

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

Public Hearing Date: January 19, 2006

Date Mailed: MAR 17 2006

Action: Approved Staff Recommendation

Motion of Commissioner Wellington,
seconded by Commissioner Robinson,
with a vote of 5-0;

Chairman Berlage and Commissioners
Perdue, Bryant, Wellington, and Robinson
voting in favor.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan 120060420 (formerly 1-06042)
NAME OF PLAN: 8711 Georgia Avenue Office

The date of this written opinion is MAR 17 2006 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court – State).

I. INTRODUCTION

On October 7, 2005, 8711 Georgia Avenue Associates, L.L.P. (“Applicant”) submitted an application for the approval of a preliminary plan of subdivision of property in the CBD-2 zone (“Application” or “Preliminary Plan”). The Application proposed to create 1 lot on 0.8767 acres of land (gross tract area) located on the east side of Georgia Avenue, between the intersection of Cameron Street and Planning Place, in the Silver Spring CBD master plan area (“Property” or “Subject Property”). The Application was designated Preliminary Plan No. 120060420 (formerly Plan No. 1-06042). On January 19, 2006, the Preliminary Plan was brought before the Montgomery County Planning Board for a public hearing (“Hearing”). At the Hearing, the Planning Board heard testimony and received evidence submitted in the record on the Application.

The record for this application (“Record”) closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the

information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the Application; all correspondence and any other written or graphic information concerning the Application received by the Planning Board or its staff following submission of the Application and prior to the Board's action at the conclusion of the public hearing, from the Applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff concerning the application, prior to the Board's action following the public hearing; all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

II. SITE DESCRIPTION

The Subject Property is located on the east side of Georgia Avenue (MD 97), between the intersection of Cameron Street and Planning Place in downtown Silver Spring. The original lots were recorded in the land records on January 20, 1942 by plat for two parcels of property: Parcel N107 of the Silver Spring J.C. Wilson Estate (Plat Book 170, page 14) and Parcel N109. The Property is abutted to the north by a 13-story office building and to the south by a 9-story office building fronting Georgia Avenue and a 2-story building, currently under renovation with access to Cameron Street. Directly to the east of the site is the Planning Place Public Garage (Garage No. 2), separated by a driveway and sidewalk. The driveway to the parking lot extends from Cameron Street to the south of the entrance drive for the M-NCPPC headquarters building.

The Property is presently accessible by vehicles from Georgia Avenue, a 6-lane major divided highway. Development along Georgia Avenue consists of a mix of mid to high-rise commercial and residential buildings, many of which contain ground floor retail space. The zoning along the Georgia Avenue corridor is primarily CBD-2, with segments of CBD-3 property near the core and CBD-R2 zoned property to the south and west. The M-NCPPC property to the north is zoned CBD-1.

The Property serves presently as a surface parking lot for the tenants of the adjacent Zalco building to the south. The parking lot has separate ingress and egress from Georgia Avenue and is separated by a masonry wall from the Fenton Street public alley extension that provides access to the public garage. The Property drops in grade by approximately 9 feet from west to east, with the existing wall serving as a retaining wall for a portion of the site. The entrance to the site contains small shrubs and one shade tree. The remainder of the site is paved. An asphalt island with overhead lights separates the center of the parking lot. Wachovia Bank operates a two-lane drive-through with a canopy near the southwestern boundary.

III. PROJECT DESCRIPTION:

The Preliminary Plan proposes 152,740 square feet of mixed-use, non-residential development, including 148,278 gross square feet of office space and 4,462 square feet of retail space on the ground floor, on a lot totaling 31,116 square feet or 0.7143 acres (net tract area). The site is being developed using the optional method. The Zoning Ordinance permits a maximum height of 143 feet and a non-residential square footage equal to 4.0 Floor Area Ratio (FAR). This proposal requests full build out at 152,740 square feet, with a building height of 143 feet.

Access to the proposed building will be from Georgia Avenue via a right-in/right-out movement. (The center median in Georgia Avenue precludes left-in or left-out ingress and egress.) Parking will be provided by an integrated below and above grade parking structure of 326 spaces. Pedestrian access is proposed via a sidewalk connection to Georgia Avenue that will extend through the site, eastward to the Planning Place parking garage alley/driveway.

IV. SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

During the Hearing, the Planning Board's expert technical staff ("Staff") recommended approval of the proposed Preliminary Plan in accordance with the analysis and recommendation set forth in its staff report to the Planning Board dated January 6, 2006 ("Staff Report"). The Applicant appeared at the Hearing represented by legal counsel. Counsel for the Applicant stated that the Applicant accepted the Staff recommendation and conditions regarding the Preliminary Plan.¹ Applicant's Counsel informed the Board that Applicant had conferred with Transportation Planning Staff concerning the approximately 1,500 square foot increase in the amount of office space (from the area of office space factored in the traffic study) and that Transportation Planning Staff had confirmed that the increase in office space would not impact the results of the traffic study. No other speakers testified at the Hearing and the record contains no correspondence in opposition to the Application.

V. FINDINGS

Having given full consideration to the recommendations of its Staff, which the Board adopts; the recommendations of the applicable public agencies²; the Applicant's

¹ The Board heard testimony regarding additional issues relevant to the approval of the concurrently reviewed Project Plan, as discussed in the Opinion for Project Plan No. 920050020.

² The Application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission, the Department of Public Works and Transportation, the Department of Permitting Services and the various public utilities. All of

position; and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board finds, based on uncontested evidence of record, that:

- a) Preliminary Plan No. 120060420 substantially conforms to the Silver Spring CBD Sector Plan.

The Sector Plan outlines six themes, which articulate the shared goals and vision for a revitalized Silver Spring. Three of these six themes--*i.e. a Green Downtown, a Commercial Downtown and a Pedestrian-friendly Downtown*—directly apply to this development. The Sector Plan encourages commercial and retail uses as important components of the revitalization efforts in downtown Silver Spring. The project satisfies the above-noted themes through, among other things:

1. Providing a pocket park at the eastern edge of the Property;
2. Introducing 148,278 gross square feet of office space and 4,462 square feet of retail space on land that is presently underutilized as a surface parking lot; and
3. Creating a mid-block pedestrian connection from Georgia Avenue to Fenton Street extended (the public garage driveway). New public open spaces, including the pocket park, which will incorporate a sculptural element will further assist in achieving the goal of a pedestrian-friendly downtown. To further encourage the development of an active urban street, the Preliminary Plan proposes a street-facing building entrance that is easily accessible, with highly visible public spaces as activity generators. The proposal improves the quality of the pedestrian environment by providing the Silver Spring streetscape treatment required for optional method projects.

The development of the project will significantly further the Sector Plan objective of stabilizing the Silver Spring CBD Core's residential component, while expanding the commercial base and providing an appropriate transition between the mix of commercial uses north and east of the project at the Spring Street/Cameron Street intersection to the predominately residential neighborhoods to the north.

The Preliminary Plan proposes to use the optional method of development and is in conformance with the goals and objectives of the Sector Plan. Again, the proposed development maximizes its gross floor area of 152,740 square feet or 4.0 FAR, which is the maximum permitted on the site for non-residential projects. The site takes full advantage of the development potential for a currently underutilized site

these agencies recommended approval of the application.

The Sector Plan recommends a 126-foot right-of-way for Georgia Avenue. The Board's approval of the Preliminary Plan is conditioned upon, among other things, right-of-way dedication for Georgia Avenue of sixteen feet along the Property's frontage to achieve this width.

- b) Public facilities will be adequate to support and service the area of the proposed subdivision.

Staff advised the Board that it had reviewed and evaluated a traffic study submitted by the Applicant, which study analyzes the impact of this development on the area transportation system as part of the required Local Area Transportation Review ("LATR"). A total of three intersections were included in the study area. The site-generated trips were added to the existing and background traffic to form the total future traffic. All traffic was assigned to three intersections and Staff advised the Board that the results—which are included in the Staff Report—demonstrate that each of those intersections would operate within the congestion standard of 1,800 Critical Lane Volume (CLV) for the Silver Spring Central Business District (CBD) Policy Area. Therefore, the Board finds that the proposed development will pass the LATR test. The Applicant will enter into a Traffic Mitigation Agreement ("TMA") with the Planning Board and the County to help the Project achieve the non-driver commuting goal for development in the Silver Spring CBD. Staff informed the Board that the traffic study suggests that some signal timing may need to be adjusted on Georgia Avenue by the MCDPWT, which adjustments can be addressed at the time of site plan or as operational needs dictate following construction.

In addition to the adequacy of roadways, Staff advised the Board that other public facilities were adequate to handle the additional development, including water, sewer, pedestrian access, fire and rescue services, and stormwater management. Staff informed the Board that the WSSC has indicated that the local water and sewer service are adequate to accommodate the new structure. With regard to stormwater management, the MCDPS has reviewed the latest concept and recommended approval on December 15, 2005. The Department of Fire and Rescue Services has approved the layout as noted in its January 6 memorandum.

- c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- d) The application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A. This finding is subject to the applicable condition(s) of approval.

- e) The application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.
- f) The Record of this application does not contain any contested issues; and, therefore, the Planning Board finds that any future objection, which may be raised concerning a substantive issue in this application, is waived.

VI. CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 120060420 in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 120060420 subject to the following conditions:

- 1) Approval under this preliminary plan is limited to 152,740 square feet of development, including 148,278 square feet of office space and 4,462 square feet of general retail.
- 2) Prior to issuance of building permits, applicant to enter into an agreement with the Planning Board to participate in the Silver Spring Transportation Management District
- 3) Compliance with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits.
- 4) The applicant shall dedicate all road rights-of-way shown on the approved preliminary plan to the full width (additional 16 ft. from existing right-of-way) mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 5) Compliance with the conditions of approval of the MCDPS stormwater management approval dated May 6, 2005 and as revised December 15, 2005.
- 6) Compliance with conditions of MCDPWT letter dated December 2, 2005 unless otherwise amended.
- 7) Concurrent with site plan review, coordinate with DPWT on the design of the pedestrian access to the driveway/alley serving the County parking garage.
- 8) Show location of bike lockers or bike racks at the time of site plan as required by DPWT.
- 9) Concurrent with site plan review, submit a truck circulation plan for MNCPPC, MCDPS and SHA review and approval.
- 10) Access and improvements as required to be approved by MDSHA prior to issuance of access permits.

- 11) Final approval of the location of buildings, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 12) A landscape and lighting plan must be submitted as part of the site plan application for review and approval by technical staff.
- 13) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 14) Other necessary easements

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

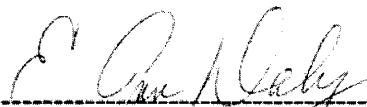
APPROVED AS TO LEGAL SUFFICIENCY

M-NCPPC LEGAL DEPARTMENT
DATE 3/2/16

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, March 9, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, by unanimous consent **ADOPTED** the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 120060420, 8711 Georgia Avenue**. Vice Chair Perdue was absent.



Certification As To Vote of Adoption
E. Ann Daly, Technical Writer

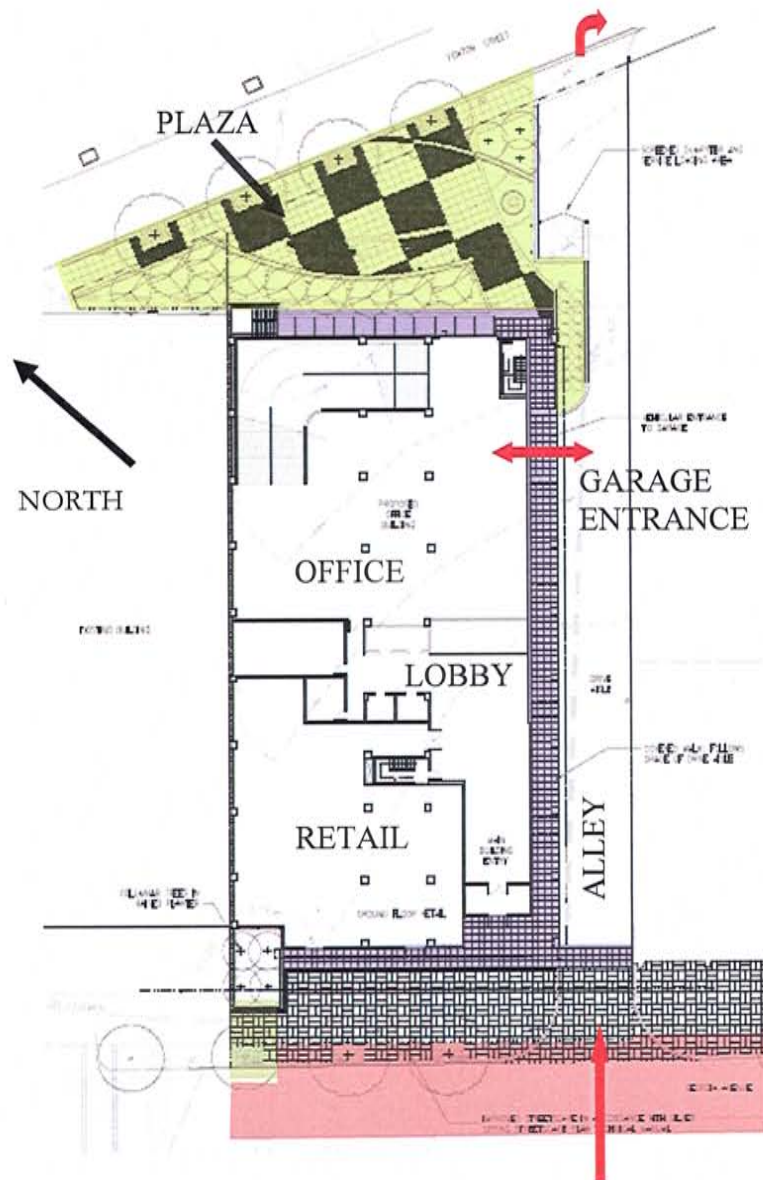
PUBLIC ART REVIEW PANEL MEMORANDUM

TO: ELZA HISEL-MCCOY
FROM: JOSHUA SLOAN
SUBJECT: 8711 GEORGIA AVENUE SITE PLAN
DATE: 10/13/2008
CC: STUART BARR, LERCH EARLY & BREWER

Background

8711 Georgia Avenue is a proposed mixed-use development in Silver Spring midway between Spring Street and Cameron Street. It is an optional method project in the CBD-2 Zone with a proposed density of 4.0 FAR. 148,278 square feet of office use is being proposed as well as 4,462 square feet of retail space on the ground floor. These buildings will be built above a below-grade parking lot accessed from an alley that runs one-way from Georgia Avenue to Fenton Street. The building will be 143 feet in height. On-site public use space, consisting of a midblock pedestrian sidewalk along the alley, a small entry plaza on Georgia Avenue, and a large plaza on Fenton Street totals approximately 26.6% of the net lot area.

The subject site is currently occupied by a surface parking lot. Project and preliminary plans have been approved for this site.

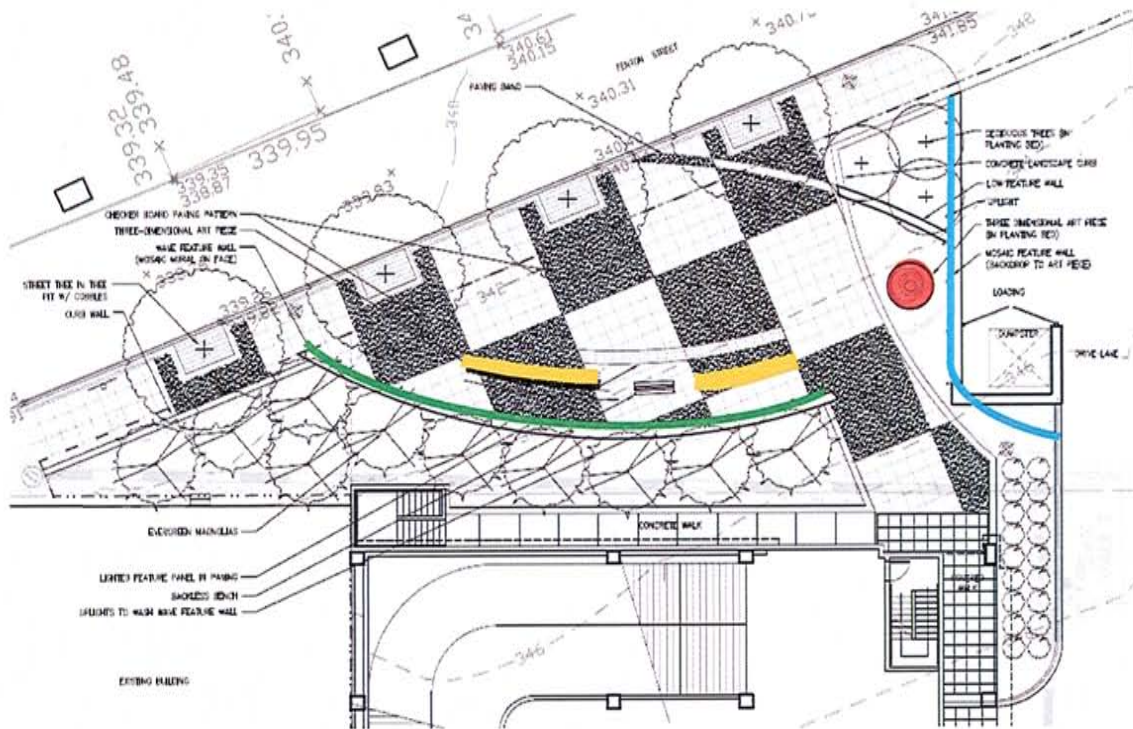


Landscape and Spatial Massing

The proposed building is set forward on the ¼ acre lot to maintain the street wall along Georgia Avenue. A small plaza is carved out of the southern corner of the building to act as an entry to the first floor retail and office tower lobby. In addition to the street trees, there is a small, rectangular planter with columnar trees near the building. The Georgia Avenue streetscape is the standard brick basketweave pattern with tree pits. A sidewalk in a different pattern begins at the property boundary to the building and continues along the alley to the rear of the site where the plaza sits along Fenton Street.

The plaza itself is an acute triangle – with Fenton Street acting as the hypotenuse. A grove of trees is planted between the building, which is a parking level at this grade, and the plaza. Another planting softens an eastern wall (blue arc in the illustration below) that screens the alley, dumpsters, and loading area from the plaza. This planting is lower except for a group of trees near the sidewalk and a small hedge along the alley. Fenton Street is planted with street trees similar to Georgia Avenue. The paving in the plaza and up to the curb is a diagonally set grid pattern placed at right angles to Fenton Street. Both planting areas are defined in contrast to this linear pattern by long sweeping curves. The curve along the grove of trees acts as a retaining wall and varies in height like a rolling sea (green arc in the illustration below).

The plaza is lit with wall-washing fixtures that accent the artwork, a flush panel of lit pavers that sits in the paving, and street lights near the sidewalk.



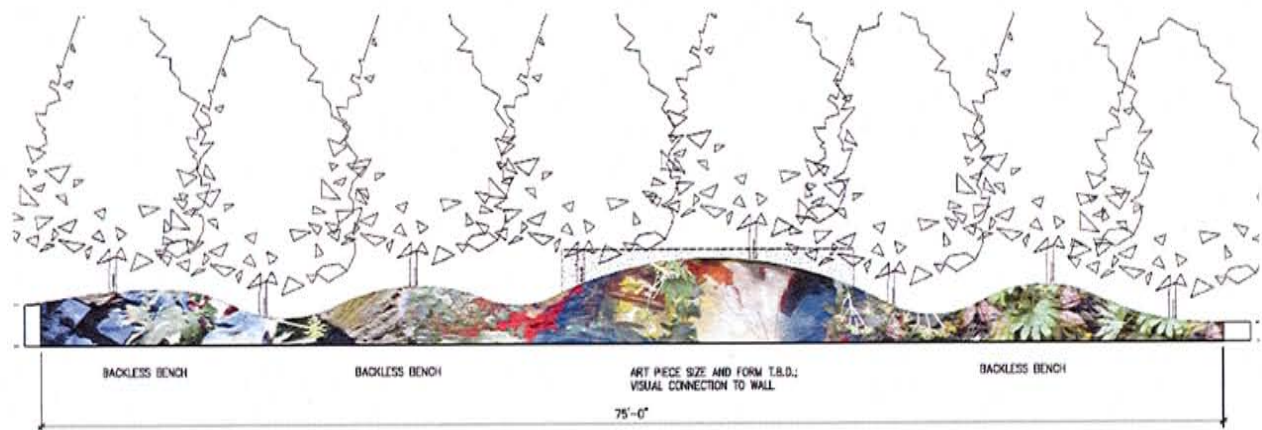
Illustrative Plan

Artwork and Panel Discussion

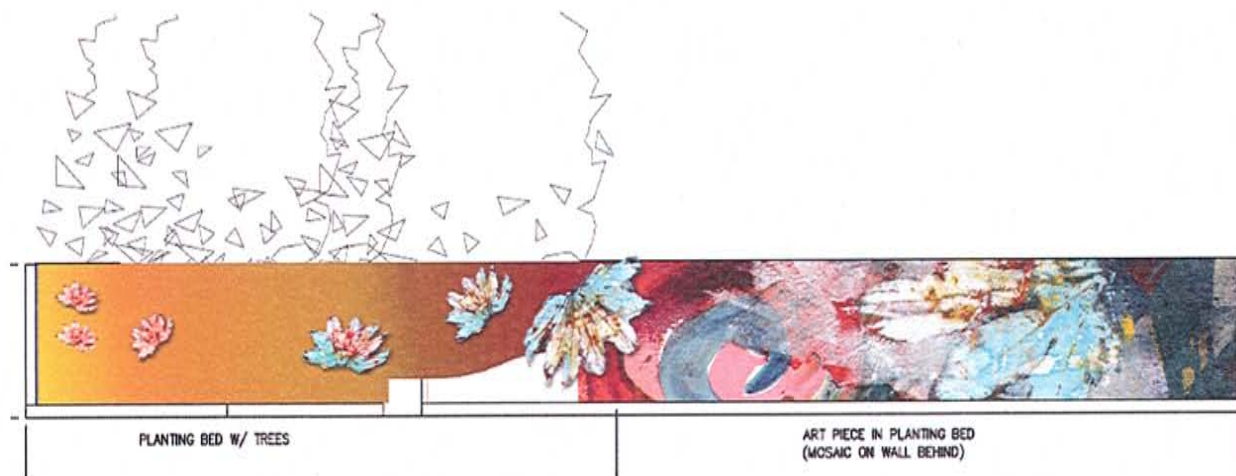
The artist, Martha Jackson-Jarvis, was away on travel the day of the presentation; the development team, including the architect and landscape architect, presented the project to the Panel.

The curved wall that retains the grove of trees is one canvas that will become a mosaic piece. The lower eastern-side planting contains a free-standing mosaic piece (red circle in the illustration) and the wall that separates the alley from the plaza becomes another large canvas. In addition, two free-standing bench forms (yellow arcs in the illustration) sit within the plaza on either side of a bench and complement the curves of the retaining wall.

The predominant theme, an oasis in the city, is realized through the use of mosaic patterns with large pieces of stone, glass, and tile – some of which are smooth, with many others providing a chunky, textural feel. The colors of the walls varies from earth tones, to water and plant hues as exemplified by the conceptual renderings below.



"Wave Wall" Concept



Eastern Wall Concept

The Art Panel discussion began with the basic premise that it was important to maintain the street wall along Georgia Avenue and the rear of the site, an important pedestrian corridor, was an appropriate place for a quieter sitting area. The mid-block pedestrian connection is important for people using the public parking garage directly to the northeast of the site and the visibility of the plaza and artwork from Georgia was determined to be a priority.

Early in the discussion, the Panel brought up the basic questions of how the space would be used and how the forms would read in the landscape. In this regard, the feeling was that the forms and patterns were too horizontal in their realization and the intimacy that is a goal of the design was lacking functionally. The artwork, it was felt, could be more three dimensional in its realization and possibly integrated more into seating areas that would achieve a setting for more intimate gathering. While it was agreed that the plaza may not act as a destination in and of itself, it could allow many people to move through while providing sitting at the periphery, more integrated into the landscape. Thus, the artist, could use the art to carve out spaces and relationships in concert with the plantings and paved spaces rather than being applied to the previously defined spaces.

The materials and design of the work, as with most of Ms. Jackson-Jarvis' work, was gorgeously conceived. The colors and materials are appropriate to the theme; the lighting, in particular, will bring out the translucent stone components and reflect off the tiled pieces to give the work a dynamic quality at night. To bring some of this dynamism and craftsmanship to the entire site, it was suggested that a smaller piece or other elements of the work be brought to the Georgia Avenue forecourt or entry area. Whether this is another free-standing piece or a wall-application was undetermined – the important point being the provision of a taste of the artwork and plaza at the rear of the site. In a related issue, the Panel felt it would be appropriate to maintain the diagonal paving grid along the alley sidewalk and through the front entry court to enhance the connection and continuity of the design concept.

Recommendation

During the site plan review process it is recommended that these observations and concerns about the lack of integration and interaction of the art with the overall space be taken into consideration. The Panel believes that substantial changes to the public amenities to address these issues, or others, should be presented to the Art Review Panel prior to approval of the Certified Site Plan.



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

July 23, 2008

Carla Reid Joyner
Director

Ms. Amy Quant
Loiederman Soltesz Associates, Inc.
2 Research Place, Suite 100
Rockville, MD 20850

Re: Stormwater Management **Revised CONCEPT**
Request for 8711 Georgia Avenue Assoc.
Preliminary Plan #: 120060420
SM File #: 215341
Tract Size/Zone: 0.76 Ac./CBD-2
Total Concept Area: 0.76 Ac.
Parcel(s): N107 and N109
Watershed: Lower Rock Creek

Dear Ms. Quant:

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 consists of on-site water quality control via a StormFilter and a green roof. Onsite recharge is not required since this is redevelopment. A waiver of on-site channel protection measures is granted due to onsite constraints.

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. If possible provide a standard MCDPS flow splitter to divert flow in excess of the WQV.
6. The StormFilter will be designed as a flow based structure.
7. Provide a copy of the mechanical plans to verify that the roof drains to the stormwater management structure and that the underground garage drains to the WSSC sewer system.
8. Use the latest MCDPS design standards for stormwater management structures at time plan submittal.

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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is 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:dm CN215341 2ndRevision 8711 Georgia Avenue.DWK

cc: C. Conlon
S. Federline
SM File # 215341

QN -Waived; Acres: 0.76
QL - On-site/Waived; Acres: 0.66/ 10
Recharge is not provided



FIRE MARSHAL COMMENTS

DATE: Wednesday, October 01, 2008

TO: Cristina Vornbrock
Loiederman Soltesz Associates

FROM: Marie LaBaw

RE: 8711 Georgia Ave
820080230

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 10/1/2008. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.