



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

Staff Report: Project Plan 920100010 8621 Georgia Avenue

ITEM #: _____

MCPB HEARING

DATE: November 19, 2009

REPORT DATE: November 5, 2009

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Robert Kronenberg, Supervisor *RK*
Development Review Division

FROM: Elza Hisel-McCoy, Assoc. AIA, LEED-AP *CH*
Coordinator
Development Review Division
301.495.2115
Elza.Hisel-McCoy@mncppc-mc.org

APPLICATION

DESCRIPTION: 191,281 sf. mixed-use office building, including approximately 6,209 sf. of retail/restaurant below approximately 185,072 sf. of office uses, on 1.10 gross acres in the CBD-2 Zone; located on Georgia Avenue, 75 feet northwest of Colesville Road; Silver Spring CBD.

APPLICANT: 8621 Limited Partnership

FILING DATE: August 5, 2009

RECOMMENDATION: Approval with conditions

EXECUTIVE

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

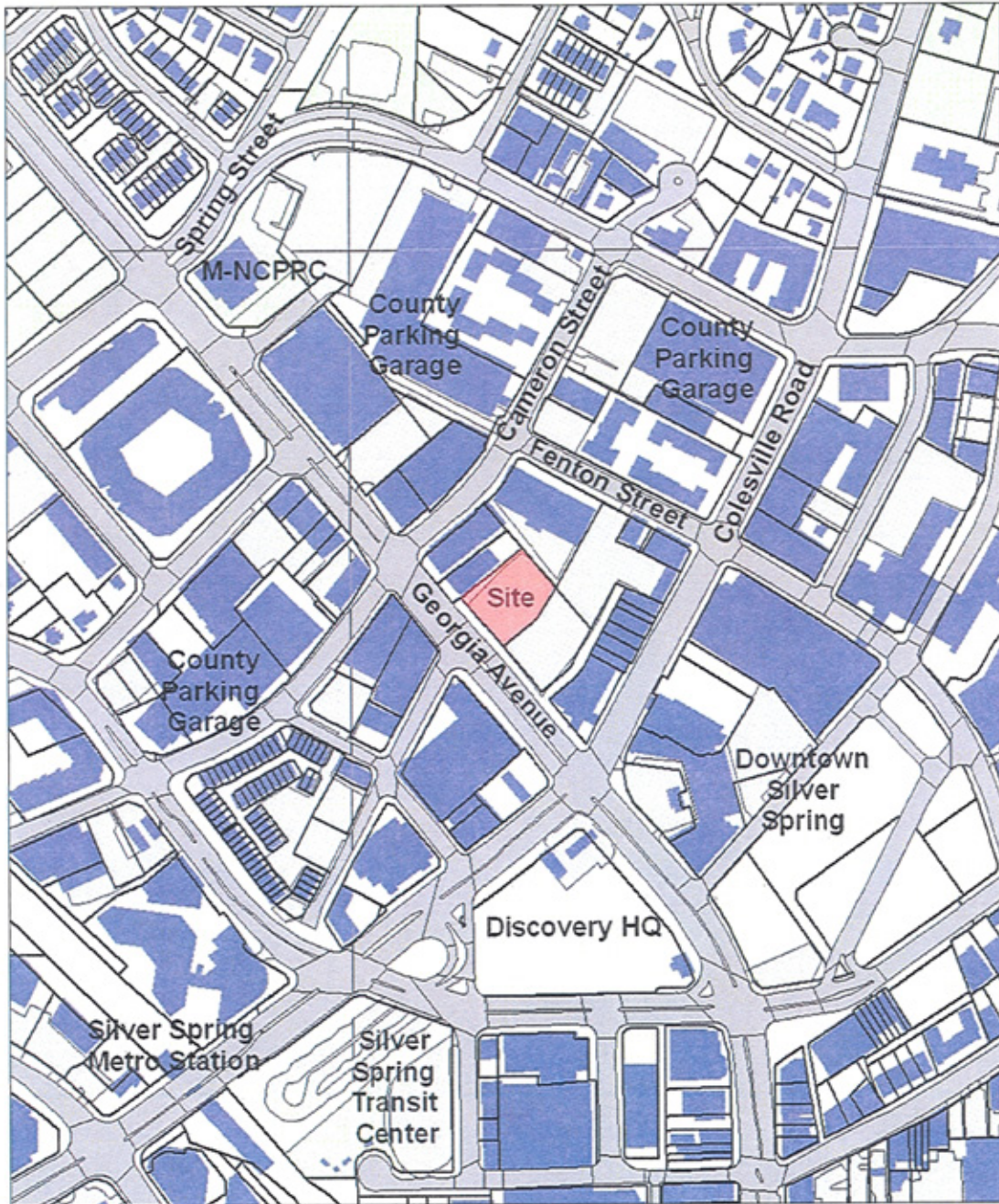
| TABLE OF CONTENTS | |
|--|-----------|
| SITE DESCRIPTION | 3 |
| Vicinity | 3 |
| Site Analysis | 4 |
| PROJECT DESCRIPTION | 4 |
| Land Use | 4 |
| Architecture | 6 |
| Public Amenities | 7 |
| PROJECT ANALYSIS | 8 |
| Sector Plan | 8 |
| Transportation | 9 |
| Environment | 9 |
| Development Standards | 9 |
| ISSUES | 11 |
| FINDINGS | 12 |
| RECOMMENDATION & CONDITIONS | 19 |
| APPENDICES | 21 |

| ILLUSTRATIONS & TABLES | |
|--|----|
| <i>Vicinity Map</i> | 3 |
| <i>Aerial Photograph</i> | 4 |
| <i>Illustrative Landscape Plan</i> | 5 |
| <i>Georgia Avenue Elevation</i> | 6 |
| <i>Entrance Arcade on Georgia Avenue</i> | 7 |
| <i>Proposed Public Use Space</i> | 7 |
| <i>Public Art Plaza</i> | 8 |
| <i>Project Data Table</i> | 10 |
| <i>Fenton Street Urban Park</i> | 12 |

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.



Vicinity Map

Site Analysis

The subject property is currently entirely covered by a surface parking lot, which it shares with the adjacent property. Along the Georgia Avenue sidewalk are several street trees and a hedge screen.



Aerial Photo Looking North

PROJECT DESCRIPTION

Land Use

The Project Plan proposes one mixed-use office building with ground-floor retail and public art. The total proposed 191,281 sf. of development includes 185,072 sf. of office above 6,209 sf. of retail/restaurant space, with a maximum building height of 143'. Pedestrian and vehicular access will be from Georgia Avenue, with a private service alley to be shared with the adjacent property owner (under a separate future development proposal). On-site structured parking will accommodate about 289 parking spaces on five levels within the building, two below grade and three above, and will be accessed from the service alley.



Illustrative Landscape Plan

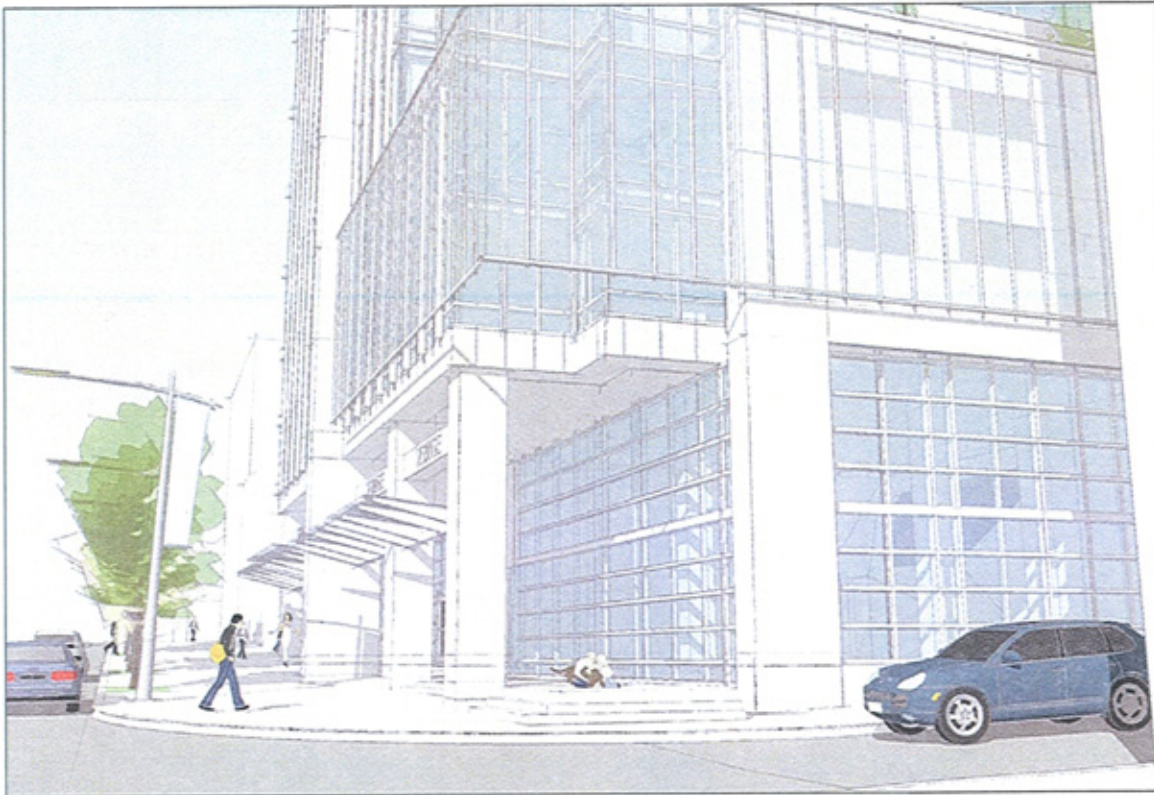
Architecture

The architecture features a glass and steel curtain wall with a central vertical element centering the building on its base. The building base consists of entrances for the retail and restaurant bays and the main lobby on the ground floor with structured parking behind and above, emphasized with a metal mesh screen wrapping the southeast corner of the building, visible primarily from the southern approach. The office space occupies the fifth floor and above.



Georgia Avenue Elevation

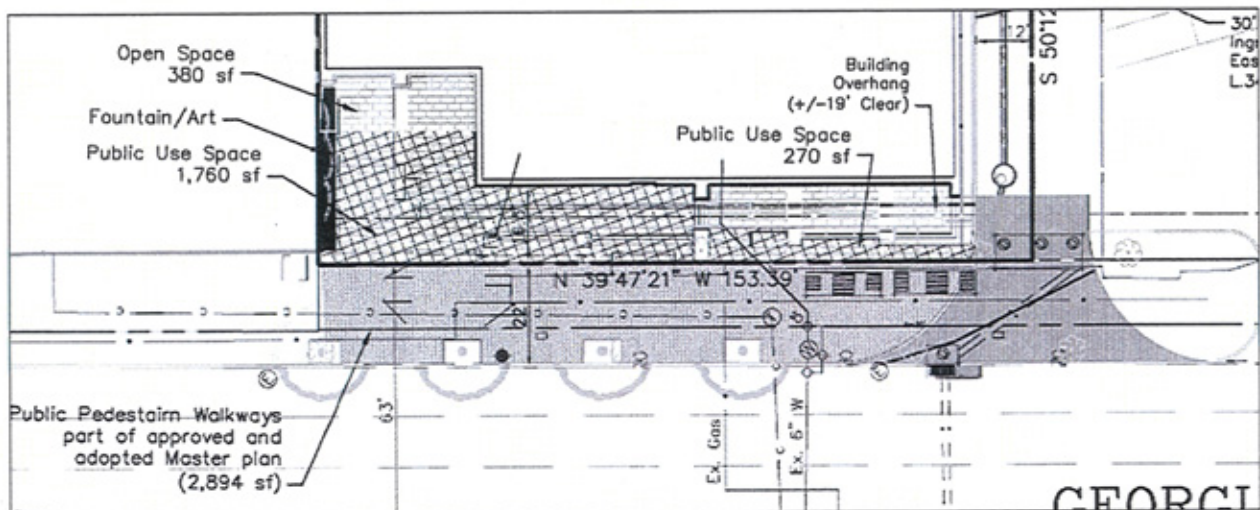
The Georgia Avenue façade extends to the existing building line to maintain the streetwall. The main lobby and retail entrances are recessed in an arcade, allowing the building to take up a few feet of grade across the site (see illustration next page).



Entrance Arcade along Georgia Avenue

Public Use Space & Amenities

The development proposes 2,030 square feet of on-site public use space (6.7% of the net lot area) and 3,840 square feet of off-site public *amenity* space (12.6% of the net lot area). However, staff recommends that only 1,760 sf.(5.8% of the net lot area) be counted towards the 20% public use space requirement. The balance (270 sf.) falls upon stairs that will be used primarily as part of the entry sequence for the office building and is unlikely to invite sitting.



Proposed Public Use Space along Georgia Avenue

The on-site space is composed primarily of a public forecourt for a public art piece to be installed at the northwest edge of the site. As the design of the public art piece develops, it will be integrated into this area to provide increased visual interest for the pedestrian and a strong integration with the architecture and the public space. Located immediately behind this public space is an open space reserved for outdoor seating for restaurant space.



Public Art Plaza with Restaurant Seating behind

The balance of the required on-site public use space (now 14.2% of the net lot area, or about 4,319 sf.) will be met via a contribution to the Amenity Fund, as discussed in the Project Analysis below. In addition to improving the streetscape in front of the site to Silver Spring Streetscape standards, the Applicant is providing public art, and is committing the building to achieve LEED-NC Silver certification. Final details of the proposed open space and public amenities will be determined during the review of the Site Plan.

PROJECT ANALYSIS

Sector Plan

The subject property is covered by the Approved and Adopted Silver Spring CBD Sector Plan (February 2000). The property is located in the CBD revitalization area known as the Core. The Applicant is proposing retail uses or a restaurant on the ground floor and the rest of the building as offices, with parking on the lower floors and below the building. As the site is currently developed as a parking lot, the proposed Project Plan with retail or restaurant uses will activate an empty section of a major boulevard in the CBD Core. As enumerated in the attached staff memorandum from the Vision Division and in the findings below, the submitted Project Plan is consistent with the recommendations of the Silver Spring CBD Sector plan for this property.

Transportation

Since the density proposed on the property would generate 30 or more total peak-hour trips during the typical weekday morning and evening peak periods, the Applicant submitted a traffic study for Adequate Public Facilities (APF) review. The capacity analysis demonstrates that under Total Traffic (i.e., built) conditions, the critical lane volumes (CLV) at the study intersections would be below the applicable congestion standard for Silver Spring CBD Policy Area. The Project Plan therefore satisfies the LATR requirements of the APF test.

Environment

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

Development Standards

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

The purposes of the CBD-2 Zone include:

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

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

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

Project Data Table for the CBD-2 Zone

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

ISSUES

Public Use Space

Under Section 59-D-2.31, the “Planning Board may approve a payment instead of any required public use space, public facilities, or amenities off-site...” For this Project Plan, the Applicant proposes to use this allowance for 14.2% of the required minimum 20% public use space.

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

Staff recognizes and will condition that the amount of the Amenity Fund contribution being approved for this Project Plan is preliminary, and that if the implementation guidelines described above have been approved and adopted by time of Site Plan, the Planning Board may replace the provisional payment amount with a final number, at its discretion.

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

- The first component is based on the assessed land value for the subject site. The Maryland Department of Assessments and Taxation records show an assessed land value for the site, as of July 1, 2009, of \$3,039,700, 14.2% of which is \$431,637.
- The second component is calculated at a rate of \$35/sf. for each square foot of public use space to be provided off-site. The rate of \$35 is based on the estimated cost of providing one square foot of streetscape. For this plan, the Applicant proposes to provide 4,319 sf. off-site (14.2% of the net site area), yielding a subtotal of \$151,165.

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

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

Under the terms of the Fund, the amenity targeted to receive the payment must be selected either from the relevant master or sector plan recommendations or from a list of improvements approved by the Planning Board. Furthermore, projects making payments into the Amenity Fund must identify the associated off-site improvement to be implemented. In consultation with staff from the Vision, Design, and Park Development Divisions, and in accordance with the recommendation of the Silver Spring CBD Sector Plan, staff is recommending the Amenity Fund contribution be directed towards the development of Fenton Street Urban Park, in the Silver Spring CBD, potentially to include the preparation and partial implementation of a Facilities Plan and/or land acquisition for this park (see Appendix C). By Site Plan, staff will coordinate the details of this Amenity Fund contribution for presentation to the Board.



Fenton Street Urban Park, Approximate Location

FINDINGS

According to Section 59-D-2.43 of the Montgomery County Zoning Ordinance, in reaching its determination on a Project Plan the Planning Board must consider the following:

- (a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under chapter 56.
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.
- (c) Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with chapter 25a if that chapter applies.
- (g) The staging program and schedule of development.
- (h) The adequacy of forest conservation measures proposed to meet any requirements under chapter 22a.
- (i) The adequacy of water resource protection measures proposed to meet any requirements under chapter 19.

As the following Findings demonstrate, the subject Project Plan amendment adequately addresses each of these considerations, as conditioned by the Staff Recommendation.

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board and in concert with the considerations enumerated above form the basis for the Board's consideration of approval. In accordance herewith, the Staff makes the following findings:

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

Intents and Purposes Of The CBD Zones

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

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

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

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

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

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

The existing development along Georgia Avenue includes both commercial office and residential uses. These primary uses are supplemented with minimal ground-floor street-activating uses. This Project Plan augments the existing office uses on the Avenue with high-quality office space, and provides opportunities for ground-floor retail and restaurant uses that are lacking on this section of Georgia Avenue, while the proposed public art along the Avenue will help to attract passersby into the space. Further, the Applicant's contribution to the development of public space in the larger Silver Spring CBD, through the "Amenity Fund", will help provide a most desirable amenity for workers, visitors, and residents. The ground-floor uses and off-site public space will serve not only the weekday office workers, but also the evening and

weekend residents of the CBD, bringing pedestrian activity and vitality to what is currently an underutilized space.

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

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

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

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

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

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

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

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

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

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

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

Further Intents of the CBD-2 Zone

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

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

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

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

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

Requirements of the CBD-2 Zone

The table on page 10 of the staff report demonstrates the conformance of the Project Plan with the development standards under the optional method of development. Among other standards, the proposed development meets the area, public use space, building height, and density requirements of the zone.

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 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 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.

RECOMMENDATION AND CONDITIONS

Approval of Project Plan 920100010 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 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 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. 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.
- d. Final details regarding the Amenity Fund contribution shall be determined at Site Plan, in coordination with the appropriate Parks Department staff.
- e. The Applicant must provide public art on-site, integrated into the overall site design.
- f. The Applicant must present preliminary and final public art concepts to the Art Review Panel prior to approval of the Site Plan.
- g. Final design of the public art must be determined by Certified Site Plan.
- h. 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.

APPENDICES

Appendix A: Amenity Fund Memo

Appendix B: Property Valuation

Appendix C: Fenton Street Urban Park location map

Appendix D: Staff memoranda

Appendix E: Agency correspondence

Action

MEMORANDUM

April 18, 2008

TO: County Council

FROM: Jeffrey L. Zyontz, ^{2/}Legislative Attorney

SUBJECT: Action - Zoning Text Amendment 07-10, CBD Zone Revisions

PHED Committee Recommendation. On January 22, 2008 the Committee (3-0) recommended approval of ZTA 07-10 with amendments to allow the Planning Board discretion to develop detailed guidelines on: 1) calculating the cost of off-site amenities and public use space; and 2) developing lists of possible amenities.

On April 7, 2008 the Committee confirmed its January 22 recommendations and also recommended amendments to:

1. retain day care uses (3-0) and add public art (2-1) as possible public facilities and amenities;
2. add the outdoor area of a day care facility as public use space (2-1); and
3. remove the definition of "arts or entertainment entity" and the footnote related to it from the ZTA (3-0).

The Committee agreed with other changes in ZTA 07-10 to: 1) amend the definition of public facilities and amenities and public use space; 2) require signs designating public use space; 3) revise provisions for off-site public use space in certain overlay zones; and 4) clarify the text of the CBD zones.

The Committee noted that the definition of public amenities and public use space includes green areas, a term defined by the Zoning Ordinance. The Committee was assured by the Planning Department that only the portion of green area that was open and accessible to the public would meet the definition of public use space.

Background

Zoning Text Amendment (ZTA) 07-10, sponsored by the District Council at the request of the Planning Board and Councilmember Floreen, was introduced on July 31, 2007. The Woodmont Triangle Sector Plan recommended optional method of development projects on any size parcel and the option of a payment instead of requiring on-site public use space or public facilities and amenities. ZTA 07-10 would change the Zoning Ordinance to allow a payment instead of fulfilling the public use space or public facilities and amenities requirement on-site. The ZTA provides a general approach to calculate any such payment. The detailed method to calculate the payment required would be in guidelines approved by the Planning Board. ZTA 07-10 would also allow the provision of off-site public use space.

ZTA 07-10, as introduced, would have required the Planning Board to accept arts or entertainment space as public use and excluded that space from the maximum floor area allowed by the zone. In all other situations the Planning Board has discretion to accept or reject proposed public use space.

Comments

Why are CBD zones different from many other zones?

Any developer with CBD-zoned land can develop under the standard method of development. A developer also has the choice of increased density in exchange for increased public use space and public facilities and amenities. The requirements for any applicant are the result of a negotiation process between the Planning Board and the applicant. The Zoning Ordinance's minimum public use space requirement provides the starting point for negotiation. The requirement for public facilities and amenities can be satisfied in part by increased public use space. The public use space and facilities and amenities are the responsibility of the developer; they are generally completed at the same time as the development. Unlike the open space in other zones, the public is invited to use public use space.

How would ZTA 07-10 change the rules?

ZTA 07-10 proposes an option in the optional method of development process for payments instead of providing on-site public use space or on-site facilities and amenities. The change creates four issues resolved by this ZTA:

1. the basic equation for deciding the amount of payment is established;
2. the priority for spending the money;
3. the timing of receiving money; and
4. the methods for spending the money received.

The Planning Board recommended removing the phrasing of the ZTA that requires funding sector plan recommended space and amenities first:

The Planning Board strongly believes that it should retain the ability to choose public use spaces and amenities not listed in sector plans, although those should have priority status. The Board believes that while any

projects listed in a Sector Plan should be considered first priority, there may be instances in which new opportunities have arisen since the adoption of the Sector Plan, which are of greater interest in the community. The listed projects may have become unnecessary due to intervening events in the Sector Plan area.¹

The Committee recommended amending ZTA 07-10 to allow the Planning Board to create a list of public use spaces and amenities for possible funding by projects without the required amount of on-site public use space or amenities.

The ZTA as introduced provided much more reliance on the plans adopted by the Council than would the Planning Board's recommendation. The Planning Board's recommendation could result in ignoring the sector plan's list of projects if the Board finds "greater community interest" in a new idea. The County takes great pains to learn the public interest in proposing sector plans. The circumstances described by the Board would call out for a sector plan amendment. *Staff recommends the ZTA as introduced.*

What is the Council's role in the new process?

The ZTA as introduced gave the Council a greater role in optional method of development projects in three respects:

1. the basic equation of how much money is required is in the ZTA;
2. the Council will review regulations that implement the ZTA; and
3. the Council-approved sector plan becomes the first guide to spending funds.

The Planning Board "strongly" believed that it is important that the formula for determining payment be at the discretion of the Planning Board, as the concept may need to be revised from time to time. Planning Board guidelines are adopted by the Board without approval by the Council. The Board submitted draft guidelines with its testimony that are discussed below. The Committee recommended amending ZTA 07-10 to allow the Planning Board to adopt guidelines that detail the administration of off-site amenities and public use space payments.

Guidelines imply something less than hard and fast rules.² Certainly, Planning staff treats guidelines as rules, but the Board is not bound to do so. Regulations could make firm standards.

The need to change requirements from time to time, as cited by the Planning Board as the reason it prefers guidelines, does not leave guidelines as the only solution. Regulations, as required by the ZTA, could also be revised. The issue for the Council is the level of oversight it wants to maintain. *Staff recommends the ZTA as introduced.*

¹ Memorandum from the Planning Board, September 20, 2007.

² "Traffic signals in New York are just rough guidelines." David Letterman

Should ZTA 07-10 create an incentive for encouraging payment?

ZTA 07-10 creates what seems to be a cost neutral approach. However, the fees would be high enough for the developer to buy additional land at market prices instead of handing over money. In particular ZTA 07-10 would require the following:

Any payment accepted for public use space must be sufficient to secure an equivalent amount of improved public use space off-site. The amount of any payment accepted for public facilities and amenities must be not less than the cost of constructing an equal amount of the public facilities and amenities on-site.³

The Planning staff's draft guidelines provide more detail. A project that proposes to pay instead of providing any **public use space** would pay 20 percent of the site's value plus \$33 (the assumed cost of streetscaping) for every square foot of public use space not provided on-site. Based upon a real cost example, the payment would amount to 27 percent of the site's value.

A project that provides on-site public use space and takes the payment option instead of providing on-site **facilities and amenities** would generally pay \$33 per square foot (the cost of streetscaping) for 40 percent of the site's land area. Based upon a real cost example with a project achieving a density of 200 percent of the standard method of development's density, this would amount to an additional 13 percent of the site's value. Projects of lesser density would be charged proportionally less (the minimum basis would be 20 percent of the site's land area).

If the owner makes a payment for both **public use space and facilities and amenities**, the total cost would be 20 percent of the site's value plus the payment required for allowing all facilities and amenities off-site. Based upon a real cost example, this would equal 33 percent of the site's value.

If a developer purchases land for public use space instead of making a payment, the density on the land purchased would be available for the developer's use. No additional density is proposed to be given in the payment option, and thus there is a financial disincentive to provide payment instead of providing on-site space and facilities. The Silver Spring Citizens Advisory Board recommended allowing a developer (who may pay 27 percent of the value of the developer's site) an incentive in the form of additional density. The BCC Community for Public Space, Arts, and Amenities believes that the combination of allowing any size property the optional method of development should be a sufficient incentive to developers without allowing additional density.

The payment required by the ZTA and the draft guidelines would be substantial. It is more likely than not that any developer that can achieve a reasonable building footprint on a site will choose to provide public use space and public amenities on-site. Such a developer would at least "save" 20 percent of the site's value. Lower payment or increases in the allowable floor area would induce more developers to take a payment option. The Committee did not recommend amending ZTA 07-10 to create incentives for providing off-site public use space or public amenities.

³ §59-D-2.3.1(a).

Should the definition of public facilities and amenities be changed?

Testimony noted that the word “decorative” added to the word “lighting” made the standard subjective. The phrase “specialty lighting” was suggested as being less subjective. The meaning of decorative is “purely ornamental”.⁴ Decorative lighting would entail features that are beyond mere functional lighting. The Committee did not recommend amending ZTA 07-10 to change the word “decorative”.

Testimony further suggested that “special pavers” implied public use space. Pedestrian circulation facilities are currently implied as “satisfying public needs” and are expressed as a need within open space. Public use space is a defined term in the Zoning Ordinance that is distinct from public facilities and amenities. Amenities occupy public use space. Part of the amenity requirement can be satisfied by providing more than the minimum public use space but currently amenities cannot be substituted for public use space. The Committee did not recommend amending ZTA 07-10 to delete the term “special pavers”.

ZTA 07-10, as introduced, deleted facilities for day care for children, senior adults, and persons with disabilities from the definition of amenities. These facilities may be commercial enterprises but so are other facilities retained as examples of possible amenities, such as museums and art galleries. Certainly day care uses provide for subsets of the population, but the uses satisfy community needs. There is more social benefit to child care than other activities. The Committee recommended amending ZTA 07-10 to retain day care facilities as possible amenities. The Committee also recommended adding public art to the list of possible amenities. After the Committee meeting, Planning Staff sent a memorandum indicated possible problems with the Committee’s recommendations. (See © 44.)

Should definition of public use space be amended?

All projects in CBD zones are required to provide public use space. It is the minimal assurance for light, air, and pedestrian circulation. In other zones there are minimum green area and maximum building coverage requirements. Although green area can be space for the private enjoyment of the building occupants, public use space is for public enjoyment.

The changes proposed in ZTA 07-10 are mostly intended to make the provision precise, concise and decisive except for the new requirement to require a public use space sign. For example, “decorative planting” was deleted from the definition because such plantings are included in the retained allowance for “green area” and “gardens”.

Public use space signs are a new requirement under ZTA 07-10. The need for such signs in all circumstances was questioned by public testimony. Public use space signs can be accomplished without detracting from the aesthetic quality of the space. The Committee did not recommend amending ZTA 07-10 to delete the new requirement for public use space signs.

The proposed public use space definition would retain the requirement that such space be “easily and readily accessible to the public” and deletes the phrase “without restrictions to

⁴ Webster’s New Collegiate Dictionary.

particular segments of the public". The definition as introduced would not allow the gated outdoor space for child care as public use space. Such space is not readily accessible to the public. The Committee recommended amending ZTA 07-10 to include the outdoor space for child care as public use space. After the Committee meeting, Planning Staff sent a memorandum indicated possible problems with the Committee's recommendations. (See © 44.) *Staff recommends not allowing the outdoor space for child day care to be counted as public use space.*

Should the density for residential projects be determined by units per acre instead of floor area ratio limits when such projects have ground level retail uses?

The density of a residential project is limited by the number of dwelling units per acre. There is no limit on the floor area of dwelling units. Floor area ratios⁵ limit the density of mixed-use projects and non-residential projects. If a residential project's average unit size exceeds 1,000 square feet, the floor area ratio of the residential project will be greater than the maximum floor area ratio allowed for a mixed-use project. Testimony recommended allowing residential projects that are mixed-use projects only because of ground level retail uses to only have a density limit established by dwelling units per acre. Ground level retail uses are generally encouraged by CBD master plans, but calculating density on a floor area ratio basis creates a disincentive for having a mixed-use project. The Committee recommended deferring consideration of this issue until a more comprehensive review of the CBD zones is before the Council.

Should public use space be substituted for space for an "arts or entertainment entity"?

Executive staff expressed dissatisfaction with the provisions concerning arts and entertainment entities in ZTA 07-10. The Committee expects a more comprehensive amendment on this issue in a future proposal from the Executive. The Committee recommended deleting the definition of an arts and entertainment entity and deleting the proposed footnote allowing public use space to be substituted for such entities.

This packet contains:

| | <u>© number</u> |
|---|-----------------|
| ZTA 07-10 | 1 - 18 |
| Planning Board and Staff Recommendation | 19 - 30 |
| Public Testimony | 31 - 43 |
| Memorandum from Planning Staff | 44 |

f:\land use\zta\jzyontz\zta 07-10 CBD zone revisions\Action memo April.doc

⁵ §59-A-2.1; Floor area ratio: A figure which expresses the total gross floor area as a multiple of the gross tract area of the lot. This figure is determined by dividing the gross floor area of all buildings on a lot by the area of that lot.



Maryland Department of Assessments and Taxation
MONTGOMERY COUNTY
Real Property Data Search (2007 vw6.3d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 13 Account Number - 03327657

Owner Information

Owner Name: 8621 LIMITED PARTNERSHIP **Use:** COMMERCIAL
Mailing Address: 7811 MONTROSE RD STE 500 **Principal Residence:** NO
 POTOMAC MD 20854-3300 **Deed Reference:** 1) /34367/ 421
 2)

Location & Structure Information

Premises Address **Legal Description**
 8621 GEORGIA AVE JOHN HOPKINS APPLIED
 SILVER SPRING 20910 PHYSICS LAB PROP

| Map | Grid | Parcel | Sub District | Subdivision | Section | Block | Lot | Assessment Area | Plat No: | 21780 |
|------|------|--------|--------------|-------------|---------|-------|-----|-----------------|-----------|-------|
| JN33 | | N213 | | 22 | | | 2 | 1 | Plat Ref: | |

Special Tax Areas **Town**
Ad Valorem
Tax Class 48

| Primary Structure Built | Enclosed Area | Property Land Area | County Use |
|-------------------------|---------------|--------------------|------------|
| 0000 | | 30,397.00 SF | 910 |

| Stories | Basement | Type | Exterior |
|---------|----------|------|----------|
| | | | |

Value Information

| | Base Value | Value | Phase-in Assessments | | |
|---------------------------|------------|------------|----------------------|------------|--|
| | | As Of | As Of | As Of | |
| | | 01/01/2007 | 07/01/2009 | 07/01/2010 | |
| Land | 3,039,700 | 3,039,700 | | | |
| Improvements: | 0 | 0 | | | |
| Total: | 3,039,700 | 3,039,700 | 3,039,700 | NOT AVAIL | |
| Preferential Land: | 0 | 0 | 0 | NOT AVAIL | |

Transfer Information

| | | |
|---|---------------------------|-------------------|
| Seller: WOLFE PROPERTY JOINT VENTURE | Date: 05/30/2007 | Price: \$0 |
| Type: MULT ACCTS ARMS-LENGTH | Deed1: /34367/ 421 | Deed2: |
| Seller: | Date: | Price: |
| Type: | Deed1: | Deed2: |
| Seller: | Date: | Price: |
| Type: | Deed1: | Deed2: |

Exemption Information

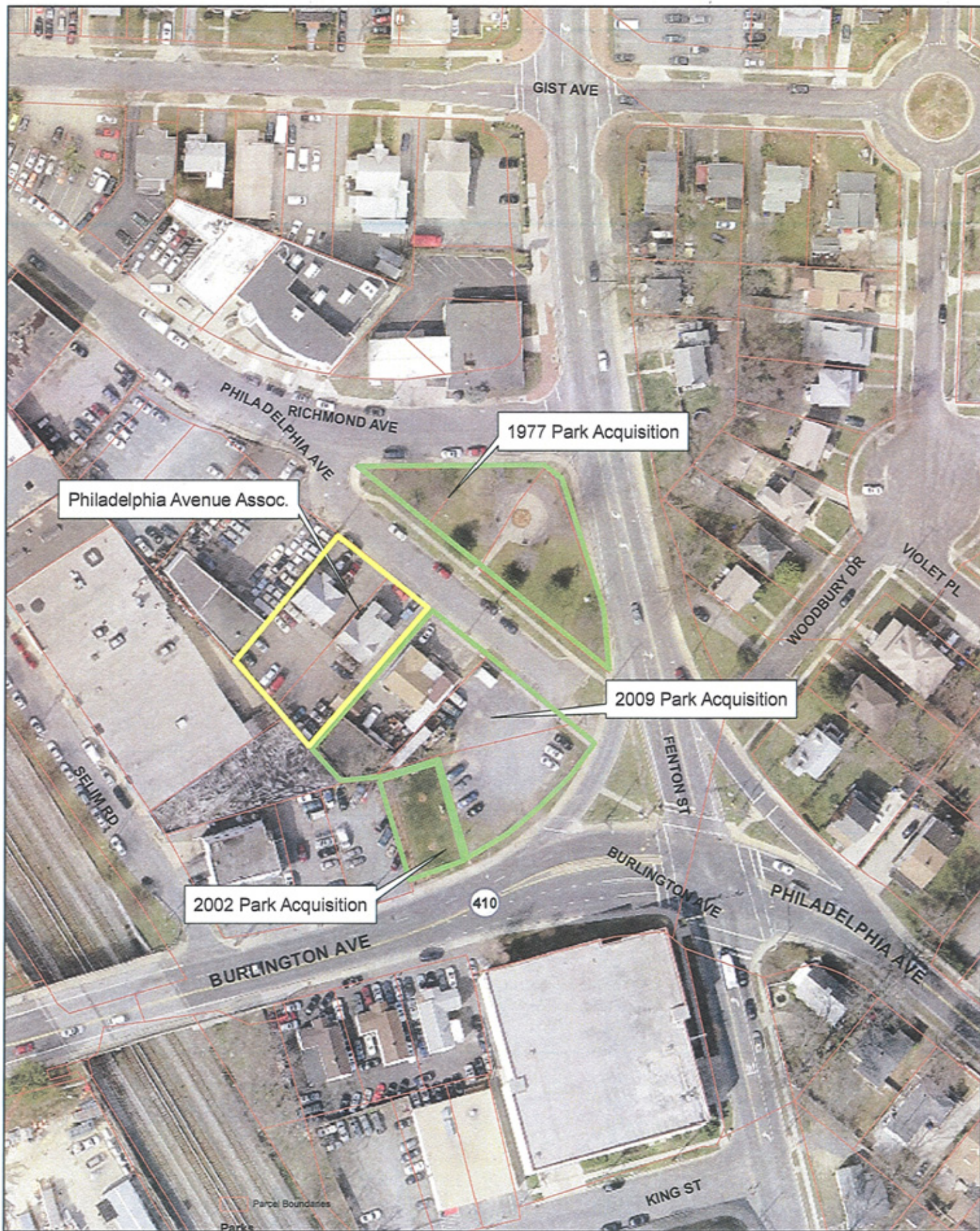
| Partial Exempt Assessments | Class | 07/01/2009 | 07/01/2010 |
|----------------------------|-------|------------|------------|
| County | 000 | 0 | 0 |
| State | 000 | 0 | 0 |
| Municipal | 000 | 0 | 0 |

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

Appendix C: Fenton Street Urban Park location map

Fenton Street Urban Park



N
1" = 100'

STATUS
Existing
Proposed



Today's Date: 2/17/09
Sources: M-NCPPC, 2007



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

TO: Elza Hisel-McCoy, Planner Coordinator, Development Review Division
VIA: Stephen D. Federline, Master Planner, Environmental Planning Division
FROM: Lori Shirley, Planner Coordinator, Environmental Planning Division
SUBJECT: Project Plan # 920100010 – 8621 Georgia Avenue, Silver Spring
DATE: October 8, 2009

Environmental Planning recommends **approval** of the above referenced project plan.

BACKGROUND

- The site is located at 8621 Georgia Avenue on the north side of Georgia Avenue, approximately 300 feet northwest of the Georgia Avenue/Colesville Road intersection. The site contains 0.69 acres and is zoned CBD-2 (Silver Spring Central Business District). The proposal is for construction of an 143 feet high office building with first floor retail space and integrated parking garage.

Environmental Guidelines

The site is located in the Lower Rock Creek watershed, a Use I designation. There are no streams, wetlands, floodplain, or sensitive features on-site, including forest or significant and specimen trees.

Forest Conservation

The site is exempt from submitting a forest conservation plan under Section 22A-5(s) of the County code. Forest Conservation Plan Exemption #42008044E was confirmed on September 27, 2007. Per the exemption, there is no tree save plan associated with this plan.

RECOMMENDATION

Environmental Planning staff recommends approval of the above referenced project plan #920100010.

Cc: Jason Goldblatt, 8621 Limited Partnership
Trini Rodriguez, Parker Rodriguez, Inc.
Jody Kline, Miller, Miller & Canby
920100010 - 8621 Georgia Avenue file



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

November 2, 2009

MEMORANDUM

TO: Elza Hisel-McCoy, Planner/Coordinator
Development Review Division

VIA: Shahriar Etemadi, Supervisor *DKH for*
Move/Transportation Planning Division

FROM: Cherian Eapen, Planner/Coordinator *CE*
Move/Transportation Planning Division
301-495-4525

SUBJECT: Project Plan No. 9-2010-0010
8621 Georgia Avenue
Lot 2, Johns Hopkins Applied Physics Lab Property
8621 Limited Partnership ("Applicant")
East side of Georgia Avenue between Colesville Road and Cameron Street
Silver Spring CBD Policy Area

This memorandum summarizes Transportation Planning staff's review of the subject project plan proposal for a building at 8621 Georgia Avenue comprising of 185,072 square-feet of office and 6,209 square-feet of retail/restaurant. The property is zoned CBD-2 and is within the Silver Spring CBD Policy Area.

RECOMMENDATIONS

Transportation Planning staff recommends the following conditions to be part of the transportation-related requirements to approve this project plan application:

1. The Applicant must limit development on the property as part of any future preliminary plan to 185,072 square-feet of office and 6,209 square-feet of retail/restaurant.
2. 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:

- Extending the median approximately 50 feet to the north to limit the curb opening to 30 feet,
- Redesigning the median opening to restrict use of the opening only by Fidler Lane left turn movements, and
- Installing signage at the median opening to prohibit turns from Georgia Avenue.

DISCUSSION

Site Location and Access

The proposed 8621 Georgia Avenue development is located along the east side of Georgia Avenue between Colesville Road (US 29) to the south and Cameron Street to the north. Access to the property is via a right-turn in/right-turn out driveway along Georgia Avenue.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2000 Approved and Adopted *Silver Spring CBD Sector Plan* describes the following master-planned roadway:

- Georgia Avenue (MD 97), along the western edge of the property, as a six-lane major highway (M-8) with a minimum right-of-way width of 126 feet between Spring Street to the north and Colesville Road to the south.

Adequate Public Facilities Review

A traffic study dated April 17, 2009, was submitted for the subject project plan for Adequate Public Facilities (APF) review purposes since the density proposed on the property, 185,072 square-feet of office and 6,209 square-feet of retail/restaurant, generated **30** or more total peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods.

Using Silver Spring CBD trip generation rates and after accounting for minimal “pass-by” trips, the study estimated that the proposed development will generate 260 “new” peak-hour trips during the morning peak period and 263 “new” peak-hour trips during the evening peak period. For comparison purposes, the study also estimated that the development would generate 312 “new” peak-hour trips during the morning peak period and 302 “new” peak-hour trips during the evening peak period if non-Silver Spring CBD trip generation rates for similar uses are used. Thus, trips generated by the development is lower by 52 peak-hour trips during the morning peak period and 39 peak-hour trips during the evening peak period a result of it being located within the CBD. The CBD and non-CBD trip generation estimate for the proposed development is summarized in Table 1.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
8621 GEORGIA AVENUE**

| Trip Generation | Morning Peak-Hour | | | Evening Peak-Hour | | |
|-------------------------------|-------------------|-----------|------------|-------------------|------------|------------|
| | In | Out | Total | In | Out | Total |
| Based on CBD Rates | | | | | | |
| 185,072 SF Office | 220 | 39 | 259 | 39 | 220 | 259 |
| 6,209 SF Retail | 2 | 1 | 3 | 6 | 6 | 12 |
| less "pass-by" | -1 | -1 | -2 | -4 | -4 | -8 |
| Net "new" trips | 221 | 39 | 260 | 41 | 222 | 263 |
| Based on non-CBD Rates | | | | | | |
| 185,072 SF Office | 267 | 40 | 307 | 49 | 238 | 287 |
| 6,209 SF Retail | 6 | 5 | 11 | 22 | 21 | 43 |
| less "pass-by" | -3 | -3 | -6 | -14 | -14 | -28 |
| Net "new" trips | 270 | 42 | 312 | 57 | 245 | 302 |

Note: Based on M-NCPPC trip generation rates.

- Local Area Transportation Review

A summary of the capacity/Critical Lane Volume (CLV) analysis results for the study intersections for the weekday morning and afternoon peak-hours as presented in the traffic study is provided in Table 2.

As shown in Table 2, the capacity analysis demonstrates that under Total Traffic (i.e., Build) Conditions, CLV at the study intersections would be below the applicable congestion standard for Silver Spring CBD Policy Area (1,800 CLV). The project plan therefore satisfies the LATR requirements of the APF test.

TABLE 2
SUMMARY OF CAPACITY CALCULATIONS (CLV)
8621 GEORGIA AVENUE

| Intersection | Traffic Conditions | | | | | |
|-----------------------------------|--------------------|-------|------------|-------|-------|-------|
| | Existing | | Background | | Total | |
| | AM | PM | AM | PM | AM | PM |
| Georgia Ave/Spring St | 1,092 | 988 | 1,186 | 1,251 | 1,217 | 1,281 |
| Georgia Ave/Cameron St | 955 | 856 | 1,188 | 1,043 | 1,236 | 1,123 |
| Georgia Ave/Fidler Ln | 551 | 485 | 616 | 562 | 645 | 744 |
| Georgia Ave/Colesville Rd | 1,239 | 825 | 1,315 | 921 | 1,410 | 938 |
| Georgia Ave/Wayne Ave | 1,090 | 1,071 | 1,151 | 1,317 | 1,154 | 1,320 |
| Colesville Rd/Fenton St | 881 | 931 | 937 | 1,099 | 964 | 1,099 |
| Colesville Rd/Wayne Ave/Second St | 686 | 910 | 725 | 972 | 726 | 972 |
| Cameron St/Second Ave | 361 | 469 | 406 | 497 | 406 | 497 |
| Cameron St/Fenton St | 436 | 703 | 570 | 823 | 602 | 930 |

Source: 8621 Georgia Avenue Local Area Transportation Review and Policy Area Mobility Review Traffic Study. The Traffic Group, Inc. April 17, 2009.

Congestion Standard for Silver Spring CBD Policy Area: 1,800 CLV

- **Policy Area Mobility Review**

To satisfy the PAMR requirements of the APF test, the Silver Spring CBD Policy Area requires mitigation of ten percent (10%) of “new” peak-hour trips generated by a development.

The site trips comparison summary provided in Table 1 demonstrates that the development as a result of being located within the Silver Spring CBD will generate approximately 17 percent less peak-hour trips during the morning peak period and 13 percent less peak-hour trips during the evening peak period. Since these percentages are above the required PAMR trip mitigation percentages for Silver Spring CBD Policy Area, the project plan satisfies the PAMR requirements of the APF test.

SE:CE:tc

cc: Bill Barron
Cathy Conlon
John Marcolin
Greg Leck
Corren Giles
Jody S. Kline, Esq

mno to eh on 8621 GA.docx

October 19, 2009

MEMORANDUM

TO: Elza Hisel-McCoy

FROM: John Marcolin, ASLA, Planner Coordinator,
Design Division

SUBJECT: Project Plan for 8621 Georgia Ave, #920100010

Recommendation: Approve the project subject to the following conditions:

- Do not include the 270 s.f. of space at the eastern end of the building. The inclusion of the other 715 s.f. of under the building overhang as public use space will be determined at time of site plan submittal depending upon proposed design.
- Extend special paving proposed for Public Use Space at fountain/sculpture feature to back of curb and provide documentation that an agreement has been reached with the Silver Spring Urban District regarding the installation and maintenance of non-standard streetscaping with the public right-of-way on Georgia Avenue.
- Widen sidewalk between building and driveway.
- Limit turning radius at driveway to minimum required.

Discussion

It is questionable whether the arcade space (under the overhang on the front of the building) should be considered as public use space. Spatially it will tend to act as a corridor along the face of the building as well as a foyer for the main building entrance and the retail spaces that will occupy the first floor, and thus will not be perceived by the public as a place for public use and enjoyment. It is the task of the architect and landscape architect to create a space here that will unquestioningly be perceived as a place for use and enjoyment for passersby as well as by the users and occupants of the building.

The special paving around the proposed art piece (in the public use space) should be extended to the back of the street curb on Georgia Avenue. This will help make the proposed public use space around the water feature more prominent and welcoming to passersby.

The sidewalk between the building and the driveway at the southeastern end of the building should be widened in size from approx. 4-1/2' to 6'. 4-1/2' is the minimum space required to allow two people to walk side by side.

The proposed turning radius at the driveway is too wide, creating a very wide vehicular zone that pedestrians must cross. Give preference to pedestrian in the sidewalk by using the minimum required turning radius allowed by Fire and Rescue.

cc: John Carter, Urban Design Division; Glenn Kreger, Community Based Planning Division; Robert Kronenberg, Supervisor, Development Review Division Elza Hisel-McCoy, Senior Planner

DATE: October 30, 2009
TO: Elza Hisel-McCoy, Development Review Division
FROM: Kathleen A. Reilly, AICP, Vision Division
SUBJECT: Supplemental Memo 9-20100010

The subject project plan is covered by the Approved and Adopted Silver Spring Central Business District (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

"Silver Spring's location, infrastructure, and position in the metropolitan area market will continue its role as an employment center. New retail development 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

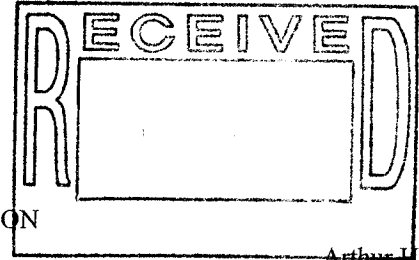
"The Plan encourages development of active streets and sidewalks busy with people walking to shop, commute or for pleasure. They will become downtown's defining feature, and will support activity creating the setting for the community. "

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. Additionally, Map 11 in the Sector Plan entitled "Core Concept Plan" shows a mid-block pedestrian/bike link that begins on Georgia Avenue and connects to Fenton Street. Under Section 59-D.2.42 (b) (3) of the Zoning Ordinance, a midblock pedestrian path does not need to conform to the sector plan's recommendations.

The submitted project plan is consistent 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 (Georgia Avenue) in the CBD Core into a functional mixed use development that contributes and enhances Silver Spring's revitalization efforts.



DEPARTMENT OF TRANSPORTATION



Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

September 28, 2009

Mr. Robert Kronenberg; Site Plan Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Project Plan No. 920100010
8621 Georgia Ave.

Dear Mr. Kronenberg:

We have completed our review of the project plan dated September 1, 2007 (and sealed on August 3, 2009). This plan was reviewed by the Development Review Committee at its meeting on September 14, 2009. We recommend the following comments to be addressed prior to submission of preliminary plan:

1. Right-of-way dedication for Georgia Avenue (MD 97) per the Master Plan.
2. Record plat to reflect a reciprocal ingress, egress, and public utilities easement to serve the lots accessed by each common driveway.
3. Access and improvements along Georgia Avenue (MD 97) as required by the Maryland State Highway Administration.
4. The owner will be required to submit a recorded covenant for the operation and maintenance of private: streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
5. Truck loading space requirements to be determined in accordance with the County's "Off-Street Loading Space" policy.
6. The spelling of Georgia Avenue and Fidler Lane should be updated on the plan view and the vicinity map as appropriate.

Thank you for the opportunity to review this project plan. If you have any questions or comments regarding this letter, please contact Dewa Salihi at (240) 777-2173.

Sincerely,

Gregory M. Leck, P.E., Manager
Development Review Team

Division of Traffic Engineering and Operations

Mr. Robert Kronenberg
Project Plan No. 920100010
September 15, 2009
Page 2

M:\subdivision\SALIHD01\Project Plans\9-20100010 8621 Georgia Ave\9-20100010 8621 Georgia Ave, gml revs.doc

cc: Jason Goldblatt, 8621 Limited Partnership
Brian Donnelly, MHG
Jody Kline, Miller, Miller & Canby
Elza Hisel-McCoy; M-NCPPC DRD
Shahriar Etemadi; M-NCPPC TPD
Corren Giles, MSHA EAPD
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
Henry Emery; DPS RWPPR
Dewa Salihi, DOT TEO
Project Plan Folder
Project Plans Note Book