

Item 7 - Correspondence

From: [Frank Demarais](#)
To: [MCP-Chair](#)
Cc: councilmember.stewart@montgomerycountymd.gov
Subject: Plan 850 Sligo Avenue
Date: Wednesday, September 4, 2024 10:27:58 AM

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Planning Board Chair

I am submitting the following comments to the Proposed Preliminary Plan Amendment for 850 Sligo Avenue.

The request to extend the validity period should not be granted without requiring the development plan to adhere to the current East Silver Spring Downtown and Adjacent Communities Plan Overlay Zone requirements. This must include the requirement for 15% MPDUs, rather than prior 12.5%.

Staff report states that it does not recommend requiring 15% MPDUs.

The Planning Board adopted the Plan with the expressed objective of improving the integration of affordable housing with the escalating market rate housing options.

The argument presented in the request references the burden on the developer of accommodating 13 MPDUs instead of 11 of 85 units.

The report does not reference the burden on the community of lost opportunity for additional affordable units as required of all other developers in the Plan.

The Planning Board and the County understood the economic challenge of including MPDUs when they adopted the expanded zoning options of the Plan, and developers must work with requirement to support the multiple objectives of the Plan from which the value of their property benefits. The financial benefits exceed the site impact, they include the community wide density and growth impact on the value of the site. The financial cost of MPDUs does not include changing the site plan, floor plans or other elements – simply charging lower rents (or prices of condominium). This development wants two years to refine and address current conditions, and can clearly work two additional MPDUs into the revisions.

The Planning Board must not allow a developer, sitting on a vacant and underused parcel for so many years to reap the benefit of delays in the form of reduction in the critical MPDU requirements.

Frank Demarais

202-746-9986; fdemarais@starpower.net
8006 Maple Ave
Takoma Park MD 20912

Preliminary Plan Amendment Reference to MPDUs, pg 13

4. Planning Board considerations for extension.

a. The Board may condition the grant of an extension on a requirement that the applicant revise the plan to conform with changes to the requirements of this Chapter since the plan was approved

- Inclusion of the Property in the newly created Downtown Silver Spring Overlay Zone. This Overlay Zone contains development standards to guide implementation of the Sector Plan that did not exist at the time of approval of the Preliminary Plan and Site Plan associated with the Property. The development standards of this Overlay Zone focus on building height, density, MPDUs, public benefit points, and public open space, and the approved development program is generally in conformance with these standards. Staff is not recommending revisions be considered to the previously approved Preliminary Plan to further conformance with these requirements as noted below:
 - Building Height and Density – The approved development height and density conform with the Downtown Silver Spring Overlay Zone development standards.
 - MPDUs – The approval includes a minimum of 12.5 percent MPDUs, or 11 of the 85 dwelling units approved, as was required at the time of Preliminary Plan approval. The Downtown Silver Spring Overlay Zone requires a minimum of 15 percent MPDUs, or 13 of the 85 dwelling units approved. To fully conform with the Overlay Zone requirement, two additional MPDUs would need to be provided.
 - *Staff is not recommending plan revisions be made to accommodate two additional MPDUs in this circumstance, as it would be overly burdensome to the Applicant this late in the entitlement process to require them to revise the previously approved residential unit arrangement and then have to further amend the approved Preliminary Plan and seek a separate amendment of the approved Site Plan.*