



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Staff Report: Site Plan 820110060 8621 Georgia Avenue

ITEM #: _____

MCPB HEARING

DATE: July 21, 2011

REPORT DATE: July 11, 2011

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Robert Kronenberg, Supervisor *PAK*
Area One Division

FROM: Margaret K. Rifkin, RLA AICP *MKR*
Coordinator
Area One Division
301.495.4583
Margaret.Rifkin@mncppc-mc.org

APPLICATION

DESCRIPTION: A mixed use building containing 191,281 sf. of space, including approximately 6,209 sf. of ground floor retail/restaurant uses below approximately 185,072 sf. of office, on 0.69 net acres in the CBD-2 Zone; located on Georgia Avenue, 75 feet northwest of Colesville Road; Silver Spring CBD.

APPLICANT: 8621 Limited Partnership

FILING DATE: February 15, 2011

RECOMMENDATION: Approval with conditions

EXECUTIVE

SUMMARY: The Applicant seeks to redevelop an existing surface parking lot on Georgia Avenue in the Silver Spring CBD. The site design includes ground-floor retail/restaurant uses, a public art component, and a significant monetary contribution to the development of public space in the Silver Spring CBD.

TABLE OF CONTENTS

SITE DESCRIPTION	3
Vicinity	3
Site Analysis	4
PROJECT DESCRIPTION	4
Previous Approvals	4
Proposal	5
PROJECT ANALYSIS	8
Sector Plan	8
Transportation & Circulation	9
Environment	9
Development Standards	9
COMMUNITY OUTREACH	11
FINDINGS	12
RECOMMENDATION & CONDITIONS	15
APPENDIX (AP=appendix page)	18
<i>A. Illustrative Landscape Plan</i>	AP2
<i>B. Proposed Public Art Concept by Rodney Carroll</i>	AP4
<i>C. Project Plan Resolution</i>	AP5
<i>D. Agency Letter</i>	AP6
<i>E. Correspondence-Staff E Mail from Parks Department</i>	AP7
<i>F. Property Valuation Letter</i>	AP8
<i>G. Gene Lynch Park Location Map and Design Concept</i>	AP9
<i>H. Perspectives of Proposed Building</i>	AP11

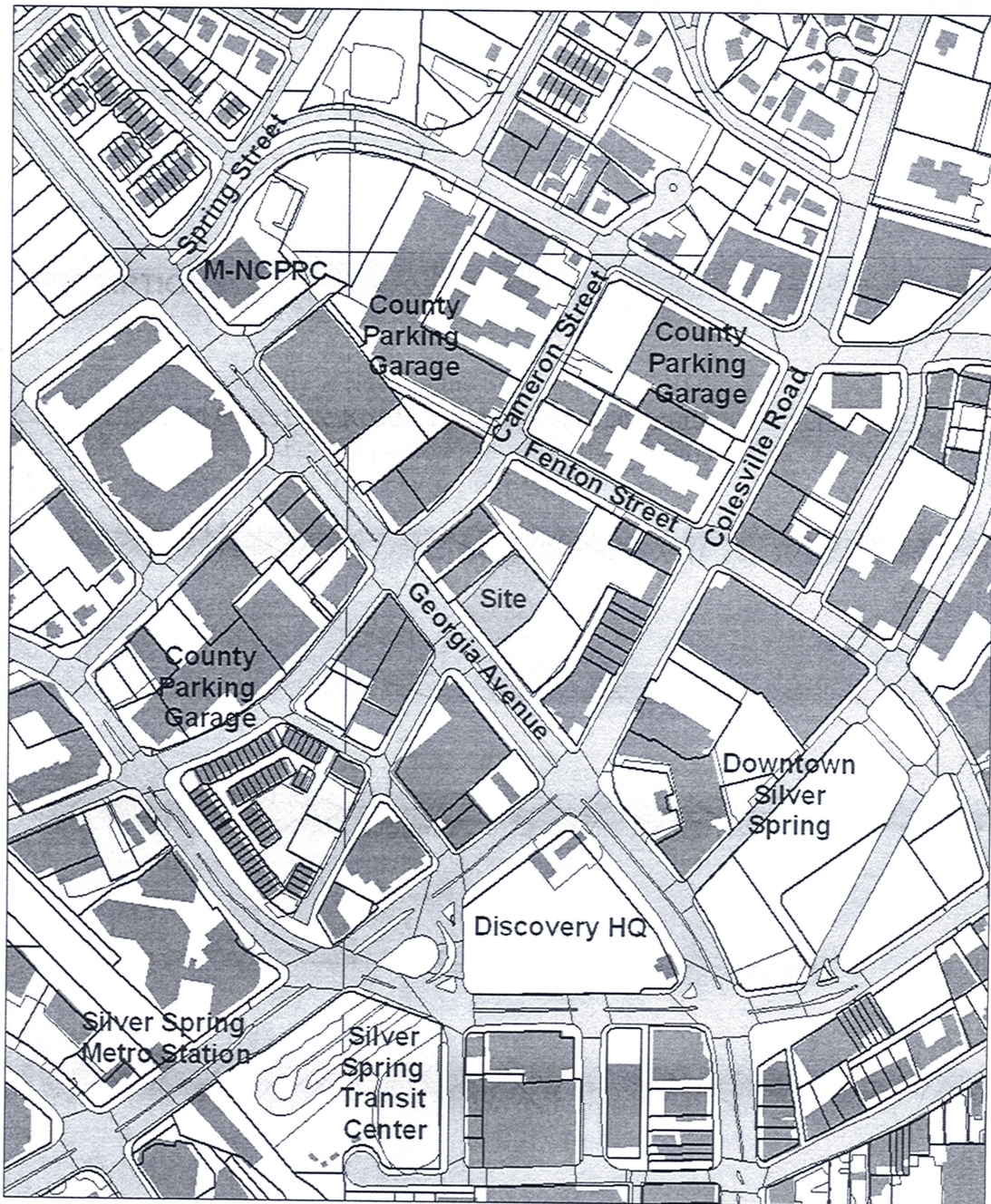
ILLUSTRATIONS & TABLES

<i>Vicinity Map</i>	3
<i>Aerial Photograph</i>	4
<i>Georgia Avenue Elevation</i>	6
<i>Entrance Arcade on Georgia Avenue</i>	7
<i>Public Forecourt with Art</i>	8
<i>Project Data Table</i>	10
<i>Amenity Fund Payment Calculation Table</i>	11
<i>Illustrative Landscape Plan</i>	AP2
<i>Public Use Space</i>	AP3
<i>Proposed Public Art Concept by Rodney Carroll</i>	AP4
<i>Gene Lynch Urban Park Location Map and Design Concept</i>	AP10
<i>Perspectives of Proposed Building</i>	AP12

SITE DESCRIPTION

Vicinity

The subject property is centrally located in the Silver Spring CBD, just north of the intersection of Georgia Avenue and Colesville Road. The site is convenient to the Silver Spring Metro Station and the Silver Spring Transit Center, as well as the central retail district of Downtown Silver Spring.. Adjacent uses include multi-family residential, office, retail, and cultural uses.



Vicinity Map

Nearby pending or approved site plan applications include the Fillmore Music Hall and LDG Office/Hotel Complex on the adjacent property to the south and east (Site Plan 8-20100100). The general context of this area is downtown Silver Spring.

Site Analysis

The subject property is currently entirely covered by a surface parking lot, which continues onto the adjacent property. Along the Georgia Avenue sidewalk are a double row of street trees and a hedge.



Aerial Photo Looking North

PROJECT DESCRIPTION

Previous Approvals

Project Plan 920100010 was approved by the Planning Board in November 2009 and the

Resolution was mailed on December 4, 2009.

A Preliminary Plan was filed concurrently with the Site Plan application, but was withdrawn at Staff's request since the lot is recorded in the land records and no dedication is required. Adequate Public Facilities Ordinance requirements are being addressed with the Site Plan application.

Proposal

Land Use

The Site Plan proposes one mixed-use office building with ground-floor retail and public art. The total proposed 191,281 square feet of development includes 185,072 square feet of office above 6,209 square feet of retail/restaurant space, with a maximum building height of 143 feet. Pedestrian and vehicular access will be from Georgia Avenue, with a private service alley to be shared with the adjacent property owner. On-site structured parking will provide 290 parking spaces on six levels within the building, including two levels of parking below grade and four levels above. Access to the garage is from the service alley.

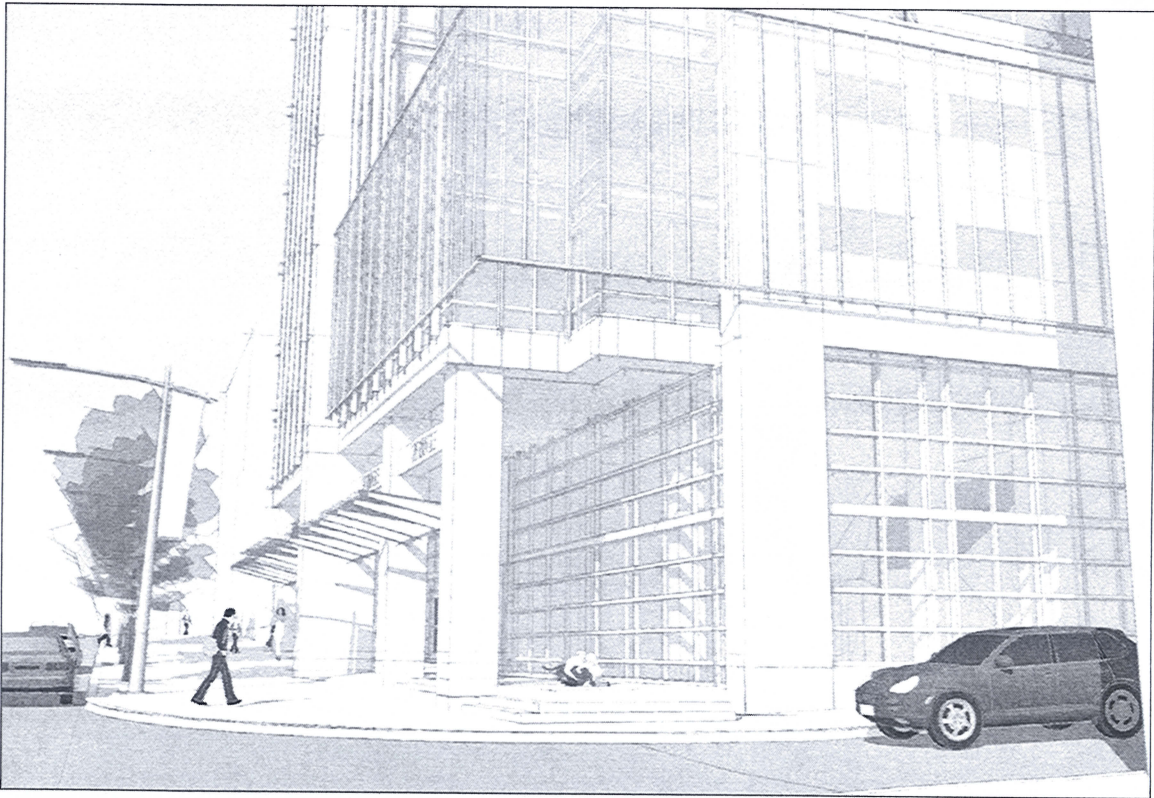
Architecture

The building's architecture features a glass and steel curtain wall with a central vertical element centering the building on its base. The building base consists of entrances for the retail and restaurant bays and the main lobby on the ground floor. A metal mesh screen partially wraps the parking levels on the southeast corner of the building. The office space occupies the fifth floor and above.



Georgia Avenue Elevation

The Georgia Avenue façade extends to the established building line on the street to contribute to the creation of a continuous street wall. The main lobby and retail entrances are recessed in an arcade. The slope of the sidewalk necessitates several steps up to the arcade on the south edge of the site. (See illustration next page).

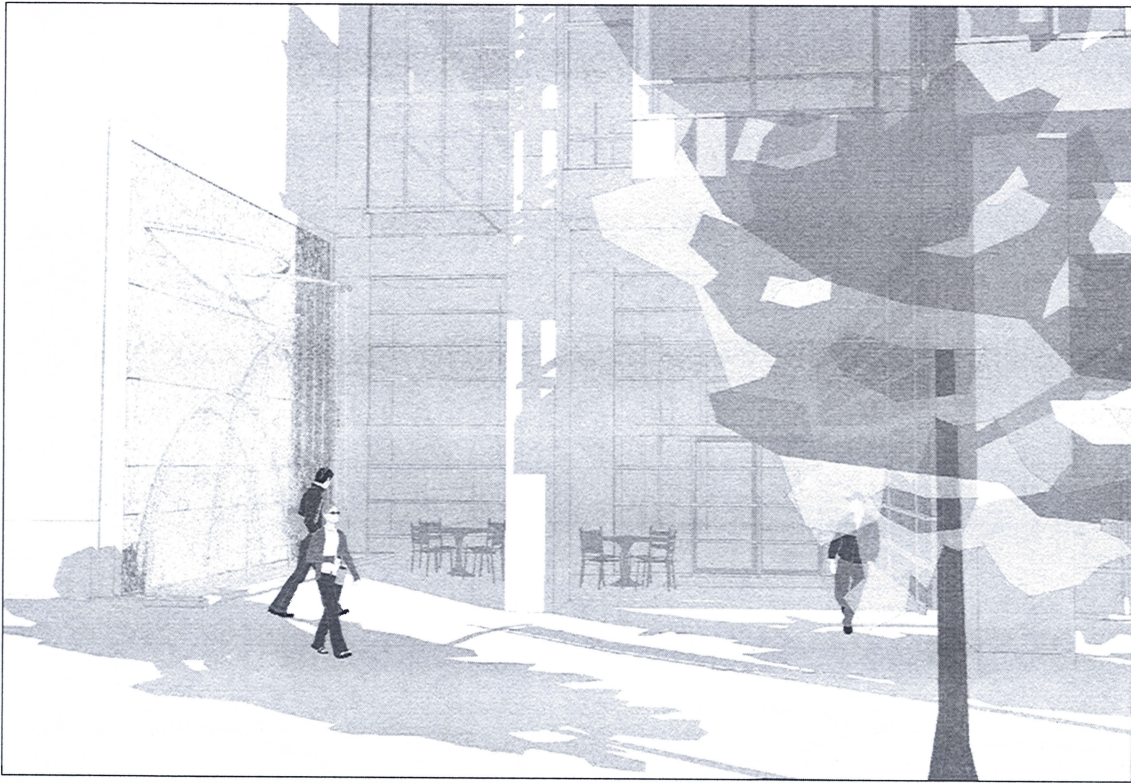


Entrance Arcade along Georgia Avenue

Public Use Space & Amenities

The development provides 1,760 square feet of on-site public use space (5.8% of the net lot area) and 3,840 square feet of off-site public amenity space (12.6% of the net lot area).

The on-site space is composed primarily of a public forecourt where the public art piece will be installed along Georgia Avenue at the northwest edge of the site. The public art piece is designed to provide increased visual interest for the pedestrian and a strong integration with the architecture and the public space. Located immediately behind this public space at the main entrance to the office building is an open space reserved for outdoor seating for a restaurant.



Public Forecourt with Art and Outdoor Seating for a Restaurant Next to the Building

The balance of the required on-site public use space (14.2% of the net lot area, or 4,319 sf.) will be met via a contribution to the Amenity Fund of \$582,802 that is being directed to the implementation of Gene Lynch Urban Park in the Silver Spring CBD. In addition to upgrading the streetscape in front of the site to the Silver Spring Streetscape standards, the Applicant is providing public art and is committing to achieve LEED-NC Silver certification for the building.

PROJECT ANALYSIS

Sector Plan

The Site Plan is consistent with the recommendations of the Silver Spring CBD Sector Plan (2004) for this property and enhances Silver Spring's revitalization efforts. The property is located in the CBD revitalization area known as the Core. The proposal shows retail or restaurant uses on the ground floor facing Georgia Avenue. The rest of the building is comprised of office space and structured parking. Given that the site is currently developed as a parking lot, the proposed Site Plan will be an improvement by activating an empty section of a major boulevard in the CBD Core.

Transportation & Circulation

The Applicant submitted a traffic study for Adequate Public Facilities (APF) review since the density proposed on the property would generate 30 or more total peak-hour trips during the typical weekday morning and evening peak periods. The capacity analysis demonstrates that under Total Traffic (i.e., built) conditions, the critical lane volumes (CLV) at the study

intersections will be below the applicable congestion standard for Silver Spring CBD Policy Area. The Site Plan, therefore, satisfies the Local Area Transportation Review (LATR) requirements of the Adequate Public Facilities test.

The applicant is required to participate in the Silver Spring Transportation Management District, which will require an agreement to be executed that will provide for transportation related improvements within the District. Some of the transportation measures recommended by Staff include a parking reduction program for the office component, carpool/vanpool parking, car sharing, electric car charging and a display for transportation options and benefits.

Vehicular circulation and service access is from Georgia Avenue and is shared with the adjacent site. Bicycle access is from the shared access driveway to bicycle storage in the interior.

Environment

The site is located in the Lower Rock Creek watershed. There are no streams, wetlands, floodplain, or sensitive features on-site, including forest or significant specimen trees. Because the proposed development site is less than 1.5 acres, with no existing forest or existing specimen or champion trees, it is exempt from submitting a Forest Conservation Plan.

Development Standards

The land proposed for development is designated Central Business District 2 (CBD-2), a zone created to allow increased height and density with the urban core. The development standards in the CBD-2 Zone are minimal to encourage flexibility through the Optional Method of Development, with final details determined at Site Plan.

The purposes of the CBD-2 Zone include:

- encourage designs which produce a desirable relationship between the individual buildings in the central business districts, between the buildings and the circulation system and between the central business districts and adjacent areas;
- promote the effective use of transit facilities in the central business district and pedestrian access thereto as well as an improved pedestrian and vehicular circulation;
- assist in the development of adequate residential areas for people with a range of different incomes;
- encourage land assembly and the most desirable use of land in accordance with a sector plan;
- provide a density and intensity of development which will permit an appropriate transition from the cores of central business districts to the less dense peripheral areas within and adjacent to the districts; and
- Provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment.

The proposed development provides 191,281 sf. of development, including 185,072 sf. of office above 6,209 sf. of retail/restaurant space, within a five-minute walk of the Silver Spring Transit Center and Downtown Silver Spring. The building height is comparable to adjacent residential and office buildings along Georgia Avenue and Cameron Street. The site has been designed and detailed to create a comfortable, functional environment.

The following data table indicates the proposed development's compliance with the Zoning Ordinance.

Project Data Table for the CBD-2 Zone

Development Standard	Permitted/ Required	Proposed for Site Plan Approval
Min. Gross Tract Area (square feet)	18,000	47, 883
Previously Dedicated Area		-17,486
Proposed Dedicated Area		0
Net Lot Area		30,397
Max. Density		
Office (sf.)		185,072
Office (FAR)		3.87
Retail/Restaurant (sf.)		6,209
Retail/Restaurant (FAR)		0.13
Total (sf.)	191,532	191,281
Total (FAR)	4.0	4.0
Max. Building Height (ft.) (Measured from the center of the building on Georgia Avenue)	143	143
Max. Stories	n/a	13
Min. Building Setbacks (ft.)		
Georgia Avenue ROW	n/a	0
Side/Rear	n/a	0
Rear	n/a	0
Min. Public Use Space, (% of Net Lot Area)	20	20
Min. On-Site Public Use Space, (sf.)	6,079	1,760
Min. On-Site Public Use Space (% of Net Lot Area)	-	5.8
Min. On-Site Public Use Space provided off-site via Amenity Fund (sf.)	-	4,319
Min. On-Site Public Use Space provided off-site via Amenity Fund (% of Net Lot Area)	-	14.2
Contribution to Amenity Fund for implementation Gene Lynch Urban Park <ul style="list-style-type: none"> • 14.2% of assessed land value; AND • 4,319 sf. @ \$35/sf. 	-	\$582,802
Min. Off-Site Public Amenity Space (sf.)	-	3,840
Min. Off-Site Public Amenity Space (% of Net Lot Area)	-	12.6

Development Standard	Permitted/ Required	Proposed for Site Plan Approval
Min. Total On- & Off-Site Public Use & Amenity Space (sf.)	-	9,919
Min. Total On- & Off-Site Public Use & Amenity Space (% of Net Lot Area)	-	32.6
Max. Parking Spaces (site is located in a Parking Lot District and will pay tax for parking not provided)	401 (0 per PLD)	290

COMMUNITY OUTREACH

The applicant has met all proper signage, noticing and submission requirements for meeting with the community. Staff has not received correspondence on this matter.

Public Use Space

Under Section 59-D-2.31, the “Planning Board may approve a payment instead of any required public use space, public facilities, or amenities off-site...” For this Site Plan the Applicant reconfirms from the Project Plan that it will use this provision for 14.2% of the required minimum 20% public use space.

As directed under 59-D-2.31(a), the Planning Board must develop and approve guidelines for the implementation of this “Amenity Fund,” including the methods of calculation, collection, and distribution of payment amounts. At the time of this report, this task is underway but not complete. For the purposes of this Site Plan, staff proposes to use the interim calculation method used at the time of Project Plan review, as outlined in an April 18, 2008, memo from Jeff Zyontz to the County Council... On July 10, 2008, the Planning Board approved an Amenity Fund payment using this same formulation, for the Veneto, Project Plan 920060070, in the Woodmont Triangle section of the Bethesda CBD.

At the time of Project Plan review, the Planning Board conditioned that the amount of the Amenity Fund contribution being approved was preliminary, and that if the implementation guidelines referenced above had been approved and adopted by the time of this Site Plan review, the Planning Board could decide to replace the provisional payment amount with a final number, at its discretion. The provisional payment methodology and amount continues to be the appropriate amount.

The method staff used to calculate the Amenity Fund payment is based on the proportion of the 20% public use space requirement to be satisfied off-site, in this instance 14.2%, and has two components:

- The first component is based on the assessed land value for the subject site. The Maryland Department of Assessments and Taxation records show an assessed land value for the site, as of March 16, 2011 of \$3,039,700. Therefore, 14.2% of that amount is \$431,637.

- The second component is calculated at a rate of \$35/sf. for each square foot of public use space to be provided off-site. The rate of \$35 is based on the estimated cost of providing one square foot of streetscape. For this plan, the Applicant proposes to provide 4,319 sf. off-site (14.2% of the net site area), yielding a subtotal of \$151,165.

The total amount of the Amenity Fund payment for this Project is thus calculated, as demonstrated below, to be \$582,802.

Area	Rate	Fee
Assessed land value (\$3,039,700)	14.2%	\$431,637
4,319 sf. of public use space (14.2% of Net Lot Area) provided off-site	\$35/square feet	\$151,165
On-site public use contribution	NA	\$582,802

Under the terms of the Amenity Fund, the amenity targeted to receive the payment must be selected either from the relevant master or sector plan recommendations or from a list of improvements approved by the Planning Board. Projects making payments into the Amenity Fund must identify the associated off-site improvement to be implemented.

In consultation with the Parks Department staff, staff is recommending the Amenity Fund contribution be directed towards the development of the Gene Lynch Urban Park in the Silver Spring CBD. The Planning Board has already directed contributions to this Park; specifically for construction of a bike station. Consistent with a policy to focus amenity contributions on priority projects in order to complete them in a timely fashion, Gene Lynch Urban Park is the best choice. This line of logic is also appropriate in light of the fact that there is no 'list of improvements' approved by the Planning Board for Silver Spring.

An added benefit is that this Park has a direct relationship to the project under review in that it is only two blocks away and is also within the Core Revitalization Area. At the time of the Project Plan review, the Fenton Gateway Park, which was recommended in the Sector Plan, was selected. However, the Project Plan Resolution states that the Planning Board may make another selection at the time of Site Plan review without amending the Project Plan. While the Gene Lynch Urban Park is not mentioned in the Sector Plan, it is a more appropriate choice given its proximity and the fact that another project in Silver Spring has conditions specifically directing contributions toward the Park. The Amenity Fund Guidelines make it clear that once funds have been directed toward a particular project, the contributions from all other projects in the Master Plan area should go to that same project so that its completion can be assured.

FINDINGS

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning*

Board expressly modifies any element of the project plan.

This Site Plan is consistent with the approved Project Plan, 920100010 except where expressly modified by the Planning Board.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the Central Business District 2 (CBD-2) zone as demonstrated in the project Data Table on page 17. The building height, density, setbacks, vehicular access and public use space design remain unchanged from the approved Project Plan.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

- a. *Locations of buildings and structures*

The proposed building provides an appropriate higher-density, mixed office use with ground-floor retail on an optimal site for accessibility to mass transit and neighborhood facilities. The design and layout of the building are compatible with the existing and proposed development in the north end of the Silver Spring CBD in terms of massing, detailing, and height. Both the use and the design elements of the architecture provide an adequate, safe, and efficient building on the subject site.

- b. *Open Spaces*

The plan proposes 5.8 percent of the net lot area for public use on-site, including a forecourt with a public art component adjacent to Georgia Avenue and associated streetscape improvements along Georgia Avenue. The in-lieu payment for the remainder of the public use space requirement promotes the development of other public spaces within the core area. This contributes to an improved pedestrian experience that is adequate, safe, and efficient.

- c. *Landscaping and Lighting*

The plan proposes adequate levels of lighting for street level public spaces including the shared access drive. Landscaping is well placed and allows good sight lines for adequate surveillance for safety while providing tree canopy shade on the sidewalk. The existing street trees, which are zelkovas, may be removed to allow for installation of the Silver Spring streetscape along Georgia Avenue with new elm trees consistent with the current streetscape design. This contributes to an adequate, safe and efficient site plan.

- d. *Recreation Facilities*

Since there is no residential component to this project, no recreation facilities are required.

e. *Pedestrian, Bicycle and Other Vehicular Circulation Systems*

The vehicular circulation allows entries and exits from Georgia Avenue for both parking and service from a service alley shared with the adjacent property. This improves the pedestrian circulation by reducing and consolidating the curb cuts on Georgia Avenue. The slope of Georgia Avenue is managed well in the design of the pedestrian access from the sidewalk to the forecourt, arcade and building entrance. Steps are kept to a minimum and connectivity is maximized with ample level areas for entering the forecourt and building. High visibility between the sidewalk, public use space and public art, and visual cues in the pavement design, contribute to the connectivity. Access to an interior bicycle storage area is also provided from the service alley. Pedestrian, bicycle and other vehicular circulation is adequate, safe, and efficient.

Adequate Public Facilities (APFO) may be reviewed at the time of site plan or building permit if there is no preliminary plan. The application satisfies the APF ordinance for the transportation related improvements associated with this development.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The building is compatible with other constructed, proposed, and planned high-rise mixed-use development along Georgia Avenue, including the adjacent office buildings and other mixed-use structures, in terms of massing, scale, design, detailing, and layout.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The subject Site Plan is exempt from providing a Forest Conservation Plan.

The proposed stormwater management concept was approved by the Department of Permitting Services (DPS) on October 12, 2010. The stormwater management concept consists of "Environmental Site Design to the Maximum Extent Possible" using a green roof. Additional treatment is provided by the use of a structural proprietary flow-through underground filter. Due to site conditions, onsite recharge cannot be provided. A waiver of water quality control has been granted for a small area that will not drain to the proposed water quality structure.

RECOMMENDATION AND CONDITIONS

Staff recommends approval of site plan 820110060, 8621 Georgia Avenue, for a 191,281 square foot, mixed use building on 0.69 net acres. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on June 23, 2011 are required except as modified by the following conditions.

Conformance with Previous Approvals

1. **Project Plan Conformance**

The proposed development must comply with the conditions of approval for Project Plan 920100010 as listed in the Planning Board resolution dated November 19, 2009.

Environment

2. **Stormwater Management**

The proposed development is subject to Stormwater Management Concept approval conditions dated October 12, 2010 unless amended and approved by the Montgomery County Department of Permitting Services.

3. **LEED Certification**

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Certified Rating Certification at a minimum. The Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the Applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to staff a written report for public record purposes only from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

Public Use Space and Amenities

4. **Public Use Space**

- a. The Applicant must provide a minimum of 1,760 square feet of public use space (5.8% of net lot area) on-site.
- b. In lieu of providing the remaining 4,319 square feet (14.2%) of the required 20% of the net lot area as on-site public use space, the Applicant must contribute to M-NCPPC no less than \$582,802 for the development of Gene Lynch Urban Park, in the Silver Spring CBD. The payment must be submitted to the M-NCPPC prior to the release of the first building permit.

5. **Amenities**

As a public amenity, the Applicant must provide a total of approximately 3,840 square feet, or 12.6% of the net lot area of streetscape improvements per the Silver Spring

Streetscape Standard along the property's frontage on Georgia Avenue.

6. Art

- a. Provide for and install the public art concept designed by artist Rodney Carroll, as provided to the Planning Department's Art Review Panel on June 29, 2011, and illustrated in the Certified Site Plan.
- b. The proposed art must be presented to the Art Review Panel and approved by Area One staff prior to completion of the Certified Site Plan.
- c. Significant changes to the concept, as determined by Area One staff, proposed after Certified Site Plan will require a Site Plan Amendment.

Transportation & Circulation

7. Transportation

- a. The Applicant must participate in the Silver Spring Transportation Management District (TMD) and must enter into an agreement with the TMD prior to release of the first building permit. The Applicant must comply with the draft letter from the State Highway Administration dated June 1, 2011 [Appendix D], or as amended, to provide the following:
 1. Formalize the pedestrian crossing of Georgia Avenue at its intersection with Fidler Lane on the south side of the intersection.
 2. Extend corner curbing at Georgia Avenue/Fidler Lane to further facilitate the pedestrian crossing
 3. Add a crosswalk and provide signs and consider providing a pedestrian activated "walk" signal.
 4. Enhance the median to create an attractive landscaped pedestrian refuge.
- b. Adequate Public Facilities
 1. The APF review for this development will remain valid for 85 months from the date of mailing of the Planning Board Resolution for the Site Plan.
 2. Total development under the subject site plan is limited to a maximum total of 191,281 sf. of development comprised of approximately 6,209 square feet of retail/restaurant and 185,072 square feet of office uses.

Site Plan

8. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A13-A16 (stamped June 23, 2011 by the Planning Department) of the submitted architectural drawings, as determined by M-NCPPC Area One staff.

9. Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards commercial development.
- b. All onsite down- light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. The height of the rooftop light poles shall not exceed 12 feet including the mounting base.

10. Landscape Surety

The Applicant shall provide a performance bond in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of the surety shall include plant material, on-site lighting, and site furniture within the relevant block of development. Surety to be posted prior to issuance of first building permit.
- b. Provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial bond amount.
- c. Completion of plantings to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d. Provide a screening/landscape amenities agreement that outlines the responsibilities of the Applicant and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

11. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. A Pre-Construction Meeting to be held with DPS-Site Plan Enforcement Inspector prior to commencing construction. The project will be completed in one phase. All construction is to be staged from Georgia Avenue unless otherwise agreed to by other adjacent parties. All site features will be completed prior to issuance of the final Use and Occupancy permit.
- b. The trip mitigation agreement must be completed prior to the issuance of the first commercial building permit.
- c. No clearing or grading prior to M-NCPPC approval of certified site plan, except for demolition of the existing surface parking lot as necessary to accommodate improvements to Georgia Avenue, and all necessary alterations to reconfigure the existing driveway to maintain vehicular circulation, egress and parking. Parking access shall be maintained from Georgia Avenue.

- d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion and must not occur prior to approval of the Sediment Control Plan.
- e. Streetscape improvements including paving, lighting, street furniture and tree planting and other landscaping, for Georgia Avenue and all on-site public use space areas to be completed prior to release of the final Use and Occupancy permit for the building. Street tree planting and other landscaping can be installed up to 6 months after the issuance of the final Use and Occupancy permit to address construction and weather related issues.
- f. The Plaza (and associated pedestrian access walkways) including all paving, lighting, site furnishings and public art, as well as any other on-site amenities including, but not limited to paths, benches, trash receptacles and bicycle facilities, shall be completed prior to release of the final Use and Occupancy permit for the building.
- g. The Public Art feature designed and created by Rodney Carroll, and approved as part of the site plan, shall be installed prior to issuance of the final Use and Occupancy permit.
- h. The in-lieu payment for the amenity fund must be submitted prior to the release of the first building permit.

12. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that “M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading”.
- c. Modify the development program on the Cover sheet stamped “6/23/2011” by the Planning Department; add landscaping to note #5 and remove note #8.
- d. Modify data table to reflect development standards enumerated in the staff report.
- e. Ensure consistency off all details and layout between site plan and landscape plan.

APPENDIX

- A. Illustrative Landscape Plan and Public Use Space
- B. Proposed Public Art Concept by Rodney Carroll
- C. Project Plan Resolution
- D. Agency Letters
- E. Correspondence-Staff E Mail from Parks Department
- F. Property Valuation Letter
- G. Gene Lynch Urban Park Location Map and Design Concept
- H. Perspectives of Proposed Building

I. Appendix A: Illustrative Landscape

B. Proposed Public Art Concept by Rodney Carroll

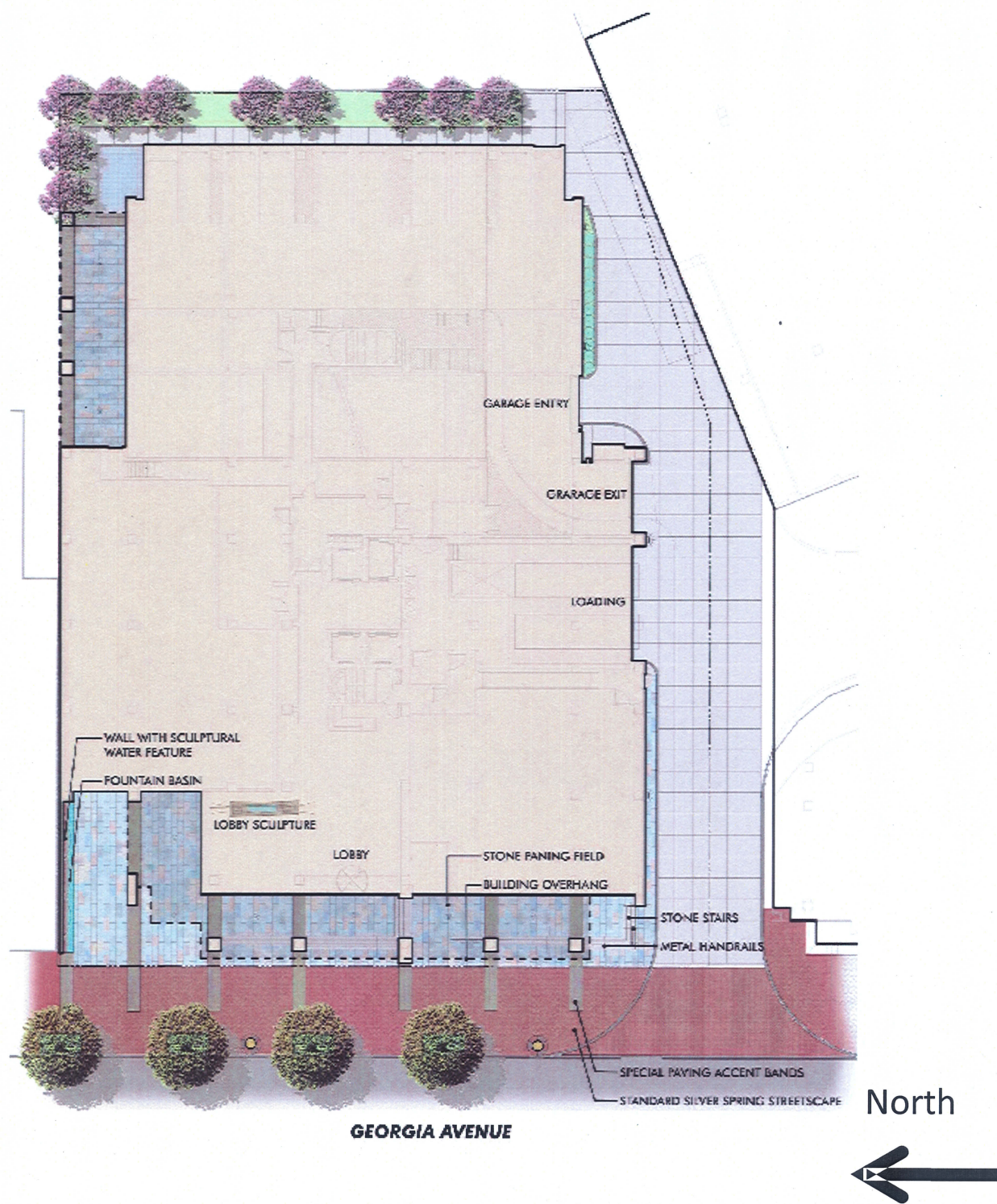
Appendix E: Correspondence: Staff E Mail from Parks Department

Appendix G: Gene Lynch Urban Park Location Map

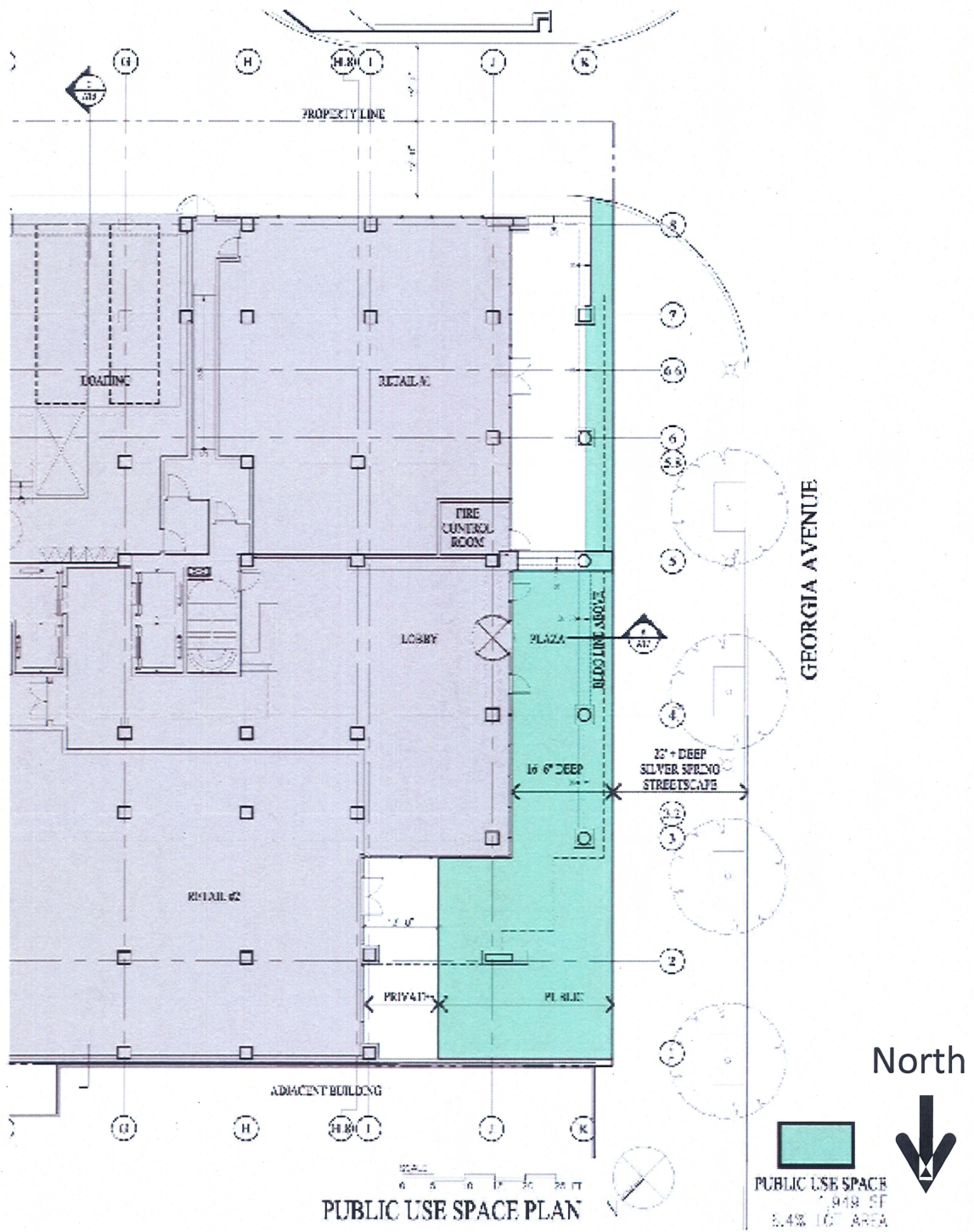
APPENDIX

- A. Illustrative Landscape Plan
- B. Proposed Public Art Concept by Rodney Carroll
- C. Project Plan Resolution
- D. Agency Letters
- E. Correspondence –Staff E Mail from Parks Department
- F. Property Valuation Letter
- G. Gene Lynch Urban Park Location Map
- H. Perspectives of Proposed Building

APPENDIX A Illustrative Landscape Plan

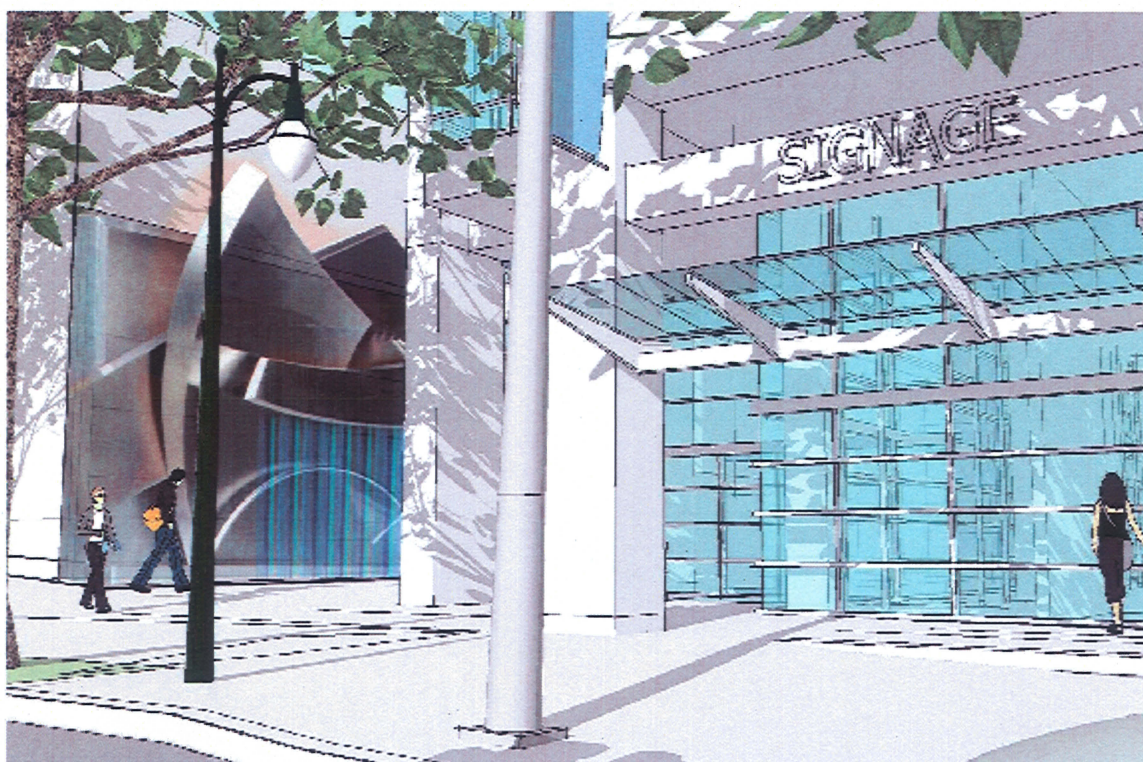
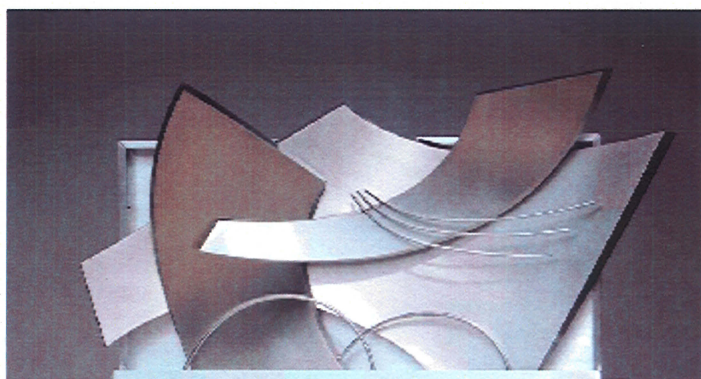


APPENDIX A Public Use Space



APPENDIX B Proposed Public Art Concept by Rodney Carroll

From the Applicant: The artist's proposal is an abstract piece that is very dynamic and very three dimensional. It was inspired by the idea of the spring in Silver Spring with water as part of the theme. It also reflects the Art Deco legacy of Silver Spring.



APPENDIX C Project Plan Resolution

DEC 14 2009



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 09-144
Project Plan No. 920100010
Project Name: 8621 Georgia Avenue
Date of Hearing: November 19, 2009

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-2, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review project plan applications; and

WHEREAS, on August 5, 2009, 8621 Limited Partnership ("Applicant") filed an application for approval of a project plan for a 191,281 sf. mixed-use office building, including approximately 6,209 sf. of retail/restaurant below approximately 185,072 sf. of office uses, ("Project Plan"), on 1.1 acres of CBD-2-zoned land, 75 feet northwest of the intersection of Georgia Avenue and Colesville Road in Silver Spring ("Property" or "Subject Property"); and

WHEREAS, Applicant's project plan application was designated Project Plan No. 920100010, 8621 Georgia Avenue (the "Application"); and

WHEREAS, Planning Board Staff ("Staff") issued a memorandum to the Planning Board, dated November 5, 2009, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on November 19, 2009, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency:


M-NCPPC Legal Department

5A

WHEREAS, on November 19, 2009, the Planning Board approved the Application, subject to conditions, on motion of Commissioner Presley; seconded by Commissioner Wells-Harley; with a vote of 3-0; Commissioners Hanson, Presley, and Wells-Harley voting in favor, with Commissioner Alfandre absent and one seat being vacant.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Project Plan No. 920100010 for a 191,281 sf. mixed-use office building, including approximately 6,209 sf. of retail/restaurant below approximately 185,072 sf. of office uses, on 1.1 gross acres in the CBD-2 zone, subject to the following conditions:

1. Development Ceiling

The proposed development is limited to 191,281 square feet of gross floor area. The delineation of the total area into 185,072 sf. of office and 6,209 sf. retail is recognized as preliminary and will be finalized at Preliminary Plan and/or Site Plan.

2. Building Height and Mass

The proposed development is limited to the building footprint as delineated in the Project Plan drawings submitted to MNCPPC dated August 5, 2009, unless modified at Site Plan review, and up to 143 feet in height.

3. Architecture

The exterior architectural character, proportion, material, and articulation must be substantially similar to the schematic elevations shown on Sheets A14-A16 of the submitted architectural drawings, as determined by M-NCPCC Development Review and Urban Design staff, unless modified during Site Plan review.

4. LEED (Leadership in Energy and Environmental Design) Certification

The Applicant must achieve for the proposed building a LEED-NC Silver Rating Certification, at a minimum.

5. Transportation

- a. The Applicant must limit development on the property as part of any future Preliminary Plan and/or Site Plan to 185,072 square-feet of office and 6,209 square-feet of retail/restaurant.
- b. The Applicant must redesign/reconstruct the Georgia Avenue median opening at Fidler Lane to prevent traffic to and from the property using the median opening. Strategies Applicant may consider in coordination with Maryland State Highway Administration (SHA) include:
 - i. Extending the median approximately 50 feet to the north to limit the curb opening to 30 feet;

- ii. Redesigning the median opening to restrict use of the opening only by Fidler Lane left turn movements; and
- iii. Installing signage at the median opening to prohibit turns from Georgia Avenue.

6. Public Use Space and Amenities

- a. The Applicant must provide on-site a minimum of 1,760 sf. of public use space (5.8% of net lot area).
- b. In lieu of providing as on-site public use space the remaining 4,319 sf. (14.2%) of the required 20% of the net lot area, the Applicant must contribute to M-NCPPC no less than \$582,802 for the implementation of, or acquisition of land for, Fenton Street Urban Park, in the Silver Spring CBD.
- c. At the time of Site Plan the Board may approve an alternative amenity site, as recommended by M-NCPPC staff, to satisfy the Applicant's public use space requirement. The alternative site must be in the public interest and consistent with the amenity fund guidelines. Board approval of this alternative would not require an amendment to the Project Plan.
- d. If, by the time of Site Plan review, there are approved Amenity Fund implementation guidelines that yield a different payment amount, the Planning Board may elect to replace the payment amount in Condition 5(b) above, with the new amount.
- e. Final details regarding the Amenity Fund contribution shall be determined at Site Plan, in coordination with the appropriate Parks Department staff.
- f. The Applicant must provide public art on-site, integrated into the overall site design.
- g. The Applicant must present preliminary and final public art concepts to the Art Review Panel prior to approval of the Site Plan.
- h. Final design of the public art must be determined by Certified Site Plan.
- i. As a public amenity, the Applicant must provide streetscape improvements per the Silver Spring Streetscape Standard along the property's frontage on Georgia Avenue, as illustrated in the Certified Site Plan, a total of approximately 3,840 sf., or 12.6% of the net lot area.

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record and all applicable elements of § 59-D-2.43, the Montgomery County Planning Board, with the conditions of approval, FINDS:

- (a) *As conditioned, the proposal complies with all of the intents and requirements of the zone.*

The Montgomery County Zoning Ordinance states the purposes which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

- (1) *"To encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the Site Plan or combined urban renewal Project Plan is approved on review by the Planning Board."*

The subject property is covered by the Approved and Adopted Silver Spring CBD Sector Plan (February 2000) and is located in the CBD revitalization area known as the Core. The Sector Plan encourages mixed-use development near the transit center by facilitating market-feasible development and the upgrading of the physical environment. The Project Plan proposes 191,281 sf. of development including approximately 185,072 sf. of office space and up to 6,209 sf. of restaurant/retail uses. The proposed building maximizes FAR (4.0) and reaches the 143-foot building height allowed by the zone.

The project will improve the physical environment with an attractive building and site design, including public art, and the installation of the Silver Spring streetscape standard along all improved sidewalks.

The site is currently developed as a parking lot, and the proposed Project Plan with retail or restaurant uses will activate an empty section of a major boulevard in the CBD Core. The submitted Project Plan is consistent with the recommendations of the Silver Spring CBD Sector plan for this property.

- (2) *"To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents."*

The existing development along Georgia Avenue includes both commercial office and residential uses. These primary uses are supplemented with minimal ground-floor street-activating uses. This Project Plan augments the existing office uses on the Avenue with high-quality office space, and provides opportunities for ground-floor retail and restaurant uses that are lacking on this section of Georgia Avenue, while the proposed public art along the Avenue will help to attract passersby into the space. Further, the Applicant's contribution to the development of public space in the larger Silver

Spring CBD, through the "Amenity Fund", will help provide a most desirable amenity for workers, visitors, and residents. The ground-floor uses and off-site public space will serve not only the weekday office workers, but also the evening and weekend residents of the CBD, bringing pedestrian activity and vitality to what is currently an underutilized space.

- (3) *"To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas."*

The proposed building will maintain the street wall established by the existing adjacent buildings along Georgia Avenue and will help to create along this section of Georgia Avenue an attractive pedestrian destination for workers and residents. The architecture is of high quality and continues the contemporary character of other recent renovations and approved projects along this section of Georgia Avenue. Furthermore, the integration of the public art, landscaping, hardscaping, and architecture sets a high standard for improving the pedestrian experience along the building frontage.

- (4) *"To promote the effective use of transit facilities in the central business district and pedestrian access thereto."*

The proposed development is within a five-minute walk from the Silver Spring Transit Station and a half-block from several bus stops. The development expects further to provide 30% fewer parking spaces than would be required by code, encouraging tenants and customers alike to avail themselves of the pedestrian network and ample transit options.

- (5) *"To improve pedestrian and vehicular circulation."*

The proposed development will improve pedestrian circulation primarily through street-activating ground-floor uses potentially to include both retail and a restaurant. The proposed public art, landscaping, hardscaping, and installation of the Silver Spring Streetscape standard will further enhance the pedestrian experience.

The proposal improves vehicular circulation off Georgia Avenue by reducing the overall number of curb cuts along the Avenue and sharing service access with the adjacent property to the south.

- (6) *"To assist in the development of adequate residential areas for people with a range of different incomes."*

The proposed development does not include a residential component, but the provision of green office space, ground-floor retail and restaurant uses, public art, and the investment in quality off-site public space all contribute to the development of mixed-use centers that include residential areas where people are able to readily access places for both work and play.

- (7) *"To encourage land assembly and most desirable use of land in accordance with a Sector Plan."*

While this proposal does not include land assembly, the Project Plan's mix of commercial, retail, and restaurant uses, public art, and investment in public use space within the larger CBD are all consistent with the most desirable land use for the affected parcels and are consistent with the goals of the Sector Plan.

Further Intents of the CBD-2 Zone

Section 59-C-6.213(c) states that it is further the intent in the CBD-2 Zone:

- (1) *"To provide a density and intensity of development which will permit an appropriate transition from the cores of central business districts to the less dense peripheral areas within and adjacent to the districts; and*

At 143' in height, the proposed mixed-use building reinforces the intensity of uses along Georgia Avenue while transitioning between the 200' buildings closer to the Transit Center and the 5-7-story commercial buildings at the edge of the CBD.

- (2) *"To provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment."*

While this project does not directly provide residential uses, it does provide desirable ground-floor retail and restaurant uses, public art, and investment in public space within the CBD, all of which are amenities essential to attract residential development to the CBD.

Requirements of the CBD-2 zone

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the development standards proposed for approval. The Board finds, based on the aforementioned data table, and other [uncontested] evidence and testimony of record, that the Application meets all of the applicable requirements of the CBD-2 zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

DATA TABLE

	Development Standards Approved by the Board and Binding on the Applicant
Min. Gross Tract Area (square feet)	47,883
Previously Dedicated Area	-17,486
Proposed Dedicated Area	0
Net Lot Area	30,397
Max. Density	
Office (sf.)	185,072
Office (FAR)	3.87
Retail/Restaurant (sf.)	6,209
Retail/Restaurant (FAR)	0.13
Total (sf.)	191,281
Total (FAR)	4.0
Max. Building Height (ft.) (Measured from the center of the building on Georgia Avenue)	143
Max. Stories	13
Min. Building Setbacks (ft.)	
Georgia Avenue ROW	0
Side/Rear	0
Rear	0
Min. Public Use Space, (% of Net Lot Area)	20
Min. On-Site Public Use Space, (sf.)	1,760
Min. On-Site Public Use Space (% of Net Lot Area)	5.8
Min. On-Site Public Use Space provided off-site via	4,319

56

Amenity Fund (sf.)	
Min. On-Site Public Use Space provided off-site via Amenity Fund (% of Net Lot Area)	14.2
Contribution to Amenity Fund for implementation of Fenton Street Urban Park	\$582,802
• 14.2% of assessed land value; AND	
• 4,319 sf. @ \$35/sf.	
Min. Off-Site Public Amenity Space (sf.)	3,840
Min. Off-Site Public Amenity Space (% of Net Lot Area)	12.6
Min. Total On- & Off-Site Public Use & Amenity Space (sf.)	9,919
Min. Total On- & Off-Site Public Use & Amenity Space (% of Net Lot Area)	32.6
Max. Parking Spaces (site is located in a Parking Lot District and will pay tax for parking not provided)	290

According to the Zoning Ordinance (59-C-6.215(b)) a further requirement of optional method projects is the provision of additional public amenities:

Under the optional method greater densities may be permitted and there are fewer specific standards, but certain public facilities and amenities must be provided by the developer. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted.

To this end, the proposed development is proffering the following package of amenities and public facilities:

- On-site public art
- Significant financial contribution towards the development of public space in the larger Silver Spring CBD
- LEED-NC Silver Certification
- Streetscape improvements.

(b) *The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*

The Project Plan is covered by the Approved and Adopted Silver Spring CBD Sector Plan (2000). The site is located at 8621 Georgia Avenue, in the Silver Spring CBD revitalization area known as the Core. The applicant proposes retail uses or a

restaurant on the ground floor with the remaining building to be developed as offices, parking will be underground.

The CBD Sector Plan's vision for Silver Spring's future is "intended to create a development environment that invites revitalization." The site is zoned CBD-2 and the applicant is utilizing the optional method of development to achieve revitalization of a neglected stretch of Georgia Avenue. The sector plan outlines themes of transit oriented downtown, commercial downtown and pedestrian friendly downtown to achieve this vision.

Transit Oriented Downtown

The sector plan seeks to create a transit oriented downtown and "strives to balance the needs of commuter and local traffic, of walkers and drivers and to maximize the investment in Silver Spring's transit infrastructure." The proposed retail/commercial building will be within walking distance to the transit center thereby maximizing the public transit infrastructure investment in Silver Spring for future commuters.

Commercial Downtown

Under the Sector Plan, new development in the Core "will serve the local community with a mix of chain and independent businesses, offering convenience and specialty shopping, restaurants, and entertainment." The proposed building will provide new office space reinforcing Silver Spring's role as an employment center. The new retail or restaurant use on the ground floor of the proposed building will offer convenience in shopping or dining to future office workers and local residents.

Pedestrian Friendly Downtown

The Sector Plan encourages "development of active streets and sidewalks busy with people walking to shop, to commute, or for pleasure. They will become downtown's defining feature, and will support activity creating the setting for the community. " As submitted, the combination of ground level retail uses and office uses on the upper floors will create activity on a site presently used as a parking lot. The ground level retail or restaurant use will activate the streets and sidewalks with people and provide opportunities for workers and residents to shop or dine in a revitalized community setting.

The submitted project plan conforms to the Approved and Adopted Silver Spring CBD Sector Plan vision and recommended themes for a revitalized downtown Silver Spring. This project plan develops an underutilized property on a major boulevard in the CBD Core into a functional mixed-use development that contributes and enhances Silver Spring's revitalization efforts.

- (c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The proposed development is comparable in terms of urban design, including height, setback, and ground-floor articulation, to the other commercial buildings along this section of Georgia Avenue, but goes a step further to set a high design standard for the redevelopment of the area. The building maintains the existing streetwall established by the existing buildings on the block, and improves the pedestrian activation of the sidewalk along the property. The Applicant has coordinated with an adjacent property owner to share service facilities, reducing curb cuts and improving the pedestrian experience.

- (d) *As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

Public facilities exist on or near the site and no expansion or renovation of these services will be required to be completed by the County. Further, requirements for public safety and fire will be minimally impacted due to the nature of the land use and must be approved by the respective agencies prior to preliminary and/or site plan approval.

- (e) *The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.*

A standard method project on this site would allow a density of only 3 FAR with a building height of 60', resulting in a building out of character with the planned intensity of redevelopment along Georgia Avenue at the CBD core. Further, there would be no requirement for public amenities and the public use space requirement would be reduced by one-half, removing the public art and significant investment in concentrated public use space in the CBD. Because infill development and density at transit hubs is a core value of smart growth and given the number and quality of public amenities being proffered, the optional method of development is much more desirable and more efficient for this particular site.

- (f) *The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.*

The proposed development does not require MPDUs because it does not include any residential uses.

- (g) *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:*

The proposed development is located on one existing lot and does not propose any open space or density transfers.

- (h) *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

The project is exempt from the requirements of the forest conservation law.

- (i) *As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

The Applicant has submitted plans to DPS to satisfy applicable requirements of Chapter 19. The review remains ongoing and will be completed at Preliminary and/or Site Plan review.

- (j) *Any public use space or public facility or amenity to be provided off-site is consistent with the goals of the applicable Master or Sector Plan and serves the public interest better than providing the public use space or public facilities and amenities on-site.*

The proposed financial contribution toward the implementation of public use space off-site, specifically the realization of Fenton Street Urban Park, is consistent with, and specifically identified as a public benefit in, the Silver Spring CBD Sector Plan. Given the constraints of the subject site, providing the full complement of public use space required by the zone would necessitate pushing the building away from the street and would create an undesirable condition at the street level, with unclear delineation between public and private space. Typically, such places have the residual character of the un-owned space and are uninviting and under-utilized. In contrast, Fenton Street Urban Park is an ideal gateway location into the Fenton Village section of Silver Spring, with residential, commercial, service, educational/civic, retail, and restaurant uses all within walking distance. When realized, this park will provide a valuable community amenity that is scarce in the CBD. The implementation of Fenton Street Urban Park serves the public interest far better than providing the space on the subject site.

MCPB No. 09-144
Project Plan No. 920100010
8621 Georgia Avenue
Page 12

BE IT FURTHER RESOLVED, that all elements of the plans for Project Plan No. 920100010, 8621 Georgia Avenue, stamped received by M-NCPPC on August 5, 2009, are required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

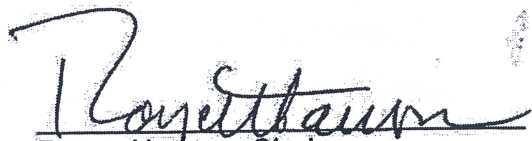
BE IT FURTHER RESOLVED, that the date of this Resolution is DEC 14 2009
(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chairman Hanson, Vice Chair Wells-Harley, and Commissioner Presley present and voting in favor of the motion, and Commissioner Alfandre absent, at its regular meeting held on Thursday, December 10, 2009, in Silver Spring, Maryland.


Royce Hanson, Chairman
Montgomery County Planning Board

APPENDIX D Agency Letter

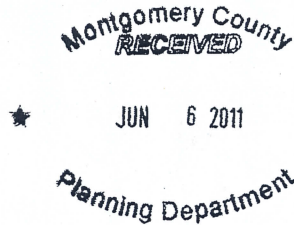


Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

June 1, 2011



Re: Montgomery County
8621 Georgia Ave
MD 97 in Silver Spring
SHA Tracking No. 11-AP-MO-016-XX
Local Area Transportation Review (LATR) &
Policy Area Mobility Review (PAMR)

Mr. Cherian Eapen
Planner/Coordinator Area 1 Team
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Eapen:

Thank you for the opportunity to review the Traffic Impact Study Report prepared by The Traffic Group Inc., dated April 26, 2011 (received by the AMD on May 3, 2011) for the proposed 8621 Georgia Avenue commercial development in Montgomery County, Maryland. The major report findings and the Maryland State Highway Administration (SHA) comments are as follows:

- Access to the 185,153 sq ft of office space and 6,209 sq ft of retail space located along the east side of MD 97 (Georgia Avenue) between Cameron Street and US 29 (Colesville Road) within the Silver Spring CBD, is proposed from one (1) right-in/right-out site access driveway on MD 97.
- The report concluded that the study area intersections will operate within the Congestion Standard established for the Silver Spring CBD. This development, being located in the Silver Spring CBD, will also meet the PAMR requirements for the policy area based on the trip reduction between the CBD rates and the non-CBD rates.
- The Consultant presented morning and evening peak hour capacity analyses for the following intersections, based on the Critical Lane Volume (CLV) analysis methodology:
 - MD 97 and Spring Street
 - MD 97 and Cameron Street
 - MD 97 and Fiddler Street
 - MD 97 and US 29
 - MD 97 and Wayne Avenue
 - US 29 and Fenton Street
 - Colesville Road and Fenton Street
 - Second Avenue and Cameron Street/Apple Avenue

My telephone number toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone: 410.545.0300 · www.marylandroads.com



6A

Mr. Cherian Eapen
Page 2 of 2

- Fenton Street and Cameron Street

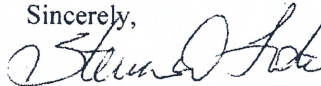
Results of the analyses indicate that all of the study area intersections are operating well within the congestion standards for this area.

Based upon SHA review, SHA offers the following observations, recommendations and conclusions:

- There is concern regarding the close proximity of the site access to the existing median break at Fidler St.
- Analyze impacts to the left turn/U-turn lanes on NB and SB MD 97 at Cameron Street.
- The site access is less than 300 feet from Cameron Street. Synchro/SimTraffic modeling is needed to analyze vehicles maneuvering across three northbound MD 97 through lanes to make a U-turn at Cameron Street.
- Appendix B is using incorrect lane usage factor in the CLV report for the double left turn lanes.

We are currently reviewing the informal concept roadway plan (site access left-turn lane) submission that was discussed during the April 19, 2011 meeting at the MNCPPC. We will offer written comments on the concept roadway plan in the near future. Please submit 6 copies of the revised traffic impact study including a site plan once you have received the comments regarding your informal concept submission. Unless specifically indicated in SHA's response on this report, the comments contained herewith do not supersede previous comments made on this development application. If you have any questions regarding the enclosed traffic report comments, please contact Kelly Kosino at (410) 545-8897.

Sincerely,



Steven D. Foster, Chief
Access Management Division

cc: Mr. Glenn Cook, The Traffic Group Inc.
Mr. Bob French, SHA Office of Traffic & Safety
Ms. Kelly Kosino, SHA Access Management Division
Ms. Reena Matthews, SHA Regional and Intermodal Planning Division
Mr. Johnson Owusu-Amoako, SHA Office of Traffic & Safety
Mr. Errol Stoute, SHA Traffic Development & Support Division
Mr. Morteza Tadayon, SHA Travel Forecasting Section
Mr. Cedric Ward, SHA District 3 Traffic Engineering
Mr. Brian Young, Metropolitan District Engineer, SHA

6B

APPENDIX E Correspondence –Staff E Mail from Parks
Department

Rifkin, Margaret

From: Gries, William
Sent: Wednesday, March 23, 2011 4:55 PM
To: Rifkin, Margaret; Powell, Doug
Cc: Kronenberg, Robert; Farquhar, Brooke; Kines, Charles
Subject: RE: 8621 Georgia Avenue pending Site Plan - direction of amenity money

Thanks. I do not need to add or clarify. Bill

From: Rifkin, Margaret
Sent: Wednesday, March 23, 2011 4:24 PM
To: Gries, William; Powell, Doug
Cc: Kronenberg, Robert; Farquhar, Brooke; Kines, Charles
Subject: 8621 Georgia Avenue pending Site Plan - direction of amenity money

This is a quick follow up to our discussion today. Please let me know if you would like to add or clarify anything :

1. We agreed that directing the amenity money to the future Gene Lynch Urban Park is appropriate.
 - a. This is a project that needs to be completed since it is already receiving amenity money for a bike station from the recently approved site plan for "Silver Spring Park". The intent is to finish one project before directing money to another.
 - b. The Gene Lynch Park is closer to the contributing site which establishes nexus.
2. There are outstanding questions that need to be resolved:
 - a. Who will own the land?
 - b. Who will maintain/operate the park?

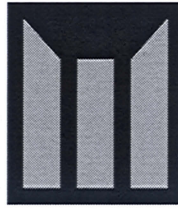
Site Plan numbers:
Silver Spring Park – 820100120
8621 Georgia Avenue -820110060

Margaret K. Rifkin, RLA, AICP
Urban Designer/Planner Coordinator, Design Division
8787 Georgia Avenue, Silver Spring, Maryland 20910-3760
www.MontgomeryPlanning.org
301 495 4583

Montgomery County Planning Department
The Maryland National-Capital Park and Planning Commission

Please consider the environment before printing this e-mail. Thank you.

APPENDIX F Property Valuation Letter



WILLCO COMPANIES

March 25, 2011

Margaret Rifkin
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

RE: 8621 Georgia Avenue
Updated Computation of Amenity Fund Payment
Related to Public Use Space Requirement

Dear Ms. Rifkin:

Per your comments at the Development Review Committee on Monday, March 21st, I would like to confirm that the tax assessment sheet from the State Department of Assessments and Taxation provided at our March 16th meeting (which indicates a current assessed value for the 8621 Georgia site of \$3,039,700) represents the current assessment value for the parcel.

You also indicated you are seeking a re-computation of the Amenity Fund payment related to the public use space requirement for the property. Detailed in the formula outlined below, it is our conclusion that the Amenity Fund payment (which totals \$582,802) remains unchanged from the payment computed in Elza Hisel-McCoy's Project Plan Staff Report dated November 5, 2009 and reaffirmed in the Montgomery County Planning Board's Project Plan Approval Resolution published on December 14th, 2009.

The calculation of the Amenity Fund payment is detailed as follows:

Total net lot square footage (per tax record)	=	30,397 sf
Required public use space (20%)	= 20% x 30,397 sf	= 6,079 sf
Public use space provided on-site (per staff report)	=	1,760 sf
Public use space to be provided off-site	= 6,079 sf - 1,760 sf	= 4,319 sf

SA

March 25, 2011

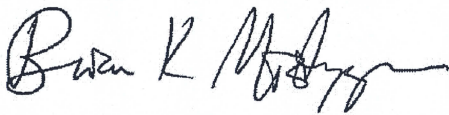
Computation of Amenity Fund Payment
8621 Georgia Avenue

Public use to be provided off-site as a percentage of total net lot area	=	4,319 sf / 30,397 sf	=	14.2%
Assessed value of site @ 7/1/2011 (per SDAT)	=		=	\$3,039,700
Computed value of off-site public use space	=	14.2% x \$3,039,700	=	\$431,637
Plus: \$35 / sf for streetscaping off-site area	=	\$35 x 4,319 sf	=	\$151,165
Sum of value of off-site area & \$35/sf streetscaping cost	=	\$431,637 + \$151,165	=	\$582,802

Thank you for your time and effort in helping to bring this exciting project to fruition. If you have any questions, please contact me at 240.399.1432.

Best regards,

Willco Companies



Brian K. Mistysyn
Manager, Acquisitions & Development

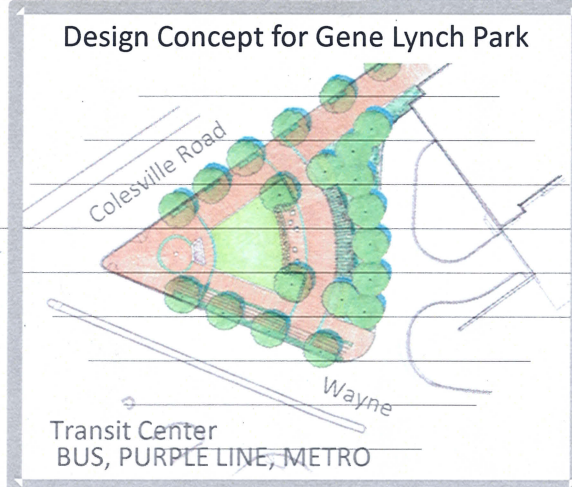
SB

APPENDIX G Gene Lynch Urban Park Location Map

APPENDIX G Gene Lynch Urban Park Location Map

Location of Gene Lynch Park

near the walking and biking route between 8621 Georgia Avenue and the New Transit Center



APPENDIX H Perspectives of Proposed Building

APPENDIX H Perspectives of Proposed Building

