project encourages the development of active streets by providing building entries on Bonifant Street and usable public spaces between the building and curb. The quality of the pedestrian environment is improved through the addition of streetscaping per the Silver Spring Streetscape Plan and the provision of artistic elements along the street.

Transportation

Transportation Planning Staff and the staff of other applicable agencies have reviewed the adequacy and safety of the pedestrian, cyclist, and vehicular circulation patterns and impacts. A detailed review of their analysis is incorporated below in the Preliminary Plan Findings section of the staff report.

Environment

The entire proposed development is built on compacted, urban soils; there are no existing environmental features on site. There are numerous environmental issues, however, that this project should and does address. Given the extraordinary amount of non-porous surfaces in our downtown environments, planting beds and containers should be maximized to absorb rainfall. In addition, these planting areas should contain a variety of plantings, some of which should grow to a large size to increase the amount of overall biomass within the area. This will provide, to some extent, environmental comfort, shade, beauty, and carbon sequestration.

The Applicant proposes to create large areas of green roof and plant beds on-site. Further, several street trees will be planted to provide shade and carbon sequestration downtown. Although required to meet minimal LEED (or equivalent) standards for new development, Staff recommends that the Applicant meet a minimum LEED Silver (or equivalent) standard. Staff will continue to work with the Applicant through the site plan review to minimize the environmental impacts, while maximizing the environmental benefits of renovating the site in a sustainable manner.

Development Standards

The subject project plan is zoned CBD-1, which is governed by the development standards in Section 59-C-6.1 of the Montgomery County Zoning Ordinance. The site is also within the Fenton Village Overlay Zone, Section 59-C-18.19. The minimum lot size of 18,000 square feet for optional method projects is met. There is no maximum building coverage for optional method projects, but there is a requirement that a minimum of 20% of the net lot area be devoted to public use space, which this project plan also satisfies by providing a paved and landscaped terrace, sidewalks, and sitting areas. The maximum density for 100% residential optional method projects in the CBD-1 Zone is 125 dwelling units per acre; the proposed density of 72 residential units is equal 122 dwelling units per acre.

Project Data Table for the CBD-1 and Fenton Village Overlay Zone

Development Standard	Permitted/ Required	Proposed for Approval
Maximum Building Height (feet)	90	90
Minimum Setbacks (feet)		
East Property Line	n/a	0
North Property Line	n/a	0
West Property Line	n/a	0
South Property Line	n/a	0
Minimum Site Area (square feet)		
Net Tract Area	n/a	18,380
Dedications	n/a	7,389
Gross Tract Area	18,000	25,769
Maximum Density		
Dwelling Units /Acre	125 (73 units)	122 (72 units)
Minimum Public Use Space (% of net lot)		
On-Site Public Use Space	20	25 ¹
Off-Site Amenity Space	n/a	19
Total Public Use & Amenity Space	20	44
Minimum Parking Spaces		
	79	72

The only other development standard for a CBD-1 optional method project is building height, which normally limits height to 60 feet but may be increased to 90 feet under Section 59-C-6.235(b) of the Montgomery County Zoning Ordinance “[if] approved by the Planning Board in the process of site plan ... as not adversely affecting surrounding properties”. In other words, during project plan review, a proposed height recommendation is set as a maximum and a final determination of the height is made during site plan review in accordance with this section.

¹ If the total amount of public use space provided on site is decreased by the site plan, the balance will be provided by a fee in lieu.

Given the urban environment, existing context, and future prospects of the area, the maximum height requested by the Applicant – 90 feet – will not adversely affect the surrounding properties. Further, as required by the Fenton Village Overlay Zone Section 59-C-18.192(b)(1)(C), which establishes a tiered built form from Georgia Avenue towards the less dense areas of Fenton Village, the maximum height of 90 feet near Georgia Avenue is maintained.

As the data table shows, all of the requirements of the zone are met by the subject project plan. Because this project is within a Parking Lot District, parking spaces are not required to be provided but parking calculations have been provided based on the proposed bedroom unit mix.

FINDINGS

Project Plan

According to Section 59-D-2.43 of the Montgomery County Zoning Ordinance, in reaching its determination on a project plan the Planning Board must consider the following:

- (a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under chapter 56.
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.
- (c) Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with chapter 25a if that chapter applies.
- (g) The staging program and schedule of development.

(h) The adequacy of forest conservation measures proposed to meet any requirements under chapter 22a.

(i) The adequacy of water resource protection measures proposed to meet any requirements under chapter 19.

As the following Findings demonstrate, the subject project plan adequately addresses each of these considerations, as conditioned by the Staff Recommendation.

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board and in concert with the considerations enumerated above form the basis for the Board's consideration of approval. In accordance herewith, the Staff makes the following findings:

(a) As conditioned, the proposal complies with all of the intents and requirements of the zone.

Intents and Purposes of the CBD Zones

The Montgomery County Zoning Ordinance states the purposes which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

(1) "To encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board."

With respect to density, the Sector Plan recommends providing new housing to establish consumer support and employees for local businesses. Due to the site's location near transit facilities, businesses, and cultural facilities, maximum density of use is appropriate in order to increase efficiency of land use and sustainability within the larger context of County development. Where suitable, buildings that can take advantage of higher height limits provide more environmentally and economically resourceful use of land. This project provides such an efficient use of land in accordance with the recommendations of the Sector Plan.

Building height recommendations are indicated in the Fenton Village Overlay Zone: "Building height in the Overlay Zone within the area between a major highway and a street that confronts a block that includes property zoned in any one-family residential classification, must not exceed 60 feet but may increase up to 90 feet the maximum height allowed [sic] if at least 33% of the project's floor area is residential...". Thus, between Georgia Avenue and the less dense areas of Fenton Village, building heights should step from 90 feet to 60 feet. This project is on the western side of the area under this authority and, therefore, is suitable as a 90-foot tall building.

(2) *“To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents.”*

The Sector Plan indicates that a mix of residential and commercial uses is appropriate for this area. The current Application is providing residential uses in order to maintain the balance of jobs to housing locally. Although it would have been optimal to maintain some amount of commercial use along the frontage of this property, this mix of uses would have required the Applicant to meet different development standards that would have precluded the density they have proposed. Namely, the density standard for a mixed-use building in the CBD-1 is a maximum 3.0 floor area ratio (FAR). This project, as proposed, is controlled by units/acre, not FAR. And if calculated by floor area, the building would lose approximately 10,000 square feet of floor area – about one story – and be a less efficient use of land in the core of the CBD. As proposed, the project provides housing – including affordable housing – for the locale in a largely retail and office oriented area of Fenton Village.

(3) *“To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.”*

The proposed development will enhance pedestrian and cyclist circulation by providing better sidewalks, amenity space, and bike facilities. The layout of doors, sidewalks, and open space will direct pedestrians in and around the sidewalk frontage to access this building and provide seating for local pedestrian traffic.

The relationship of the proposed buildings to existing buildings is typical and appropriate for a central business district. In most cases in the CBD, adjacent buildings with windows are required to be set back at least 15 feet from one another; this proposal meets this standard in order to minimize the impacts on available sunlight and existing views and does not adversely impact any important open spaces or sidewalks.

(4) *“To promote the effective use of transit facilities in the central business district and pedestrian access thereto.”*

The proposed development is within one-half mile of Metro, Marc, and bus lines. It is a local and regional imperative that infill development is provided at such sites as an alternative to suburban sprawl. As conditioned, the location and accessibility of the proposed development to the local transit system is an excellent realization of the Sector Plan transit and sustainability goals, for example the provision of housing within walking distance of the Metro and shopping areas.

(5) *“To improve pedestrian and vehicular circulation.”*

Vehicular circulation around the site will remain largely unchanged, although upgraded to new commercial alley standards. The provision of a sidewalk along the alley, although unusual, will provide access to the sidewalk along the northern property line. This sidewalk connects internal alleys and provides emergency access to adjacent properties.

The pedestrian environment provides numerous enhancements to help realize the aesthetic and functional potential of the site. The landscaping will enhance a sense of comfort and safety and the new sitting areas will provide interest and beauty as well space to rest and relax.

(6) *“To assist in the development of adequate residential areas for people with a range of different incomes.”*

The proposed development provides a variety of housing with three different unit types and moderately priced dwelling units composed of a proportional mix of these unit types. This will enhance the variety of housing opportunities for people in various income ranges. Further, the residents will have access to their own community and fitness rooms, augmenting the appeal of living downtown.

(7) *“To encourage land assembly and most desirable use of land in accordance with a sector plan.”*

The proposed development consolidates several lots and creates an assemblage that meets the minimum lot size for optional method projects in the CBD zones. Due to economies of scale, this assemblage allows for the development of a project that can meet the sector plan goals of maximizing density near metro, creating a more unified and pleasing pedestrian environment, and creating a green downtown.

Further Intents of the CBD-1 Zone

Section 59-C-6.213(a) of the Zoning Ordinance states:

In the CBD-0.5, CBD-R1, and CBD1 zones it is further the intent:

- 1. To foster and promote the orderly development of the fringes of the Central Business Districts of the county so that these areas will provide land uses at a density and intensity which will encourage small business enterprises and diverse living accommodations, while complementing the uses in the interior portions of these districts; and*
- 2. To provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business District.*

Although not on the “fringe” or edge of the Silver Spring CBD, the proposed development does provide a density and intensity of use compatible with the adjacent buildings with regard to mass, use, and height. At a location close to the interior of the CBD with buildings up to 200 feet tall, but visible from 35-foot residential buildings, this mid-range building is designed to fit within its transitional location. The proposed

development takes advantage of its allowed height and density to provide a diversity of living accommodations and publicly accessible open space.

Requirements of the CBD-1 Zone

The table on page 10 of the staff report demonstrates the conformance of the project plan with the development standards under the optional method of development. Among other standards, the proposed development meets the area, public use space, building height, and density requirements of the zone.

According to the Zoning Ordinance (59-C-6.215(b)) a further requirement of optional method projects is the provision of additional public amenities:

“Under the optional method greater densities may be permitted and there are fewer specific standards, but certain public facilities and amenities must be provided by the developer. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted.”

To this end, the proposed development is proffering the following package of amenities and public facilities:

Amenities and Facilities Summary

On-Site Public Use Space Improvements

- Sidewalks/Paving
- Art Elements
- Seating
- Landscaping

Off-Site Amenity Improvements

- Sidewalk

A minimum area equal to 44% of the net lot area will be improved pedestrian space. Although most CBD projects that are maximizing their density provide improvements on land equal to at least 50% (and up to 70%) of their lot, the lack of adjacent “improvable” rights-of-way has led this Applicant to provide other public benefits to support the greater density allowed by the optional method. As mentioned, the quantity of improved public space is one of four elements typically analyzed during project plan review, the others being affordable housing, quality of design, and environmental sustainability.

The height and coverage requirements limit the suitability of using an increased MPDU count to develop greater density, so it is not apt to require additional units save the possibility of adding workforce housing units for a height bonus. This may be further analyzed during the review of site plan if the Board finds – during this review – that the binding height limit may be increased to 110 feet (two more floors). But this Applicant is not subject to workforce housing and any changes in height or unit density by the site plan would require a project plan amendment.

As with most CBD public use space applications, this site is rather small, and even a 20% requirement is difficult to design such that the space “feels” public. After several discussions and re-designs, Staff finds that the proposed space is adequately open and inviting to be usable by the public, but the exact details of the space may be finessed to maximize the “public” aspect of the terrace. These changes would include a greater emphasis on the design quality of the space and the integrated nature of the art elements.

Last, regarding environmental sustainability, the Applicant must adhere to the County’s Green Building Law. But this is a minimal requirement and the project should meet LEED Silver (or equivalent) standards to offset the lack of public improvements and affordable housing proffered by this optional method project.

(b) *The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*

Zoning and Land Use

The subject property is zoned CBD-1, which is recommended by the Sector Plan. The proposed use is allowed in the zone and the proposed development is in keeping with the general guidelines to provide housing opportunities indicated in the Sector Plan. Specifically, the Sector Plan recommends a variety of residential uses to provide employees and customers for local businesses. The proposed multi-family use is appropriate for the subject site and conforms to the Sector Plan.

Sector Plan Conformance

The Approved and Adopted Silver Spring CBD Sector Plan is organized around several goals that the Project satisfies:

- Creation of a residential downtown,
- Creation of a green downtown, and
- Creation of a pedestrian-friendly downtown.

(c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The location of the proposed development is optimal for as much intensity of use and density as are found to be compatible with the context, i.e., the proposed development must be designed so as not to adversely affect adjacent buildings and uses. To this end, the architecture and open space have been designed to enhance the streetscape, maintain sunlight along the southern terrace and sitting areas, and transition to the greater setbacks existing on the sites to the east. The height is compatible with adjacent uses.

The operational characteristics will maintain a minimally intrusive vehicular impact by limiting curb cuts and strengthening the legibility of the pedestrian realm. The stormwater management facilities and utilities will be integrated into the site and result in higher quality water outflow and a less-cluttered streetscape.

- (d) *As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

A draft traffic management agreement has been submitted by the Applicant and will be finalized during the preliminary plan review process, which is being analyzed concurrent to this application. Other public facilities exist on or near the site and no expansion or renovation of these services will be required to be completed by the County. Further, requirements for public safety and fire will be minimally impacted due to the nature of the land use and must be approved by the respective agencies prior to preliminary plan approval.

- (e) *The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.*

A standard method project would only allow a density of 43 dwelling units per acre on this site. Further, the requirement for public amenities would be removed and the public use space requirement would be reduced by one-half. Because infill development and density at transit hubs is a core value of smart growth and given the quality of public benefits conditioned and being proffered, the optional method of development is more desirable and more efficient for this particular site.

- (f) *The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.*

The proposed development will provide 12.5% MPDUs as required by Chapter 25A. A final agreement between the Applicant and the Department of Housing and Community Affairs will be required at the time of site plan review.

- (g) *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from on lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:*

The proposed development will be located on one lot and does not propose any open space or density transfers.

- (h) *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

The project is exempt from the requirements of the forest conservation law.

- (i) *As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

The stormwater management concept consists of on-site water quality control via a green roof, flow-based storm filter and a MCDPS approved hydro-dynamic separator. A partial waiver for water quality was granted for a small portion of the site. Onsite recharge is not required since this is an application for redevelopment. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cubic feet per second.

Preliminary Plan

Master Plan Compliance

As stated earlier in this report, the proposed development complies with the recommendations in the Silver Spring Central Business District Sector Plan through the:

- Creation of a residential downtown,
- Creation of a green downtown, and
- Creation of a pedestrian-friendly downtown.

Transportation

Access and Circulation

The subject property is located north of Bonifant Street, east of Georgia Avenue, in the Silver Spring CBD Metro Policy Area. The Applicant proposes to accommodate vehicular access via a garage entrance and a loading bay off of the public alley. The public alley currently operates one-way from Bonifant Street to Wayne Avenue. The application does not propose to change this circulation. Five feet of dedication for the public alley is being provided to achieve the standard commercial alley width of 20 feet. The alley will provide sufficient primary access for vehicles entering and exiting the building.

Pedestrian access is provided via sidewalks on Bonifant Street (15 feet wide). MCDOT is requiring a pedestrian demarcated area along the public alley to provide a pedestrian walking space for the depth of the lot. A small walkway at the rear of the building also provides fire egress for the property to the north. Pedestrian access will be safe and adequate with the proposed improvements. The Applicant is also providing an inverted U bike rack at the entrance of the building and three bike lockers in the garage.

Bonifant Street is designated as a business district street with a 70-foot right-of-way in the *2000 Silver Spring CBD Sector Plan*. The Applicant is dedicating 12 feet of right-of-way along the property frontage to comply with the sector plan, as shown on the preliminary plan. The Purple Line is currently being planned along multiple alignments connecting the Silver Spring/Sarbanes Transit Center to New Carrollton Metro station. Several of the alignments being studied by the MTA and Montgomery County segment of the Purple Line would be accommodated within the road right-of-way in front of this project, including the alignment supported by the Planning Board. The Applicant should continue to coordinate with the MTA as both the proposed development and the proposed transitway project move forward.

Local Area Transportation Review (LATR)

The site is expected to generate 22 peak-hour vehicular trips during the weekday morning (6:30 to 9:30 AM) and evening (4:00 to 7:00 PM) peak periods. No LATR traffic study was required as the development would generate fewer than 30 peak hour trips.

Policy Area Mobility Review (PAMR)

To meet the PAMR requirements under the 2007-2009 Growth Policy, 15% of the project's peak-hour trips must be mitigated, which was calculated to be 4 trips (15% of 22 trips). The Applicant is meeting the PAMR site-specific trip mitigation requirement by virtue of its location in the Silver Spring Metro Station Policy Area. This site uses Silver Spring trip generation rates, producing fewer primary vehicle trips than a similar development outside of a Metro Station Policy Area. A similar development of 72 High Rise units elsewhere in the County that is not served well by transit would generate approximately 34 PM peak hour trips – a difference of 12 trips. The resulting trip reduction (12 fewer vehicle trips) meets the PAMR requirement.

Other Public Facilities and Services

Other public facilities and services are available and will be adequate to serve the proposed dwelling units. The subject property will be served by public water and sewer connections. Gas, electric and telecommunications services are also available to serve the property. Police stations, firehouses, schools and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. This preliminary plan application is not subject to a School Facilities Payment. The application has been reviewed and approved by the Montgomery County Fire and Rescue Service (MCFRS) which has determined that the property has adequate access for emergency vehicles.

Environment

The property is currently developed and there are no significant environmental features on the subject property. As a result, the Environmental Guidelines are not applicable. The plan is exempt from the County Forest Conservation Law because it is considered a small property, less than 1 acre in size.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept for the site on March 7, 2007. The stormwater management concept consists of on-site water quality control via a green roof, flow-based storm filter and a MCDPS approved hydro-dynamic separator. A partial waiver for water quality was granted for a small portion of the site. Onsite recharge is not required since this is an application for redevelopment. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cubic feet per second.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed lot and uses. The

proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The proposed subdivision was reviewed for compliance with the dimensional requirements for the CBD-1 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. Proposed on-site public use space exceeds the minimum requirement of 20%. A summary of this review is included in Table 1 below. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Preliminary Plan Data Table and Checklist

Plan Name: Bonifant Plaza				
Plan Number: 120070190				
Zoning: CBD-1				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: Optional				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval of the Preliminary Plan	Verified	Date
Minimum Lot Area	18,000 sf	25,769 gross sf	EG	1/23/09
Minimum Public Use Space	20%	25%	EG	1/23/09
Height	90 ft.	90 ft.	EG	1/23/09
Max Resid'l d.u.	125 units	122 units	EG	1/23/09
MPDUs	12.5% min.	12.5%	EG	1/23/09
TDRs	No		EG	1/23/09
Site Plan Req'd?	Yes		EG	1/23/09
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes	EG	1/23/09
Road dedication and frontage improvements		Yes	Agency letter	2/26/09
Environmental Guidelines		Exempt	Staff memo	3/7/07
Forest Conservation		Exempt	Staff memo	3/7/07
Master Plan Compliance		Yes	Staff memo	5/4/07
Historic Preservation		No	EG	1/23/09
Stormwater Management		Yes	Agency letter	3/7/07
Water and Sewer (WSSC)		Yes	Agency memo	3/12/07
10-yr Water and Sewer Plan Compliance		Yes	Agency memo	3/12/07
Well and Septic		N/a	EG	1/23/09
Local Area Traffic Review		Yes	Staff memo	2/25/09
Fire and Rescue		Yes	Agency letter	3/26/07
Other (i.e., schools)				

RECOMMENDATION AND CONDITIONS

Project Plan

Approval of project plan 920070060, Bonifant Plaza, as depicted on the plans stamped as received by M-NCPPC on February 2, 2009, subject to the following conditions:

1. Development Ceiling
The proposed development is limited to a maximum of 72 multi-family dwelling units, including a minimum of 12.5% moderately priced dwelling units (MPDUs).
2. Building Height and Mass
The proposed development is limited to the building footprint as delineated in the project plan drawings submitted to MNCPPC dated February 2, 2009 unless modified at site plan review and to 90 feet in height from the delineated building height measurement point.
3. Architecture
The final design of the building façade will substantially conform to the architectural renderings presented in the project plan application, including fenestration and the provision of balconies unless modified at site plan review.
4. Environment
The Applicant must achieve a LEED Silver rating, or other certification based on equivalent energy and environmental design standards, unless the Planning Board finds at site plan review that this requirement may be waived in light of the final quantity, quality, and expense of the other amenities provided by the Applicant such as the final design of the public use space.
5. Public Use Space
 - a. The Applicant must provide a minimum of 25% of the net lot area for on-site public use space and a minimum of 19% of the net lot area for on and off-site public amenity space. The final design and details will be determined during site plan review.
 - b. The proposed public use space must be easily and readily accessible to the general public and available for public enjoyment.
 - c. The Applicant may be required to present the terrace design and public artwork to the art review panel for comment prior to approval of the site plan as determined necessary by site plan review staff.
6. Staging of Amenity Features
 - a. The proposed development will be completed in one phase. A detailed development program will be required prior to approval of the certified site plan.
 - b. The Applicant must complete the on-site public use space improvements prior to issuance of use-and-occupancy permits unless modified by the site plan development program.

- c. The Applicant must install the landscaping no later than the next growing season after completion of the building and site work.
7. Maintenance and Event Management Organization
Prior to issuance of use-and-occupancy permits, the Applicant will create and implement a maintenance plan for all on-site public use space unless an alternative arrangement is made with another entity.
8. Coordination for Additional Approvals Required Prior to Preliminary Plan and Site Plan Approval
The Applicant must obtain written approval from the Montgomery County Department of Transportation (DOT) for the final design and extent of any and all streetscape improvements within the rights-of-way.

Preliminary Plan

Approval of Preliminary Plan 120070190 pursuant to Chapter 50 of the Montgomery County Subdivision Regulations and subject to the following conditions.

1. Approval under this preliminary plan is limited to 1 lot for a maximum of 72 multi-family dwelling units. 12.5 percent of the dwelling units must be moderately priced dwelling units.
2. The Applicant must comply with the conditions of approval for Project Plan 920070060.
3. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
4. No clearing, grading or recording of plat prior to certified site plan approval.
5. A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff.
6. The Applicant must comply with the conditions of approval of the Montgomery County Department of Transportation (MCDOT) letter dated February 26, 2009 (*Appendix B*).
7. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (DPS) stormwater management concept approval letter dated March 7, 2007 (*Appendix C*).
8. The Applicant must dedicate 35 feet of right-of-way from the centerline of Bonifant Street.
9. The Applicant must dedicate 5 feet of right-of-way, for a total width of 20 feet of right-of-way, for the adjacent public alley.
10. The Applicant must enter into a traffic mitigation agreement with MCDOT and the Planning Board to participate in the Silver Spring Transportation Management District.
11. The Applicant must continue to coordinate with the Maryland Transit Authority on design of the building and its relation to the Purple Line transit project as both progress to a more detailed level of design.

12. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution.
13. The Applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s), as applicable.
14. All necessary easements must be shown on the Record Plat.

APPENDICES

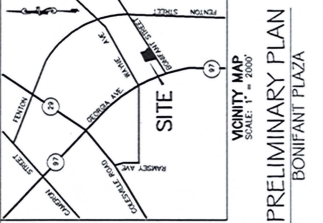
- Appendix A: Preliminary Plan
- Appendix B: DOT Letter
- Appendix C: DPS Letter

PROJECT TEAM	DESIGNER:	MONTEGOMERY WATSON
	DATE:	11/20/09
PROJECT	PROPERTY OF:	LUERS 1898A, FLOOR 200
	ADDRESS:	BONIFANT STREET, MONTGOMERY COUNTY, MARYLAND

PRELIMINARY PLAN	#120070190
SCALE:	1" = 20'
PROJECT NO.:	397
SHEET:	1

DATE:	11/20/09
REVISIONS:	
SCALE:	1" = 20'
PROJECT NO.:	397
SHEET:	1

Appendix A



GENERAL NOTES:

- THE TOTAL NUMBER OF UNITS DEVELOPED FROM THIS PLAN SHALL BE 100 UNITS, AS INDICATED BY NOTED REVISION.
- THE HORIZONTAL DIMENSIONS AND VERTICAL (GRID) DIMENSIONS SHALL BE AS SHOWN ON THIS PLAN. THE HORIZONTAL DIMENSIONS SHALL BE AS SHOWN ON THIS PLAN. THE VERTICAL DIMENSIONS SHALL BE AS SHOWN ON THIS PLAN.
- THE SUBJECT PROPERTY IS LOCATED ON TAX ASSASSMENT MAP NO. A33 AND IS ZONED R-10. THE TOTAL NUMBER OF UNITS DEVELOPED FROM THIS PLAN SHALL BE 100 UNITS, AS INDICATED BY NOTED REVISION.
- THIS SITE IS LOCATED IN THE 5300 GRID, WITHIN THE 100 BLOCK OF THE U.S. HIGHWAY 28 (I-495) AND IS ADJACENT TO THE U.S. HIGHWAY 28 (I-495) RIGHT-OF-WAY.
- THERE ARE NO HISTORIC STRUCTURES LOCATED ON THE SUBJECT PROPERTY.
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BONIFANT STREET TYPICAL SECTION

STANDARD NO. MC-214.03

1. THE TOTAL NUMBER OF UNITS DEVELOPED FROM THIS PLAN SHALL BE 100 UNITS, AS INDICATED BY NOTED REVISION.

2. THE HORIZONTAL DIMENSIONS AND VERTICAL (GRID) DIMENSIONS SHALL BE AS SHOWN ON THIS PLAN. THE HORIZONTAL DIMENSIONS SHALL BE AS SHOWN ON THIS PLAN. THE VERTICAL DIMENSIONS SHALL BE AS SHOWN ON THIS PLAN.

3. THE SUBJECT PROPERTY IS LOCATED ON TAX ASSASSMENT MAP NO. A33 AND IS ZONED R-10. THE TOTAL NUMBER OF UNITS DEVELOPED FROM THIS PLAN SHALL BE 100 UNITS, AS INDICATED BY NOTED REVISION.

4. THIS SITE IS LOCATED IN THE 5300 GRID, WITHIN THE 100 BLOCK OF THE U.S. HIGHWAY 28 (I-495) AND IS ADJACENT TO THE U.S. HIGHWAY 28 (I-495) RIGHT-OF-WAY.

5. THERE ARE NO HISTORIC STRUCTURES LOCATED ON THE SUBJECT PROPERTY.

6. THERE ARE NO HISTORIC STRUCTURES LOCATED ON THE SUBJECT PROPERTY.

7. THERE ARE NO HISTORIC STRUCTURES LOCATED ON THE SUBJECT PROPERTY.

8. THE SUBJECT PROPERTY IS LOCATED ON TAX ASSASSMENT MAP NO. A33 AND IS ZONED R-10. THE TOTAL NUMBER OF UNITS DEVELOPED FROM THIS PLAN SHALL BE 100 UNITS, AS INDICATED BY NOTED REVISION.

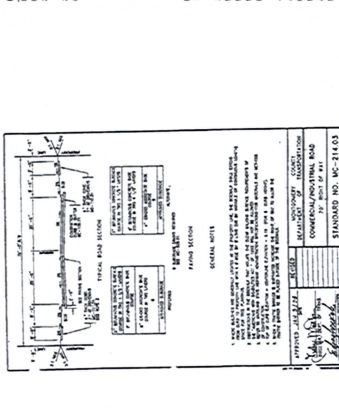
9. THE TOTAL NUMBER OF UNITS DEVELOPED FROM THIS PLAN SHALL BE 100 UNITS, AS INDICATED BY NOTED REVISION.

10. THE TOTAL NUMBER OF UNITS DEVELOPED FROM THIS PLAN SHALL BE 100 UNITS, AS INDICATED BY NOTED REVISION.



SURVEY LEGEND

1	CAST IRON MANHOLE
2	CAST IRON MANHOLE COVER
3	CAST IRON MANHOLE COVER WITH RAMP
4	CAST IRON MANHOLE COVER WITH RAMP AND GUETER
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SURVEYOR'S CERTIFICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE BOUNDARY AND ELEVATION INFORMATION SHOWN ON THIS PLAN WAS OBTAINED BY ME OR BY A LICENSED SURVEYOR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE SAME COMPLY WITH THE MINIMUM STANDARDS OF PRACTICE FOR SURVEYING AS ESTABLISHED BY THE ANNOTATED CODE OF REGULATIONS AS ENACTED AND AMENDED.

DAVID P. LANGE, SURVEYOR
11/20/09

AREA TABULATION

GROSS TRACT AREA	25,745.50 SQ. FT. OR 0.59137 ACRES
IMPROVED STREET FRONTAGE	4,810.50 FT. OR 0.11082 ACRES
IMPROVED STREET FRONTAGE	2,579.50 FT. OR 0.05950 ACRES
NET LOT AREA	16,355.50 SQ. FT. OR 0.37355 ACRES



SITE TABULATION

REGISTERED ALLEYS	0.0000 ACRES (0.0000 AC)
REGISTERED ALLEYS	0.0000 ACRES (0.0000 AC)
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OPTIONAL METHOD

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DEVELOPMENT INFORMATION

Development Type Code	Existing	Proposed	Number of Units	Number of Units	# of Units
1 - Residential	0	100	100	0	100
2 - Residential	0	0	0	0	0
3 - Residential	0	0	0	0	0
4 - Residential	0	0	0	0	0
5 - Residential	0	0	0	0	0
6 - Residential	0	0	0	0	0
7 - Residential	0	0	0	0	0
8 - Residential	0	0	0	0	0
9 - Residential	0	0	0	0	0
10 - Residential	0	0	0	0	0
11 - Residential	0	0	0	0	0
12 - Residential	0	0	0	0	0
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99 - Residential	0	0	0	0	0
100 - Residential	0	0	0	0	0



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

February 26, 2009

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

RE: Preliminary Plan #1-20070190
Bonifant Plaza

Dear Ms. Conlon:

We have completed our review of the preliminary plan printed on February 23, 2009. This preliminary plan was reviewed by the Development Review Committee at its meeting on March 12, 2007. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Right of way dedication for Bonifant Street in accordance with the Master Plan. We support Planning Board approval for a combination of right of way dedication and Public Improvement Easement for the alley improvements as shown on the aforementioned preliminary plan (one way northbound composed of 16 feet pavement and 6 feet sidewalk).
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site. However driveways curb returns should not encroach adjacent properties frontages. Also provide proper spacing between the driveways curb returns and public utilities features.
4. At the permit stage, the applicant needs to submit a truck circulation plan for review by the M-NCPPC and MCDPS. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation pattern and loading position should be designed for counter-clockwise entry and for a left-side backing maneuver. Passenger vehicle travel ways should be separated from the expected truck patterns and storage areas. The applicant may also need to provide documentation of their proposed delivery schedules. Also coordinate with Robin Ennis at 240-777-6400 Division of Solid Waste about their requirements for recycle/trash truck access and movement.

Division of Traffic Engineering and Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
Customer Service 240-777-6000 • Main Office 240-777-2190 • 240-777-6013 TTY • 240-777-2080 FAX
trafficops@montgomerycountymd.gov

Ms. Catherine Conlon
Preliminary Plan No. 1-20070190
Date February 26, 2009
Page 2

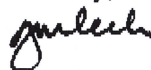
5. Truck loading space requirements to be determined in accordance with the County's "Off-Street Loading Space" policy.
6. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
7. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
8. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operation Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
9. Trees in the County rights of way - species and spacing to be in accordance with the applicable DOT standards. Tree planting within the public right of way must be coordinated with Mr. Brett Linkletter with Division of Highway Services, Tree Maintenance Unit. Mr. Linkletter may be contacted at 301 840 2283.
10. If the applicant is required to install Silver Spring CBD streetscaping amenities along the site frontages – prior to approval of the record plat by DPS, execute and record a Declaration of Covenants (for Maintenance and Liability) or enter into an agreement with the Silver Spring Urban District for the maintenance of those items.
11. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances along the public alley (improvements include widening the pavement to 16 feet and providing 6 feet wide sidewalk).
 - B. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Bonifant Street, (including narrowing the pavement to 20 feet) from the existing road centerline, to improve it to commercial/industrial roadway standards (MC-214.03) (with amended soil panels and underground watering system for Tree Pits(CBDs)). A more gradual transition from the aforementioned section to existing roadway section is to be worked out at permit with MCDPS.
 - C. Improvements to the existing public storm drainage system, as shown on the applicant's downstream storm drainage study. Since the improvements are to be maintained by Montgomery County, they will need to be designed and constructed in accordance with the DOT Storm Drain Design Criteria.
 - D. Permanent monuments and property line markers, as required by Section 50-24(c) of the Subdivision Regulations.

Ms. Catherine Conlon
Preliminary Plan No. 1-20070190
Date February 26, 2009
Page 3

- E. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- F. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Division.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Sam Farhadi or Dewa Salihi at (240) 777-2197.

Sincerely,



Gregory M. Leck, P.E. Manager
Development Review Team
Traffic Engineering and Operations Division

m:/subdivision/farhas01/preliminary plans/ 1-20070190, Bonifant Plaza.doc

cc: Theo Margas, 949-961 LLC
Kathleen Kulenguski, VIKa Inc
Pat Harris, Holland & Knight
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Henry Emery; DPS RWPPR
Shahriar Etemadi; M-NCPPC TP
Sam Farhadi, DOT TEO
Dewa Salihi, DOT TEO
Preliminary Plan Folder
Preliminary Plans Note Book

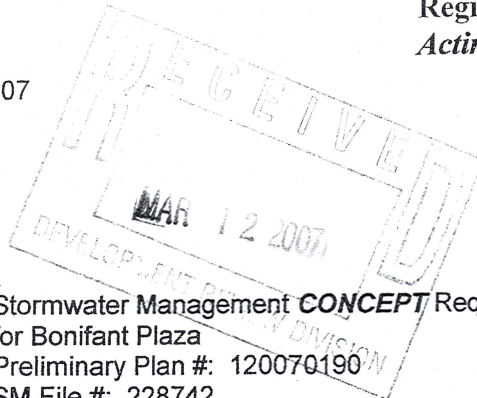


DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Reginald Jetter
Acting Director

March 7, 2007



Ms. Kestra M. Kelly, P.E.
Vika, Inc.
20251 Century Boulevard, Suite 400
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for Bonifant Plaza
Preliminary Plan #: 120070190
SM File #: 228742
Tract Size/Zone: 0.44 Ac./ CBD-1
Total Concept Area: 0.44 Ac.
Lots/Block: 10, 11, 12, 12A / 1
Watershed: Sligo Creek

Dear Ms. Kelly:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via a green roof, flow-based StormFilter, and a MCDPS approved hydrodynamic separator. A partial waiver for water quality is granted for a small portion of the site. Onsite recharge is not required since this is redevelopment. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Provide a copy of the mechanical drawings to verify that runoff from the roof top, loading dock and garage ramps drains to the stormwater BMPs and that water inside the garage drains to the WSSC sanitary sewer.
6. External pre-treatment is not required for the flow based StormFilter.
7. A determination will be made at the design review stage to determine whether the hydrodynamic structure which is proposed to treat .09 acres is necessary. This area is proposed to be a landscaped area.

This list may not be all-inclusive and may change based on available information at the time.

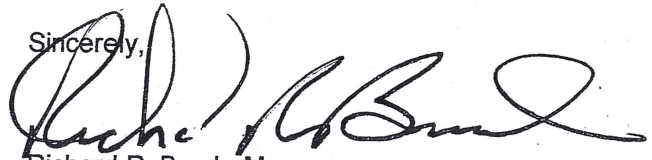


Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN228742 Bonifant Plaza.DWK

cc: C. Conlon
S. Federline
SM File # 228742

QN -Onsite; Acres: 0.44
QL - Onsite/Waived; Acres: 0.34/0.1
Recharge is not provided