

**LINOWES**  
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ATTORNEYS AT LAW

November 13, 2013

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**via Hand Delivery**

Mr. Don Hadley, Chair  
& Members of the Planning Commission  
City of Rockville  
111 Maryland Avenue  
Rockville, Maryland 20850

Re: Zoning Text Amendment TXT2014-00236 (“Comprehensive Amendment to the Zoning Ordinance” or “Comprehensive Amendment” – Amendment to Section 25.16.03.d)

Dear Chair Hadley and Members of the Planning Commission:

On behalf of Siena Corporation (“Siena”), owners and developers of multiple ezStorage self-storage facilities in the region, and at the suggestion of your planning staff (“Staff”) in a meeting to preliminarily discuss the herein described project, we are commenting on the Comprehensive Amendment to the Zoning Ordinance as it relates to parking required for a property located in the southwest quadrant of the intersection of Taft Street and First Street (at 1175 1<sup>st</sup> Street) in the Southlawn Office and Industrial Center (the “Property”). Attached as Exhibit A is a copy of a tax map with the Property highlighted. The Property consists of approximately 1.39 acres of land that is zoned Light Industrial (IL), and it is currently improved with a vacant warehouse that was previously used for the distribution of baked goods.

Siena is the contract purchaser of the Property, and having agreed to acquire the site out of bankruptcy proceedings (which proceedings involve other properties outside of the City as well) Siena has a limited period of time to determine whether to proceed to closing. This decision will be entirely made based upon the confidence that Siena can gain during this short due diligence period that it can redevelop the Property with a 109,808-square-foot ezStorage self-storage facility (with 900 storage units, a 1,100± square foot office, and a dwelling unit for a 24/7 resident manager) on the Property. In meeting with Staff last week as part of Siena’s due diligence efforts, Staff confirmed that the self-storage facility use is a permitted use in the IL

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Zone, but the parking required for the project (based upon “warehouse” use because “self-storage” or “mini-warehouse” are not uses identified in the City’s Zoning Ordinance for purposes of establishing required parking) was identified as a significant issue. The current applicable parking requirement (Section 25.16.03.d), again based upon the self-storage being considered a “warehouse” use under the parking code, requires 1 space per 1,000 square feet of gross floor area, which translates into a total of 110 parking spaces required for this self-storage facility to satisfy the current Zoning Ordinance. This parking requirement of 110 spaces is grossly excessive for this use, given that Siena’s operational experience for over 27 years with 46 ezStorage locations in Montgomery County and other jurisdictions in the region demonstrates that an ezStorage facility at this location and at this proposed size generates a need for only 15± parking spaces. Unfortunately, the Zoning Ordinance does not have any provision for the waiver of this parking requirement, and without the ability to “right size” the parking to be provided with this facility it makes the project infeasible (in addition to providing a result that is illogical, irrational and unsound environmentally by requiring totally unnecessary impervious areas for unneeded parking that will be perpetually vacant). To address this issue, Staff suggested that we seek an amendment to the parking requirements set forth in the zoning Ordinance as part of this Comprehensive Amendment.

Therefore, we proposed that the City legislate a separate parking requirement for a “self-storage facility” that more appropriately addresses the actual need for parking for this use.<sup>1</sup> For simplicity, the City could adopt the standard used by Montgomery County (the “County”). Siena has six facilities approved, with five constructed, in the County, and thus there is a local proven case study that can be relied upon in establishing the proper parking requirement. It is our understanding that Staff finds the County’s standard to be acceptable. The County’s parking requirement for “self-storage facility” use is 3 spaces per 1,000 square feet of gross floor area of office space provided with the facility, 1 space per employee and 2 spaces for the resident manager. Applying this parking requirement to the proposed facility in the City would result in a total of 6 parking spaces being required to satisfy the Zoning Ordinance (4 for office space + 2 for the resident manager who is the sole full-time employee of the facility and thus walks to work). In addition to providing the required number of parking spaces necessary to meet Code,

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<sup>1</sup> Alternatively, a waiver provision could be added to the parking requirements in the Zoning Ordinance, allowing the required parking for uses not adequately accounted for in the identified uses in the Code to be established by the Planning Commission (or otherwise) as part of the entitlement process.

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and in order to best meet the needs of its customers in a convenient manner, Siena would propose to provide an additional 9 spaces (1 space for each 100 storage units) for loading and unloading purposes for a total of 15 spaces provided for the proposed facility. [While the County requirement, resulting in the need for 6 spaces, is sufficient based solely on volume of the facility, it is Siena's learned experience and with knowledge of consumer needs that suggests that this number of spaces provided should increase from 6 to 15 in order to provide safe, convenient access to all storage units by the facility's customers.] Should the City determine to address this consumer need aspect in legislating its own parking requirement for this use, the County's standard could be adjusted such as to require 3 spaces/1,000 square feet of office, 1 space per employee, 2 spaces for a resident manager and 1 space/100 storage units. This would match up with the 15 spaces that Siena would propose to provide with this proposed facility to totally address market demand for this use.

As further evidence of the actual need for parking for self-storage facilities similar to that being proposed now by Siena, and also further evidencing the amount of parking that is typically provided not only to meet Code, but also to satisfy customer needs and convenience (essential to a successful self-storage facility), we have attached hereto as Exhibit B a table listing the location of self-storage facilities in the County. The first line is the proposed facility in the City, the last line is an existing facility in the City owned by another company, and all of the others are ezStorage facilities located in the County. In addition, the table lists the zoning of each property, the total size of each facility, the size of the office space within each facility, the number of storage units in each facility, the Code-required and provided number of parking and loading spaces for each facility, and the Code-required and provided parking ratios for each facility. As exhibited, the required and provided parking ratio for self-storage facilities in the County and for the existing facility in the City are all exponentially below the current City parking ratio requirement if required to be parked as "warehouse" under the existing Zoning Ordinance. In fact, the amount of parking that would be required for this proposed facility would be approximately 20 times greater than what was required for these other facilities. Accordingly, and to address this glaring problem in the City's Zoning Ordinance relating to parking required to be provided for a self-storage use, we respectfully request that the Planning Commission recommend to the Mayor and City Council an amendment to Article 16 of the Zoning Ordinance to add a separate parking requirement for the "self-storage facility" use, using the County's requirement of 3 spaces per 1,000 square feet of gross floor area of office space, 1 space per

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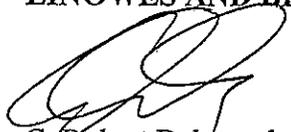
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employee and 2 spaces for the resident manager (with the possibility of also adding a requirement for 1 space per 100 storage units).<sup>2</sup>

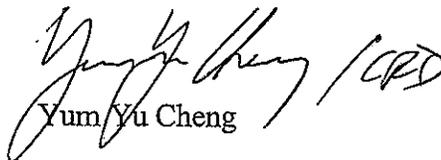
Thank you for your consideration of our comments and request. Should you have any questions or need anything else, please do not hesitate to contact us.

Sincerely yours,

**LINOWES AND BLOCHER LLP**



C. Robert Dalrymple



Yum Yu Cheng

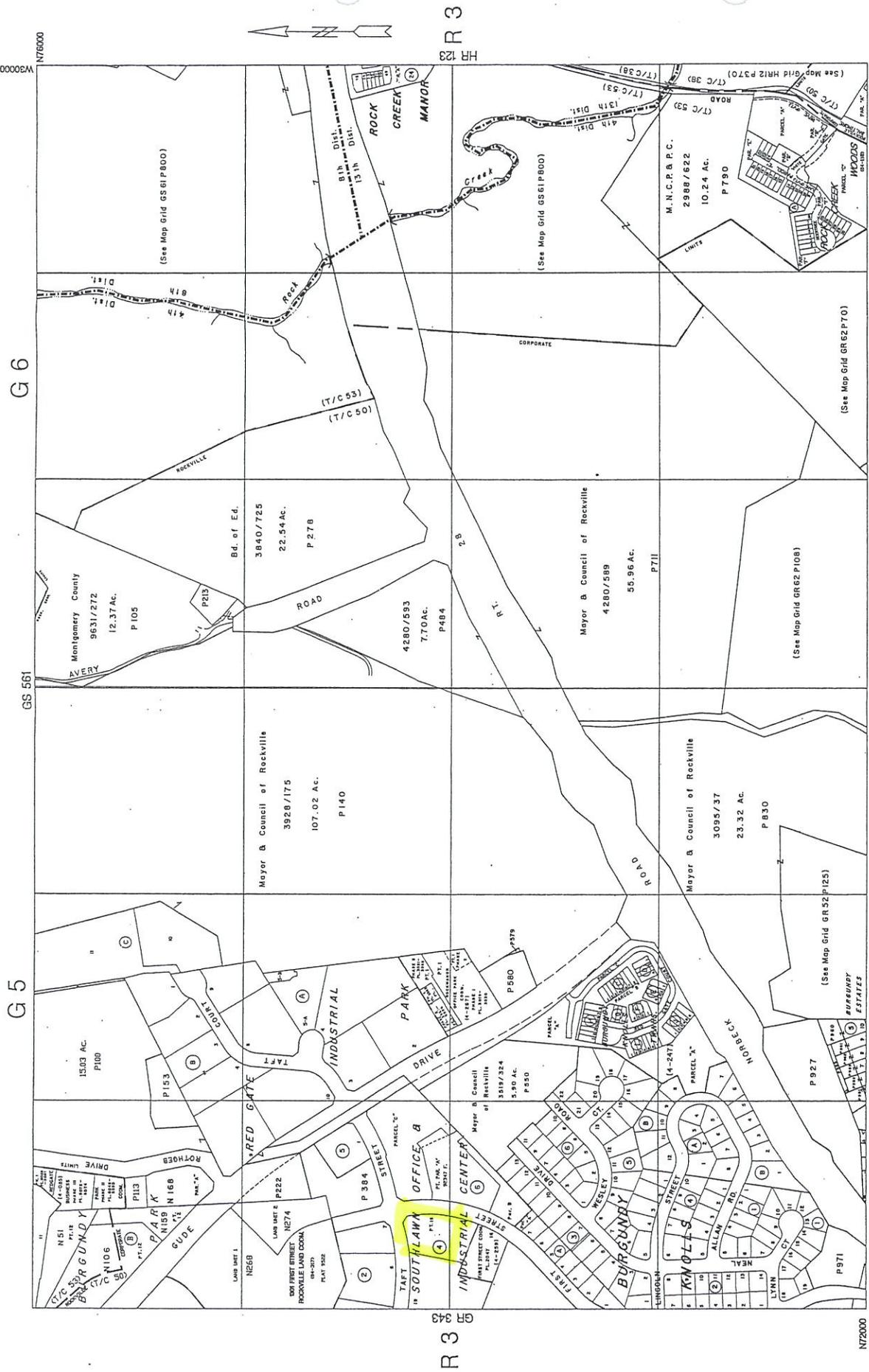
Attachments

cc: Mr. Craig B. Pittinger (Siena Corporation)  
Mr. Deane Mellander (Zoning Administrator)  
Ms. Susan Swift (Planning Director)  
Mr. Bobby Ray (Planner)  
Mr. Jeremy Hurlbutt (Planner)  
Debra Daniel, Esq. (City Attorney)  
Marcy Waxman, Esq. (Senior Assistant City Attorney)

\*\*L&B 2624400v2/08973.0016

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<sup>2</sup> See Footnote 1 above regarding a parking waiver provision.



MAP GR 563  
W.S.S.C. 219 NW 06  
Location: BURGUNDY KNOLL

G 6  
MONTGOMERY CO.,  
MARYLAND

MAP GR 562

MONTGOMERY COUNTY, MARYLAND  
PLAT NO. 06  
RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND, ON 06/15/2006 AT 10:00 AM.

SCALE IN FEET  
0 200 400

G 5

THIS MAP IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT SPECIFICALLY AUTHORIZED BY THE CLERK OF THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND. ANY REPRODUCTION OR TRANSMISSION OF THIS MAP IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE CLERK OF THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND, IS PROHIBITED.

# ezStorage Self Storage

## MONTGOMERY COUNTY PROJECTS

#	SITE	ADDRESS	ZONING	GROSS FLOOR AREA (SF)	ACTUAL OFFICE SPACE (SF)	# OF STORAGE UNITS	# OF PARKING & LOADING SPACES		# OF SPACES / 1,000 SF		COMPLETION DATE
							REQUIRED*	PROVIDED	REQUIRED	PROVIDED	
	City of Rockville	1175 1st Street, Rockville, MD 20850	IL	proposing 109,308	proposing 1,100	proposing 900	110	proposing 15**	1	proposing 0.14	
	Montgomery County	Standard Self Storage Parking Requirement			1,001 - 1,333		6				
1	Burtonsville	4001 Sandy Spring Road Burtonsville, MD 20866	I-3	147,180	1,010	1,132	6	24	0.04	0.16	In Progress
2	Takoma Park	1352 Holton Lane, Takoma Park, MD 20912***	C2	143,258	1,105	1,183	6	21	0.04	0.15	2/22/2006
3	City of Gaithersburg	807 S. Frederick Ave., Gaithersburg, MD 20877	CD	123,702	1,477	1,014	7	25	0.06	0.20	7/7/2003
4	Rockville	12311 Parklawn Drive, Rockville, MD 20852	I4	113,667	868	924	5	28	0.04	0.25	11/25/2002
5	Bethesda	5329 Westbard Avenue Bethesda MD 20816	I1	148,628	856	1,232	6	29	0.04	0.20	9/10/2001
6	Germanntown	12211 Middlebrook Road, Germanntown, MD 20874	I1	110,587	845	888	5	15	0.05	0.14	6/23/2001
	City of Rockville Southlawn Self	14690 Southlawn Lane, City of Rockville, MD 20850	I1/IL	82,400	1,200	659	5	22	0.06	0.27	6/23/2001

**NOTES:**

\* The City of Rockville (the "City") requires 1 space per 1,000 square feet for warehouse use, which is currently the applicable parking requirement for self-storage facilities in the City. In contrast, Montgomery County (the "County") has separate parking requirements for warehouse use (1.5 space per 1,000 SF) and self-storage facility use (3 spaces per 1,000 SF of gross floor area of office space + 1 space per employee + 2 spaces for resident manager). Using the City's current parking requirement would require the proposed self-storage facility to provide 110 parking spaces, which is excessive for the proposed use. However, using the County's parking requirement would require 6 parking spaces (4 for office space + 2 for resident manager who is the employee and walks to work).

\*\* Siena Corporation/ezStorage is requesting that the City adopts the County parking requirement for the self-storage facility use as part of the comprehensive amendment to the City Zoning Ordinance (Zoning Text Amendment TXT2014-00236). In addition to providing the County required number of parking spaces, Siena proposes to provide an additional 9 spaces (1 space for each 100 units) for loading and unloading purposes for a total of 15 spaces.

\*\*\* GFA excludes the 4,500 s.f. of retail space on the main level which received a parking waiver for public street parking.