



8711 Georgia Avenue, Limited Site Plan Amendment, 82008023B

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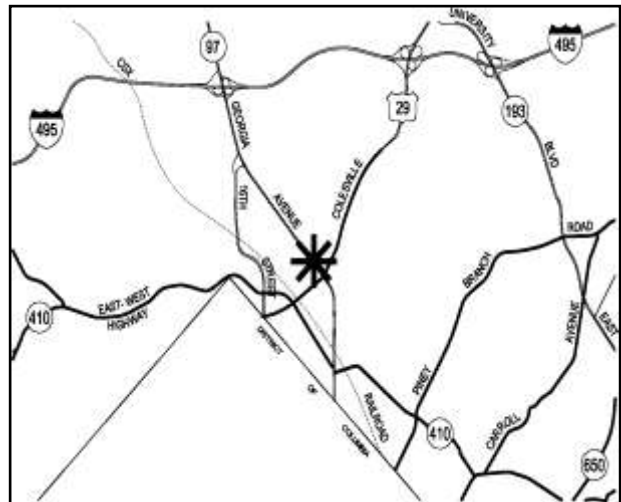
Completed: 04/09/2013

Description

Limited Site Plan Amendment No.82008023B: 8711 Georgia Avenue

Request to amend Site Plan Number: 82008023A (8711 Georgia Avenue) to amend the public art component of the approved site plan

Staff Recommendation: Approval with Conditions
Applicant: 8711 Georgia Avenue Parking Lot, LLC
Date Submitted: 01/23/2013



Summary

The applicant, 8711 Georgia Avenue Parking Lot, LLC, seeks approval of a site plan amendment application to amend the public art concept. As initially approved, the development was to provide a public art piece of mosaic tiled wall in the public use space designed along Fenton Street. An alternative art component is now being proposed to improve the project. The applicant is also proposing minor changes to the design of the public use space. The proposed modifications are in accordance with the 2000 Silver Spring CBD Sector Plan and the County's transportation and development standards. This application is being reviewed as a Limited Site Plan Amendment as changes are proposed to the public art concept and to the landscape details of the public use space. The public art component was one of the conditions of the project approval.

Recommendation and Conditions

Staff recommends approval of Site Plan Amendment No. 82008023B, 8711 Georgia Avenue. All conditions of approval from Site Plan No. 820080230 and Site Plan Amendment No. 82008023A remain in full force and effect, except as amended below. The following alternative public art option should be provided:

1. The applicant must provide for and install the public art sculpture designed by artist Barton Rubenstein as presented to the Art Review Panel on January 30, 2013. The sculpture called ‘Botero’s Ballerinas’ will consist of three stainless steel elements of approximately six to seven feet in height, and will be installed at the northeastern corner of the proposed public use space along Fenton Street. The art sculpture must have smooth edges and materials.
2. The landscape details, proportions, materials, and articulation of the rear public use plaza along Fenton Street must be similar to the site plan as illustrated on sheet nos. L1.0 and L 3.1A, dated 12-21-2012 of the submitted landscape drawings. The public use plaza must have a radial seating wall of one-foot, six-inches in height and three elongated benches for seating purposes.

I. SITE DESCRIPTION

A. Vicinity

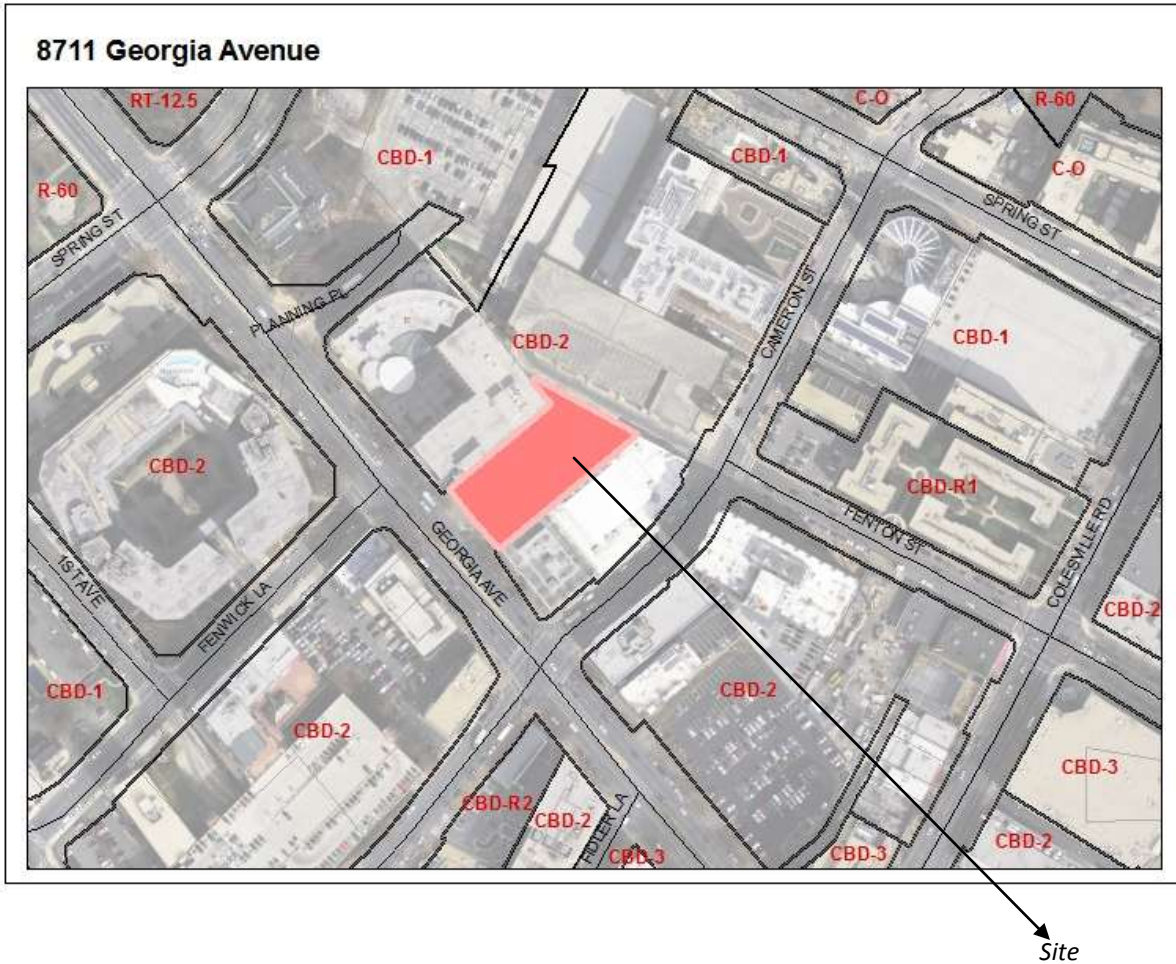
The proposed development is located at the north end of the Silver Spring Central Business District (CBD); on the east side of Georgia Avenue; just north of the intersection with Cameron Street. The surrounding area is zoned CBD-2 and is currently occupied by commercial office buildings ranging from 6 to 13 stories. The site is within a five minute walk of the Silver Spring Metro Station and Downtown Silver Spring.



Georgia Avenue Streetscape



Intersection of Fenton Street and Cameron Street



Site Vicinity Map

B. Site Analysis

The 8711 Georgia Avenue site is on the east side of Georgia Avenue, north of Cameron Street, and is approximately 38,185 square feet or .87 acre in area. Approximately 1,918 square feet will be dedicated for roadways, leaving a net tract area of 31,116 square feet. Construction of a mixed-use development has recently started on this site. The site was initially occupied by a surface parking lot. There are no overhead utility wires along either frontage. The site topography falls significantly away from Georgia Avenue.

The site has no significant environmental features. The existing buildings are served by public water and sewer connections.

II. PROJECT DESCRIPTION

A. Previous Approvals

The Planning Board approved Site Plan No. 820080230 on October 23, 2008 and allowed the development of 152,740 gross square feet of mixed-use project, including 148,278 square feet of office space and 4,462 square feet of general retail use, in a 13-story building. The site plan proposed maintaining the existing street wall on Georgia Avenue and providing an attractive public art plaza along Fenton Street. As one of the conditions of approval, the applicant engaged a local artist Martha Jackson-Jarvis to design a public art concept called "Urban Oasis" for the project's public use space. As part of the art concept, the artist was to design a "Wave Wall", a wall that will undulate like waves, allowing for the installation of a flowing mosaic of brightly colored materials of various sizes and textures. A second mosaic wall of uniform height was proposed to separate the driveway from the public use space.

Site Plan Amendment Application No. 82008023A was approved by the Planning Board on April 21, 2011 for the 8711 Georgia Avenue site. This amendment application replaced the proposed office use with 160 residential dwelling units, reduced the amount of ground floor retail and reduced the number of required parking spaces from 326 spaces to 194 spaces. The overall theme of the public art concept "Urban Oasis" remained the same with minor changes to the undulating wall length, lighting and landscaping.

B. Proposal

The applicant requests to modify the public art concept of the development project. As initially approved, the development was to provide two mosaic tiled walls. However, since the mosaic tiled installation does not weather well over time, the applicant is now proposing an alternative art component for the public use space. The new art piece called "Botero's Ballerinas" will be a wind-driven kinetic sculpture formed by three stainless steel elements, approximately six to seven feet in height. The sculpture will be installed at the northeastern corner of the public use space along Fenton Street. Designed by artist Barton Rubenstein, the wind-driven sculpture combines both the principles of science and art. At times, the three stainless steel elements will face each other, while at other times they will face away, standing independently. The variety of movements and shapes are symbolic of the human condition, and therefore allows one's imagination to wander and consider the sculpture as a metaphor for life.

A radial seating wall of approximately one-foot, six-inches in height is now proposed in place of the mosaic tiled 'Wave Wall'. Three elongated benches are also provided for seating purposes. A row of trees will now separate the driveway from the public use space.

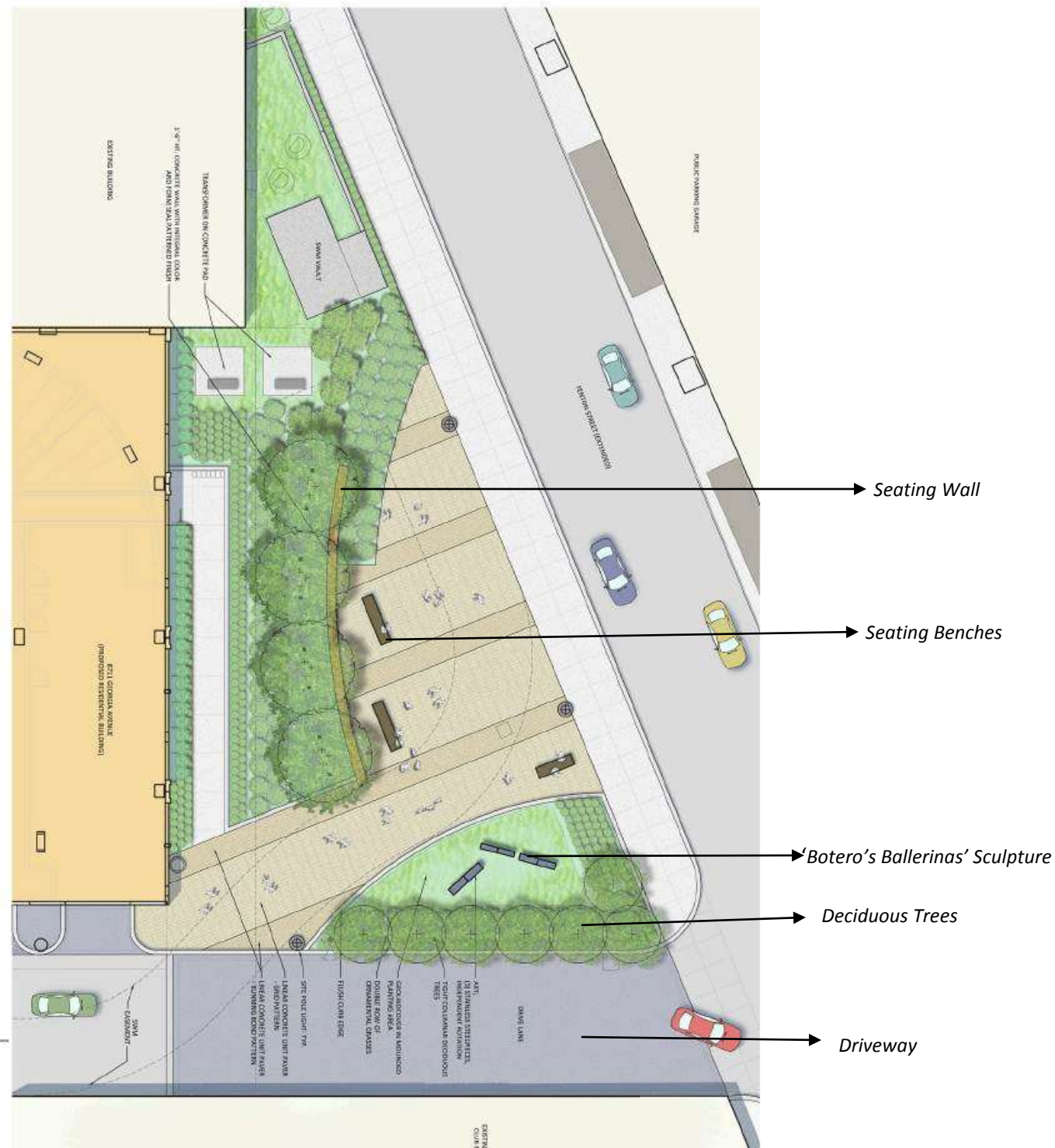


'Botero's Ballerinas' wind driven sculpture

Seating benches



Perspective Views of the Amended Public Use Space



Amended Public Use Space Site Plan



Property View from Georgia Avenue



Rear Property View from Fenton Street (Extended)

Property Photographs

III. PROJECT ANALYSIS

A. Master Plan

The Silver Spring CBD Sector Plan approved and adopted in 2000 promotes creating informal public use spaces to encourage interaction and to improve downtown's aesthetic appearance. The Plan supports public art, small scale architectural and streetscape details to encourage the development of pedestrian friendly active streets and sidewalks. An art piece installed in the public use space will enhance CBD's aesthetic appearance and will promote pedestrian environment. The public plaza and the art piece will also help in revitalizing the Fenton Street corridor. The proposal to install an art piece in the public use space along Fenton Street is in conformance with the Silver Spring CBD Sector Plan vision and recommendations.

B. Transportation and Circulation

The proposed amendments do not affect vehicular or pedestrian traffic.

C. Development Standards

The proposed amendments do not alter any development standards approved with the original site plan.

D. Environmental Review

The proposed amendments are within the originally approved Level of Disturbance and do not impact the existing FFCP approval.

E. Art Review Panel Recommendations

The project was reviewed by the Art Review Panel on January 30, 2013 (see attachment 3 for Art Review Panel recommendations). The Panel supported the new art concept for the development project. The panel also recommended more seating choices in the public use space. Safety and maintenance issues were discussed with regards to people playing with the sculpture pieces.

IV. COMMUNITY OUTREACH

The Applicant has met all proper signage, noticing, and submission meeting requirements. Notice of the subject amendments was sent to all parties of record on January 29, 2013. Staff has not heard from any neighboring property owner. There is no evidence of concern or objection.

V. CONCLUSION

Staff recommends approval of Limited Site Plan Amendment with conditions. The proposed modifications to the site plan do not alter the overall design character of the development in relation to the original approval and the site remains compatible with existing and proposed development adjacent to the site. The location of buildings and structures, vehicular and pedestrian circulation, open space, landscaping and lighting remain adequate, safe and efficient. The Site Plan Amendment is in conformance with the Silver Spring CBD Sector Plan and the development standards in the CBD-2 Zone.

VI. ATTACHMENTS

1. Planning Board Opinion for Site Plan # 820080230 reviewed on October 23, 2008
2. Planning Board Opinion for Site Plan # 82008023A (Amendment) reviewed on April 21, 2011.
3. Art Review Panel Recommendations



Attachment #1

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

MCPB No. 08-134
Site Plan No. 820080230
Project Name: 8711 Georgia Avenue
Date of Hearing: October 23, 2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is vested with the authority to review site plan applications; and

WHEREAS, on April 16, 2008, 8711 Georgia Avenue Parking Lot, LLC, ("Applicant") filed an application for approval of a site plan for 152,740 gross square feet of mixed-use development, with 148,278 square feet of office use above 4,462 square feet of ground-floor commercial uses ("Site Plan" or "Plan") on 0.87 acres of CBD-2-zoned land, located 250 feet north of the intersection of Georgia Avenue and Cameron Street ("Property" or "Subject Property"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820080230, (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated October 10, 2008, 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 October 23, 2008, 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

WHEREAS, on October 23, 2008, the Planning Board approved the Application subject to conditions on the motion of Commissioner Alfandre; seconded by Commissioner Cryor; with a vote of 4-0; Commissioners Alfandre, Cryor, Hanson, and Presley voting in favor and Commissioner Robinson being absent.

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, N.S.P.C. Legal Department 10 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Site Plan No. 820080230 for 152,740 gross square feet of mixed-use development, with 148,278 square feet of office use above 4,462 square feet of ground-floor commercial uses, on 0.87 gross acres in the CBD-2 zone, subject to the following conditions:

1. Project Plan Conformance

The proposed development must comply with the conditions of the approved Resolution for Project Plan No. 920050020, as amended by Project Plan No. 92005002A.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of the approved Resolution for Preliminary Plan No. 120060420, unless amended and approved by the Planning Board.

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. For documentation purposes, before the issuance of any building permit, 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 any building permit the Applicant must provide to Staff a written report 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.

4. Site Plan

a. Highlight the public pedestrian connection in both directions between Georgia Avenue and the art plaza on Fenton Street extended, at a minimum to include:

- i. on the south corner of the building, on Georgia Avenue, an illuminated entry feature similar to that illustrated on the "south" and "east" elevations on Sheet A.04 of the submitted architectural plans;
- ii. on the west-facing partial-floor building return located overhead within the pedestrian arcade (at the fifth bay from the north side of the building, as illustrated on the east elevation on Sheet A.04), adjacent to the driveway, an illuminated "way-finding" feature readily visible from the entry feature described above in condition 4.a.i;

- iii. on the east corner of the building, on the art plaza, an illuminated signage and entry feature;
 - iv. details of the above features must be included as exhibits in the Certified Site Plan;
 - b. Minimize to the greatest extent possible the opacity of any guardrail required by the building code to be located between the arcade on the southwest edge of the building and the adjacent driveway. Before issuance of any building use and occupancy permit, the Applicant must submit to M-NCPPC Development Review and Urban Design Staff the final guardrail design for approval;
 - c. The exterior architectural character, proportion, material, and articulation must be substantially similar to the schematic elevations shown on Sheet A.04 of the submitted architectural drawings, as determined by M-NCPPC Development Review and Urban Design Staff;
 - d. Reconfigure the on-site portion of the transition between the north-side driveway curb and the off-site Georgia Avenue exitway curbing to provide a more direct continuation.
5. Public Use and Amenity Space
- a. The Applicant must provide a minimum of 7,477 square feet (24 percent of the net lot area) as on-site public use space;
 - b. The on-site public use space must be easily and readily accessible to the general public and available for public enjoyment;
 - c. Provide a minimum of 11,556 square feet (37.1 percent of the net lot area), for off-site public amenity, of streetscape improvements;
 - d. Expand the on-site public use space to include the arcade access between Georgia Avenue and the plaza on Fenton Street extended;
 - e. Provide "Green Screen" or similar structures on the building elevation facing the Fenton Street extended, as illustrated on Sheets A.04 and L3.1.1 of the submitted architecture and landscape architecture drawings. The Applicant must populate these structures with climbing plants sufficient to cover a substantial proportion of the screens.
6. Streetscape
- a. As detailed below, provide the full-width Silver Spring streetscape standard, including, but not limited to, brick pavers, street trees, and street lighting, along the sidewalk running continuously along the block from the western corner of the property on Georgia Avenue around Cameron Street and, subject to Parking Lot District (PLD) approval, along the existing driveway for Parking Garage 2 (Fenton Street extended) and concluding at the northern limit of the site behind the existing building at 8757 Georgia Avenue;
 - b. On Fenton Street, extending from north end of sidewalk adjacent to property to intersection with Cameron, provide streetscape improvements, as

permitted by PLD, of Type "B" in accordance with the Silver Spring Streetscape Plan (April 1992) Technical Manual or as amended;

- c. On Georgia Avenue, install brick paving in herringbone pattern in the sidewalks, transitioning to basket-weave on Cameron Street. The two different patterns to be separated by a double row-lock band of brick pavers aligned with the face of the building on Georgia Avenue (8701). (Though this is not reflected in the Silver Spring Streetscape Plan, Technical Manual, April 1992, the concrete unit paver in "Plan A" is no longer being installed on Georgia Avenue and the brick specified in "Plan B" is being installed. Herringbone pattern is being used to differentiate Plan A from Plan B type paving.)

7. Public Art

- a. Provide for and install the public art concept designed by artist Martha Jackson-Jarvis, as presented to the Planning Department's Art Review Panel on February 15, 2008, and illustrated in the Certified Site Plan;
- b. Any significant changes to the concept presented on February 15, 2008, must be presented to the Art Review Panel and approved by Development Review Staff before Certified Site Plan;
- c. Significant changes to the concept, as determined by Development Review Staff, proposed after Certified Site Plan will require a Site Plan Amendment.

8. Transportation

- a. Provide dual handicapped ramps at the corners of Georgia Avenue at Cameron Street and Cameron Street at Fenton Street intersections, or as approved by Montgomery County Department of Permitting Services (MCDPS);
- b. Provide level/at-grade sidewalk across the garage driveway access along Georgia Avenue.

9. Environment

- a. Meet all afforestation requirements for the Subject Property off-site and not with landscape planting or street trees planted within the public right-of-way;
- b. Comply with the conditions of approval of the Final Forest Conservation Plan (FFCP).

10. Lighting

- a. All private on-site down-lighting fixtures must be full cut-off fixtures;
- b. Deflectors must be installed on all up-lighting fixtures causing potential glare or excess illumination;
- c. Lighting required for the public art installation may be exempted from the conditions 9.a. and 9.b. at the discretion of Development Review Staff at the time of Certified Site Plan;

- d. Provide additional site lighting along the through-block pedestrian and vehicular routes as well as in the public plaza along future Fenton Street extended, as necessary to meet IESNA best practices for public space illumination.

11. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated July 23, 2008, unless amended and approved by the Montgomery County Department of Permitting Services.

12. Development Program

The Applicant must construct the proposed development in accordance with a Development Program. A Development Program shall be reviewed and approved by M-NCPPC Staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. Streetscape improvements to Georgia Avenue, Cameron Street, and, unless disapproved by the Parking Lot District, the future Fenton Street extension, as illustrated on the Certified Site Plan, must be completed before issuance of any use and occupancy permits;
- b. On-site public use space, including the associated public art installation, paving, lighting, and landscaping, must be completed before issuance of any use and occupancy permits;
- c. All on-site landscaping must be completed within six months of the issuance of any use and occupancy permits;
- d. Phasing of pre-construction meetings, dedications, sediment/erosion control, or other features must be specified;
- e. The "Green Screen" required by condition 5.e. must be installed on the building prior to issuance of any building use and occupancy permits and be planted within 6 months of the issuance of any building use and occupancy permits.

13. Clearing and Grading

- a. The Applicant may demolish the existing structures on the site prior to M-NCPPC approval of the Certified Site Plan, but only after approval of the Final Forest Conservation Plan and the pre-construction meeting;
- b. The Applicant must ensure that there is no clearing or grading of the subject site prior to M-NCPPC approval of the Certified Site Plan.

14. Maintenance

- a. The Applicant is responsible for maintenance of on-site landscaping and public use space;

- b. The Applicant must coordinate with the Silver Spring Urban District/Regional Services Center for maintenance of off-site public amenity space, including all streetscape improvements, both on- and off-site, except as specified below;
- c. Enter into an agreement with the Montgomery County Parking Lot District (PLD) for the maintenance of streetscape improvements where proposed site paving extends into PLD Property.

15. Certified Site Plan

Prior to Certified Site Plan approval, the following revisions, and those described in the above conditions, shall be included and/or information provided, subject to Staff review and approval:

- a. Minor corrections and clarifications to site details and labeling;
- b. A revised photometric plan to include all site lighting, specifically along the pedestrian arcade and driveway as well as the public plaza fronting future Fenton Street extended;
- c. Development Program, Inspection Schedule, Approved Forest Conservation Plan, and Site Plan Resolution;
- d. All areas within the project Limits of Disturbance, including all off-site improvements;
- e. Provide Development Review Staff with a final version of the executed agreement, including permission for streetscape improvements within the driveway, with the Parking Lot District for access to the existing exit driveway for Parking Garage 2;
- f. Adjust sidewalk paving details per condition 6;
- g. Revise sidewalk paving details to show the brick paver to be used in the streetscape as the Belden 470-479 'Silver Spring';
- h. Change specified wattage on the Washington Globe street lights, planned for Fenton and Cameron Streets, from 175 watts to 250 watts.

BE IT FURTHER RESOLVED that all site development elements as shown on 8711 Georgia Avenue drawings stamped by the M-NCPPC on August 29, 2008, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference, and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

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, as amended by Project Plan Amendment No. 92005002A. The revised design improves upon the overall quality and character of the Project Plan.

2. *The Site Plan meets all of the requirements of the CBD-2 zone 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 below. The building height and density remain unchanged from the approved Project Plan, and the modifications to the building setbacks, vehicular access, and public use space provide a superior design.

Requirements of the CBD-2 zone

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the developments standards proposed for approval. The Planning Board finds, based on the aforementioned data table, and other 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 Planning
 Board and Binding on the
 Applicant

Min. Gross Tract Area (square feet)	38,185
Previously Dedicated Area	-5,151
Proposed Dedicated Area	-1,918
Net Lot Area	31,116
Max. Density	
Office (sf.)	148,278
Office (FAR)	3.88
Retail (sf.)	4,462
Retail (FAR)	0.12
Total (sf.)	152,740
Total (FAR)	4
Max. Building Height (ft.) ¹	143
Max. Stories	13
Min. Building Setbacks (ft.)	
Georgia Avenue ROW	0
East (Public Garage 2)	0
North	0
South	0
Min. On-Site Public Use Space, (% of Net Lot Area)	24
Min. On-Site Public Use Space, (sf.)	7,477
Min. Off-Site Public Amenity Space, (% of Net Lot Area)	37.1
Min. Off-Site Public Amenity Space, (sf.)	11,556
Min. Total On- & Off-Site Public Use & Amenity Space (% of Net Lot Area)	61.1
Min. Total On- & Off-Site Public Use & Amenity Space (sf.)	19,033
Max. Parking Spaces	326

¹ Measured from the center of the building on Georgia Avenue.

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

a. 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 of 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 twenty-four percent of the net lot area for public use on-site, including an attractive plaza with a dynamic public art component adjacent to the expected extension of Fenton Street, and about thirty-seven percent of the net lot area for off-site streetscape improvements, a significant contribution which largely completes installation of the Silver Spring Streetscape Standard for the block. The approved Project Plan included a slightly larger percentage of public use space, 26.6 percent, but the Applicant's addition to the 24 percent of a dynamic public art installation well compensates for this modest shortfall. The potential for the short-term retention/replacement of the existing retaining wall on the Parking Lot District property between the plaza and the driveway impairs neither the quality of the space nor its longer-term adequacy, safety, or efficiency. Each of these features contributes to a significantly improved pedestrian experience that is adequate, safe, and efficient.

c. Landscaping and Lighting

The proposed landscaping on this urban infill site primarily provides a spatial context for the "urban oasis" public plaza along Fenton Street extended. Both the bordering tree stands and the foliated green screens along the lower floors of the building itself elevate and reinforce the central theme defining this unique urban destination. The on-site lighting, including a proposed illuminated entry feature highlighting the passage from Georgia Avenue through the site to the plaza, similarly direct and reinforce the pedestrian experience through the site, from both directions.

Further, the Applicant is providing street trees and pole lighting off-site, per MCDOT standards for Georgia Avenue and the Silver Spring Streetscape Standard for Georgia Avenue, Cameron Street, and, with Parking Lot District Approval, along the driveway for Parking Garage 2, as part of their public amenity contribution. The landscape and lighting are central to the successful design of this site, and are more than adequate, safe, and efficient.

d. Recreation Facilities

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

e. Vehicular and Pedestrian Circulation

This design does an excellent job of improving pedestrian and vehicular circulation into, through, and out of the site, providing attractive connections and destinations to both Georgia Avenue and future Fenton Street extended. Sidewalks exist on both sides of the site and are actively used on a daily basis. The architecture, landscaping, signage, and lighting encourage pedestrian traffic through the site along the covered arcade along the southern edge of the building. The vehicular circulation provides access from Georgia Avenue for both parking and service, and egress to both Georgia Avenue and future Fenton Street extended. This Site Plan improves mid- and through-block circulation, both pedestrian and vehicular, and is adequate, safe, and efficient.

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 and Cameron Streets, including the adjacent hotel, office buildings, and other mixed-use structures in 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, including off-site improvements, is subject to forest conservation requirements. The site does not currently include any trees, and the Applicant expects to meet their forest conservation requirements through on-

and off-site planting and/or fee in lieu. Final conformance will be verified by Certified Site Plan.

The proposed storm water management concept approved by DPS on July 23, 2008, consists of on-site water quality via a Storm Filter and a "green" roof. On-site recharge is not required since this is a redevelopment.

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

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

DEC 08 2008
BE IT FURTHER RESOLVED, that the date of this Resolution is _____ (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 Alfandre, seconded by Commissioner Cryor, with Commissioners Alfandre, Cryor, Hanson, and Presley present and voting in favor of the motion, and Commissioner Robinson absent, at its regular meeting held on Thursday, October 23, 2008, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board

8-08023 - 8711 Georgia Avenue
Elza Hisel-McCoy

also PP 9-05002A

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Silver Spring, MD 20910

Woodlin Elementary School
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Sligo Middle School
1401 Dennis Avenue
Silver Spring, MD 20902

Einstein High School
2101 Luzerne Avenue
Silver Spring, MD 20910

MNCPPC
Development Review Division
Intake Section
8787 Georgia Avenue
Silver Spring, MD 20910

8711 Georgia Avenue Associates
c/o Zalco Realty, Inc.
8701 Georgia Avenue
Silver Spring, MD 20910



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-35
Site Plan No. 82008023A
Project Name: 8711 Georgia Avenue
Hearing Date: April 21, 2011

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on October 23, 2008, the Planning Board approved Site Plan No. 820080230 for the project named 8711 Georgia Avenue Office, for a mixed use development totaling 152,740 square feet designating up to 140,278 square feet of office space and 4,462 square feet of general retail use on 0.87 acres in the CBD-2 Zone, located on the east side of Georgia Avenue, 250 feet north of the intersection of Georgia Avenue and Cameron Street (the "Property") in the Silver Spring CBD Sector Plan ("Master Plan") area; and

WHEREAS, on January 14, 2011, 8711 Georgia Avenue Parking Lot LLC, ("Applicant"), filed a site plan amendment application designated 82008023A, 8711 Georgia Avenue (the "Amendment") for approval of the following modifications:

1. Change use from retail and office use to residential and retail use. The Amendment includes up to 152,740 gross square feet of mixed-use development, with 150,340 square feet of residential use (60 dwelling units of which 12.5% are MPDU's) above 2,400 square feet of ground floor retail uses.
2. Reduce number of on-site parking spaces from 326 to 194 within and underneath the building to account for the change in use.
3. Modify design of public use space, including a reduction in size from 19,033 square feet to 18,564 square feet in response to changes to the access drive and stormwater access easement.
4. Modify on site driveway to accommodate change in use and comments by the Montgomery County Department of Transportation ("MCDOT").
5. Modify loading area to accommodate change in use.

All other elements of the previously approved Site Plan, including building density and heights remain unchanged; and

Approved as to
Legal Sufficiency:

[Signature] 7/21/11

8787 Georgia Avenue, N.M.C.P.C. Legal Department 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncpc.org

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staff of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated April 8, 2011, setting forth its analysis and recommendation for approval of the Amendment, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 21, 2011, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on April 21, 2011 the Planning Board approved the Amendment subject to conditions on motion of Commissioner Alfandre; seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Alfandre, Carrier, Wells-Harley, and Presley voting in favor. Commissioner Dreyfuss was absent from the Hearing.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board hereby APPROVES the Amendment, subject to the following conditions:

1. Site Plan

All previous conditions of Site Plan 820080230 apply except for the following:

- a. The exterior architectural character, proportion, material, and articulation must be substantially similar to the schematic elevations shown on Sheet A.04 of the submitted architectural drawings, as determined by M-NCPPC Area 1 Design staff;
- b. Reconfirm with State Highway Administration, by time of certified site plan, that turning radius dimension at access drive on Georgia Avenue may be reduced from the standard 30' to 20' (a turning radius of 20' was previously approved by SHA). A 20' turning radius is desirable in urban areas such as the Silver Spring CBD as it provides a safer pedestrian environment.
- c. Public Use and Amenity Space
 - i. The Applicant must provide a minimum of 6,950 square feet (22.4 percent of the net lot area) as on-site public use space;
 - ii. Provide a minimum of 11,605 square feet (37.3 percent of the net lot area) of streetscape improvements as an off-site public amenity.;
 - iii. Provide "Green Screen" or similar structures on the building elevation facing Fenton Street extended, as illustrated on Sheets A.04 and L3.1.1 of the submitted architecture and landscape architecture drawings. The Applicant must populate these

structures with climbing plants sufficient to cover a substantial proportion of the screens when the plants mature.

d. Streetscape

- i. On Fenton Street, extending from north end of sidewalk adjacent to property to intersection with Cameron, replace with new concrete sidewalk as needed as permitted by Montgomery County.
- ii. On Georgia Avenue, install Belden brick paver #470-479 'Silver Spring Special' in herringbone pattern parallel to curb in the sidewalks, transitioning to basket-weave on Cameron Street. The two different patterns to be separated by a double row-lock band of brick pavers aligned with the face of the building on Georgia Avenue (8701).
- iii. On Georgia Avenue, where an amended soil panel under the sidewalk is required by the Streetscape Standards, replace paving with planted beds or green panels. Total dimension to be approximately 20' X 6', set 16" from back of curb. There is to be a metal wicket barrier on all four(4) sides. Specification for this barrier to be approved at Certified Site Plan.

e. Environment

- i. Meet all afforestation requirements for the subject site off-site and not with landscape planting or street trees planted within the public right-of-way. Submit fee in lieu prior to any land disturbing activity
- ii. Comply with the conditions of approval of the Final Forest Conservation Plan (FFCP);

f. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated July 23, 2008, and the administrative waiver granted on November 22, 2010, unless amended and approved by the Montgomery County Department of Permitting Services based on a revised concept plan submitted by the applicant.

g. Development Program

The Applicant must construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- i. Streetscape improvements to Georgia Avenue, Cameron Street, and, unless disapproved by the Parking Lot District, the future Fenton Street extension, as illustrated on the Certified Site Plan,

- must be completed before issuance of any use and occupancy permits;
- ii. On-site public use space, including the associated public art installation, paving and lighting, must be completed within six months of issuance of any use and occupancy permits;
- iii. All on-site landscaping must be completed within six months of the issuance of any use and occupancy permits;
- iv. Specify phasing of pre-construction meetings, dedications, sediment/erosion control, or other features;
- v. The "Green Screen" required by condition 5.f. must be installed on the building prior to issuance of any building use and occupancy permits and be planted within 6 months of the issuance of any building use and occupancy permits.

h. Certified Site Plan

Prior to Certified Site Plan approval the following revisions, and those described in the above conditions, shall be included and/or information provided, subject to staff review and approval:

- i. Minor corrections and clarifications to site details and labeling;
- ii. Development Program, Inspection Schedule, Approved Forest Conservation Plan, and Site Plan Resolution;

i. Transportation

- i. The Applicant must limit development on the property to not more than 160 high-rise residential units and not more than 2,400 SF of retail.
- ii. The Applicant must enter into Traffic Mitigation Agreement ("Agreement") with the Planning Board and the Montgomery County Department of Transportation (DOT) to participate in the Silver Spring Transportation Management District (TMD). The final Agreement must be executed prior to the release of any building permit for the proposed development.

For the purpose of these conditions, the term "applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

BE IT FURTHER RESOLVED that all site development elements as shown on 8711 Georgia Avenue drawings stamped by the M-NCPPC on January 14, 2011, shall be required, except as modified by the above conditions of approval and

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 (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Amendment is consistent with the approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

This Amendment is consistent with the approved Project Plan, as amended by Project Plan Amendment 92005002B. The revised design does not diminish the overall quality and character of the Project Plan.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Board finds that Site Plan meets all of the requirements of the Central Business District 2 (CBD-2) zone as demonstrated by the project Data Table on page 16 of the Staff Report. The building height remains unchanged from the previously approved Site Plan, and the modifications to the mix of uses, vehicular access, and public use space are minor in scope. Therefore, this Amendment does not change the Board's finding from the Original Site Plan.

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

The proposed residential building is similar in design and massing to the office building approved under the original Site Plan and continues to provide an appropriate density and mix of uses 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.

The plan proposes twenty-two percent of the net lot area for public use on-site, including an attractive plaza with a dynamic public art component adjacent to the expected extension of Fenton Street, and about thirty-seven percent of the net lot area for off-site streetscape improvements, a significant contribution which largely completes installation of the Silver Spring Streetscape Standard for the block. The previously approved Site Plan included a slightly larger percentage of public use space, but the Applicant's 1.6 % reduction in total on-site public use space does not affect the overall quality of the proposed design and is still above the 20% minimum requirement.

The proposed landscaping on this urban infill site primarily provides a spatial context for the “urban oasis” public plaza along Fenton Street extended. Both the bordering tree stands and the foliated green screens along the lower floors of the building itself elevate and reinforce the central theme defining this unique urban destination. The on-site lighting, including a proposed illuminated entry feature highlighting the passage from Georgia Avenue through the site to the plaza, similarly directs and reinforces the pedestrian experience through the site, from both directions. The landscape and lighting are central to the successful design of this site, and are more than adequate, safe, and efficient.

a. Pedestrian and Vehicular Circulation Systems

The vehicular and pedestrian circulation proposed continues to provide access from Georgia Avenue for both parking and service, and egress to both Georgia Avenue and future Fenton Street extended. This site plan improves mid- and through-block circulation, both pedestrian and vehicular, and is adequate, safe, and efficient.

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

The Board finds that the building is compatible with other constructed, proposed, and planned high-rise mixed-use development along Georgia Avenue and Cameron Streets, including the adjacent hotel, office buildings, and other mixed-use structures in 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 Amendment, including off-site improvements, is subject to forest conservation requirements. The site does not currently include any trees, and the Applicant will meet their forest conservation requirements through on- and off-site planting and/or fee in lieu. This Amendment does not change the Board's finding from the Original Site Plan

The proposed storm water management concept approved by DPS on July 23, 2008, consists of on-site water quality via a Storm Filter and a “green” roof. On-site recharge is not required since this is a redevelopment.

BE IT FURTHER RESOLVED, the Planning Board further finds that with the above conditions of approval that the Amendment is consistent with the provisions of §

59-D-3.7 of the Zoning Ordinance and that the Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in connection with the originally approved site plan; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; 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 Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

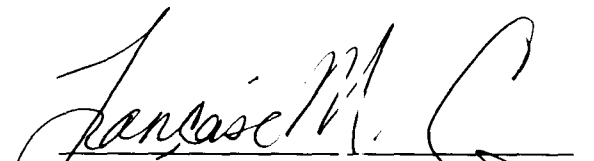
BE IT FURTHER RESOLVED, that the date of this written resolution is AUG 18 2011 (which is the date that this resolution is mailed to all parties of record); and

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 written opinion, 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 Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley and Commissioners Dreyfuss and Presley present and voting in favor of the motion and Commissioner Anderson abstaining at its regular meeting held on Thursday, July 28, 2011, in Silver Spring, Maryland.



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Attachment 3 - Art Review Panel Meeting Notes – 01-30-13

Meeting Notes

I. 8711 Georgia Avenue

- The public use space is towards the rear of the property between the existing parking garage and the proposed building (at the end of Fenton Street).
- This area already receives high-volumes of pedestrian traffic during the lunch and evening hours from the M-NCPPC office, LA Fitness users, and parking garage traffic.
- A mid-block crossing was also proposed and will receive high-volumes of pedestrian traffic.
- At the eastern corner (where the driveways meet), becomes the prime location for the sculpture. This spot will be most visible from Georgia Avenue and pedestrian sidewalk along the street edge.
- A model was presented to the Panel.
- Materials of the piece consist of stainless steel and bearings (7 ft. x 6.5 ft. x 6 ft. tall).
- Due to the nature of the piece, light will be reflected from the sun and the surrounding uses. However, up-lighting will also be provided.
- Wind-driven kinetic piece that combines both science and art.
- Three different pieces rotate individually. The narrowest spacing (at the top of the pieces) is approximately 9 inches.
- Total weight is approximately 150-200 lbs.
- Create the illusion that they may touch; however, will not touch.
- Symbolic of the human condition; and therefore, allow one's imagination to wander.

Recommendations from the Panel

- a) More seating was suggested. Three elongated back-less benches and a seating wall are currently provided.
- b) Safety and maintenance issues were discussed with regarding to people playing with the pieces/ touching the pieces, drawing on the pieces, etc. The materials and edges of the piece are "child-friendly".
- c) The plantings (groundcover and perennials) and mounding effects help to emphasize the significance of the place (create a stage). This should detract from kids using this area as a playground.