

### Vehicular and Pedestrian Circulation

The site is bound on three sides by public streets, including Fenton Street, Thayer Avenue, and Silver Spring Avenue, and a public alley, Mayor Lane. The proposal includes the creation of a new cross-block private street, connecting Thayer Avenue and Silver Spring Avenue. Vehicular access to parking, loading, and pedestrian drop-off areas will come from these streets and alleys. Final traffic design will be determined by the preliminary and site plans.

As proposed, the project will feature street-activating uses along each street and the central public space. In addition to the new and existing streets, the development will also feature a pedestrian way connecting Georgia Avenue through “Mayor’s Promenade” east to Fenton Street. This pedestrian path will be generously proportioned and lined with restaurants, retail, and other activating uses.



*Pedestrian Promenade, from Georgia Avenue*



*Pedestrian Promenade, from Fenton Street*

The project is replacing the 152 surface public parking spaces in an underground parking garage located beneath the central green and private street. The site will also provide private underground parking for the proposed residential and commercial buildings.

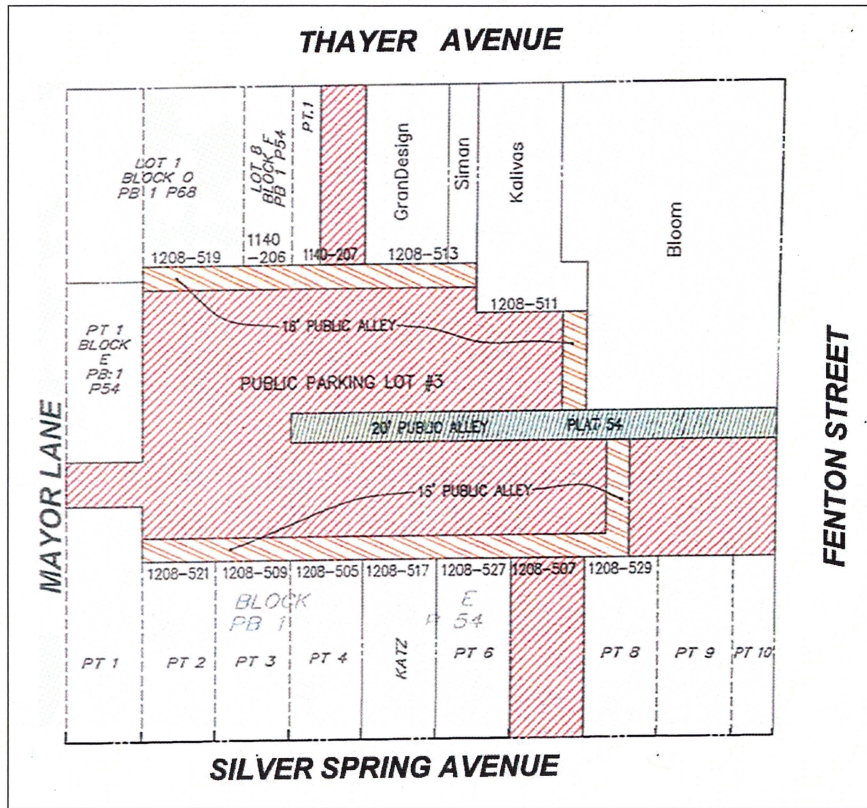
The site is conveniently located one block from the master-planned Metropolitan Branch Trail. Cyclists, whether visiting, commuting to, or living on the site will have ample facilities for storage of their bicycles.

## **ISSUES**

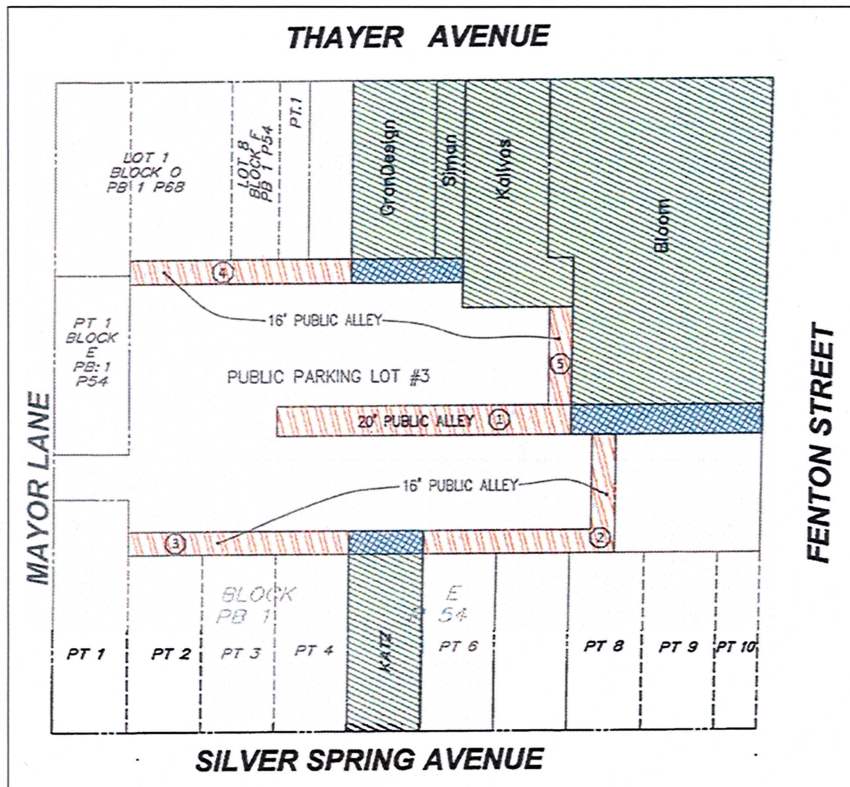
### **Proposed Abandonment of public alleys associated with Parking Lot 3**

In the course of this Project Plan review, the Applicant determined that several 16-foot alleys, created by deed, lie within County Parking Lot 3. Staff understands these alleys to have been created to provide service access to several properties through the public parking lot from adjacent public rights-of-way, and that these alleys were deeded when the County acquired from the properties on this block land for the creation of Parking Lot 3. There further exists a platted 20-foot public alley connecting Fenton Street to Parking Lot 3.

In order to take full advantage of the redevelopment of the Parking Lot, the Applicant has proposed to abandon several sections of both the 16-foot alleys and the 20-foot platted alley.



*Parking Lot 3, Current Condition*



*Parking Lot 3, Applicant's Proposal  
(alleys retained in blue, those abandoned in red)*

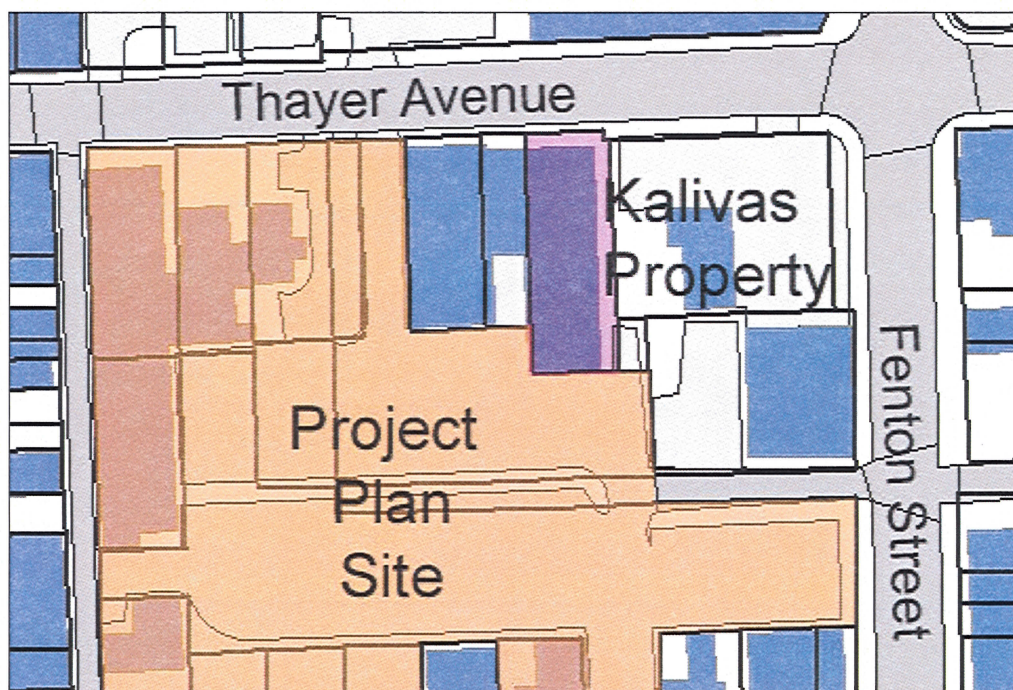
The abandoned sections, enumerated in the diagram above as sections 1-5, primarily impact the properties controlled by the Applicant. Alley sections servicing properties not controlled by the Applicant, indicated in blue on the above diagram, would remain at the rear or side of the GranDesign, Siman, Kalivas, Bloom, and Katz properties. A proposed new private street, running through the site along the western edge of the GranDesign and Katz properties, will provide public access to those alleys.

On February 12, 2009, the Board heard the Petition to Abandon the alley sections, where staff recommended approval of the abandonments. At that hearing, the Kalivas family and the owner of the building at 8204 Fenton Street (shown above as PT 9 and PT 10 at the corner of Silver Spring Avenue and Fenton Street) recommended denying the petition to abandon, citing undue impingement upon loading access to their properties. The Planning Board voted to withhold their recommendation to the County on the petition, pending a hearing of the Project Plan proposal, at which time the Board expected these issues to be resolved.

Since that hearing, staff has undertaken to coordinate an accommodation mutually agreeable to the Applicant and these property owners.

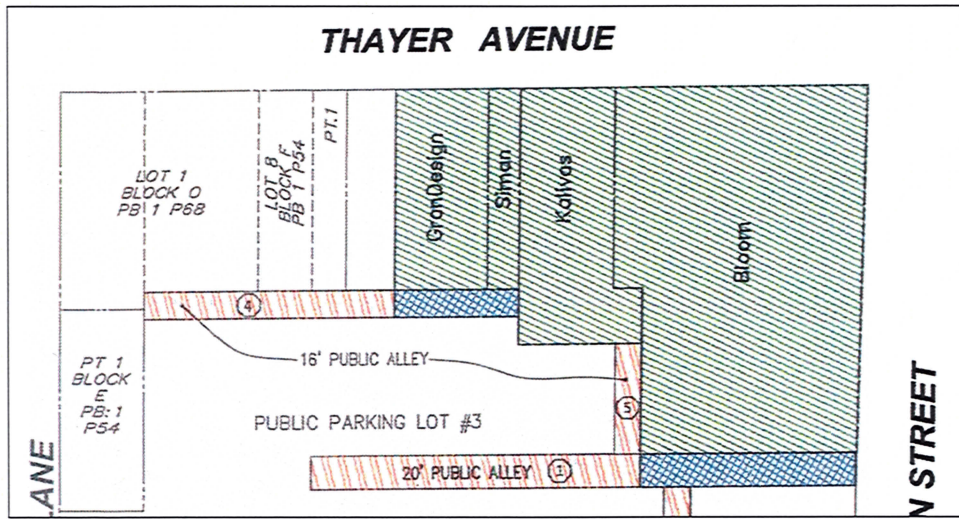
#### Kalivas Property

The Kalivas property is located on Thayer Avenue and is currently occupied by a one-story building housing a Thai market. Pedestrian access is from Thayer Avenue, with service access from the rear of the building on Parking Lot 3. The rear of the Thai market building comes within a few feet of the property boundary with the County Parking Lot. As shown in the photos in Appendix B, the area between the back of the building and the parking lot is taken up with a concrete walk about 3 feet deep and approximately one foot of pavement.



*Kalivas Property*

Two 16-foot alleys abut the Kalivas property. The alley proposed for abandonment extends to the southeast corner of the site from the 20-foot alley currently serving as an entrance ramp to Parking Lot 3 from Fenton Street. The second, proposed to remain, runs behind the GranDesign and Siman properties and terminates at the side of the Kalivas property.



*Proposed Alley Disposition, Parking Lot 3*



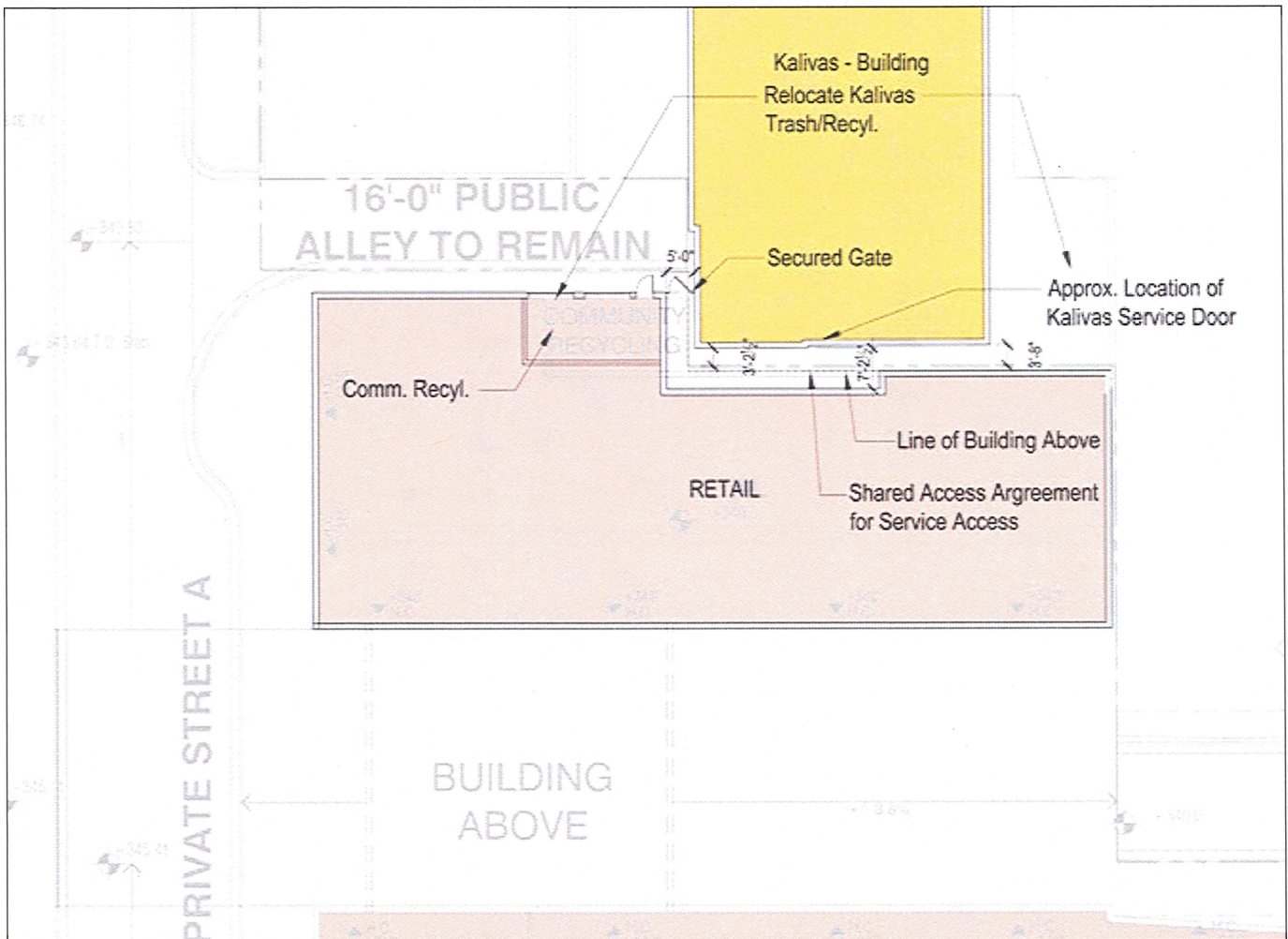
*Aerial view of the Kalivas building*

The alley to the southeast is currently used by the building tenants to access parking and trash storage. Neither this alley nor the one to the west is used by the property for loading access. Loading is instead achieved directly from Parking Lot 3, by backing a truck, typically an 18-wheeler, to a door in the middle of the rear façade (indicated with an arrow above). The tenants of the Kalivas property have been operating this way for a considerable period of time, to staff's knowledge, seemingly without challenge.

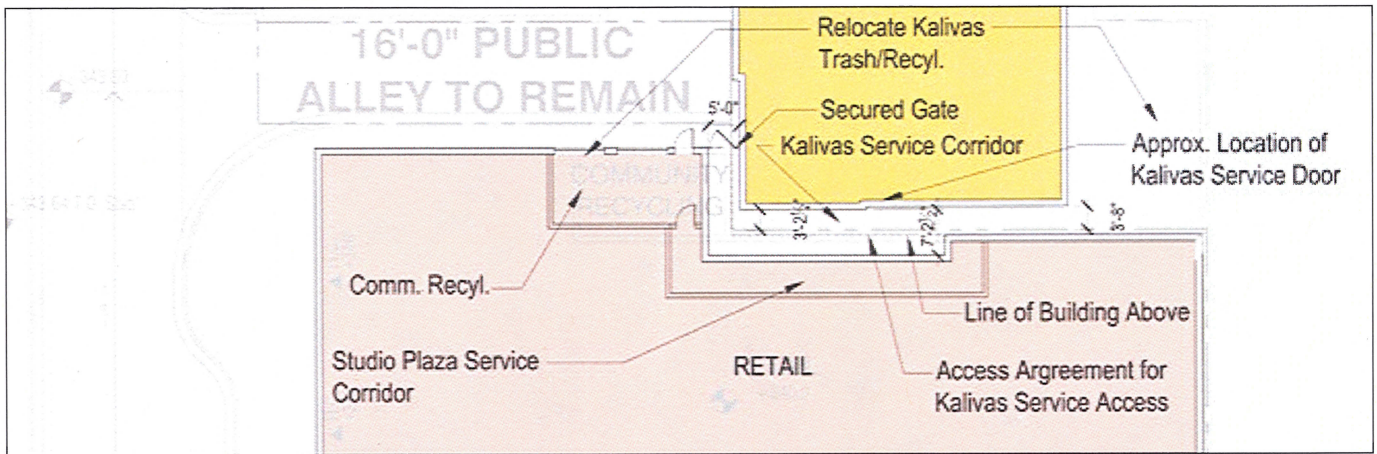
The Applicant and the Kalivas family had held discussions to find a mutually agreeable accommodation, but were unable to achieve a compromise by the February 12 hearing. With the intent to mediate between these parties, staff met alone on site with the Kalivas family on February 19, 2009, to discuss design alternatives that could be explored by the Applicant's design team. Staff then relayed these alternatives to the Applicant, who began schematic development.

On Tuesday, March 17, 2009, Development Review, Urban Design, and Community Planning staff met with the Kalivas family and the Applicant's design team to discuss alternatives. These options fell into two general categories: relocate loading access to the alley behind GranDesign or maintain the service access status quo.

Under this proposed relocation scenario, the Kalivas tenants would back their truck into the alley behind GranDesign and use handcarts to transfer deliveries through a secured exterior passageway to the existing loading door. In one option, the retail tenants of both Studio Plaza and Kalivas would share the serviceway, in another they have separate access.

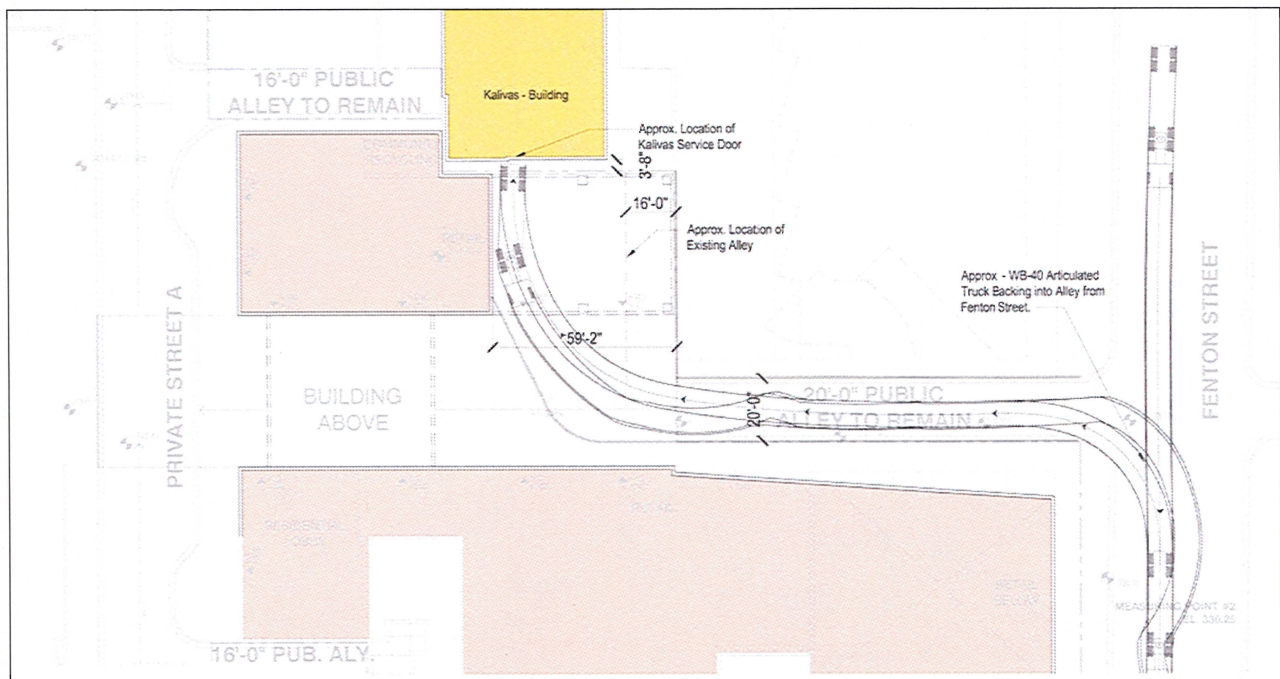


*Option 1A (Relocation):  
Handcart Access to Exterior Loading Door w/ Shared Service Walkway*



*Option 1B (Relocation):  
Handcart Access to Exterior Loading Door w/ Separated Service Walkway*

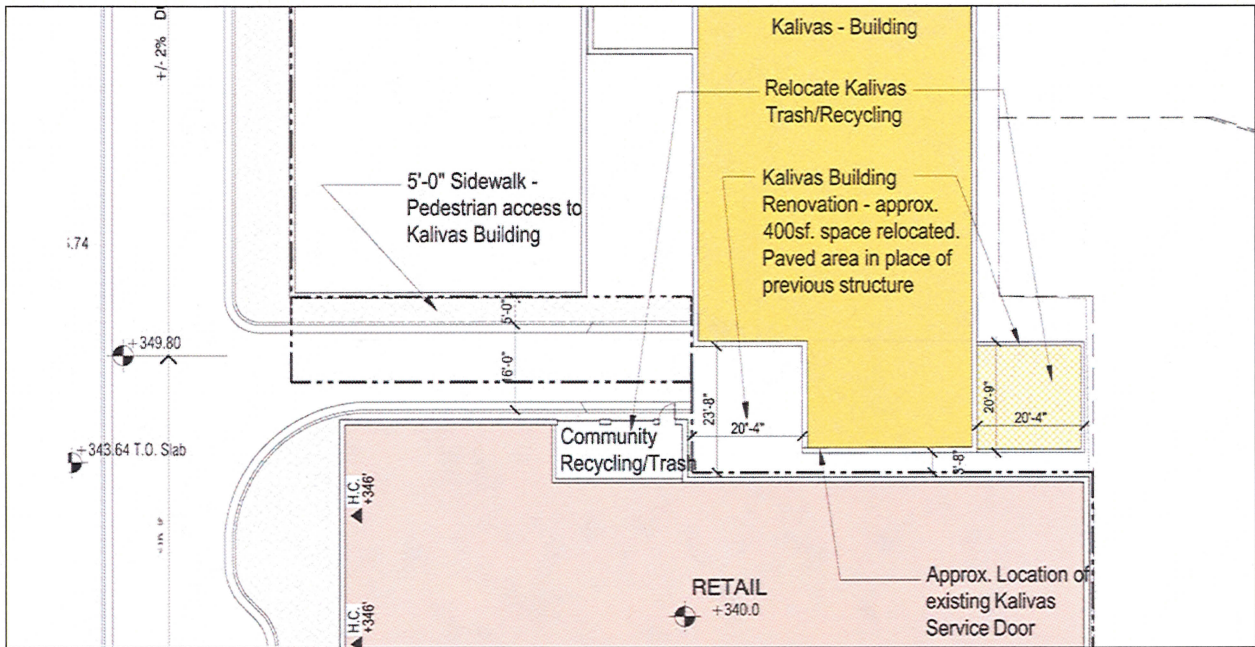
The second scenario envisioned what would be required to retain the loading access status quo. Though technically possible, this would require removing a significant portion of proposed residential units, retail area, and public use and amenity space, and would expose the loading dock of the Kalivas building.



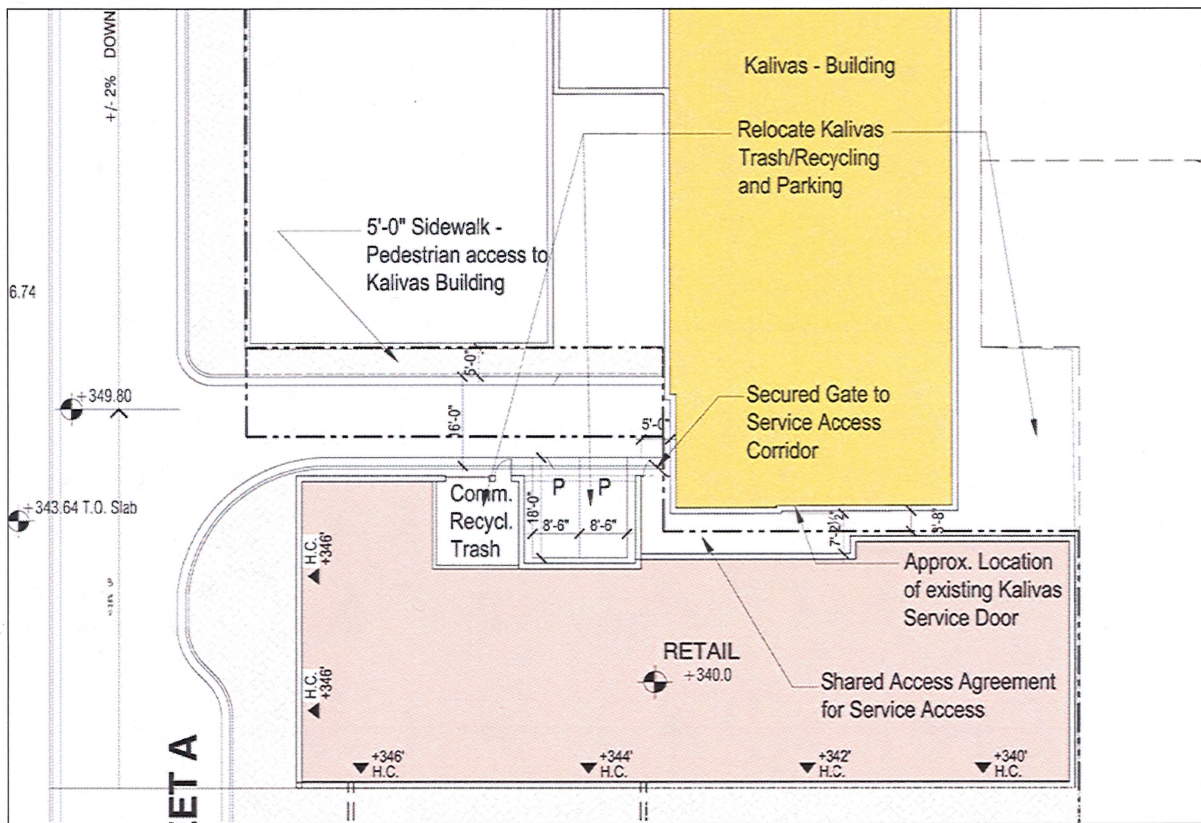
*Option 2 (Maintain Status Quo):  
Truck (18-wheeler) Backing from Fenton Street*

At the conclusion of the March 17 meeting, the Kalivas family seemed to express interest in some version of the relocation option and were going to discuss it after the meeting and follow up with the Applicant and staff. On March 27, 2009, David Brown of the law offices of Knopf & Brown notified the Applicant and staff that the Kalivas family had retained the firm to represent them.

On April 7, 2009, the Applicant provided an updated pair of proposals for review. These revisions were more developed versions of the relocation schemes illustrated above, and included parking.



*Revised Proposed Option 1*



*Revised Proposed Option 2*



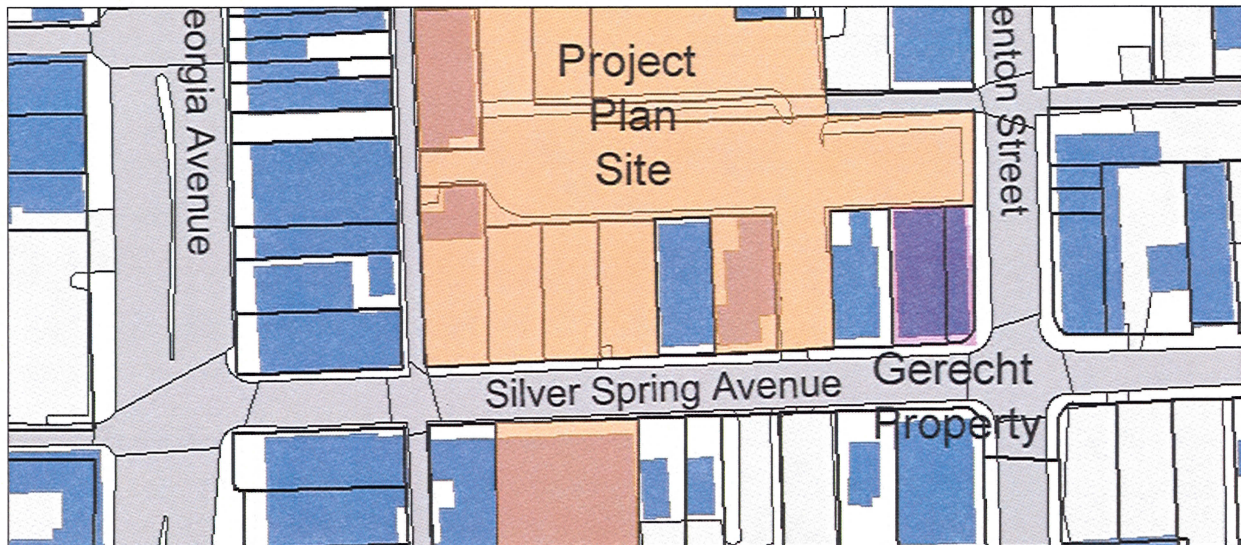
On April 28, 2009, Mr. Brown provided the Applicant and staff with draft conditions of approval approved by the Kalivas family (Appendix D). The conditions include, but are not limited to, requiring that the Applicant, at no expense to the Kalivas family:

- relocate the loading entrance to the west side of the building to facilitate loading from the alley behind the GranDesign building;
- replace, in close proximity to the rear of their building, the parking spaces currently accessible from the 16-foot alley located at the southeast corner of the Kalivas property;
- provide a secondary entrance to the building that would be more directly accessible to Studio Plaza patrons;
- coordinate construction phasing to maintain the loading function of Kalivas tenants.

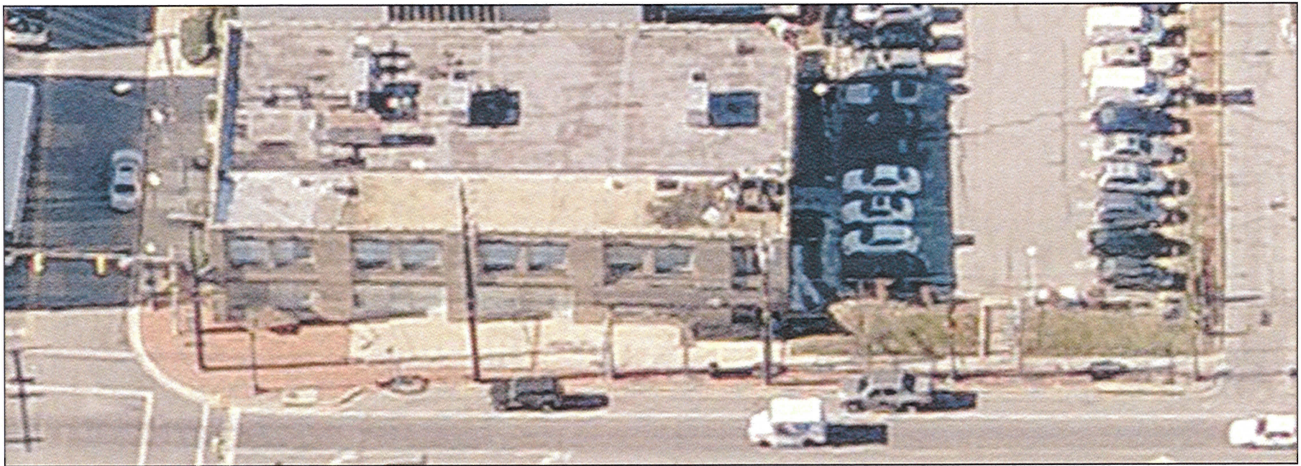
Staff met with Mr. Brown and the Applicant and his attorney to review and discuss these conditions. Although Mr. Brown indicated that his clients continue to oppose the project, they nevertheless considered the conditions to be the minimum acceptable accommodation by the Applicant. Staff is prepared to recommend these selected conditions as conditions of approval before the Board, with the understanding that the final details of these accommodations will be determined at Site Plan. However, if the the owners of the Kalivas property are not amenable to the above conditions, staff recommends the Applicant construct, entirely on Applicant-controlled land, the alley configuration referred to above as “Revised Option 2”.

Gerecht Property/8204 Fenton Street

The Gerecht Property/8204 Fenton Street is located at the intersection of Silver Spring Avenue and Fenton Street, at the southeast corner of the proposed Project Plan. The site is currently occupied by a two-story office building, currently housing a publication company on the second floor and retail on the first floor: a café opening to Fenton Street and a market and hair salon on Silver Spring Avenue. The building shares a zero-lot line with Parking Lot 3 to the north.

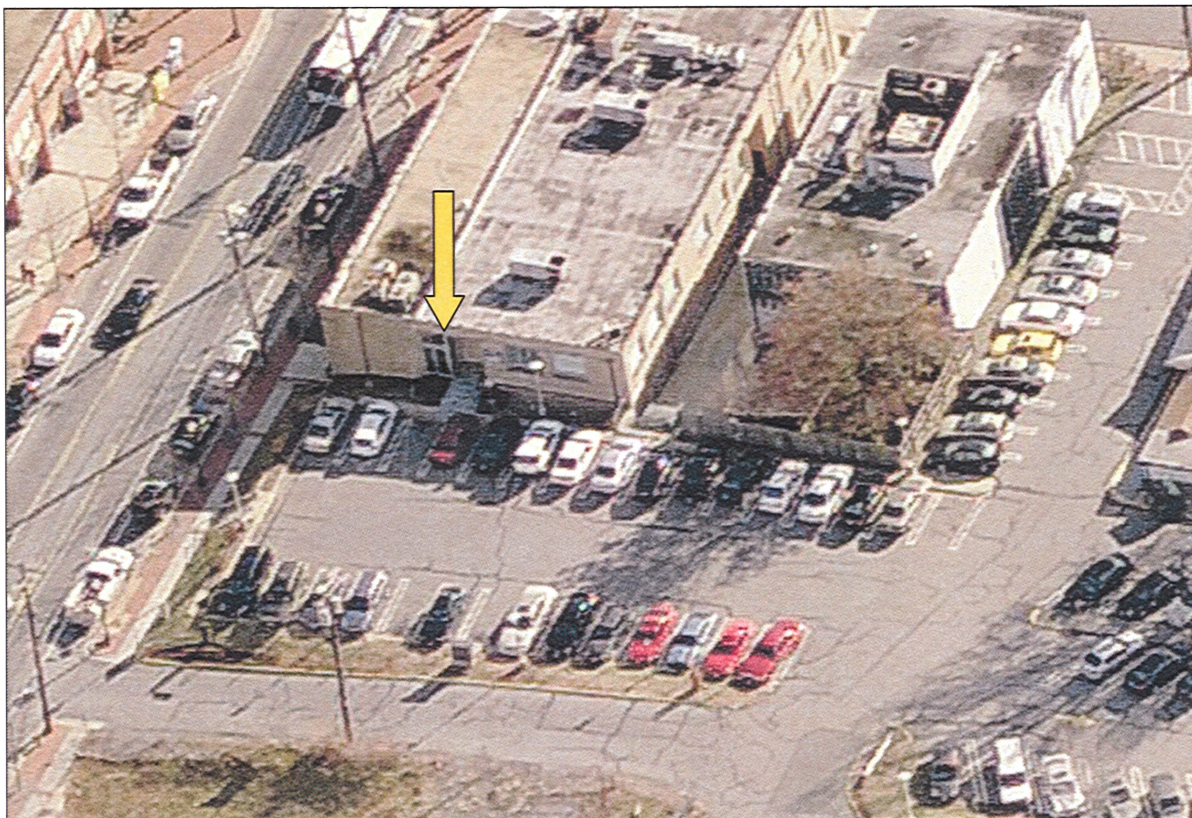


*Gerecht Property/8204 Fenton Street*



*Gerecht Property Fenton Street Elevation*

The building was built in at least two stages, but the interior functions – with minor adaptations – as one building. The retail spaces are accessed directly from the street. The remaining areas on the first floor and the entirety of the second floor may be accessed at street level from a door on Fenton Street or from two doors on the shared private alley on the west side of the building. The building has no elevator; interior access to the second floor is provided by stairs. The building also has an entrance onto the adjacent portion of Public Parking Lot 3. The publishing company has been using this as its main entry for employees and loading. These doors access a landing from which one may ascend a few feet to the publishing offices or descend to the Fenton Street entry hall.



*Gerecht Property Parking Lot Elevation*