

Mr. Sogand Seirafi
September 21, 2005
Page 3

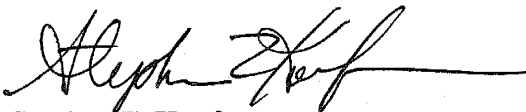
the County, subject to participation by Cypress Realty's northern neighbor, to ensure the continued maintenance and upkeep of Stoddard Place as a public alley. If, however, pursuit of this classification were unsuccessful, Cypress Realty would initiate abandonment proceedings, as the only other available option.

Even more important to the feasibility of the project, however, is the removal of any requirement that additional right-of-way be dedicated for Stoddard Place and/ or the truncation at the intersection of Stoddard Place and Georgia Avenue. We therefore request, based upon the consensus reached at the meeting and the foregoing, your office recommend to Park and Planning staff that a waiver of the truncation requirements along the intersection of Stoddard Place and Georgia Avenue is appropriate and that no additional right-of-way dedication for Stoddard Place is needed or desired, due to the nature and function of Stoddard Place. This recommendation, as discussed, is fully supported by the nature and use of Stoddard Place and the need to preserve the historically significant buildings incorporated in the project. Such a recommendation would, as previously discussed, be conditioned upon successful classification of Stoddard Place as an alley, or successful abandonment of Stoddard Place. We further request that your recommendation include a clear statement that Cypress Realty may pursue project plan, preliminary plan and site plan approvals conditioned upon Cypress Realty's pursuit of classification of Stoddard Place as an alley or abandonment of Stoddard Place subsequent to site plan approval.

Thank you for your attention to this request. If you have any questions or concerns, or would like to discuss this matter further, please feel free to contact me.

Very truly yours,

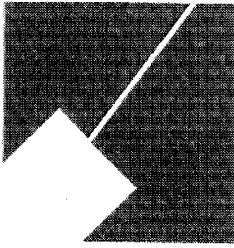
LINOWES AND BLOCHER LLP



Stephen Z. Kaufman

cc: Mr. Douglas Cooper
Mr. David C. Adams
Ms. Sarah Navid
Ms. Christina T. Contreras
Mr. Robert Kronenberg
Erin E. Girard, Esq.

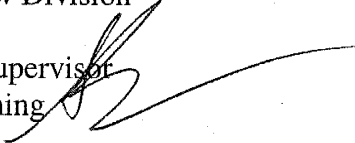
APPENDIX C



April 12, 2006

MEMORANDUM

TO: Robert Kronenberg, RLA, Acting Supervisor
Development Review Division

VIA: Shahriar Etemadi, Supervisor
Transportation Planning 

FROM: Scott A. James, Planner/Coordinator *Saj*
Transportation Planning

SUBJECT: Project Plan #9-06002 and Preliminary Plan # 1-06008
8021 Georgia Avenue Development
Silver Spring Central Business District

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the proposed project and preliminary plans for the 8021 Georgia Avenue development in downtown Silver Spring.

RECOMMENDATION

Transportation Planning staff recommends approval of the above referenced site plan with the following conditions as part of the APF test for transportation requirements related to Local Area Transportation Review (LATR):

1. Limit the proposed development to a maximum of 235 high-rise residential units.
2. Dedicate additional right-of-way along Burlington Avenue (MD 410) to equal 40 feet as measured from the centerline.
3. **Remove** proposed ingress driveway on Burlington Avenue (MD 410) from plans for improved pedestrian access and in order to accommodate Silver Spring streetscape elements as requested by the Development Review Division.
4. Lengthen and improve the existing centerline median along Burlington Avenue (MD 410), inclusive of a pedestrian refuge within the median for improved pedestrian safety and access across MD 410. This improvement shall be complete before any use and occupancy permit is issued.

5. Reconfigure and extend the southwestern corner of the site at the intersection of Burlington Avenue and Georgia Avenue for improved pedestrian circulation and access across both Georgia Avenue (US 29) to the west and Burlington Avenue (MD 410) to the south. This improvement shall be completed before any use and occupancy permit is issued.
6. Coordinate with the Montgomery County Departments of Public Works and Transportation (DPWT), Fire and Rescue Services/Office of Code Enforcement and Permitting Services to insure an appropriate design results from the reclassification of Stoddard Place as an alleyway.
7. Enter into a traffic mitigation agreement to participate in the Silver Spring Transportation Management District. The agreement must be signed and executed by all parties prior to the Planning Board's public hearings on the site plan.
8. Applicant to satisfy any additional conditions established by Maryland State Highway Administration (SHA) and DPWT prior to the Planning Board's public hearings on the site plan.

DISCUSSION

Site Location, Access, Circulation, and Parking

The site is located on east side of Georgia Avenue (US 29) north of its intersection with Burlington Avenue/East-West Highway (MD 410). The property is bounded by Georgia Avenue to the west, Burlington Avenue to the south and Stoddard Place to the north. The site is currently occupied by buildings designated as historic and is subject to all applicable restrictions. The proposed development includes up to 235 high-rise residential condominiums with all parking needs met on-site by means of an underground parking garage. The garage will be accessed exclusively from Stoddard Place, which has connection to northbound Georgia Avenue.

On-site pedestrian circulation is provided by sidewalks along northbound Georgia Avenue, the north side of Burlington Avenue and along the southern side of Stoddard Place. The site will provide improved pedestrian access across Burlington Avenue southward towards the recently expanded Montgomery College campus. The centerline median on Burlington Avenue will be extended and include a pedestrian refuge. In addition, the south westernmost corner of the site will be reconfigured to allow for a larger landing area and improved visibility at the intersection of Georgia Avenue with East-West Highway.

The applicant initially requested two points of access: one each on Burlington Avenue (MD 410) and Stoddard Place. Neither roadway allows for standard entrance designs or operations, therefore extensive negotiations were held to determine the feasibility and viability of both access points. The following sections will discuss in greater detail the reasoning behind the staff recommendations.

Burlington Avenue Access

Burlington Avenue (MD 410) serves as the connecting leg of East-West Highway between Georgia Avenue and Fenton Street. It is marked by the presence of a concrete bridge spanning the CSX and Metrorail tracks. The short distance of approximately 800 feet between Fenton Street and Georgia Avenue, in combination with the necessary height clearance over the railroad tracks creates a steep hill¹ mid-way between the two intersections (please see photos below).

The proposed location for the entrance on Burlington Avenue would be 110 feet to the east of the intersection with Georgia Avenue and at the base of the vertical curve that comprises the bridge over the railroad tracks. This location (and subsequent alternate locations on Burlington) does not meet the minimum stopping sight distance per SHA requirements and therefore is not a permitted location for exiting vehicles.



Photo 1. Burlington Avenue (MD 410) eastbound from intersection with Georgia Avenue.

¹ Separate, independent surveys of this hill have shown its grade to vary between 5.5% and 6.5% between the proposed site entrance and the crest of the bridge.



Photo 2. Burlington Avenue (MD 410) westbound from intersection with Fenton Street.

In response, the applicant proposed to have an entrance only (i.e. no outbound movements) on Burlington Avenue. The proposed point of access would serve as an alternate entrance for the parking garage in addition to full access from Stoddard Place. SHA conceptually approved this alternative, provided certain design criteria were met. The revised preliminary plan with the proposed entrance did not meet SHA minima for deceleration lane lengths, widths or turning radii. However, as the site is physically constrained, both in overall dimension and on account of the historic buildings to be preserved, SHA approved the entrance location in their comment letter dated March 21, 2006.

Subsequently, staff sought to incorporate SHA comments regarding the design of the proposed deceleration lane and entrance with Maryland-National Capital Park and Planning Commission (M-NCPPC) objectives for Silver Spring streetscape and pedestrian accessibility. The resulting design reconfigured the frontage along Burlington Avenue (MD 410) to provide for sidewalks, streetscape and vehicular access, however, it was neither wholly compliant with SHA design standards nor stated Commission objectives for pedestrian access and Silver Spring streetscape elements, nor recommended civil engineering practice. Development Review and Transportation Planning staff ultimately determined that providing vehicular access into the site from Burlington Avenue was not worth the cost in terms of compromised streetscape design, loss of public open space and diminished levels of access for both vehicles and pedestrians. Elimination of the proposed entrance would allow for improved pedestrian access and standard Silver Spring streetscape design elements. Therefore, staff recommends removal of the proposed point of access onto the site from Burlington Avenue.

Stoddard Place Access

Stoddard Place is currently a cul-de-sac of right-of-way width of 30 feet. It is not a classified master planned street and as such, would require a minimum of 60 feet right-of-way to comply with DPWT Business Street standards (please see photo 3 below). Due to the close proximity to the roadway of the existing buildings on-site, Stoddard Place cannot be widened without the removal of one of the historical structures. The applicant has requested that Stoddard Place be reclassified as an alleyway to allow for less stringent design standards. After extensive negotiations, DPWT has agreed to reclassify Stoddard Place as an alleyway.

Stoddard Place will serve as the only point of vehicular access to the site, with provision for both resident and service vehicles. Staff requests that the applicant install sidewalks along the site frontage of Stoddard Place to allow for improved pedestrian access. As the dimensions of Stoddard Place do not meet the minimum standards for Business Streets or Primary Residential Streets, staff also asks that the applicant work with personnel from DPWT and from Fire and Rescue Services to ensure adequate provision for emergency vehicles.

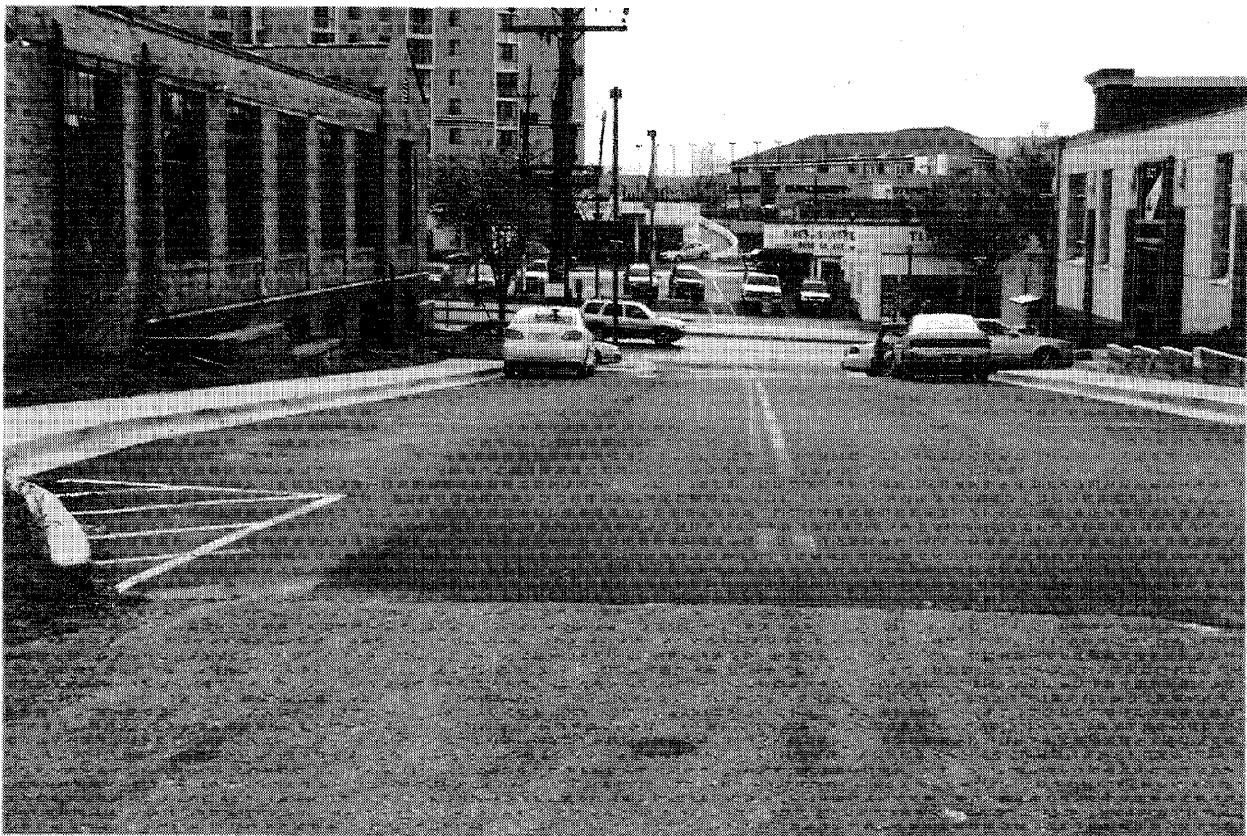


Photo 3. View eastbound on Stoddard Place towards Georgia Avenue

Local Area Transportation Review

The 8021 Georgia Avenue development submitted an LATR traffic study in accordance with M-NCPPC policies stated in the LATR Guidelines adopted in July of 2004. The proposed development is estimated to generate 71 additional trips during the AM and PM weekday peak periods of travel.

Three signalized intersections adjacent to the development were selected for analysis: Georgia Avenue (US 29) at Sligo Avenue, Georgia Avenue (US 29) at East-West Highway (MD 410)/Burlington Avenue/13th Street, and Burlington Avenue/Philadelphia Avenue at Fenton Street. In addition, the unsignalized intersection of Stoddard Place and Georgia Avenue (US 29) was also studied. All intersections are estimated to operate below the 1,800 CLV threshold. Therefore, the proposed development will meet the requirements of LATR. The following table shows the CLV analysis results for the studied intersections:

<u>Roadway Intersection</u>	<u>Current CLV levels (AM / PM)</u>	<u>Background CLV levels (AM / PM)</u>	<u>Projected Future CLV (AM / PM)</u>
Georgia Ave (US 29)/ Sligo Ave	872/1,029	909/1,067	910/1,074
Georgia Ave (US 29)/ East-West Highway (MD 410)	1372/1,256	1,526/1,413	1546/1,429
Philadelphia Ave/ Burlington Ave/Fenton Street	1,253/1,093	1,346/1,205	1,351/1,228
Georgia Avenue (US 29)/Stoddard Place	381/631	398/642	432/670

The traffic study estimated that a portion (29 of the 71) of the peak hour trips would exit onto westbound Burlington Avenue, under the assumption that an exit driveway would be approved. When these estimated outbound trips are relocated to the intersection of Stoddard Place with Georgia Avenue, no significant change in the CLV calculations occurs. As the traffic study originally directed all entering traffic to Stoddard Place, the removal of the proposed entrance from Burlington Avenue does not alter the findings and conclusions expressed in the traffic study. Staff estimates that CLV for the intersection of Stoddard Place with Georgia Avenue has sufficient capacity to absorb all of the estimated peak hour trips.

Master Plan Roadways and Bikeways

Georgia Avenue is a major highway with 125 feet of right-of-way in the vicinity of the site. Burlington Avenue (MD 410) is a state arterial roadway of recommended 80 feet of right-of-way. The applicant has agreed to dedicate right-of-way to provide 40 feet from the centerline of Burlington Avenue to insure compliance with the Sector Plan. Stoddard Place is a Business Street of substandard width of 30 feet. Due to the historic buildings located on the site, the applicant cannot dedicate right-of-way to provide the recommended minimum right-of-way for a

standard Business Street cross section. The applicant proposes instead that Stoddard Place be reclassified an alleyway of width 30 feet, thereby enabling its current dimensions to remain unchanged.

Pedestrian Access

All adjacent intersections have marked pedestrian crosswalks. The three signalized intersections reviewed for the LATR study have adequate crossing times and clearly marked crosswalks for pedestrians. The proposed development will connect to the existing network of pedestrian facilities in this area of downtown Silver Spring.

SAJ:gw

mmo to Kronenberg re 8021 Georgia Ave revised April



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

February 2, 2006

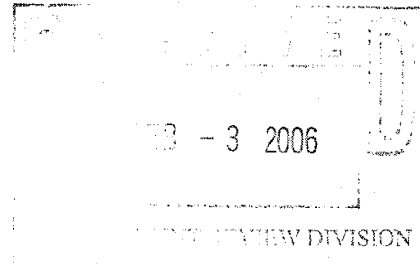
MEMORANDUM

TO: Robert Kronenberg, Acting Supervisor
Development Review Division

FROM: Michele Oaks, Senior Planner *MO*
Historic Preservation Section

VIA: Gwen Wright, Supervisor *GW*
Historic Preservation Section

SUBJECT: Preliminary Plan #1-06008
8021 Georgia Avenue, Dyers and Cleaners Building
Locational Atlas Resource



On September 19, 2005, historic preservation planning staff and representatives from the Silver Spring Historical Society met with the developers for the above referenced project. At this meeting, there was support for the overall project with a number of concerns and suggested changes mentioned. Based on this discussion, staff supports the proposed development plan for 8021 Georgia Avenue with the following conditions to be added to the Project Plan/Preliminary Plan for this case:

1. A permanent, historical exhibit about the building and its architect, Arthur Heaton, will be created and installed by the applicant in a portion of the lobby of the building. The Silver Spring Historical Society will assist in providing historical text and archival information for this exhibit.
2. An early dry cleaning machine, currently in the building's basement, will be retrieved and restored and put to use in an exhibit at the building, or at another appropriate location to be reviewed by historic preservation planning staff and the community.
3. Metal panels on the front (Georgia Avenue) facade of the northernmost building will be retained. These panels were a clothing drop-off for the original dry cleaning function of the building.

These are the only three, formal conditions that were discussed and agreed upon at the meeting. However, there was an informal discussion and consensus on 1.) some architectural changes to the Stoddard Place facade that the applicant had developed and that would retain an additional pediment along this facade; 2.) some architectural changes that the applicant had developed allowing for a band of glass to separate the historic building from the new residential tower; 3.) potential consideration of the use of new glass block as a decorative element in the building lobby; 4.) potential consideration of integrating the "Arthur Heaton" name into the project's ultimate name, depending on marketing viability; and 5.) the need for close coordination as architectural and material details are developed in the future for portions of the project that will adjoin the remaining historic buildings (particularly Building A on the corner) specifically to include consultation on the repair and/or removal/replacement of the windows in the original portions of the buildings.

If you have any additional questions, please do not hesitate to contact me at 301-563-3400.

Recommendation to Dev Rev Div: XXX Approve w/conditions as noted below

MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
DEVELOPMENT REVIEW COMMITTEE RECOMMENDATIONS

TO: Cathy Conlon and Michael Ma, Development Review Division

SUBJECT: Plan # 1-06008/9-06002, Name 8021 Georgia Avenue
DRC date: Monday, December 5, 2005 (previous: Monday, August 29, 2005)

The above-referenced plan has been reviewed to determine if it meets requirements of the Guidelines for Environmental Management of Development in Montgomery County, and other county regulations that may apply. The following recommendations are made for the DRC meeting:

SUBMITTAL ADEQUACY

XX Plan is complete. (see recommendations below)

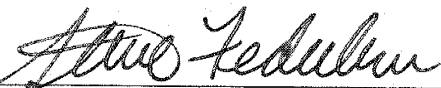
XXX EXEMPT from forest conservation requirements, per NRI/FSD #-4-05265E for Small Property

EP RECOMMENDATIONS:

XXX Approval with conditions as specified below.

Provide comprehensive noise analysis of noise impacts from all transportation sources (roadways, railways, and METRO rail) and all mitigation measures (e.g., acoustical treatment, design measures, etc.)

SIGNATURE:


Steve Federline, Environmental Planning
Countywide Planning Division

301-495-4550

DATE: 12/05/05

★ (Unchanged from 8/29/05)

cc: engineer/applicant



MARYLAND DEPARTMENT OF THE ENVIRONMENT
1800 Washington Boulevard, Suite 625 • Baltimore MD 21230-1719
410-537-3000 • 1-800-633-6101

Robert L. Ehrlich, Jr.
Governor

Kendl P. Philbrick
Secretary

Michael S. Steele
Lt. Governor

Jonas A. Jacobson
Deputy Secretary

August 2, 2005

Mr. J. Michael Dant
Project Manager
Arcadis G&M, Inc.
1114 Benfield Boulevard, Suite A
Millersville, MD 21108

RE: Groundwater Remediation closure at
International Fabricare Institute site, Silver Spring, MD

Dear Mr. Dant:

This letter provides Maryland Department of the Environment's (the Department) response to International Fabricare Institute (IFI)'s reports titled; *Analysis of Interim System Shutdown Data* dated March 2005; *Joint IFI/Safety Kleen Groundwater Monitoring Event August 2004 Analytical Data*; *International Fabricare Institute – Silver Spring, Maryland Groundwater Flow Information* dated July 8, 2005; and also to the meeting between representatives of IFI, Arcadis G&M Inc., Grosvenor GB, LLC and Maryland Department of the Environment on July 12, 2005.

1. Based on the Department's review of the submitted reports and data, the Department approves IFI's request to terminate and remove the vacuum-enhanced extraction and remediation system at IFI property and Parcel A. IFI shall have no further obligation to extract and treat the tetrachloroethylene (PCE) impacted groundwater for the abovementioned properties as required by the Administrative Consent Order ACO 97-012.
2. In addition to the nine monitoring wells proposed for the "post-closure" groundwater semi-annual monitoring program, the Department requests IFI to include the following wells: GM-5, GM-6, SCS-1A, SCS-1B, SCS-2A and SCS-3B. IFI may exclude MW-2 from the revised monitoring program at this time. A final decision on the number of wells, locations and frequency of groundwater monitoring will be made after 4 rounds (2 years) of sampling have been completed. All of the groundwater monitoring wells used for IFI's previous sampling program should be kept intact for possible future use during the ongoing investigation of the elevated PCE levels in the monitoring well MW-4 at the Washington Suburban Sanitary Commission (WSSC) property.

Mr. J. Michael Dant
Page Two

If you have any questions about this matter, please contact Chau Nguyen of my staff or me at (410) 537-3493.

Sincerely,

A handwritten signature in cursive script that reads "Arthur O'Connell".

Arthur O'Connell, Chief
CHS Enforcement/Fund Lead
Site Assessment Division

AOC:cn

cc: Mr. Horacio Tablada
Mr. James Carroll
Mr. Brian Dietz
Mr. Michael Ma
Tim Henderson, Esquire

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
WATER RESOURCES SECTION

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: December 1, 2005

MEMO TO: Michael Ma, Supervisor
Development Review Committee, MNCPPC

FROM: David Kuykendall
Senior Permitting Services Specialist
Water Resources Section, MCDPS

SUBJECT: Stormwater Management Concept Plan/100-Year Floodplain Review
Site Plan # _____
Project Plan # 920060020 , 8021 Georgia Avenue
Preliminary Plan # 120060080 , DPS File # 218282
Subdivision Review Meeting of December 5, 2005

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for a 100year floodplain. The following summarizes our findings:

SM CONCEPT PLAN PROPOSED:

- On-site: CPv WQv Both
 CPv < 2cfs, not required
 On-site/Joint Use Central (Regional): waived to
 Existing Concept Approved October 11, 2005
 Waiver: CPv WQv Both
 Approved on October 11, 2005
 Other

Type Proposed:

- Infiltration Retention Surface Detention Wetland Sand Filter
 Separator Sand Filter Non Structural Practices Other 'StormFilter'

FLOODPLAIN STATUS: 100 Year Floodplain On-Site Yes No Possibly

- Provide source of the 100Year Floodplain Delineation for DPS approval:
 Source of the 100-Year Floodplain is acceptable.
 Submit drainage area map to determine if a floodplain study (> or equal to 30 acres) is required.
 Dam Breach Analysis: Approved Under Review:
 100-Year Floodplain study: Approved Under Review:

SUBMISSION ADEQUACY COMMENTS:

- Provide verification of Downstream notification.

RECOMMENDATIONS:

- Approve as submitted with conditions (see approval letter)
 Incomplete; recommend not scheduling for Planning Board at this time.
 Hold for additional information. See below
 Comments/Recommendations: Provide depressed curb on Stoddard Lane to allow access to stormwater management structure. Item 6 & 7 of the approved concept will be removed. There is a conflict with the location of the stormwater management structure and the proposed landscaping. Suggest that you move the structure toward Georgia Avenue to allow for some space for landscaping.

cc: Steve Federline, Environmental Planning Division, MNCPPC

bll DRC site plan.03/01



FIRE MARSHAL COMMENTS

DATE: 1-17-06
TO: PLANNING BOARD, MONTGOMERY COUNTY
VIA:
FROM: CAPTAIN JOHN FEISSNER 240.777.2436
RE: APPROVAL OF ~ 8021 GEORGIA AVE #1-06008~

1. PLAN APPROVED.

- a. Review based only upon information contained on the plan submitted 1-17-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services



DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Arthur Holmes, Jr.
Director

January 30, 2006

Ms. Catherine Conlon, Subdivision Supervisor
Mr. Robert Kronenberg, Acting Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-06008
Project Plan No. 9-06002
8021 Georgia Avenue

REVISED DPWT LETTER

Dear Ms. Conlon and Mr. Kronenberg:

This letter is to amend the comments contained in our October 23, 2005, letter for this project in light of the agreements that were achieved at a December 16, 2005 meeting between the Maryland State Highway Administration (MSHA) and representatives for the applicant. As a result of that meeting, we understand that the MSHA will now permit the primary ingress and egress for this site to be located on Burlington Avenue (MD 410). We commend all parties who participated in this significant decision. In our opinion, Stoddard Place will now be able to meet the definition of an "alley" contained in Section 49-34 (g) of the Montgomery County Code.

We now recommend the Planning Board approve the applicant's request to classify Stoddard Place as a public alley between Georgia Avenue and its terminus. Assuming the Planning Board approves that request, this letter is to also delete all comments in our prior letter that relate to Stoddard Place. Since Stoddard Place will not be improved to the standard of a Commercial/Industrial Road, we urge the applicant to coordinate with the Department of Fire and Rescue Services/Office of Code Enforcement (and the DPS Right-of-Way Permitting and Plan Review Section) to ensure a satisfactory cross-section and terminus on Stoddard Place.

All other comments in our previous letter remain in effect.



Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240/777-6000, TTY 240/777-6013, FAX 240/777-6030