



8621 Georgia Avenue, Consent Site Plan Amendment 82011006B



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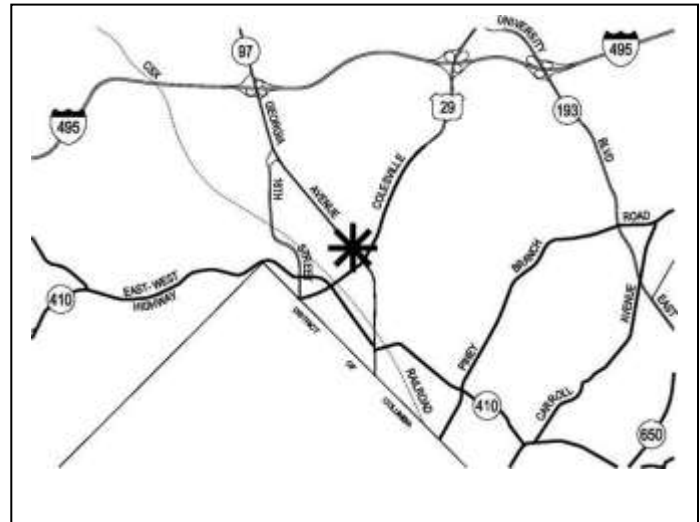


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Staff Report Date: 10.31.14

Description

- Location: 8621 Georgia Avenue
- Zone: CBD-2
- Master Plan: Silver Spring CBD Sector Plan
- Tract Size: 0.69 acres
- Request: Remove one level of parking and make minor changes to building elevations, landscape and the clubhouse/pool layout. Eliminate curb and plantings along South wall adjacent to loading area.
- Applicant: 8621 Limited Partnership
- Planning Board: November 13, 2014
- Filing Date: June 20, 2014



Summary

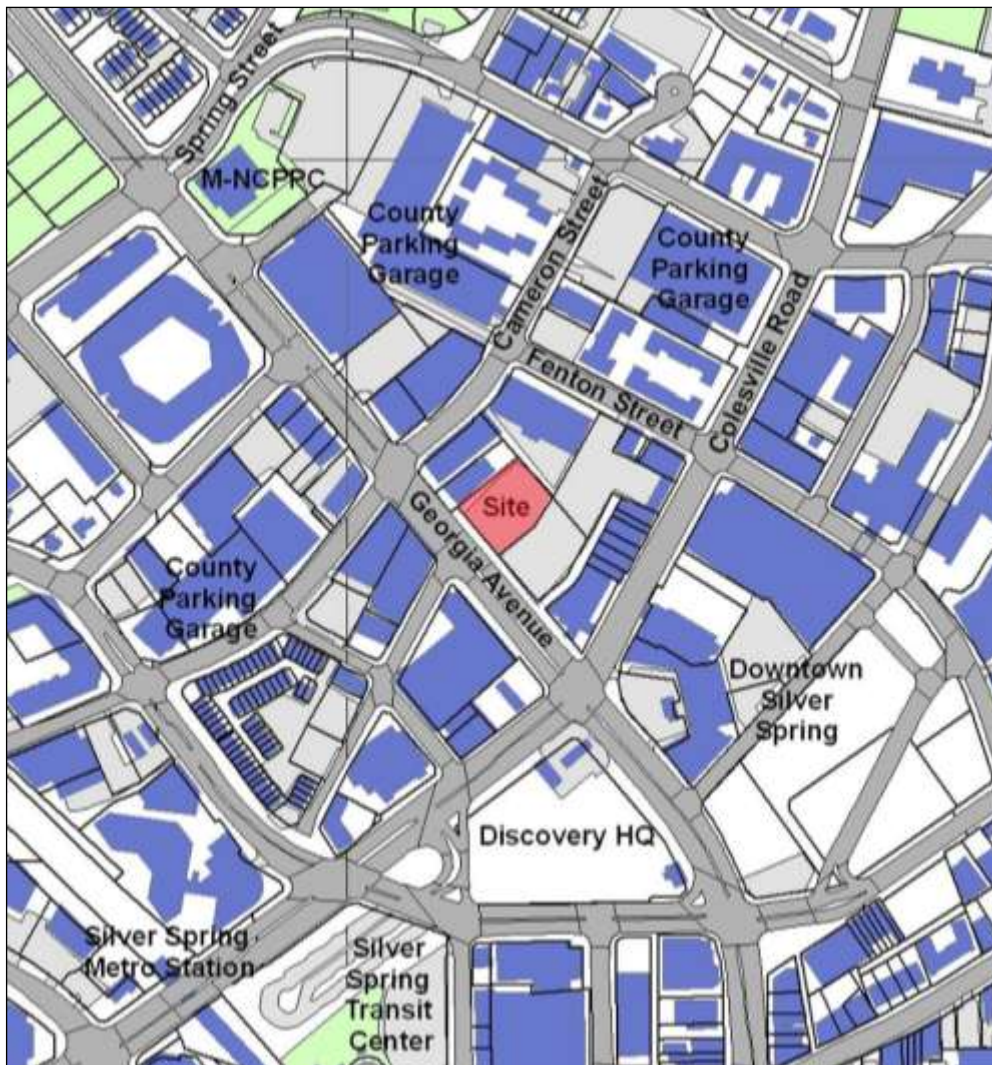
- The staff recommends **approval** of Site Plan Amendment 82011006B

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 and the Montgomery Regional Office of M-NCPPC. Adjacent uses include multi-family residential, office, retail, and cultural uses.

The Site is zoned CBD-2. On the north side of the Site is a three story office building, and a two story parking structure is located to the northeast. Recently 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 820100100). Further to the south is the 12 story art-deco style Lee Office Building.



Vicinity Map

Site Analysis

The Site is 0.69 acres in size and consists of extensive impervious surface cover due to an existing parking lot which occupies the tract area as well as the property immediately to the southeast. The Site slopes gently to the northeast. Along the Georgia Avenue sidewalk are several street trees and a hedge screen. There are no streams, wetlands, floodplain, or other environmentally-sensitive features located on the Subject Property, including forest areas and significant or specimen trees.



Figure 3: Aerial Photo Looking North

PROJECT DESCRIPTION

Previous Approvals

On November 19, 2009, the Planning Board approved with conditions Project Plan No. 920100010 (Planning Board Resolution 09-144, dated December 14, 2009) for a mixed-use building containing 191,281 gross square feet of space, including 185,072 square feet of office uses and 6,209 square feet of ground floor retail/restaurant uses.

Since the lot is recorded in the land records and no dedication is required, a Preliminary Plan of Subdivision is unnecessary. Adequate Public Facilities Ordinance requirements were addressed with the Site Plan application.

On July 21, 2011, the Planning Board approved with conditions Site Plan No. 820110060 (Planning Board Resolution 11-73, dated January 23, 2012) for 191,281 square feet of development including 185,072 square feet of office above 6,209 square feet of street front retail/restaurant space.

On April 4, 2013, the Planning Board approved with conditions Project Plan Amendment 92010001A (Planning Board Resolution 13-46, dated April 11, 2013) and Site Plan Amendment 82011006A (Planning Board Resolution 13-45, dated April 11, 2013) to convert the primary use from office to residential, with a total of 263,356 square feet of space, including up to 292 dwelling units (with 12.5% MPDUs and 17 workforce housing units) and 1,619 square feet of non-residential uses.

Proposal

The Applicant requests the following modifications to the Site Plan:

1. Eliminate proposed below grade parking;
2. Revise building elevations;
3. Revise clubhouse and pool layout; and
4. Eliminate curb and plantings along South wall adjacent to loading area.

ANALYSIS AND FINDINGS

Transportation and Circulation

The proposed amendment does not affect vehicular, pedestrian or bicyclist circulation.

Environment

The proposed amendment maintains compliance with Chapter 22A regarding forest conservation.

A revised Storm water management concept was approved By DPS on July 11, 2014 (refer to Attachment B).

Development Standards

The proposed amendment reduces the total number of parking spaces provided on-site from 210 spaces to 177. The site is located within the Silver Spring CBD Parking Lot District (PLD), so the Applicant will pay the PLD tax for the difference between the spaces required by the Zoning code and the number

provided onsite. Otherwise, the amendment does not alter the development standards approved with the previous Site Plan, No. 82011006A.

COMMUNITY OUTREACH

The Applicant has met all the proper signage, noticing, and submission meeting requirements. Staff has received no correspondence on this Amendment.

CONCLUSION

The proposed Site Plan Amendment do not alter the overall design of the development in relation to the previous approval, and the proposed project remains compatible with existing and proposed development adjacent to the site. All previous approvals remain in full force and effect, as modified by these Amendments.

APPENDIX

- A. Approved Resolutions
- B. Agency Letters



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

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-NCPPC 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 Intentions 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

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 on 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.

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

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Three Oaks Homeowners Assn.
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9-100010 – 8621 Georgia Avenue
Reviewer – Elza Hisei-McCoy

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

APR 11 2013

MCPB No. 13-46
Project Plan No. 92010001A
8621 Georgia Avenue
Date of Hearing: April 4, 2013

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-2, the Montgomery County Planning Board is authorized to review project plan applications; and

WHEREAS, by MCPB Resolution No. 09-144, on December 14, 2009, the Planning Board approved Project Plan No. 920100010 for a mixed-use development of 191,281 square feet of space, consisting of 6,209 square feet of ground floor retail/restaurant uses below 185,072 square feet of office at 8621 Georgia Avenue, approximately 75 feet west of the intersection of Georgia Avenue and Colesville Road ("Subject Property") on 0.69 acres of land comprised of one CBD-2 zoned lot located in the 2000 Silver Spring Central Business District ("CBD") Sector Plan ("Sector Plan") area; and

WHEREAS, on November 9, 2012, 8621 Limited Partnership ("Applicant") filed an application to amend Project Plan No. 920100010 to change the primary use of the Subject Property from high-rise commercial to high-rise residential as a mixed-use development of 263,356 square feet of space, consisting of 1,619 square feet of commercial uses and 261,737 square feet of residential uses with 292 dwelling units, including 12.5% moderately priced dwelling units ("MPDUs") and 17 workforce housing units ("WFHUs"); and

WHEREAS, Applicant's project plan amendment application was designated Project Plan No. 82011001A, 8621 Georgia Avenue ("Application" or "Project Plan"); and

WHEREAS, following review and analysis of the Application by Planning Board Staff ("Staff") and other governmental agencies, Staff issued a memorandum to the

Approved as to
Legal Sufficiency:

[Signature] 4/4/13

Planning Board, dated March 20, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 4, 2013, the Planning Board held a public hearing on the Application, and at the hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board APPROVES Project Plan No. 82011001A, 8621 Georgia Avenue, for a mixed-use development consisting of no more than 263,356 square feet of gross floor area, with 1,619 square feet of commercial uses and 261,737 square feet of residential uses consisting of no more than 292 dwelling units, including 12.5% MPDU's and 17 WFHUs on the Subject Property, subject to the following conditions:¹

1. Development Ceiling

The development is limited to 263,356 square feet of gross floor area and a maximum 5.5 FAR including a maximum 1,619 square feet of commercial uses and 261,737 square feet of residential uses consisting of no more than 292 dwelling units. The delineation of the total area into 261,737 square feet of residential uses and 1,619 square feet of retail is recognized as preliminary and will be finalized at Site Plan.

2. Housing

The Applicant must provide a minimum of 12.5% of the total number of units onsite as MPDUs, consistent with the requirements of Chapter 25A of the Montgomery County Code; and at least 17 units as WFHUs, consistent with the requirements of Chapter 25B, Article V.

3. Building Height and Mass

The development is limited to the building footprint as delineated on the Project Plan drawings submitted to MNCPPC dated February 22, 2013, unless modified during site plan review. The development is limited to a maximum building height of 161

¹ 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.

feet as determined by the Montgomery County Department of Permitting Services ("MCDPS") approved building height measurement point.

4. Architecture

The exterior architectural character, proportion, material, and articulation must be substantially similar to the schematic elevations shown on Sheets A1-A4 of the submitted architectural drawings, as determined by Staff, unless modified during site plan review.

5. Public Use Space and Amenities

- a) The Applicant must provide a minimum of 4,225 square feet of public use space (13.8% of net lot area) on-site.
- b) In lieu of providing the 1,844 remaining square feet (6.2%) 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 \$251,497 towards development of Gene Lynch Urban Park as the amenity site, in the Silver Spring CBD. The payment must be submitted to the M-NCPPC prior to release of the first building permit.
- c) At the time of site plan review, the Board may approve an alternative amenity site, as recommended by 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) The Applicant must provide public art on-site, integrated into the overall site design.
- e) Final design of the public art must be selected by the time of certified site plan.
- f) As a public amenity, the Applicant must provide streetscape improvements per the Silver Spring Streetscape Standard along the Subject Property's frontage on Georgia Avenue.

6. Staging of Amenity Features

- a) The development will be completed in one phase. A detailed development program will be required prior to approval of the certified site plan.

- b) The Applicant must complete the on-site public use space improvements prior to issuance of use and occupancy permits unless modified by the site plan development program.
- c) The Applicant must install the landscaping no later than the next growing season after completion of the building and site work.

7. Maintenance

Prior to issuance of use and occupancy permits, the Applicant must create and implement a maintenance plan for all on-site public use space or make alternative arrangements for on-going maintenance.

BE IT FURTHER RESOLVED that all elements of Project Plan No. 82011006A, 8621 Georgia Avenue, stamped received by The M-NCPPC on February 22, 2013, are required except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that all conditions Project Plan application 920130020 are superseded by this approval; and

BE IT FURTHER RESOLVED that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein) and having considered the entire record, all applicable elements of § 59-D-2.43, and the relevant provisions of Section 59-D-2.42, the Planning Board, with the conditions of approval, FINDS:

(a) The development complies with all of the intents and requirements of the CBD-2 zone as applied comprehensively to the Project.

Although the maximum FAR permitted in the CBD-2 zone is 5.0, and maximum building height in the CBD-2 zone is 143 feet, the Zoning Ordinance provides for developments with WFHUs to exceed those limitations in certain circumstances. This Application provides 292 residential units (including 12.5% MPDUs and 17 WFHUs), and 1,619 square feet of street front commercial uses with a maximum building height of 161 feet, and a FAR of 5.5. Section 59-A-6.18.2(c) states:

To allow the construction of workforce housing units on site, the Planning Board must permit:

- (1) any residential density or residential FAR limit of the applicable zone to be exceeded to the extent required for the number of workforce housing units that are constructed, but not by more than 10 percent of the total FAR or number of dwelling units;
- (2) a residential density or residential FAR limit established in a master or sector plan to be exceeded to the extent required for the number of workforce housing units that are constructed, but not to more than the maximum density and FAR of the zone, except as provided in paragraph (1); and
- (3) any building height limit established in a master or sector plan to be exceeded to the extent required for the number of workforce housing units that are constructed, but not to more than the maximum height of the zone.

Furthermore, Section 59-C-6.2 (footnote 11) allows the Planning Board to approve a height that exceeds 143 feet, but not more than 200 feet in the CBD-2 zone under the optional method of development process if the additional height is necessary for the project to accommodate workforce housing under Section 59-A-6.18. However, the additional height must not be more than required for the number of workforce housing units that are constructed.

Seventeen units are proposed on the uppermost floor of the building in concert with the number of workforce housing units provided. An 18 foot height increase for an additional floor is necessary to accommodate the seventeen dwelling units and rooftop building amenities including a swimming pool, pool lounging and sitting areas, and an indoor community room. Additional height of the community room will provide a more varied roof line and a clubroom that takes advantage of the best vista from the site. Pedestrians walking up Fidler Lane will be able to see a more interesting building façade and residents will enjoy sweeping views of downtown Silver Spring from a glass enclosed rooftop space that offers a superior amenity to all residents of the building. The additional height for the community room provides for amenities to benefit not only the market rate units but the greater number of affordable units being proposed with the Application and provides the opportunity for more below market units in this project. The site is narrow and deep and the Planning Board finds the location of the clubroom is appropriate and the height of the room is justified to provide a superior amenity on a site where options for placing such amenities are very limited. Furthermore, the value added to the building through the upgraded amenities will translate into higher market rate rents to support the added cost to the project to provide the 17 WFHUs. Therefore, the Planning Board finds that the 161 foot building height is necessary for the project to accommodate the number of workforce housing units that are being constructed.

The CBD-2 zone is the area of land lying generally between the core area and the areas of the lowest density within the CBD. More specifically, Section 56-C-6.212 outlines the intent of the CBD zones by:

- (a) Encouraging development in accordance with an adopted and approved master or sector plan by permitting an increase in density, height, and intensity where such increase is approved on review by the Planning Board.
- (b) Permitting a flexible response of development to the market, and to provide incentives for the development of a variety of land uses and activities in CBDs to meet the needs and requirements of workers, shoppers, and residents.
- (c) Encouraging designs which produce a desirable relationship between the individual buildings in the CBD, between the buildings and the circulation system and between the CBD and adjacent areas.
- (d) Promoting the effective use of transit facilities in the CBD and pedestrian access thereto.
- (e) Promoting improved pedestrian and vehicular circulation.
- (f) Assisting in the development of adequate residential areas for people with a range of different incomes.
- (g) Encouraging land assembly and the most desirable use of land in accordance with a sector plan.

For the reasons discussed below, the Planning Board finds that this Application meets the intents of the zone. The increased density and amenities for this project achieved through the optional method of development implement recommendations of the Sector Plan. The Amendment is a flexible response by the Applicant to market conditions. Following extensive marketing of the site as a commercial project, the Applicant concluded that a residential building with street front retail was more suitable in today's economy. A residential building within close walking distance to the metro and retail offerings of downtown Silver Spring is a viable use for this location. The residents of the building and customers of the street front retail use will further enliven this block of Georgia Avenue with more pedestrian traffic. A new retail use in this location will likely complement the existing retail uses on the north side of the block.

The MPDUs and WFHUs mixed in with market-rate units will assist in the development of residences for people with a range of different incomes.

(b) The development conforms to the Sector Plan and the Master Plan.

The Amendment is consistent with the 2000 Silver Spring CBD Sector Plan's vision for Silver Spring's future "to create a development environment that invites revitalization." The Subject Property is being developed under the optional method of development to achieve higher density and provide greater amenities on a vacant stretch of Georgia Avenue. The Sector Plan outlines themes of a transit oriented downtown, residential downtown, commercial downtown, green downtown, civic downtown and pedestrian friendly downtown to achieve this vision. With the addition of residential units, the theme of residential downtown is supported. The mixed use building will offer pedestrian access from Georgia Avenue, vehicular access from a service alley and will also be within walking distance of the Silver Spring Transit Center. The Application minimizes the role of vehicular traffic and maximizes pedestrian access to Georgia Avenue and bus and rail transit infrastructure south of the site.

This project redevelops a site currently used as a parking lot into an active residential building. The ground level retail use will help activate the sidewalk area in front of the building. Residents of the multi-family dwelling units will shop and dine within the core area of Silver Spring and will most likely reach such destinations by foot. The project will contribute to a pedestrian friendly downtown environment as envisioned by the Sector Plan.

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

Because the building lies within the core area of the Silver Spring CBD, this 16 story building with 5.5 FAR density will complement existing development and provide a catalyst for future redevelopment within this block. To the northeast of the site are existing two story retail buildings, which include the recently completed Fillmore performing arts venue. The Montgomery Center Building located directly north of the site is a 13-story mixed use building with 12 stories of commercial square footage and ground floor retail uses on the first floor. The Twin Towers building across Georgia Avenue to the south is a 15-story mixed use building with ground floor retail along Georgia Avenue and 14 stories of dwelling units above. The seven story Verizon building across the street to the south is a substation for the utility provider. To the east is the Lee Building, a 10 story commercial building which frames the corner of the intersection of Georgia Avenue and Colesville Road and acts as an anchor building for

the block. Directly to the west is the three story Encore Building occupied by offices and a financial institution.

The new building will have balconies visible from Georgia Avenue and a modern building design similar to other recent redevelopment projects in Silver Spring. The garage levels will not be visible from Georgia Avenue and will not degrade the viewshed of surrounding buildings. The "filling in" of the property will help create a more cohesive building line along Georgia Avenue and will enhance the east-west pedestrian corridor within Silver Spring. In short, the addition of a residential building on this block will enhance the present mix of uses and not be incompatible or detrimental to existing or future development.

(d) As conditioned, the development 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, is subject to a traffic mitigation agreement that meets all the applicable requirements.

The additional units proposed under this Amendment will not overburden existing public facilities. The development will be built in one phase. The previously approved Site Plan No. 820110060 satisfied all relevant APF tests for commercial uses. This Amendment will generate fewer trips in both the a.m. and p.m. peak hours and, therefore, will not change the APF findings from the previously approved site plan. The total number of students generated by the 292 multi-family high rise units is projected to be approximately 13 elementary, 10 middle, and 12 high school students. The project is located in the service areas of Woodlin Elementary School and Sligo Middle School, and in the base area of Albert Einstein High School. The current FY 2013 Subdivision Staging Policy does not require a school facility payment for approvals in the Albert Einstein cluster schools.

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

The Amendment continues to develop the site using the optional method of development, which allows greater densities at key locations, such as proximity to mass transit, in exchange for greater public amenities and facilities. The Amendment increases the overall density on the site from 4.0 to an overall 5.5 FAR, and at the same time, it expands the amount of on-site space available for public use.

Construction of a standard method project would yield a building constructed to a maximum of 2.0 FAR with a maximum 60 foot building height. A building constructed to standard method requirements would have little public amenities or open space, and would be insufficient to reach the critical mass and density envisioned for the core of Silver Spring and areas within close proximity to a Metrorail Station. Additionally, the greater number of affordable housing units provided far exceeds what could be achieved under the standard method.

(f) The development will include moderately priced dwelling units in accordance with Chapter 25A of the Montgomery County Code.

The Amendment includes 35 of 292 units (12.5%) MPDUs, in accordance with Chapter 25A. Additionally, this project is providing 17 WFHUs.

(g) The development satisfies applicable requirements for forest conservation under Chapter 22A of the Montgomery County Code.

The Amendment does alter the Forest Conservation Plan exemption granted on September 27, 2007.

(h) The development satisfies applicable requirements for water quality resources protection under Chapter 19 of the Montgomery County Code.

The storm water management concept for the site was approved by MCDPS on January 22, 2013, and consists of Environmental Site Design to the maximum extent practicable by using green roof technology and a micro-bioretenion planter box. Additional treatment will be provided through the use of a structural proprietary flow-through underground filter. Due to site conditions, full Environmental Site Design volume cannot be provided and MCDPS granted a waiver of the water quantity portion of the requirement.

(i) 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.

For the on-site public use space, in addition to upgrading the streetscape in front of the site to the Silver Spring Streetscape standards, the outdoor seating area and

public art component will enliven an area along Georgia Avenue in a manner that is consistent with the recommendations in the Sector Plan. The Applicant is providing a fee-in-lieu payment for 6.2% of the public use space requirement that cannot be provided on-site. The payment for \$251,497 will be contributed to the Amenity Fund that is being directed to the implementation of Gene Lynch Urban Park in the Silver Spring CBD. The Applicant's contribution to the amenity fund for 6.2% of the public use space is consistent with the goals of the Silver Spring CBD Sector Plan because it contributes to the creation of a civic downtown. A larger urban park within the Silver Spring CBD will have substantially more visibility than public use space on the Subject Property and will serve as a communal gathering space for visitors and residents.

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 Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

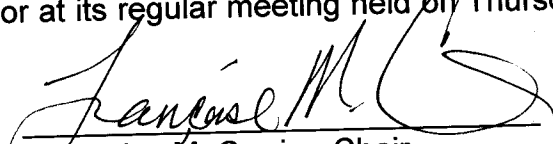
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Planning Board, and that the date of this Resolution is **APR 11 2013** (which is the date that this Resolution is mailed to all parties of record); and

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 Anderson, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, April 4, 2013, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board

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PARKER RODRIGUEZ, INC.
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8621 Georgia Avenue
Item #8
April 4, 2013
Speaker Sign-up Sheet

No.	Name & Phone Number	Email	Organization & Address	Time
1	Jody Kline Jason Goldblatt Brigg Bunker Brian Gobell Brian Donnelly Trini Rodriguez	(applicant)	200-B Monroe Street Rockville MD 20850	15
2	Manuel Juarez		820 Bonifant Street Silver Spring, MD 20910	3
3				
4				
5				
6				
7				
8				
9				
10				
11			TOTAL	18

JAN 23 2012



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 11-73
Site Plan No. 820110060
Project Name: 8621 Georgia Avenue
Date of Hearing: July 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 vested with the authority to review site plan applications; and

WHEREAS, on November 19, 2009, the Planning Board approved Project Plan 920100010 (MCPB Resolution 09-144) for a 191,281-square-foot mixed use office building, including approximately 6,209 square feet of ground floor retail/restaurant uses below approximately 185,072 square feet of office uses on 1.1 acres¹ of CBD-2 zoned land, located on Georgia Avenue opposite the intersection of Fidler Lane ("Property" or "Subject Property"); and

WHEREAS, on February 15, 2011, 8621 Limited Partnership ("Applicant"), filed an application for approval of a Site Plan for a mixed use building of 191,281 square feet comprised of approximately 6,209 square feet of ground floor retail/restaurant uses below approximately 185,072 square feet of office uses on the 0.69 acres of the Subject Property² ("Site Plan" or "Plan"); and

WHEREAS, Applicant's Site Plan application was designated Site Plan No. 820110060, 8621 Georgia Avenue (the "Application"); and

WHEREAS, Planning Board staff ("Staff") issued a memorandum to the Planning Board, dated July 11, 2011, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

¹ The Gross Tract Area of the Property is 1.1 acres (47,883 s.f.). As a result of previous dedication of 17,486 s.f. of land, the Net Tract Area for development is 0.69 acres (30,397 s.f.). MCPB Resolution 09-144 for approval of Project Plan 920100010 referred to the Gross Tract Area of the Property, while this Resolution for approval of the corresponding Site Plan refers to the Net Tract Area because that is how the Property was presented in their respective hearings.

² See footnote #1.

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 100, Bethesda, MD 20814 Chairman's Office: 301.495.4600 Fax: 301.495.1320

MNCPPC Legal Department

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

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on July 21, 2011, 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 July 21, 2011, the Planning Board approved the Application subject to conditions on the motion of Commissioner Anderson; seconded by Commissioner Presley; with a vote of **4-0**, Commissioners Anderson, Carrier, Presley, and Wells-Harley 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 APPROVES Site Plan No. 820110060 for a mixed use building of 131,281 square feet comprised of approximately 6,209 square feet of ground floor retail/restaurant uses below approximately 185,072 square feet of office, on the Property, subject to the following conditions:

Conformance with Previous Approvals

1. Project Plan Conformance

The development must comply with the conditions of approval for Project Plan 920100010 as listed in MCPB Resolution 09-144, except as modified by the Site Plan.

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-DCPPC 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 with an attractive landscaped pedestrian refuge and a pedestrian activated walk signal, if approved by SHA.
2. Extend corner curbing at Georgia Avenue/Fidler Lane to further facilitate the pedestrian crossing
3. Provide a southbound left-turn lane at Fidler Lane, if approved by SHA.

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-DCPPC 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 a 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 of all details and layout between site plan and landscape plan.

- f. Provide the transportation improvements on the certified site plans as approved by SHA.

BE IT FURTHER RESOLVED, that all site development elements as shown on 8621 Georgia Avenue drawings stamped by the M-NCPPC on June 23, 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 presented at the Hearing and set forth in the Staff Report, 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, 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 below. The building height, density, setbacks, vehicular access and public use space design remain unchanged from the approved Project Plan.

Data Table

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	Approved for Site Plan Approval and Binning on the Applicant
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.)		135,072
Office (FAR)		3.87
Retail/Restaurant (sf.)		5,209
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	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. 	-	\$532,802
Min. Off-Site Public Amenity Space (sf.)	-	3,840
Min. Off-Site Public Amenity Space (% of	-	12.6

Net Lot Area)		
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

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 includes 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. The Board finds that this contributes to an improved pedestrian experience that is adequate, safe, and efficient.

c. Landscaping and Lighting

The plan includes 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. The Board finds that 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.

The Board discussed additional improvements within the Georgia Avenue right-of-way, a state road, for the benefit of increased pedestrian safety and vehicular circulation. The Board recognized that any improvements on Georgia Avenue would require approval from the State Highway Administration and encouraged the Applicant to continue coordinating with the SHA to implement the improvements as conditioned and subsequently approved by SHA.

Adequate Public Facilities (APFO) was reviewed with this site plan application since a preliminary plan was not required. The Board found that 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.

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Planning Board and 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

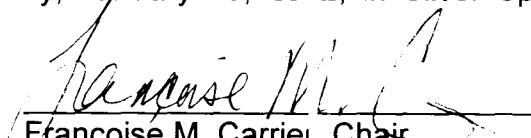
BE IT FURTHER RESOLVED, that the date of this Resolution is JAN 23 2012 (which is the date that this Resolution is mailed to all parties of record); and JAN 23 2012

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 Vice Chair Wells-Harley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley present and voting in favor of the motion at its regular meeting held on Thursday, January 19, 2012, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board

**RICHARD BRUSH, MANAGER
MCDPS-WATER RES. PLAN REVIEW
255 ROCKVILLE PIKE, 2ND FLOOR
ROCKVILLE, MD 20850**

**MR. HADI MASOURI
MCDP-BUILDING CONSTRUCTION
255 ROCKVILLE, PIKE 2ND FLOOR
ROCVILLE, MD 20850**

**MS. GAIL LUCAS, MANAGER
MCDPS-BUILDING CONSTRUCTION
255 ROCKVILL PIKE 2ND FLOOR
ROCKVILLE, MD 20850**

**MR. GREG LECK
100 EDISON PARK DRIVE 4TH FLOOR
GAITHERSBURG, MD 20878**

**MR. JOSEPH Y. CHEUNG, MANAGER
MCDPS-RIGHT OF WAY PERMITTING
AND PLAN REVIEW
255 ROCKVILLE PIKE 2ND FLOOR
ROCKVILLE, MD 20850**

**MR. GREG NICHOLS, MANAGER
MCDPS-LAND DEVELOPMENT
255 ROCKVILLE PIKE, 2ND FLOOR
ROCKVILLE, MD 20850**

**MR. MICHAEL REAHL, MANAGER
MCDPS-SEDIMENT/STORMWATER
INSPECTION AND ENFORCEMENT
255 ROCKVILLE PIKE, 2ND FLOOR
ROCKVILLE, MD 20850**

**MR. EHSAN MOTAZEDI
MCDPS-SITE PLAN ENFORCEMENT
MANAGER
255 ROCKVILLE PIKE 2ND FLOOR
ROCKVILLE, MD 20850**

**MR. JAY BEATTY, MANAGER
MCDPS-WELL AND SEPTIC
255 ROCKVILLE PIKE, 2ND FLOOR
ROCKVILLE, MD 20850**

**MR. LEROY ANDERSON, MANAGER
MCDPS-RIGHT OF WAY DEVELOPMENT
INSPECTION AND ENFORCEMENT
255 ROCKVILLE PIKE, 2ND FLOOR
ROCKVILLE, MD 20850**

**MS. SUSAN SCALY-DEMBY, MANAGER
MCDPS-ZONING
255 ROCKVILLE PIKE, 2ND FLOOR
ROCKVILLE, MD 20850**

**MR. CHRISTOPHER ANDERSON
MPDU MANAGER
DHCA COUNTY OFFICE BUILDING
255 ROCKVILLE PIKE
ROCKVILLE, MD 20850**

**LISA S. SCHWARTZ
SENIOR PLANNING SPECIALIST
MONTGOMERY COUNTY DEPARTMENT
OF HOUSING AND COMMUNITY
AFFAIRS
100 MARYLAND AVENUE, 4TH FLOOR
ROCKVILLE, MD 20850
DVA ARCHITECTS
RICK DONNELLY
400 PROFESSIONAL DRIVE
SUITE 200
GAITHERSBURG, MD 20879**

**8621 LIMITED PARTERSHIP
JASON GOLDBLATT
7811 MONTROSE ROAD
SUITE 500
ROCKVILLE, MD 20854**

**MACRIS, HENDRICKS & GLASCOCK, PA
BRIAN DONNELLY
9220 WIGHTMAN ROAD
SUITE 120
MONTGOMERY VILLAGE, MD 20886**

**PARKER RODRIGUEZ, INC.
TRINI RODRIGUEZ, RLA
101 NORTH UNION STREET
SUITE 320
ALEXANDIRA, VA 22314**

**MILLER, MILLER & CANBY
JODY KLINE, ESQ.
200-B MONROE STREET
ROCKVILLE, MD 20850**

**SHA
STEVEN D. FOSTER, CHIEF
ACCESS MANAGEMENT DIVISION
707 NORTH CLAVERT STREET
BALTIMORE, MD 21202**

**MILLER, MILLER & CANBY
BRIAN MISTYSN
200-B MONROE STREET
ROCKVILLE, MD 20850**

No.	Name & Phone Number	Email	Organization & Address	Time
1	Jason Goldblatt Brian Mistysn Trini Rodriquez Brian Donnelly Rick Donnally Jody Kline Applicant		200 B Monroe Street Rockville, MD 20850	
2				
3				
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7				
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11				

SIGN-UP SHEET TO TESTIFY BEFORE THE PLANNING BOARD

INSTRUCTIONS AND IMPORTANT INFORMATION

1. To testify on an item on the Planning Board's agenda, please fill out this form and give it to the Planning Board assistant at the end of the dais.
2. Copies of testimony presented orally or copies of correspondence will not be distributed at the hearing.
3. All materials (PowerPoint and other electronic presentations, letters, photos, maps, etc.) that are shown during the Planning Board's public hearings will be entered into the official record and will not be returned to you.
4. Ceding time to others is no longer permitted under the Planning Board's Rules of Procedure. Those who wish to request additional time to speak at a hearing must do so by contacting the Planning Board Chair's office at least 48 hours before the hearing.
5. Time allotted to speakers on non-regulatory items is at the Chair's discretion. Public testimony is not generally taken on reconsideration requests, awarding of contracts, work sessions and roundtable discussion items.

YOUR INFORMATION

- APPLICANT
 COMMUNITY ASSOCIATION REPRESENTATIVE
 ABUTTING PROPERTY OWNER INDIVIDUAL GOVERNMENT OFFICIAL

#11

21 JULY 2011

AGENDA ITEM NUMBER

DATE

Jason Goldblatt/Brian Mistysn/Trini Rodriguez/Brian Donnelly/Rick Donnelly/
 YOUR NAME NAME OF GROUP YOU ARE REPRESENTING (IF ANY) Jody Kline

% 200-B MONROE STREET, ROCKVILLE, MD.

20850

ADDRESS

CITY

STATE

ZIP

The following order of speakers/testimony will be taken on all regulatory issues before the Planning Board:

- | | | |
|----|---|--------------------------|
| A. | Presentation of the Staff Report | 10 minutes (total) |
| B. | Testimony from the Applicant | 15 minutes (total) |
| C. | Testimony of Government Officials | 7 minutes (each person) |
| D. | Testimony of Authorized Representatives <ul style="list-style-type: none"> • Civic Associations • Homeowners Associations • Recognized Civic Entities • Other organized parties | 10 minutes (each person) |
| E. | Testimony of Adjoining or Abutting Property Owners | 5 minutes |
| F. | Testimony of Individuals | 3 minutes |
| G. | Rebuttal Testimony | (Chair's discretion) |

Item #11

Need 7/20/11



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

Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

July 15, 2011

Mr. Brian Donnelly, LEED AP
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road
Suite 120
Montgomery Village, Maryland 20886-1279

Re: Montgomery County
8621 Georgia Avenue (JHU/APL)
MD 97 in Silver Spring
SHA Tracking # 11-AP-MO-016

Dear Mr. Donnelly:

The State Highway Administration (SHA) offered comments on the April 26, 2011 traffic impact study (TIS) in our June 1, 2011 letter to The Traffic Group. SHA's Access Management Division (AMD) received your proposed left-turn lane sketch plan attached to your May 2, 2011 e-mail. Your sketch plan was also reviewed by an SHA traffic office. We offer the following comments:

- The left-turn lane sketch plan was reviewed and discussed during the April 19, 2011 meeting at Maryland National Park and Planning Commission (MNCPPC). SHA staff attended this meeting.
- The sketch plan depicts an eastbound MD 97 left-turn bay 60' in length with a 10' width. The existing 10' wide raised median is reduced to a 4' wide median. The sketch depicts lane width reductions along eastbound MD 97 (opposite side of MD 97 from the development site). The two eastbound through lanes are shown reduced from 12' to 11' and the curb lane is reduced to 13'.
- The sketch depicts the existing median opening at Fidler Lane shifted 20' east and reduced to a 30' median opening. This proposed median opening would enable eastbound MD 97 motorists to turn left into the development site while deterring northbound Fidler Lane motorists from turning left onto westbound MD 97. The median opening at this proposed location would **not** deter westbound MD 97 motorists from turning left onto southbound Fidler Lane. The consensus during the April 19, 2011 meeting, including SHA attendees, was that Fidler Lane should be reduced to a right-in/right-out street connection at MD 97. The proposed sketch only partially accomplishes this.

Please submit four (4) copies of a proposed access/roadway improvement plan
all the above comments and previous SHA comments to AMD's Office Engin
Renaud. If you have any questions regarding the above comments, please con
mond Burns at 410-545-5592 or our toll free number in Maryland only 1-800-8

Sincerely,



Steven D. Foster, Chief
Access Management Division

- s. Rose Krasnow, MNCPPC, Area #1 Chief
- r. Cherian Eapan, MNCPPC, Area #1 Transportation Coordinator
- : Glen Cook, The Traffic Group
- : Victor Grafton *sent via e-mail*
- . Kate Mazzara *sent via e-mail*
- . Scott Newill *sent via e-mail*
- Jim Renaud *sent via e-mail*
- Cedric Ward *sent via e-mail*

Montgomery County
RECEIVED
★ JUL 2 0 2011 ★
Planning Department



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

MCPB No. 13-45
Site Plan No. 82011006A
8621 Georgia Avenue
Date of Hearing: April 4, 2013

APR 11 2013

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

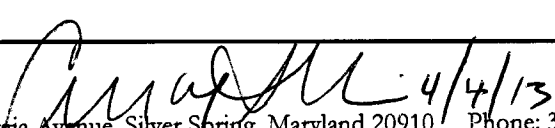
WHEREAS, by MCPB Resolution No. 11-73, on January 23, 2012, the Planning Board approved Site Plan No. 820110060 for a mixed-use development of 191,281 square feet of space, consisting of 6,209 square feet of ground floor retail/restaurant uses below 185,072 square feet of office space, with a maximum building height of 143 feet and 4.0 FAR at 8621 Georgia Avenue, approximately 75 feet west of the intersection of Georgia Avenue and Colesville Road ("Subject Property") on a 0.69 acres of land comprised of one CBD-2 zoned lot located in the 2000 Silver Spring Central Business District ("CBD") Sector Plan ("Sector Plan") area; and

WHEREAS, on November 9, 2012, 8621 Limited Partnership ("Applicant") filed an application to amend Site Plan No. 820110060 to change the primary use of the Subject Property from high-rise commercial to high-rise residential as a mixed-use development of 263,356 square feet of space consisting of 261,737 square feet of residential uses with 292 dwelling units with 12.5% moderately priced dwelling units ("MPDUs") and 17 workforce housing units ("WFHUs"), and 1,619 square feet of commercial use on the Subject Property; and

WHEREAS, Applicant's site plan amendment application was designated Site Plan No. 82011006A, 8621 Georgia Avenue ("Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 20, 2013 setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on April 4, 2013 the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to
Legal Sufficiency:  4/4/13
8621 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
MNCPPC Legal Department
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

WHEREAS, at the Hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82011006A for a mixed-use development of 263,356 square feet of space consisting of 261,737 square feet of residential uses for a maximum of 292 dwelling units, including 12.5% MPDU's and 17 WFHUs, and 1,619 square feet of commercial uses on the Subject Property, subject to the following conditions:¹

Conformance with Previous Approvals

1. Project Plan Conformance

The development must comply with the conditions of approval for Project Plan No. 92010001A, or as amended.

Environment

2. Stormwater Management

The development is subject to Stormwater Management Concept approval conditions dated January 22, 2013 (SM File #233645), unless amended and approved by the Montgomery County Department of Permitting Services ("MCDPS").

Public Use Space and Amenities

3. Public Use Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 4,225 square feet of public use space (13.8% of net lot area) on-site.
- b. In-lieu of providing the 1,844 remaining square feet (6.2%) 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 \$251,497 for the development of Gene Lynch Urban Park, in the Silver Spring CBD. The payment must be submitted to the M-NCPPC prior to release of the first building permit. Any change to the Amenity Fund recipient at the time of building permit must be presented to the Planning Board.

¹ 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.

- c. As a public amenity, the Applicant must provide streetscape improvements per the Silver Spring Streetscape Standard along the Subject Property's frontage on Georgia Avenue.

4. Recreation Facilities

- a. The development must meet the square footage requirements for all of the applicable recreational elements and demonstrate on the certified Site Plan that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
- b. The development must provide the following recreation facilities as shown on the certified Site Plan: indoor community space, picnic/sitting area, pedestrian system, swimming pool, indoor fitness facility, outdoor rooftop terrace and landscaped courtyard.

5. Art

- a. The Applicant must provide public art on-site, integrated into the overall site design.
- b. Provide for and install the public art concept designed by artist Catherine Woods, as provided to the Art Review Panel on January 30, 2013.
- c. Any significant changes to the concept presented on January 30, 2013, must be presented to the Art Review Panel and approved by Staff prior to approval of the certified Site Plan.

Adequate Public Facilities

6. Transportation

- a. The development is limited to 263,356 square feet of gross floor area and a maximum 5.5 FAR including a maximum 1,619 square feet of commercial uses and a maximum 292 dwelling units.
- b. 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.

- c. The Applicant must comply with the State Highway Administration letter dated December 7, 2012, or as amended.

7. Validity

The Adequate Public Facility Review ("APF") review will remain valid for eighty-five (85) months from January 23, 2012, the date of mailing of the Planning Board Resolution for Site Plan 820110060.

Density & Housing

8. Moderately Priced Dwelling Units

The Applicant must comply with the Department of Housing and Community Affairs ("DHCA") letter dated March 1, 2013 and include the following:

- a. The development must include on-site a minimum of 12.5% of the total number of units as MPDUs, consistent with the requirements of Chapter 25A.
- b. The MPDU agreement to build between the Applicant and DHCA must be executed prior to the release of any building permits.
- c. All of the required MPDUs must be provided on-site.

9. Workforce Housing Units

The Applicant must comply with the DHCA letter dated March 1, 2013 and include the following:

- a. The development must include a minimum 17 units as WFHUs, consistent with the requirements of Chapter 25B, Article V.
- b. The WFHUs agreement to build between the Applicant and DHCA must be executed prior to the release of any building permits.
- c. All of the proffered WFHUs must be provided on-site.

Site Plan

10. Site Design

The exterior architectural character, proportion, materials, and articulation for each building must be substantially similar to the schematic elevations shown in the certified Site Plan set, as determined by Staff.

11. Landscaping

- a. The Applicant must provide all landscape structures, including walls, fences, railings, paving, etc. per sheets L1.0-L3.1.
- b. The Applicant must provide all trees, shrubs and groundcovers in accordance with approved landscape drawings, sheets L4.0-L4.1.
- c. The Applicant must construct the streetscape improvements, including the undergrounding of utilities, consistent with the Silver Spring Streetscape standards.

12. Lighting

- a. The Applicant must provide the lighting distribution and photometric plan with summary report and tabulations that conforms to the Illuminating Engineering Society of North America standards for residential/commercial development.
- b. The Applicant must provide all on-site down light fixtures as 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 must not exceed 12 feet, including the mounting base.

13. Surety

Prior to issuance of first building permit Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.

- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development.
- c. Prior to issuance of the first building permit, exclusive of the sheeting and shoring permit for the structured parking, the Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. Bond/surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

14. 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. Street lamps and sidewalks must be installed within six months after street construction is completed. Street tree planting may wait until the next growing season.
- b. On-site amenities including, but not limited to, the Plaza (and associated pedestrian access walkways) including all paving, lighting, site furnishings and public art, rooftop terrace, community room, swimming pool, benches, trash receptacles and bicycle facilities must be installed prior to final use and occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
- d. The Public Art feature designed and created by Catherine Woods, and approved as part of the Site Plan, shall be installed prior to issuance of the final use and occupancy permit.

- e. The fee-in-lieu payment for the Amenity Fund must be submitted prior to the release of the first building permit.

15. 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 forest conservation approval, 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 data table to reflect development standards enumerated in the Staff Report.
- d. Ensure consistency of all details and layout between Site Plan and Landscape Plan.

BE IT FURTHER RESOLVED, that all site development elements as shown on 8621 Georgia Avenue drawings stamped by the M-NCPPC on February 22, 2013, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that all conditions of Site Plan No. 820110060 are superseded by this approval; and

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements and is consistent with an approved project plan for the optional method of development:*

The Site Plan is consistent with Project Plan No. 92010001A for the Subject Property reviewed concurrently with this Application in terms of design layout, development standards, and conditions of approval.

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

As demonstrated in the Data Table below, the Site Plan meets all the requirements of the CBD-2 zone under the optional method of development. The Site Plan meets the purpose of the zone by providing a mixed-use development with primarily residential uses (292 total multi-family units) and first floor commercial uses (1,619 square feet) within close proximity to mass transit facilities, and these uses are permitted in the CBD-2 Zone.

The Amendment meets the density requirements of the CBD-2 zone. The overall density, which is proposed at 5.5 FAR for this 0.69-acre site, is slightly above the maximum density of 5.0 FAR. However, as permitted by Section 59-A-6.18.2(c)(1) of the Zoning Ordinance, the Planning Board finds that the additional density is necessary to accommodate the WFHUs.

The Amendment increases the maximum height of the building from 143 to 161 feet for one additional residential floor to accommodate WFHUs and increased floor to ceiling height on the rooftop for building amenities. Although the maximum building height permitted in the CBD-2 zone is 143 feet, as permitted by Section 59-C-6.2, footnote 11 of the Zoning Ordinance, the Planning Board can approve a building up to 200 feet in height, under the optional method of development if the additional height is necessary for the project to accommodate workforce housing under Section 59-A-6.18. The approved building height of 161 feet is suitable for a residential building in the Silver Spring urban core, and as part of the project plan approval, the Planning Board found that the 161 foot building height was necessary for the project to accommodate the number of workforce housing units that are being provided.

Data Table for the CBD-2 Zone, Optional Method of Development

Development Standard	Zoning Ordinance Permitted/ Required	Approved with 82011013A and Binding on the Applicant
Site Area (acres)		
Gross Tract Area	18,000 sf	47,883 sf
Less Dedication for Public ROW	n/a	

Previously dedicated area		17,486
Net Lot Area	n/a	30,397 sf
Density		
Max. Overall (FAR)	5.0	5.5'
Office		n/a
Retail		0.03
Residential		5.47
Residential D.U.s	n/a	292
• MPDUs [Chapter 25A]	12.5%	12.5% (34 MPDUs)
• WFHUs	Required to exceed 143' height	(17 WFHUs)
• Market Rate	240	240
Min. Public Use Space		
Percent of net lot area on-site	20% total	13.8% (4,225 sf)
Percent of net lot area off-site	(6,079 sf)	6.2% (1,844 sf)
Min. Building Setbacks (ft) [59-C-10.3.8]		
Front	0	0
Side (West)	0	0
Side (East)	0	12
Rear	0	0
Max. Building Height (ft)		
	143 ft	161 ft ²
Vehicle Parking (Number of spaces required per 59-E, located in parking lot district and Applicant will pay tax for parking not provided)		
Retail	8	8
Office	0	n/a
Residential	300	202
Bicycle Parking (number of spaces)		
	1 per 20 parking spaces; 20 maximum	11

Motorcycle Parking		
Number of spaces	2% of total parking spaces; 10 maximum	5

¹Per Section 59-A-6.18.2(c)(1), 5.5 FAR is permissible in the CBD-2 zone under the optional method of development if the additional FAR is necessary to accommodate workforce housing units.

²Per Section 59-A-6.18(c)(3), the Planning Board can approve a building up to 200 feet in height under the optional method of development if the additional height is necessary to accommodate workforce housing units.

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 locations of the proposed buildings and structures are adequate, safe, and efficient. The Amendment includes one building with a similar footprint to the previously approved commercial building. Due to the constraints of a rectangular site area with limited street frontage, a building that occupies the majority of the Georgia Avenue street frontage and extends vertically is the best option in terms of site layout. A building that emphasizes its street presence on Georgia Avenue with the placement of retail square footage, public use space, streetscape improvements, lobby space, and indoor exercise room space within the first floor of the building and visible from Georgia Avenue will adequately activate Georgia Avenue and address the comfort and safety needs of the pedestrian. The orientation of the front façade of the building also adequately emphasizes the building’s presence from Fidler Lane with attractive exterior lighting and sign placement.

Solid panels screen the parking from Georgia Avenue and the panels wrap around a portion of the building to screen some of the parking in this way from the alley. The rest of the parking along the alley will be screened by the placement of opaque metal panels with small open areas to allow for natural ventilation.

b. Open Spaces

The open spaces provided are adequate, safe, and efficient. The CBD-2 Zone has a 20% public open space requirement. Applicants may provide public use

space on-site, off-site, or a combination of the two. The public use space is calculated over the net tract area. The Applicant has elected to provide, and the Planning Board has approved 13.8% of the requirement on-site and 6.2% off-site.

The on-site public use space includes a seating area and feature wall in the northwest portion of the site. The seating area will be integrated with the public art that will be selected for the feature wall. The seating area is within a pedestrian plaza area that acts as an extension of the pedestrian realm from Georgia Avenue. Paving materials are incorporated on the plaza in a pattern that suggests this extension. The public use space also includes the implementation of the Silver Spring streetscape along Georgia Avenue, which will include brick pavers, street trees, lighting, and street furniture. The Site Plan includes a 5 foot-wide sidewalk that extends to the side pedestrian entrance to the building. This sidewalk is adjacent to the building and alley but separated from the alley with a curb. The Planning Board finds this is acceptable since the sidewalk extends to a secondary entrance to the retail area of the building. As conditioned, the remaining public use space requirement will be provided through a payment to the Amenity Fund for development of Gene Lynch Urban Park, in the Silver Spring CBD.

Private open spaces are also provided as part of the amenity package for residents of the building. These spaces include an outdoor rooftop terrace and swimming pool. Immediately adjacent to the roof terrace is a club room with an 18 foot floor to ceiling height at the peak which will provide expansive views of Silver Spring. A landscaped courtyard above the top garage level (level six) of the building is also proposed as a respite area for residents and a means to provide additional daylight to rear units within the building.

The diversity of open spaces proposed is adequately dispersed throughout the development to provide safe and convenient access to all residents while efficiently providing relief from the density being proposed.

c. Landscaping and Lighting

The landscaping plan submitted as part of the site plan is adequate, safe, and efficient. The Amendment revises the landscape plan as a response to the new amenity layout and building configuration. The landscape continues to provide adequate canopy coverage and shade for public areas. It efficiently defines open spaces and amenity areas by creating an edge or boundary, and adding interest. It also screens and buffers different uses within the project, such as low planters within the courtyard area which provides a degree of privacy to users within the space but does not block sunlight from the surrounding units.

Similarly, the lighting was updated as a response to the new amenity layout and building configuration. The revised lighting is appropriate for a mixed use building of this size because entryways, public areas, and exterior building amenity areas will be illuminated in accordance with the IESNA standards to ensure adequate, safe, and efficient visibility within the exterior and interior areas of the Subject Property.

d. Recreation Facilities

The recreation facilities provided are adequate, safe and efficient. The change to residential units necessitates additional amenities and recreation facilities, which help support the increase in density in this optional method of development project. The recreation facilities provided within the building, which are included in the recreation calculations, include: indoor community space, picnic/sitting area, pedestrian system, a swimming pool, and an indoor fitness facility. Because of the urban nature of the site, the Application can rely on an off-site supply of amenities as well.

The recreation calculations for the overall development were updated to include the revised facilities, which satisfy the 1992 M-NCPPC Recreation Guidelines. These facilities adequately and efficiently meet the recreation requirements of this development on-site while also providing an adequate off-site supply. All facilities will be safe and accessible opportunities for recreation for various age groups.

e. Vehicular and Pedestrian Circulation

The pedestrian and vehicular circulation systems are safe, adequate, and efficient. The Amendment does not propose any revisions to the pedestrian and vehicular circulation systems. There are two primary entrances/exits to the building from Georgia Avenue, emphasizing the pedestrian realm at the front of the building along this major corridor. Approximately 45 feet separates the building from the curb line of Georgia Avenue, and this space includes the sidewalk, landscaping, street furniture and public use space. In addition to three doors along Georgia Avenue (the two entrances and limited access door to building support facilities), there is a secondary entrance/exit provided along the side alley via a five-foot wide sidewalk adjacent to the south building façade, which will provide additional access to the retail area, garage, and bicycle spaces. Covered bicycle parking and motorcycle parking will be provided within the garage which will provide adequate protection from outside elements.

Vehicular access provided to and from the building remains via a service alleyway with right-in, right-out circulation that will provide for adequate, safe, and efficient circulation for vehicular movements. The parking area for this mixed use building was revised to include two full and two half levels of parking above grade and one full level below grade rather than two levels below and three levels above grade as previously proposed for the commercial building. This reconfiguration does not affect the safety of vehicles entering the loading areas and garage.

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

The structure and uses proposed are compatible with other uses and site plans, and with existing and proposed adjacent development. The future redevelopment of the adjacent property to the east (Site Plan #820100100) will benefit from a shared alleyway with the Subject Property and will complete development on the block. The limited commercial square footage proposed at the ground level of the building is in response to the extensive retail space that surrounds the development, particularly on nearby Ellsworth Drive. The building will be the tallest on the block, but because it is centrally located within the block and accessed from Georgia Avenue, the building will not be out of character or visibly jarring from the street.

- 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 Property was granted a Forest Conservation Plan exemption on September 27, 2007. The Amendment does not change the exempted status of the Subject Property.

The stormwater management concept approved by MCDPS on October 12, 2010, consists of Environmental Site Design to the maximum extent practicable by using green roof technology and a micro-bioretenion planter box. Additional treatment is provided by the use of a structural proprietary flow-through underground filter. Due to site conditions, full Environmental Site Design volume cannot be provided and a waiver of the water quantity portion of the requirement was granted.

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

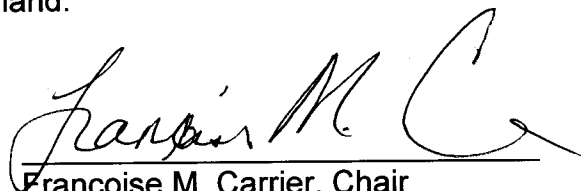
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is APR 11 2013 (which is the date that this resolution is mailed to all parties of record); and

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 Anderson, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, April 4, 2013, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board

MR. RICHARD BRUSH, MANAGER
MCDPS-WATER RES. PLAN REVIEW
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2ND FLOOR
ROCKVILLE, MD 20850

MS. LISA SCHWARTZ
DHCA
100 MARYLAND AVENUE
4TH FLOOR
ROCKVILLE, MD 20850

MS. SUSAN SCALA-DEMBY
MCDPS-ZONING
255 ROCKVILLE PIKE
2ND FLOOR
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MR. CHRISTOPHER ANDERSON MPDU
MANAGER, DHCA
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MACRIS, HENDRICKS & GLASCOCK, PA
BRIAN DONNELLY
9220 WIGHTMAN ROAD
SUITE 120
MONTGOMERY VILLAGE, MD 20886

MILLER, MILLER & CANBY
JODY KLINE, ESQUIRE
200-B MONROE STREET
ROCKVILLE, MD 20850

MR. GREG LECK
MCDOT
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4TH FLOOR
GIATHERSBURG, MD 20878

MR. ATIQ PANJSHIRI
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ROCKVILLE, MD 20850

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2ND FLOOR
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MR. ESHAN MOTAZEDI
MCDPS-SITE PLAN ENFORCEMENT
255 ROCKVILLE PIKE
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ROCKVILLE, MD 20850

MR. GENE VON GUNTEN
MCDPS-WELL & SEPTIC
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20-850

8621 LIMITED PARTNERSHIP
JASON GOLDBLATT
7811 MONTROSE ROAD
SUITE 500
ROCKVILLE, MD 20854

PARKER RODRIGUEZ, INC.
TRINI RODRIGUEZ
101 NORTH UNION STREET
SUITE 320
ALEXANDRIA, VA 22314

8621 Georgia Avenue
 Item #8
 April 4, 2013
 Speaker Sign-up Sheet

No.	Name & Phone Number	Email	Organization & Address	Time
1	Jody Kline Jason Goldblatt Brigg Bunker	(applicant)	200-B Monroe Street Rockville MD 20850	15
	Brian Gobell Brian Donnelly Trini Rodriguez			
2	Manuel Juarez		820 Bonifant Street Silver Spring, MD 20910	3
3				
4				
5				
6				
7				
8				
9				
10				
11			TOTAL	18



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

July 11, 2014

Mr. Sean Murphy
Macris, Hendricks, and Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886-1279

Re: Stormwater Management **CONCEPT** Request
for Revision to Johns Hopkins Applied Physics
Laboratory Property
Preliminary Plan #: 120110140
SM File #: 233645
Tract Size/Zone: 0.697 Ac./CBD-2
Total Concept Area: 0.90 Ac.
Lot: 2
Parcel(s): N213
Watershed: Lower Rock Creek

Dear Mr. Murphy:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP by the use of green roof and micro-bioretenion planter box. Due to site conditions, full ESD volume cannot be provided and a waiver of the water quantity requirement is granted.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
2. An engineered sediment control plan must be submitted for this development.
3. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.
5. This site is considered to be redevelopment.
6. Use the latest design criteria from MCDPS for the BMP's being used.

Mr. Sean Murphy
July 11, 2014
Page 2

7. All covered parking must drain to the WSSC sewer system. Provide a copy of the mechanical drawings, with schematic profiles, showing that roof water drains to the water quality structures and that the covered parking drains to WSSC.
8. The green roof to be provided will cover a minimum of 1,186 sq. ft. of the overall roof area. The minimum thickness of the green roof must be 8 inches. The design and use of additional green roof is encouraged.
9. Include on the design plans a narrative explaining how the planter box and green roof are to be accessed for inspection and maintenance.
- 10. This concept letter supersedes all others dated before it.**

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

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: me CN233645 Johns Hopkins Applied Physics Laboratory Property Third Revision.DWK

cc: C. Conlon
SM File # 233645

ESD Acres: 0.90
STRUCTURAL Acres: 0.00
WAIVED Acres: 0.90

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



James T. Smith, Jr., *Secretary*
Melinda B. Peters, *Administrator*

September 25, 2014

Re: Montgomery County
8621 Georgia Ave, Lot 2, John's Hopkins
Applied Physics
MD 97
SHA Tracking No. 11APMO016XX
Mile Point: 0.9

Mr. Gabriel Patino
Macris, Hendricks, and Glascock, P.A.
9220 Wightman Road
Suite 120
Montgomery Village, Maryland 20886-1279

Dear Mr. Patino:

Thank you for the opportunity to review the SHA Paving and Storm Drain Plan for the proposed 8621 Georgia Avenue, Lot 2, John's Hopkins Applied Physics project in Montgomery County. The State Highway Administration (SHA) review is complete and we are pleased to respond.

Based on the information provided, please address the following comments in a point-by-point response:

District 3 General Comments:

General Comments:

1. Pedestrian access must be maintained along MD 97; a pedestrian MOT should be provided
2. The county covered walkway standard may be used for this MOT.
3. Site is located within an active Safety and Resurfacing project, MO2635177: MD 97/US 29 from 16th Street to the DC Line. Paving activities have been completed. The paving limits for the developer should be extended to include/address any areas of temporary striping installed during the MOT phase
4. Resurface full lane widths in areas where median reconstruction is proposed.

District 3 Traffic Comments:

Signing and Pavement Marking Plan:

1. The left-most R3-18 sign detail needs a leader pointing to the sign on the plan.
2. The above mentioned sign and one adjacent to it cannot be removed without justification. The MOA must be rescinded.

3. The proposed STOP sign (R1-1), left-turn arrow pavement markings, stop bar and the through-arrow pavement marking are all not needed. Remove these items.
4. The proposed DO NOT ENTER should be rotated 15 degrees toward the sight line of northbound traffic.
5. Install a Right Turn Only (R3-5 (1)) sign and a One Way (R6-1R) sign across from the traffic stopping on Fidler Lane because of the new median being installed.
6. In place of the OM1-1 sign use a OM1-3 sign. Also, install a OM1-3 sign facing northbound traffic at the tip of the nose of the new median.
7. Before removing the parking restriction signs, coordinate relocation with parking management.
8. The existing DO NOT ENTER sign slated for removal (by the north arrow) needs to be checked for location. Please explain why it needs to be removed.

Highway Hydraulics Comments:

1. We have received and reviewed your submission, which included a plan set and storm drain computations. In order for the Technical Review Team to complete a detailed review of the project please submit a complete plan set (including stormwater management and erosion and sediment control plans) as well as a hydrologic analysis of the existing and proposed site conditions, in addition to the storm drain computations previously provided.
2. With regard to the storm drain analysis and design, we have the following comments:
 - a. Please provide both existing and proposed conditions drainage area maps to inlets shown in the storm drain computations.
 - b. Please show and label the 25-year HGL on the pipe profile.
 - c. The use of a triple WR inlet in the travel lane without any curb backing is unacceptable. Please provide an alternative design for the storm drain in this location.
 - d. The structure schedule on sheet 6 of 8 indicates structure 11 to be MD 383.32 with a note to "unveil existing structure." An existing structure is not shown on any other plan sheet. Please clarify and provide a detail of the construction required for this modification or provide a new manhole structure.
3. Although we defer to the Montgomery County Department of Permitting Services for Stormwater Management approval, due to the possible impacts to SHA right-of-way we have the following comments:
 - a. Please provide stormwater management plans and stormwater management report.
 - b. Please provide a breakdown of existing and new impervious area within the SHA right-of-way. Note that any new impervious area within SHA right-of-way must be directly treated in a SWM facility. Provide plans and computations as necessary.
 - c. Please provide stormwater management to ensure that there is no increase in discharge to the existing SHA storm drain system.
4. Although we defer to the Montgomery County Department of Permitting Services for Erosion and Sediment Control approval, due to the possible impacts to SHA right-of-way we have the following comments:
 - a. Please provide erosion and sediment control plans.
 - b. All runoff should be treated prior to entering the SHA right-of-way or the project should provide same day stabilization.
 - c. All Erosion and Sediment Control design should be per the 2011 Standards.

Further review of this project will be withheld until the above comments have been addressed. We may provide additional comments once all design data including calculations have been included in the next submittal.

Cultural Resources Comments:

The Environmental Planning Division has compiled a cultural resources inventory (standing structures and archeological sites) in the vicinity of the proposed MD 97 improvements, related to the 8621 Georgia Avenue project. Based on this assessment, the proposed roadway improvements to MD 97 associated with the 8621 Georgia Avenue project do not have the potential to impact historic properties. Formal consultation with the Maryland Historical Trust is not recommended.

Office of Environmental Design (OED) Comments:

1. **Landscape Guidance Documents:** The applicant shall refer to the most recent versions of 'SHA Environmental Guide for Access and District Permit Applicants', the 'SHA Landscape Design Guide', the 'SHA Landscape Estimating Manual', and the 'SHA Preferred Plant List'. These documents are available at <http://www.roads.maryland.gov/index.aspx?PageId=25>.
2. **Landscape Plans:**
 - a. Plans for landscape construction within the SHA right of way shall conform to Chapter 6 of the 'Environmental Guide' and be sealed as required per Chapter 6.1.
 - b. The plans shall include all required landscape plan elements per Chapter 6.2, and all pertinent SHA Landscape Notes per Chapter 7.
 - c. The plans shall mitigate tree removal per Chapter 4.1 of the 'Environmental Guide' by installing mitigation trees within the nearby right of way of MD 97 and/or US 29.
 - d. The applicant shall ensure that any landscape materials or landscape construction per Category 700 of the SHA Standard Specifications which may be shown on E&S plans, SWM plans, etc. for work within the right of way, including any details and typicals, utilize the approved terminology per the SHA Standard Specifications and provide reference to the pertinent SHA Landscape Note(s).
 - e. Any details or specifications for work outside the right of way (County, MDE, etc.) which do not correspond to SHA details and specifications for construction and materials shall be removed from the plans or clearly labeled to indicate they are not for construction within the SHA right of way.
3. **SHA Landscape Notes:**
 - a. These Notes specify certain measures for soil restoration, groundcover vegetation, tree installation, tree root pruning, temporary orange construction fence, etc. which must be performed. Only the Notes that are actually required to construct the project shall be included.

- b. At this time it appears that Notes per the following Chapters are appropriate: 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.13, 7.14, 7.15, and 7.21. Other Notes may be required, depending upon the final design of the project.
4. **SHA Landscape QA Checklist.** The applicant is requested to refer to Chapter 8 of the 'Environmental Guide' and perform a self-assessment to ensure that resubmitted plans adequately address concerns that will be evaluated by the Office of Environmental Design.

Regional and Intermodal Planning Division (RIPD) Comments:

1. Transit providers serve the development site (RideOn & Metrobus). All roadway improvements to SHA roadway facilities should provide for and maintain full ADA-compliant access to existing transit facilities. Coordinate design with Lisa Choplin, Chief, Innovative Contracting Division (ICD), SHA, at 410-545-8824 or lchoplin@sha.state.md.us and Anyesha Mookherjee, Assistant District Engineer-Traffic, District 3 (D3), SHA, at 301-513-7404 or amookherjee@sha.state.md.us.
2. All roadway improvements to SHA roadway facilities should provide for and maintain bicycle facilities as well as full ADA-compliant pedestrian facilities. Coordinate design with Lisa Choplin, Chief, ICD, SHA, at 410-545-8824 or lchoplin@sha.state.md.us and Anyesha Mookherjee, Assistant District Engineer-Traffic, District 3 (D3), SHA, at 301-513-7404 or amookherjee@sha.state.md.us.

Access Management Division (AMD) Comments:

1. The Access Management Division Plan Review Checklist needs to be utilized in drafting the SHA improvement plans. The checklist you submitted was not completed and left blank. Incomplete checklist will result in project submissions being rejected. The checklist can be accessed at www.roads.maryland.gov by selecting the Business Center drop down menu and Permits and Miss Utility Information, Access Permits, Commercial/Industrial/Residential Subdivision Access Permit, Plan Submittal Checklist. Please include a copy of the completed checklist with your next submittal. The checklist can also be accessed directly at <http://www.roads.maryland.gov/ohd2/Plan-check-list.pdf>
2. Please insure that you have included all MD Standards in the Maryland Standards note on Sheet 1.
3. Provide a cost estimate for the proposed work within the SHA right-of-way utilizing the SHA Price Index. The SHA Price Index can be accessed at www.roads.maryland.gov by selecting the Business Center drop down menu and Business Standards and Specifications, Price Index. The index can also be accessed directly at <http://www.roads.maryland.gov/Index.aspx?PageId=34>.
4. All plans should be sealed and signed by a Professional Engineer (with PE Certification Note) or Professional Land Surveyor. The certification shown on these plans has expired. This information must be shown on each sheet. The Code of Maryland Regulations (COMAR), Subtitle 23 Chapter 03, requires a Professional Engineer who prepared or approved engineering documents for submission to a client or a public authority to include the following professional certification:
"I certify that these documents were prepared or approved by me and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. XXXXX, Expiration Date: *date*"

5. The SHA Accessibility Policy and Guidelines for Pedestrian Facilities along State Highways policy can be accessed at www.roads.maryland.gov by selecting the Business Center drop down menu and Business Standards and Specifications, SHA Accessibility Guidelines for Pedestrian Facilities along State Highways. The policy can also be accessed directly at <http://www.roads.maryland.gov/Index.aspx?PageId=26>.
6. The SHA Bicycle Policy and Design Guidelines can be accessed at www.roads.maryland.gov by selecting the Business Center drop down menu and Business Standards and Specifications, Bicycle Policy and Design Guidelines. The policy can also be accessed directly at http://www.roads.maryland.gov/OHD2/Bike_Policy_and_Design_Guide.pdf.
7. Please provide a sight distance evaluation using the attached sight distance evaluation form. Once completed, the form should be stamped and certified by a Professional Engineer.
8. The installation of the proposed 8" water services, 18" RCP and 12" sewer connection must conform to the conditions of a SHA District Permit. The developer or engineer must submit a copy of the utility drawings to the SHA District 3 Utility Engineer for comments. The drawings must show any necessary road repairs required in the Permit. Please refer to our website www.roads.maryland.gov under Business Center, Permits, Access Permits for more information about District Office Permits. You may also contact Mr. Victor Grafton, District 3 Utility Engineer at 301-513-7350, by using our toll free number in Maryland only at 1-800-876-4742 or via email at vgrafton@sha.state.md.us
9. As directed in our April 2, 2013 letter, On March 14, 2013 the SHA and representatives from the developer and the developer's engineers met to discuss the possibility that the proposed access point along MD 97 could operate with additional movements beyond the currently proposed right-in/right-out only. Based on this meeting and the additional documents provided, the SHA maintains its position that the entrance must be limited to a right-in/right-out and sufficient steps must be taken to ensure that left-turning vehicles are unable to use the current median break opposite Fidler Lane. The plans as submitted are still showing a left turn movement. Please revise these plans to show the median as being closed so as to eliminate any left turning movements into the site.
10. At the proposed driveway entrance place this note on plans: "Driveways must have a minimum 5' wide pedestrian pathway with a maximum 2% cross-slope across the entire entrance, regardless of materials used in construction."
11. The proposed inlet must have a bicycle friendly grate installed.
12. Reference a MD Standard for the proposed sidewalk ramps crossing the proposed driveway. If the ramps cannot be constructed to a MD Standard details that are compliant with current MD SHA ADA Guidelines must be provided and referenced.
13. Please explain why is there a Detectable Warning Surface (DWS) on the north side of the proposed driveway and not on the south side. Since this is a non-signalized driveway entrance DWS are not necessary, however the placement needs to be consistent. If DWS is to be place on the north side, it must be placed on the south side as well.
14. Since this roadway is being repaved Bicycle compatibility must be met. Please supply Design Designation information (speed limit & truck volumes (%ADT)) so we can determine the necessary width of the bicycle lane. Additionally, as noted in District 3 General comments, there is an active Safety and Resurfacing project in this area, contract no. MO2635177, MD 97/US29. Please coordinate your project with this active project in regards to the bicycle compatibility. It appears that the lane dimensions you have shown

on the plan views may be incorrect based on the approved SHA project plans. Please revise accordingly on all sheets.

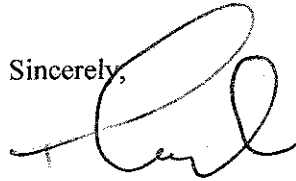
15. Please label MD 97 on the vicinity map.
16. On the plan views make sure MD 97 is labeled as a Urban Arterial including the speed limit which is 30 MPH.
17. Please provide the Right of Way Plat Numbers for this section of MD 97.
18. Please label the full width of right of way for MD 97 to the east of Fidler Lane.
19. Please identify the limits of work and limits of disturbance on the plans.
20. Please provide typical sections showing where changes are to be constructed including all dimensions. They should be at no more than 50' station intervals. Additionally one of the typical sections should extend through the proposed entrance back to the limits of right of way.
21. Depressed curb is not to be used on the entrance except for the area where there is ADA compliance. SHA curbing should be noted as Type 'A'.
22. Please provide pedestrian and ADA mobility during construction. Any MD Standards which you use should be noted in the SHA Standards note on sheet 1.
23. Please provide a reference for the SHA pavement section 'D' where there is full depth paving (typically shown on the typical section), otherwise denote the type of pavement being used for the 2" mill and overlay and the trench repair.
24. Clearly identify the full depth paving area, locations where there is saw cuts, milling and over lay on both plan views, cross sections and typical sections.
25. Please provide cross sections every 50' wherever there is proposed construction.
26. Please provide a sight distance profile.
27. The application which was submitted is incomplete. Both the applicant and the property owner's side must be completed even if they are the same. The applicants name must be the same as what will be shown on the surety. Also, the tracking number is missing as is the date. This application should be for 1 commercial entrance and not a public street. Typically the application and supporting documentation is submitted with the final permit package once the project is approved.
28. Due to the revisions to be made to these plans we have not reviewed the cost estimate for this project at this time. Once the project is near approval, please submit a revised cost estimate to include stake out and mobilization, ADA and pedestrian mobility during construction and any additional items which are missing from the submitted cost estimate. Additionally, the cost estimate for the proposed work within the SHA right-of-way must utilize the SHA Price Index. The SHA Price Index can be accessed at www.roads.maryland.gov by selecting the Business Center drop down menu and Business Standards and Specifications, Price Index. The index can also be accessed directly at <http://www.roads.maryland.gov/Index.aspx?PageId=34>. Cost estimates which do not utilize the SHA Pricing Index will be rejected.
29. Please provide Owner/Developer information on the plans.

Further plan submittals should reflect the above comments. Please submit 8 sets of revised plans, a CD containing the plans and supporting documentation in PDF format, **as well as a point by point response**, to reflect the comments noted above directly to Mr. Steven Foster attention of Ms. Teresa Eller. Please reference the SHA tracking number on future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>.

Mr. Gabriel Patino
SHA Tracking No. 11APMO016XX
September 25, 2014
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If you have any questions, or require additional information, please contact Ms. Teresa Eller at 410-545-5588, by using our toll free number in Maryland only at 1-800-876-4742 (x5588) or via email at teller@sha.state.md.us.

Sincerely,



for Steven D. Foster, Chief/ Development Manager
Access Management Division

SDF/TDE

cc: Mr. Jason Goldblatt, 8621 Limited Partnership 7811 Montrose Road, Suite 500
Potomac, Maryland 20854 jgoldblatt@willcocompanies.com
Mr. Victor Grafton, SHA – District 3 Utility Engineer
Ms. Brooke Larman, Urban Design The Maryland-National Capital Park and Planning
Commission 14741 Governor Oden Bowie Drive Upper Marlboro, Maryland 20772
Brooke.larman@ppd.mncppc.org
Mr. Mark McKenzie, SHA AMD
Ms. Anyesha Mookherjee, SHA District 3 Traffic Engineering
Ms. Claudine Myers, SHA – Engineering Systems Team
Mr. Scott Newill, SHA AMD
Mr. John Ritter, SHA – District 3 Resident Maintenance Engineer (Fairland Shop)
Mr. Brian Young, SHA - District 3 District Engineer