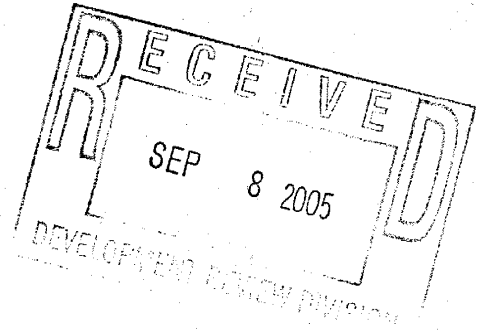


APPENDIX D

Woodside Civic Association
8910 First Avenue
Silver Spring, MD 20910



September 6, 2005

Ms. Elizabeth Davison, Director
Montgomery County Department of Housing and Community Affairs
100 Maryland Avenue, 4th Floor
Rockville, MD 20850

Mr. Charles E. Loehr, Planning Director
Montgomery County Department of Park and Planning
8989 Georgia Avenue, Suite 300
Silver Spring, MD 20910

Ms. D. Scott Minton, Executive Director
Housing Opportunities Commission
10400 Dedrick Avenue
Kensington, MD 20895

RE: Woodside Courts Site Plan application #8-06003

Dear Ms. Davison, Mr. Loehr, and Ms. Minton:

The Woodside Civic Association submits this letter in response to the property owner's request for a waiver of the requirements for Moderately-Priced Dwelling Units for this project under Chapter 25A of the Montgomery County Code and **urges the County to uphold the binding elements regarding the project's density.**

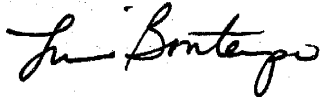
The Civic Association is on record with the Montgomery County Planning Board, the Hearing Examiner and the Montgomery County Council (oral argument heard on October 12, 2004) as opposing the density of the project. The Civic Association supported construction of no more than 21 townhomes and retention of 3 single family detached homes. By action of the District Council in the zoning matter, the 6,000 square foot lots occupied by the single-family detached units were reclassified from R-60 to RT 12.5 to enable a binding element of 60% greenspace as noted on the Schematic Development Plan. Numerous other binding elements also proffered by the applicant address some of the concerns of adjacent property owners, planning staff, and the neighborhood at large. In defining the project as including 3 single family detached units, the applicant evaded a potential dispute with the Historic Preservation Commission and also calmed some of the adjacent neighbor concerns of excessive density.

The Civic Association calculates the actual density of the townhouse portion of the property, absent the area occupied by the three single family units as 27 units (2.26 acres x 12.5 units). We dispute the applicant's assertion that allowable density yield for the project is 33.5 units.

Between October 2004 and May 2005, the property owner had ample opportunity to file a Preliminary Plan of Subdivision in which the revised threshold for MPDUs would not be reached and that all proposed units could be sold as market rate units. As it was within the applicant's control to delay submission, **if the MPDU requirement should be imposed it must be within the hard density cap of 26 units total** and other agreements upon which the zoning approval was made.

We are happy to discuss our position with you at any time. I can be reached by telephone at 301-650-0045 or by e-mail at lisabontempo@msn.com.

Sincerely,



Lisa Bontempo
President

CC: ✓ Catherine Conlon, MNCPPC
Robert Kronenberg, MNCPPC

RK.

WOODSIDE CIVIC ASSOCIATION
8910 First Avenue
Silver Spring, Maryland 20910

September 6, 2005

Ms. Rose Krasnow, Chief
Mr. Robert Kronenberg, Site Plan Reviewer
Ms. Cathy Conlon, Site Plan Supervisor
Development Review Division
Maryland National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Proposed Woodside Courts Site Plan (# 8-06003)

Dear Ms. Krasnow, Mr. Kronenberg, and Ms. Conlon:

In a letter dated August 1, 2005 (attached), the Woodside Civic Association provided preliminary comments concerning the proposed site plan for the above-referenced townhouse project. At that time, we indicated we would be submitting additional, more detailed comments about this project. Today's letter amplifies issues raised in our earlier letter and identifies additional issues of concern to the Woodside Civic Association as the preliminary and site plans for the Woodside Courts project are reviewed by MNCPPC staff. We ask that this letter be included in the staff report submitted to the Planning Board and that our concerns as conveyed in both letters be incorporated into the staff's analysis of the site plan and preliminary plan. Further, we reserve the right to submit additional comments concerning these plans as they evolve.

Continuity among Zoning Approval and Site and Preliminary Plans

Among other things, we hope that our letters are seen as evidence of the level of detail that neighborhood activists and volunteers have contributed to this review process. Our community has devoted a great deal of time and effort to participating in the rezoning and review processes for this project. We are frustrated by the seeming disconnect between the various parts of these processes as well as the sense that our concerns are not always receiving full weight and consideration when we raise these concerns. For example, we are very concerned about the developer's failure to adhere to several of the binding elements of the re-zoning approval in the site plan and preliminary plan, as well as the significant discrepancies between major elements of the site plan and preliminary plan. We ask you to make it a priority to ensure compliance with zoning requirements and other county regulations in all versions of the site and preliminary plans.

The majority of our comments in this letter are based on the site plan. The only preliminary plan that we are aware of is Plan # 1-05061, dated December 2004; that plan departs significantly from the re-zoning approval and it is our understanding that the December preliminary plan was rejected. We are not aware of any newer version of the

preliminary plan. It is essential that the preliminary plan for this project reflect both the binding elements from the re-zoning approval and the site plan.

Finally, in the interest of avoiding the kinds of problems that have been reported at later stages of development projects, and to allow meaningful participation by our community, we ask that you:

- Postpone the Planning Board's hearing on the Woodside Courts project until both the preliminary plan and the site plan have been amended and are consistent, and until the civic association and adjacent property owners have had at least two weeks to review the amended versions.

With regard to the proposed site plan, our concerns include the following areas: (1) stormwater management; (2) parking; (3) off-site sidewalks; (4) building height; (5) recreation and green space; (6) traffic safety; and (7) project phasing and construction management.

Stormwater Management

Stormwater management is a recurring problem for citizens on First Avenue and Noyes Drive whose properties continue to be affected by uncontrolled run-off from the street surface of Noyes Drive and from the high point of the subject property. The County completed an unsightly stormwater retrofit capital project in 1998-1999 which did not eliminate the problem for certain residents on First Avenue and Noyes Drive.

After six months of inquiry, our Association was able to review the engineering deficiencies of the earlier capital project in comparison to the Stormwater Concept Plan submitted for this current project.

We ask that the Woodside Courts developer:

- Install at least one storm inlet and tie-in to the storm drainage just east of the Noyes Drive/First Avenue intersection;
- Design a stormwater capture facility along the fence/swale adjoining the existing townhouse community to intercept runoff before entering the Alvarez and Schaffer properties;
- Intercept all stormwater from the frame house that will be relocated to Noyes Drive so as not to impact the Brookhart property;
- Depict where the roof drains from Lots 62-68 will be directed such that all runoff is captured;
- Define where runoff from DA 4 and DA 6 will go;
- Provide more detail on the finished look and maintenance of the sand filter to be installed at the corner of Georgia Avenue and Noyes Drive. These facilities become unsightly if maintenance is not provided—this facility is at a gateway to our community;
- Note that the finished grade of the southern private road appears to create flooding potential for the garages of Lots 24 and 25; and
- Explain the notation and location of 10 PMDT Transformer.

On-Site Parking

The site plan is not in compliance with the binding element of the zoning for this project regarding parking. Binding Element # 7 in Zoning Case G-817 specifies that "Owner and guest parking will be provided entirely on site and not accessed from Georgia Avenue." We strongly dispute the developer's calculation of parking requirements. Based on the likely number of cars that will be associated with these houses, realistic parking patterns, and the inadequate dimensions of the space provided, it appears that the parking shown on the site plan and preliminary plan is grossly inadequate.

The proposed Woodside Courts will be luxury townhouses in an established neighborhood within walking distance of the Silver Spring Metro. It is expected that the selling price for these units will be at least \$700,000. Typically, at that price, a family income of at least \$125,000 would be needed. The Research Department at MNCPPC analyzed the number of cars per income group for Montgomery County as follows:

<u>2000 Income</u>	<u>Cars per Household</u>
<\$45,000	1.3 cars
\$45,000-\$69,999	1.6 cars
\$70,000-\$124,999	2.0 cars
>\$125,000	2.4 cars

(Source: 2003 Census Update Survey)

This shows that the higher the household income, the MORE cars are owned and these must be accommodated by the project. The plans, as presented, do not provide adequate on-site parking for the demographic profile of the future residents of this development.

Compounding this, the plans as currently configured also do not provide adequate space for cars to park in front of the garages. We read with great interest the recent *Washington Post* article concerning the too-small garages of a Wheaton townhouse project. We ask that the internal dimensions of the garages in this project be examined to ensure adequate width and length to accommodate vehicles. But even assuming that the garages are large enough to hold cars, it is unrealistic to assume that all of the future residents will park in their garages. Many people use their garages for storage or for additional living space. The zoning case for Woodside Courts depicted two-car garages for all units and the possibility of parking in front of the garages. At later stages of design, eight of the units were reduced to one-car garages and the pad in front of the garages is shortened to 4 feet, which is not enough room to park a car.

We define the true on-site parking need for residents and visitors to be 70-75 spaces in both garages and surface locations. The submitted plan shows only 62 spaces total.

The Woodside Civic Association asks the developer to comply with the binding elements on which the re-zoning of this property was based and specifically, to:

- Provide additional spaces on-site to meet the very real need for parking.

Off-Site Sidewalks

In accordance with their agreement with the neighborhood, the project property owners have completed a land survey and site inspection with County officials of properties between Noyes Drive and Highland Drive where an off-site sidewalk for pedestrian safety is feasible. This is very encouraging news and we ask the developers to:

- Provide the design for the sidewalk, green panel, curb and appropriate drainage for ALL off-site sidewalks to be constructed by the developer.

As part of this, we ask that consideration be given to such elements as bump-outs and other structural elements that have the potential to enhance pedestrian safety and calm traffic, and provide an aesthetically appealing curbside design.

Building Height

In these days of heightened sensitivity to the adherence to development standards regarding the measurement and height of new structures in established neighborhoods, we ask for further confirmation that the finished heights of these townhouse structures do not exceed 35 feet as required in the RT 12.5 zone. We have looked at the elevations supplied by the developer and find notations that the centerline of Georgia Ave is at elevation 357 and the finished height of the structure is elevation 394. This appears to be a building height of 37 feet.

We ask the developers to:

- Certify that the finished height of all structures contained in the RT 12.5 zone does not exceed 35 feet.
- Provide exact height in feet, not number of stories, of the adjacent Ottawa Place units.

Recreation and Green Space

The site plan as submitted is deficient in providing appropriate recreation facilities on-site. The 2003 Census Update Survey notes that over 21 percent of school-age children ages 0-17 live in townhouses. In townhouse developments, communal open space must accommodate the activity and recreation needs of varied age groups; therefore, it is important to supply play equipment and open play areas. Woodside Park nearby is over-used by the five high-rise apartment buildings that have NO age-appropriate play equipment for school-age children.

Rezoning of the entire 2.68 tract has encumbered open space associated with single-family detached lots into common areas. It is therefore imperative that covenants be enacted to prevent future buyers of the 3 single-family detached units from privatizing nearby green space by constructing privacy fences.

The Woodside Civic Association requests that:

- Age-appropriate play equipment be installed on the Woodside Courts property;
- No recreation use be assigned to Woodside Park until new play equipment is installed at the park; and

- The single-family detached units of the project be prohibited from installing fences that restrict open use of the 60 percent green space claimed by the property owners.

Traffic Safety

Landscaping proposed for the northwest corner of Georgia Avenue and Noyes Drive appears to interfere with safe sight lines at this problematic intersection. We ask the developers to:

- Sketch the height and density of landscaping to be provided at Georgia Avenue and Noyes Drive to evaluate whether safe egress onto Georgia Ave is achieved.

Project Phasing and Construction Management

We are concerned about the impact of this project on adjacent properties and on the community more generally, in terms of construction traffic, parking, noise, stormwater runoff during construction, trash, security, etc. We ask the developers to:

- Submit a plan to indicate how this project will be phased to minimize disruption to the community, including necessary mechanisms for regulating construction deliveries, noise, parking, and other issues indicated above.

In addition to these items, we have written to Ms. Elizabeth Davidson, Mr. Charles Loehr, and Mr. Scott Minton expressing our concerns that any MPDU requirement on this site be within the hard density cap of 26 units total as agreed to as a binding element upon which the zoning approval was made.

In closing, we ask that you keep us closely informed on modifications to, and the scheduling for, this project and that you include the neighborhood in all negotiations with the property owners and County officials. I can be reached at 301-650-0045.

Sincerely,



Lisa Bontempo
President

AK
Attachment A

Woodside Civic Association
8910 First Avenue
Silver Spring, MD 20910

August 1, 2005

Rose Krasnow, Chief
Development Review
Maryland National Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Woodside Courts Site Plan (Dated April 19, 2005)
-- WCA Preliminary Comments

Dear Ms. Krasnow:

In a letter dated July 19, 2005, the Woodside Civic Association asked for an extension of the Development Review Committee meeting scheduled for today (August 1) to allow our community to develop more detailed comments on the above-referenced site plan. As you know, we by necessity must rely on *volunteer* technical assistance and expertise, and although our community is working to analyze the site plan for the Woodside Courts project as requested by the County, many of our community leaders and experts are away. We are dismayed that the extension was not granted, and ask that this letter be entered into the record for the DRC meeting. Further, we ask that you recognize that this letter is only a preliminary and partial response to the proposed site plan, and that we will be submitting additional comments.

The purpose of today's letter is to make certain that our concerns continue to be *heard and addressed* as we work toward the August 29 deadline we have been given for initial comments, and beyond. We respectfully request that our concerns be viewed with the same level of importance as each agency's and developer's comments. We would like specific information about what steps Park and Planning is taking to ensure we will have equal access to the development approval process.

Given problems with coordination between agencies in the development review process, we are particularly concerned that the requirements of the rezoning approval for this project as set forth in the hearing examiners report and elsewhere receive full consideration by all agencies involved, and we are seeking your assurances to that effect. Our specific comments follow.

Site Data

Sheet 1 sets out a significant amount of data concerning what is allowed or required of this project, and what the developer is proposing, concerning tract area, parking, building height, setbacks, etc. Although the developer indicates compliance, we ask that these data be carefully scrutinized and confirmed in order to ensure that all relevant requirements are included and are correctly cited, and to ensure the site plan's compliance with such requirements. We would like to have such confirmation in writing.

Binding Elements

-- On the first sheet of the site plan, in the table containing the binding elements for this project, the word "proposed" needs to be deleted from the language above the box -- this is a small item

but is necessary in order to eliminate any possible confusion about the binding nature of these items.

-- Exactly what does "maximum lot coverage" in binding element 2 refer to, and who measures and confirms the percentage involved?

-- On element 3, regarding minimum green area of 60% of tract area (prior to dedication)," what constitutes green space and who in the County will specifically confirm this in the site plan and in subsequent points in this process?

-- Regarding element 7, "Owner and guest parking will be provided entirely on site." How is this possible, given that there is an average of 2 cars per household in this county, and several of the units have only single-car garages? Further, many homeowners use their garages for additional storage. It seems clear to us that this project as currently designed does not meet the requirements of this binding element.

Required Site Plan Provisions to be Incorporated Pursuant to Zoning Requirements

-- Item B (1) appears to duplicate Binding Element # 7. We ask for clarification concerning any possible differences between these two items and the implications arising from such differences.

-- Regarding item B (4) regarding the provision of landscaping, screening, fencing, and other buffering improvements, we would like to see a much more details set of proposals concerning these items, and we would like those plans to include a detailed account of who will be responsible for maintaining the property to assure privacy, beauty, and noise and light-dampening effects? We ask that the developers meet with *all* of the adjacent property owners to negotiate the selection of materials, plants, and other items to ensure maximum compatibility with existing landscaping and fencing on adjacent properties.

-- Regarding item B (9) "Coordinate construction activity...." the WCA requests more stringent guidelines on this and wants to know who specifically will enforce them.

Other Aspects of the Site Plan

-- Inadequate Stormwater Containment: Our *preliminary* review of the site plan reveals many other issues of concern to our community. A majority of these concerns stem from the density of the development and its impact on our neighborhood. Of great concern are issues related to grading, water runoff and storm drainage. Many residents in our community have existing drainage problems. The development must not exacerbate the existing situation; our concerns *must* be addressed. We are very concerned that the proposed site plan does not address these issues.

To wit, the proposed site plan does not show grading changes we believe are necessary to address runoff concerns. The plan does not appear to show how water will run from all of the impervious surfaces, including parking spaces, driveways, and green spaces. And to be certain that every bit of water from the project's units will go to the storm drains for Georgia Avenue as the developer envisions, we need to see the storm water retrofit project plans from 1998-1999. This earlier plan did not work as envisioned by the County, and we still not have gotten the information we requested from the Department of Public Works and Transportation. We feel the County has resisted our request and we would like to know why.

-- Sidewalks Too Close to Georgia Avenue: Pedestrian safety also continues to be a major concern upon review of this site plan. For instance, the development's sidewalks on Georgia Avenue appear in conflict with safe pedestrian passage on that very busy high-speed corridor. It

is essential that there be a tree panel buffer of several feet between the road and the sidewalk in order to ensure pedestrian safety. Where will pedestrians walk along Georgia Avenue? Is there sufficient set back on the front of the new units? The WCA requests a cross section plan showing the relationship between Georgia Avenue, the tree panel, the development's sidewalk, and the proposed retaining wall.

-- Perimeter Fencing: The site plans shows that the perimeter fence bottom is too high from the ground. The fencing must be even with the ground and sufficiently closed to prevent animal access from adjacent yards. In addition, the fence drawing shows a 6 ft. fence where a 6 ft. 6 inch fence is called for. And, the site plan fencing incorrectly encompasses all of lot 19, thus blocking this lot off from common green space.

-- Lighting; HVAC; Trash: WCA continues to have significant concerns about the environmental effects of this high-density housing. It appears that the proposed site plan does not take into account the current street lighting on Noyes Drive and may result in too much light in this area. In addition, we are concerned that lighting from the housing units and walkways will be too bright and will intrude on the privacy and enjoyment of adjacent properties. At the same time, we want to make sure that there is adequate lighting for pedestrian safety.

The site plan does not address trash can location and concealment, which is a concern due to the potential for rodents and insects as well as aesthetics, and the plan does not show the placement of HVAC units, which is a concern because of noise and aesthetics. We ask that detailed plans be provided concerning lighting, placement of trash receptacles, and HVAC units.

I am requesting that a copy of the DRC's minutes from today's meeting, reflecting both the agencies' and developer's comments related to this project, be sent to me at the above address at your earliest convenience.

On behalf of our community, we appreciate your efforts and look forward to hearing from you. I can be reached at 301/650-0045 or by email at lisabontempo@msn.org.

Sincerely,

Lisa Bontempo
President
Woodside Civic Association

Cc: Cathy Conlon

APPENDIX E

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

February 12, 2006

C. Robert Dalrymple
301.961.5208
bdalrymple@linowes-law.com
Anne C. Martin
301.961.5127
amartin@linowes-law.com

Via Email and Hand Delivered

Mr. Robert Kronenberg
Development Review
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Woodside courts, Site Pan No. 8-06003 (the "Site Plan")
MPDU Waiver request

Dear Mr. Kronenberg:

Per your request, we hereby submit this updated request for an MPDU waiver for this Site Plan, which is currently pending before the Montgomery County Planning Board for approval of 23 townhouse lots and 3 single-family dwelling lots on 2.68 acres of land (the "Property") located along the west side of Georgia Avenue, on either side of Noyes Drive in Silver Spring (the "Proposed Project"). The Property was reclassified to the RT-12.5 zone by the District Council on October 12, 2004 (the "Zoning Resolution") (attached hereto for reference as Exhibit "A"). Concurrent with the adoption of the Zoning Resolution, the District Council also approved a schematic development plan (the "SDP") pursuant to the provisions of Section 59-H-2.53 of the Montgomery County Zoning Ordinance. Numerous binding elements resulted from the Zoning Resolution and SDP (as a result of input from the surrounding community, M-NCPPC Staff, and the People's Counsel), including a density limitation of 23 townhouse units and 3 single-family homes, which density falls well short of the density yield permitted for the RT-12.5 zone under the Zoning Ordinance (33.5 dwelling units). The other binding elements of the Zoning Resolution and SDP (and recorded covenants on the Property) include a more restrictive building coverage requirement and an increased green area than ordinarily required in the RT-12.5 zone and the preservation of existing homes on the Property as approved by the Historic Preservation Commission ("HPC"). The Zoning Resolution specifically recognizes these binding elements (including in particular for purposes of this letter, density) were necessary to address environmental issues and compatibility, and that it was necessary to incorporate these limitations during the Site Plan process. Based on all of these restrictions and for the additional reasons described below, we submit that the Property must be exempted from the requirements to provide MPDUs pursuant to Chapter 25A of the Montgomery County Code.

Mr. Robert Kronenberg
February 12, 2006
Page 2

At the time of the rezoning, the Proposed Project was not required to provide MPDUs (as the minimum threshold for providing MPDUs was 35 dwelling units or more). Since the time of the Zoning Resolution, Chapter 25A has been amended to include projects of 20 units or more. Since the Applicant has no ability to exceed the density cap placed on the Property through the SDP binding elements and recorded covenants (which is again substantially less than that permitted in the zone- 33.5 units permitted/ 26 units allowed), the Applicant is totally without the ability to increase the density to provide MPDUs in accordance with the new requirements under Chapter 25A. Additionally, since the density cap established by the District Council through the Zoning Resolution and SDP was necessary to allow the requisite findings of compatibility, to address the environmental concerns to preserve an existing tree on the Property and to address the HPC recommendation to preserve the three existing homes and viewsheds, the density could not realistically be increased through an amendment to the SDP to accommodate MPDUs. (We note that the issue of compatibility was the most critical issue which was encountered throughout the zoning process and the local community is already on record as opposing any additional density to accommodate MPDUs.) Furthermore, it was never intended or envisioned that the density units permitted under the density cap would be anything other than market units, and all of the concessions, amenities, etc., supporting the Proposed Project and the Applicant's economic decision to purchase the Property, were absolutely based upon the return of 26 market units. Simply stated, now imposing 12.5% of the dwelling units (4 units) as MPDUs subject to the MPDU restrictions would render the Proposed Project economically infeasible. It would also run completely afoul of the underlying policies and intents (and legal basis) of the MPDU laws that the provision of MPDUs should not be an economic burden of the developer (see Chapter 25A, Section 2(6)).

Pursuant to Chapter 25A-6(b) of the County Code, the Planning Board may waive MPDUs to be built in a development if the Planning Board, in reviewing a subdivision or site plan for a property (and both apply in this case), finds that the applicant cannot attain the full density of the zoning because of any requirements of the zoning ordinance or the administration of other laws or regulations. In this particular instance, the Planning Board in reviewing the Site Plan (and the companion subdivision plan) for the Proposed Project will be bound by the same density cap put in place by the District Council through the SDP, that being 23 townhouses and 3 single-family houses for a total of 26 dwelling units. This not only precludes a density bonus but also falls far short of the allowable density permitted in the zone. Furthermore, with this hard cap on market units being the product of express findings by the District Council with respect to the compatibility of the Proposed Project with the neighborhood and its compliance with the environmental guidelines and historic preservation recommendations, the Proposed Project is further restricted in its ability to attain any additional density.

Therefore, the standards for the Planning Board's grant of an MPDU waiver as set forth in Section 25A-6(b) have been fulfilled and the approval of the waiver is the only equitable solution

Mr. Robert Kronenberg
February 12, 2006
Page 3

to this unique set of circumstances. Accordingly, for the reasons described, we respectfully request that the Planning Board find, in its review of the Site Plan (and subdivision) for the Project, that no MPDUs shall be required for the Project pursuant to Chapter 25A-6(b). With this finding, we also respectfully request that the Director of Housing and Community Affairs (the "Director") subsequently execute an agreement specifying that no MPDUs shall be required for the Project. The Director has deferred the MPDU waiver request for the Proposed Project to the Planning Board pursuant to correspondence dated August 17, 2005 (attached as Exhibit "B"), and has thus provided the consultation referenced in Chapter 25A-6(b).

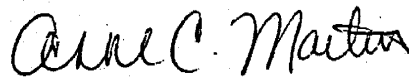
We believe that it is clear and unequivocal that these unique circumstances warrant the Planning Board approval of this MPDU waiver, and we urge Staff to support this request in their recommendation. Thank you for your consideration of our request. Should you require any additional information or if you have any questions, please do not hesitate to contact us.

Very truly yours,

LINOWES AND BLOCHER LLP



C. Robert Dalrymple

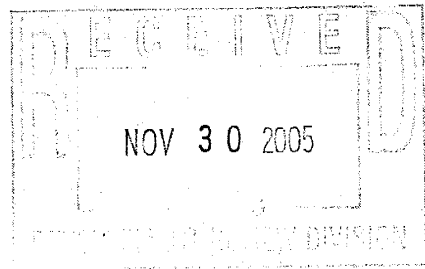


Anne C. Martin

Attachments

cc: Ms. Elizabeth Davison
Ms. Rose Krasnow
Ms. Catherine Conlon
Tariq El-Baba, Esq.
Mr. Joseph Alfandre
Mr. George T. Myers
Mr. Stephen A. Mulholland
Mr. David Little
Mr. Kevin Foster

LINOWES
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ATTORNEYS AT LAW



November 28, 2005

C. Robert Dalrymple

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301.961.5127

Mr. Emil Wolanin
Chief, Traffic Engineering and Operations Section
Montgomery County Public Works and Transportation
Development Review Unit
101 Orchard Ridge Drive
2nd Floor
Gaithersburg, MD 20878

Re: Woodside Courts, Site Plan No. 8-06003
Request for Speed Hump on Noyes Lane between Georgia Avenue and First Avenue,
Silver Spring

Dear Mr. Wolanin:

We represent Noyes Lane LLC (the "Applicant"), the developer of a proposed single-family (townhouses, attached and detached units) project on property in the RT-12.5 zone that is located on the west side Georgia Avenue on each side of Noyes Lane in Silver Spring (the "Property"). The Applicant hereby requests (with the support of the Woodside Civic Association) consideration and approval by the Department of Public Works and Transportation ("DPWT") of a speed hump on Noyes Lane between Georgia Avenue and First Avenue. This request is made in fulfillment of the Applicant's proffer offered in conjunction with Zoning Case No. G-817 whereby the Property was reclassified to the RT-12.5 zone (a copy of Council Resolution No. 15-788 dated October 12, 2004 (the "Resolution") is attached, with this commitment being reflected as number 8 on Page 8 of the Resolution).

This correspondence is intended to initiate the review, study and consideration of this proposal for a speed hump for this section of Noyes Lane. As you will note in the Resolution, the Applicant has additionally requested (also with support from the Woodside Civic Association) consideration of a 4-way stop sign at the intersection of Noyes Lane and First Avenue (with this request having been made separately by letter to Greg Leck dated November 4, 2005). We have provided a copy of this letter (and the previous letter relating to the 4-way stop sign) to the current President of the Woodside Civic Association, Ms. Lisa Bontempo (301.650.0045), and we invite you to contact her to confirm the community's support for these matters and to confirm


Mr. Emil Wolanin
November 28, 2005
Page 2

the community's neighborhood traffic concern. We also ask that you copy her on all correspondence and provide her with notice of any studies or public meetings regarding this request.

Thank you for your consideration of this request. Please do not hesitate to call us if you require additional information or have any questions.

Very truly yours,

LINOWES AND BLOCHER LLP


C. Robert Dalrymple


Anne C. Martin

Enclosures

cc: Lisa Bontempo, WCA President, 8910 1st Avenue, Silver Spring, MD 20910
Greg Leck, DPWT
Robert Kronenberg, M-NCPPC
George Myers, GTM Architects/Noyes Lane LLC
Stephen Muholland, GTM Architects/Noyes Lane LLC
Joseph Alfandre, Noyes Lane LLC
Craig Hedberg, ITS

Resolution No. 15-788

Introduced: September 28, 2004

Adopted: October 12, 2004

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
IN MONTGOMERY COUNTY**

By: County Council

**SUBJECT: APPLICATION NO. G-817 FOR AMENDMENT TO THE ZONING ORDINANCE
MAP, C. Robert Dalrymple and Anne C. Martin, Attorneys for Applicant, Noyes Lane,
LLC, OPINION AND RESOLUTION ON APPLICATION**

Tax Account Nos. 13-01091410, 13-01090871, 13-01089688, 13-01088558, 13-01091831 and 13-01089781

OPINION

Application No. G-817, filed on November 12, 2003 by Applicant Noyes Lane, LLC, requests reclassification from the R-60 Zone to the R-T 12.5 Zone of 2.7 acres of land known as Parts of Lots 1- 4, Block 4 (north of Noyes Drive), and Parts of Lots 7-11, Block 3 (south of Noyes Drive), in the Woodside Subdivision (13th Election District). The site is located at 9012, 9008 & 9006 Georgia Ave and 1403 Noyes Drive in Silver Spring. The application was filed under the Optional Method authorized by Code § 59-H-2.5, which permits binding limitations with respect to land use, density and development standards or staging. Applicant proposes to build a development called "Woodside Courts" that includes twenty-three new townhomes and preserves three of the existing single-family detached homes.

The Hearing Examiner recommended approval of the application on the basis that the R-T 12.5 Zone at the proposed location would satisfy the requirements of the purpose clause; that the proposed reclassification and development would be compatible with existing and planned land uses in the surrounding area; and that the proposed reclassification bears sufficient relationship to the public interest to justify its approval. The Montgomery County Planning Board ("Planning Board") and its Technical Staff