



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

May 3, 2012

MEMORANDUM

TO: Legal Staff

FROM: John Marcolin, Planner/Coordinator, Area 1

VIA: Rose Krasnow, Chief, Area 1 *RK*
Robert Kronenberg, Supervisor, Area 1 *RK*

Re: Correction of typographical errors on Site Plan Resolution for Fenwick Station, SITE PLAN #820120080

On April 26, 2012, the Planning Board approved the Site Plan and Resolution for Fenwick Station, Site Plan # 820120080.

At the Planning Board Hearing for this site plan, the Planning Board made several typographical changes to the language. These changes were inadvertently omitted on the draft of the adopted resolution that was signed by the Planning Board Chairman. The resolution was not mailed and the typographical errors have been subsequently corrected.

Staff is requesting that the Planning Board approve and sign the corrected resolution so that it can be mailed out to all parties of record.

CC: Christina Sorrento, Associate General Counsel

MAY 22 2012



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

MCPB No. 12-48
Site Plan No. 820120080
Project Name: Fenwick Station
Date of Hearing: April 26, 2012

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on October 13, 2011, the Planning Board approved Project Plan No. 920110010 (MCPB Resolution 11-105) and Preliminary Plan No. 120110400 (MCPB Resolution 11-106) for a residential development on one lot with a total of 310 units (including 12.5% MPDUs); and

WHEREAS, on January 12, 2012, EPN-SSPO, LLC ("Applicant"), filed an application for approval of a Site Plan for a residential development on one lot with a total of 310 units (including 12.5% MPDUs) ("Site Plan") on 2.84 acres of CBD-1-zoned land, located at the southwest corner of the intersection of Spring Street and Second Avenue in the Silver Spring CBD ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820120080, Fenwick Station ("Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated April 13, 2012, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on April 26, 2012, the Planning Board held a public hearing on the Application (the "Hearing");¹ and

¹ Preliminary Plan Condition Nos. 6 and 8 required the Applicant to finalize the details of certain site frontage improvements and the interim trail connection to the future Capital Crescent Trail, and to obtain approval from the Montgomery County Department of Transportation of the location and easement agreement for the proposed bike-share station, at least 30 days prior to the Board's hearing on the site plan. The purpose of these deadlines was to ensure that Planning Department staff would have sufficient time to review these aspects of the proposed development. The Applicant missed one of these deadlines

Approved as to
Legal Sufficiency:

A handwritten signature in black ink, appearing to be 'M', written over a horizontal line.
M-NCPPC Legal Department

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on April 26, 2012, the Planning Board approved the Application subject to certain conditions, in accordance with the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Montgomery County Planning Board APPROVES Site Plan No. 820120080 for residential development on one lot with a total of 310 units (including 12.5% MPDUs), on 2.84 gross acres of land in the CBD-1zone, subject to the following conditions:

1. Project Plan Conformance

The proposed development must comply with the conditions of approval for Project Plan No. 920110010 as listed in the Planning Board resolution dated February 14, 2012.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120110400 as listed in the Planning Board Resolution dated February 14, 2012 unless amended. This includes, but is not limited to, all references to density, rights-of-way, dedications, easements, transportation conditions, DOT conditions, and DPS stormwater conditions.

3. Forest Conservation & Tree Save

The development must comply with the conditions of the approved final forest conservation plan. The Applicant must satisfy all conditions prior to the recording of a plat(s) or to the issuance of sediment and erosion control permits by the Montgomery County Department of Permitting Services.

- a. An approved Final Forest Conservation Plan (FFCP) that addresses the conditions of approval must be obtained prior to any clearing, grading, or demolition within the project area.
- b. The Applicant must coordinate tree protection measures within the right-of-way along Spring Street with MCDOT at the time of right-of-way permit.
- c. The fee-in-lieu payment or certificate of compliance that satisfies the 0.46 acre afforestation requirements must be submitted by the Applicant and be approved by M-NCPPC staff prior to land disturbing activities occurring onsite.
- d. The proposed development shall comply with the conditions of the FFCP.

by one day, and the other by two weeks. The failure to meet these deadlines could have postponed the site plan hearing date. However, due to the staff's quick turnaround, it was possible to proceed with the hearing on April 26.

- e. Inspections must occur consistent with Section 22A.00.01.10 of the Forest Conservation Regulations.
- f. The Applicant must include and sign the Developer's Certificate on all plan sheets in non-black ink.

4. Noise Attenuation

- a. At the time of building permit the project architect must certify that all noise compliance measures have been met as per site plan drawings. Noise levels are anticipated to exceed levels of 65 dBA for areas along Third Avenue, Spring Street, and the intersection of Spring Street and Second Avenue after the construction of the CSX trains. Although those areas are within the Fenwick Station Site Plan, they are not considered "common outdoor activity" zones and therefore do not have to comply with meeting the 65 dBA threshold.
- b. An engineer specializing in acoustics must certify prior to the issuance of any building permit that the building shell has been designed to attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The building must be constructed in accord with these design specifications. Any changes in the design that may affect acoustical performance must be approved in advance by an engineer specializing in acoustics. A copy of the written approval must be provided to M-NCPPC staff.
- c. Prior to issuance of the first building permit the Applicant shall provide a signed, notarized commitment to construct the dwelling units in accord with the acoustical design specifications contained in the building shell analysis. Any changes to the building shell construction that may negatively affect acoustical performance shall be approved in writing by the engineer specializing in acoustics and shall provide acoustical attenuation for the affected units to the same level as the specifications in the building shell analysis. A copy of the written approval must be provided to M-NCPPC staff.

5. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated March 8, 2012 unless amended and approved by the Montgomery County Department of Permitting Services [attachment 1].

6. LEED Certification

The Applicant must achieve a LEED-certified rating at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before issuance of any use and occupancy certificate, the Applicant must inform M-NCPPC staff of the LEED certification level that they are applying for. If this level is less than a

Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to staff a written report for the public record purposes only from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

7. Public Use Space and Amenities

- a. The Applicant must provide a minimum of 25% of the net lot area for on-site public use space and a minimum of 48% of the net lot area for off-site public amenity space.
- b. The proposed public use space and amenities must be easily and readily accessible to the general public and available for public enjoyment.

8. The Applicant must provide the following site features as a public amenity:

- a. A public drinking fountain in the plaza;
- b. One art panel within the plaza area, and, if appropriate up to two additional art panels emphasizing the Silver Spring community and historical context of the site and surrounding area;

9. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities, except as assumed by another entity.

10. Public Improvement Easement

The Applicant must grant and reflect on the plat a Public Improvement Easement on the property (see attachment 2) for MCDOT to install a future bike-share station at the location shown on the Site Plan.

11. Transportation and Circulation

- a. The Applicant must enter into a Traffic Mitigation Agreement ("TMAg") with the Planning Board and MCDOT to participate in the Silver Spring Transportation Management District and must execute the Agreement prior to the release of any building permit for the proposed development.

12. Affordable Housing

- a. The proposed development must provide 12.5 percent MPDUs.
- b. The MPDU agreement to build shall be executed prior to the release of any building permits, excluding any sheeting and shoring permits required for the structured garage.

13. Site Design

The exterior architectural character, proportion, materials, and articulation for each building must be substantially similar to the schematic elevations shown in the Certified Site Plan set, as determined by M-NCPPC Area One Division staff.

14. Landscaping

- a. Provide all landscape structures, including walls, fences, railings, paving, etc. per sheets L1.0-L3.1.
- b. Provide all trees, shrubs and groundcovers in accordance with approved landscape drawings, sheets L4.0-L4.1.
- c. The Applicant must construct the streetscape improvements, including the undergrounding of utilities, consistent with the Silver Spring Streetscape standards.

15. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to the Illuminating Engineering Society of North America standards for residential/commercial development.
- b. All onsite down light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Lighting location and type in the Third Street right of way must be specified prior to completion of the certified site plan and meet the standards iterated above, as acceptable to MCDOT.

16. Public Art

- a. Provide for and install one or more art panels in the public plaza, as presented to the Planning Department's Art Review Panel on April 10, 2012, and illustrated in the Certified Site Plan.
- b. Any significant changes to the concept presented on April 10, 2012, must be presented to the Art Review Panel and approved by Area One staff prior to approval of the Certified Site Plan.

17. Surety

Prior to issuance of first building permit Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development.

- c. Prior to issuance of the first building permit, exclusive of the sheeting and shoring permit for the structured parking, the Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

18. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- b. On-site amenities including, but not limited to, sidewalks, benches, trash receptacles, bicycle facilities, art panels and bike share facility must be installed prior to final use and occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPFC inspection and approval of all tree-save areas and protection devices.
- d. Community-wide pedestrian pathways, including the temporary 10'-wide connection between public plaza on Spring Street and Third Avenue right of way, and the 5'-wide path in the Third Avenue right of way, must be completed prior to issuance of the final use and occupancy permit.

19. Certified Site Plan

Prior to approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that "M-NCPFC staff must inspect all tree-save areas and protection devices prior to clearing and grading."
- c. Modify data table to reflect development standards enumerated in the staff report.
- d. Ensure consistency of all details and layout between site plan and landscape plan.

- e. Execute Public Improvement Easement agreement with MCDOT for proposed bike share facility. Provide a copy of the agreements for the file and include relevant notes on the Certified Site Plan.
- f. Include facilities proposed in the recreation calculations for compliance with the Montgomery County Recreation Guidelines.

BE IT FURTHER RESOLVED, that all site development elements as shown on Fenwick Station drawings stamped by the M-NCPPC on April 13, 2012, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

The site plan is consistent with the approved Project Plan 920110010 in every respect, including scope and design.

2. *The Site Plan meets all of the requirements of the CBD-1 zone and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The proposed uses are allowed in the CBD-1 Zone, and the site plan fulfills the purposes of the zone by providing predominantly residential development compatible with adjacent residential uses in the Silver Spring Central Business District.

The site plan meets all of the development standards of the zone. With respect to building height, setbacks, and density the proposed development is under all the standards allowed. With respect to public space and amenities, the proposed development provides a total of 73 percent of the net lot area for combined on-site and off-site public amenity space, allowing for a greater amount of permeable surface and landscaped open space on-site.

Requirements of the CBD-1 zone

The data table shown below lists the approved development standards. The Board finds that the Application meets all of the applicable requirements of the CBD-1 Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Data Table

	Development Standards Approved by the Board and Binding on the Applicant
Gross Tract Area (sf.)	123,762
Previous Dedications (sf.)	47,420
Proposed Dedications (sf.)	0
Net Lot Area (sf.)	76,342
Maximum Density (units/acre)	125 units/acre
Maximum Dwelling Units, total	310
Minimum MPDU (%)	12.5
Minimum MPDUs (du)	39
Building Height, Maximum (ft.)	60
Building Setback, Minimum	0
Parking Spaces, Maximum	326
On-Site Public Use Space, Minimum (% of NLA)	25
On-Site Public Use Space (sf.)	19,154
Off-Site Public Amenity Space (% of NLA)	48
Off-Site Public Amenity Space (sf.)	55,957

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

The building creates a consistent street wall on 2nd Avenue, and frames the proposed public plaza and bike share station (at the corner of 2nd Avenue and Spring Street). The locations of the buildings and structures are adequate and efficient, and do not pose any safety concerns on the site.

The open space will act as a gathering place for pedestrians walking on Spring Street and 2nd Avenue as well as a rest stop for bicyclists using the Silver Spring Green Trail and the future Capital Crescent Trail. Landscaped planters in the plaza will provide bioretention for stormwater run-off. Traditional foundation plantings on the sides of the building facing 2nd Avenue and Fenwick Lane will double as bio-retention plantings using evergreen shrubs and native ferns and groundcovers. Street trees, site furnishings and lighting per the Silver Spring Streetscape Standards will enhance the pedestrian environment. The Applicant is providing various on-site recreational opportunities for a range of age groups, and satisfies the Recreation Guidelines for residential development. Off-site credit is taken for existing facilities in Woodside Park. The site plan provides a range of open spaces, including landscaped terraces, a public plaza, and an off-site restored stormwater area with a pedestrian path. Street trees, streetscape paving, and lighting enhance the pedestrian environment. Lighting in the public plaza will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. These spaces provide a diversity of recreational opportunities on site. The open spaces, landscaping, and site details adequately and efficiently address the needs of the proposed use and the recommendations of the Master Plan, while providing a safe and comfortable environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. The Applicant has proposed paving an existing foot path starting at the Spring Street bridge over the CSX/Metro tracks and up along the Spring Street right of way to the corner of Spring Street and 2nd Avenue. The Applicant has also proposed constructing a temporary 5'-wide path in the 3rd Street right of way that runs between the Spring Street bridge and Fenwick Lane. These paths will be much safer and easier to access than the existing informal dirt foot paths. The vehicular circulation design efficiently directs traffic into the proposed parking garage at an entrance on Fenwick Lane, with minimal impacts to pedestrian circulation. The design also accommodates loading adjacent to the parking garage entrance. This location keeps loading activities on a street with low pedestrian activity, minimizing potential conflicts between vehicles and pedestrians. As designed, the paved area for both

pedestrians and vehicles reduces imperviousness on site from the existing conditions and eliminates two existing curb cuts in Second Avenue that are pedestrian/vehicle conflict points. This balance of design with the site, the recommendations of the Master Plan, and the needs of the use is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The proposed residential development is compatible with the adjacent and confronting uses. The multi-family residential use reflects the land pattern along 2nd Avenue in this part of the Silver Spring CBD, and creates a transition with the one-family uses to the north.

The structure itself is in scale with the nearby buildings and is located such that it will not adversely impact existing or proposed adjacent uses. Along Second Avenue, the multi-family building presents 5 private entrances onto the street, creating a scale of development more in keeping with the one-family neighborhood of Woodside Park to the North.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The project is subject to the requirements of the forest conservation law. As conditioned, the proposal satisfies the requirements through an off-site fee-in-lieu. The Planning Board approved the Forest Conservation variance for the removal of the off-site 41" dbh black locust in the Spring Street right-of-way, pursuant to Section 22A-21 of the County Forest Conservation Law, with the Preliminary Plan application.

The development is subject to the water quality resources protection requirements of Chapter 19 and has an approved stormwater management concept dated March 8, 2012.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

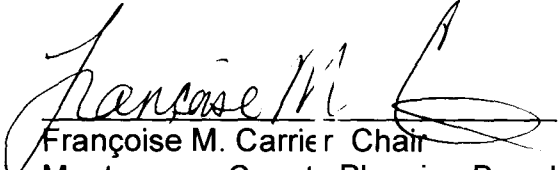
BE IT FURTHER RESOLVED, that the date of this Resolution is MAY 22 2012 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor of the motion at its regular meeting held on Thursday, May 17, 2012, in Silver Spring, Maryland.


Françoise M. Carrier Chair
Montgomery County Planning Board

ATTACHMENT 1



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

March 8, 2012

Diane R. Schwartz Jones
Director

Timothy Hoffman
Loiederman Soltesz Associates, Inc.
2 Research Place, Suite 100
Rockville, MD 20850

Re: Stormwater Management **CONCEPT** Request
for Woodside USPS Property / Fenwick Station
Preliminary Plan #: 1201104-01
SM File #: 240287
Tract Size/Zone: 1.75 Ac./CED-1
Total Concept Area: 2.7 Ac.
Lots/Block: PT 3-6, and 10 & 11 / 11
Watershed: Lower Rock Creek

Dear Mr. Hoffman:

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 proposes to meet required stormwater management goals via ESD to the MEP by the use of green roof and micro-bioretenention.

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. All covered parking is to drain to the WSSC system. Provide a copy of the schematic mechanical drawings to show that covered parking areas drain to the WSSC system.
6. The green roof, as indicated, has an 8 inch depth.
7. Provide easements and covenants for all ESD BMPs that are on private property.
8. Provide a copy of the schematic mechanical drawings to show that the roof areas drain to the micro-bioretenention structures.
9. Micro-bioretenention is achieved with the use of planter boxes and biofiltration tree pits.

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

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-2256 TTY
www.montgomerycountymd.gov

montgomerycountymd.gov/311  240-773-3556 TTY

ATTACHMENT 1

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not 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: lta CN240287 Woodside USPS Property Revised.DWK

cc: C. Conlon
SM File # 240287

ESD Acres: 2.7
STRUCTURAL Acres: 0.0
WAIVED Acres: 0.0

ATTACHMENT 2



OFFICE OF THE COUNTY ATTORNEY

Isiah Leggett
County Executive

Marc P. Hansen
County Attorney

April 11, 2012

Christopher M. Ruhlen, Esq.
Lerch, Early & Brewer, Chtd.
3 Bethesda Metro Center, Suite 460
Bethesda, MD 20814-5367

Re: Fenwick Station development
Public Use Easement for bike-sharing facility

Dear Chris,

Enclosed please find one (1) original of the letter your letter dated April 10, 2012 that has been countersigned by Arthur Holmes, Director of the Montgomery County Department of Transportation.

Thank you for your attention to this matter. If you have any question, please feel free to contact me.

Very truly yours,

Eric C. Willis

cc: Sandra Brecher, DOT

ATTACHMENT 2



ideas that work

Attorneys at Law

3 Bethesda Metro Center, Suite 460
Bethesda, MD 20814-5367

www.lerchearly.com

Christopher M. Ruhlen

Tel. (301) 841-3834

Fax (301) 347-1762

cmruhlen@lerchearly.com

April 10, 2012

VIA OVERNIGHT DELIVERY

Mr. Arthur Holmes
Montgomery County Department of Transportation
101 Monroe Street, 10th Floor
Executive Office Building
Rockville, Maryland 20850

RE: Fenwick Station, Preliminary Plan No. 120110400—Public Use Easement

Dear Mr. Holmes:

This letter confirms that the Montgomery County Department of Transportation has approved the location and form of easement for the potential bike share station on the Fenwick Station property, as required by Condition 8 of the Montgomery County Planning Board Resolution for the above-referenced Preliminary Plan dated February 14, 2012.

We appreciate your attention to this matter, and encourage you to contact us directly should you have any questions or require additional information.

Very truly yours,

Lerch, Early & Brewer, Ch d.

Christopher M. Ruhlen, Esc.

11 APR 12 12:10

COUNTERSIGNED BY:

NAME: Arthur Holmes

DATE: 11 APR 12