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June 9, 2022

Council President Gabe Alborno and  
Members of the County Council Sitting as the District Council  
100 Maryland Avenue, 4th Floor  
Rockville, MD 20850

Re: ZTA 22-03, Downtown Silver Spring Overlay Zone

Dear Council President Alborno and Members of the District Council,

Our firm represents Arlington Partnership for Affordable Housing ("APAH") who is the contract purchaser of property located at 900 Spring Street in Silver Spring, Maryland (the "Property"). The present owner of the Property is the National Ready Mixed Concrete Association. Since 1989, APAH has provided quality affordable housing for a significant number of individuals and families in the DC Metro region. APAH is looking forward to expanding its presence in Montgomery County, to provide needed, additional affordable housing opportunities to serve existing and future County residents.

We have closely followed the Master Plan process for the Downtown Silver Spring and Adjacent Communities Plan (the "Downtown Plan") and are supportive of the District Council's decisions as it relates to the Property and overall revitalization of the Downtown area. We would like to offer just one comment on ZTA 22-03 for the Downtown Silver Spring Overlay Zone. Our comment relates to a provision that is not included in the ZTA. We would suggest that the ZTA specifically exempt projects that provide 25% or more MPDUs from making any payment toward the Civic Improvement Fund for residential density needed to achieve the mapped heights on the property.

The Bethesda Overlay Zone includes a similar exemption. Specifically, Section 4.9.2.C.3.c.iii states that "[i]f the development includes at least 25% MPDUs, a Park Impact Payment is not required for any residential gross floor area." (*emphasis added*). The Civic Improvement Fund established for Silver Spring should be treated no differently. As such, we would respectfully request that the District Council recommend including a similar provision in the Downtown Silver Spring Overlay Zone. This additional language will promote and encourage the development of affordable housing, in excess of what is required by the Master Plan, in Silver Spring, just like such affordable housing is encouraged in Bethesda.

We provided similar testimony during the June 2nd Montgomery County Planning Board (the "Planning Board") public hearing on ZTA 22-03. The Planning Board was supportive of our testimony and unanimously voted to recommend the inclusion of this additional language in the ZTA, through their comments and recommendations being transmitted to the District Council. The Planning Board

agreed that the Silver Spring Overlay Zone should be treated the same as the Bethesda Overlay Zone with respect to this issue. Commissioner Carol Rubin noted during her remarks that eliminating the Civic Improvement Fund payment for any project providing at least 25% MDPUs would not be inconsistent with, or require any revisions to, the Downtown Plan. But instead, could be incorporated into the Overlay Zone through ZTA 22-03. We agree that the Overlay Zone is the appropriate mechanism to implement this exemption, just the same as the Bethesda Overlay Zone created the similar exemption from PIP payments for residential density in projects providing 25% or more MDPUs (not the Bethesda Downtown Plan).

Adopting development incentives substantially similar to what is provided in the Bethesda Overlay Zone is sound policy. Thus, APAH urges the District Council to modify the proposed language in ZTA 22-03 to expressly exclude payments toward the Civic Improvement Fund for any residential density, in projects that provide 25% or more MDPUs.

**Please include this letter in the official public record for this matter.** Thank you for your consideration of our comments.

Sincerely,



Steven A. Robins



Elizabeth Rogers