

MAY 19 2010



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

MCPB No. 10-55
Project Plan No. 920100020
Project Name: Wheaton Safeway
Date of Hearing: April 15, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

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

WHEREAS, on October 28, 2009, 11215 Georgia Ave LLC ("Applicant"), filed an application for approval of a project plan for a 200-foot high building with 500 residential dwelling units and 59,500 square feet of commercial uses, on 1.92 acres of CBD-3-zoned land, northeast quadrant of the intersection of Georgia Avenue and Reddie Drive (11215 Georgia Avenue) ("Property" or "Subject Property"); and

WHEREAS, Applicant's project plan application was designated Project Plan No. 920100020, Wheaton Safeway ("Application" or "Project Plan"); and

WHEREAS, Planning Board Staff ("Staff") issued a memorandum to the Planning Board, dated April 1, 2010, setting forth its analysis and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Staff and the staff of other governmental agencies, on April 15, 2010, the Planning Board held a public hearing on the Application (the "Hearing"); and

Approved as to
Legal Sufficiency:

Christina Sonnet 5/7/10
M-NCPPC Legal Department

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

WHEREAS, on April 15, 2010, the Planning Board approved the Application subject to conditions, on motion of Commissioner Dreyfuss; seconded by Commissioner Wells-Harley; with a vote of 4-0, Commissioners Alfandre, Dreyfuss, Hanson, and Wells-Harley voting in favor and Commissioner Presley absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board APPROVES Project Plan No. 920100020 for a 200-foot high building with 500 residential dwelling units and 59,500 square feet of commercial uses, on 1.92 gross acres in the CBD-3 zone, subject to the following conditions:

1. Development Ceiling

- a. The development is limited to 627,000 square feet of gross floor area divided into 59,500 square feet commercial and 567,500 square feet residential uses.
- b. The final breakdown of the square footage for the commercial uses (the grocery store and the separate retail space) will be determined at site plan.

2. Building Height and Mass

The development is limited to the building footprint as delineated in the Project Plan drawings submitted to M-NCPPC dated February 23, 2010, unless modified at site plan review and to 200 feet in height as measured from a datum point of 446.18 on Georgia Avenue.

3. Architecture

The exterior architectural character, proportion, material, and articulation must be substantially similar to the schematic elevations shown on Sheets A2.5-A2.9 of the architectural drawings submitted to M-NCPPC dated February 23, 2010, and March 19, 2010, as determined by M-NCPPC Development Review and Urban Design Staff, unless modified during Site Plan review.

4. Housing

- a. The development must provide a minimum of 12.5% of the base density as MPDUs onsite, consistent with the requirements of Chapter 25A, Section 25A-5.
- b. The development must provide a minimum of 10% of the final number of market rate dwelling units as Workforce Housing onsite in addition to the number of market rate units and MPDUs provided, consistent with the requirements of Chapter 25B, Article V. If at the time of certified site plan,

workforce housing is no longer a legal requirement for this project, the workforce housing may be eliminated as a type of dwelling unit in this project without the need for further Planning Board review and/or approval.

5. LEED Certification

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

6. Transportation

The Applicant must comply with the conditions of the M-NCPPC Transportation Division in the memorandum dated March 24, 2010.

7. Public Use Space & Amenities

- a. The Applicant must provide a minimum of 7,615 square feet for on-site public use space (9.9% of net lot area).
- b. In lieu of providing as on-site public use space the remaining 7,750 square feet (10.1%) of the required 20% of the net lot area, the Applicant must contribute to M-NCPPC Public Use Space Amenity Fund no less than \$961,161 to be used to enhance amenity space provided in connection with any redevelopment of the Montgomery County Parking Lot 13, in the Wheaton CBD.
- c. At the time of Site Plan, the Planning Board may approve an alternative amenity site, as recommended by M-NCPPC Staff, to satisfy the Applicant's public use space requirement. The alternative site must be in the public interest and consistent with the Amenity Fund guidelines and Sector Plan recommendations. Planning Board approval of this alternative would not require an amendment to the Project Plan.
- d. If, by the time of Site Plan review, there are approved Amenity Fund implementation guidelines that yield a different public use space and amenity payment amount, the Planning Board may elect to replace the payment amount in Condition 7(b) above, with the new amount.

- e. Final details regarding the Amenity Fund contribution shall be determined at Site Plan.
 - f. As a public amenity, the Applicant must provide streetscape improvements in accordance with the Wheaton Streetscape Standards, and any amendments thereto, including the undergrounding of public utilities along the property's frontage on Georgia Avenue, Reddie Drive, and Fern Street as illustrated in the Certified Site Plan, a total of approximately 13,800 square feet, or 18% of the net lot area.
8. Public Art
- a. The Applicant must provide public art on-site, especially along the Georgia Avenue and Reddie Drive frontages, which is integrated into the overall site design.
 - b. The Applicant must present preliminary and final public art concepts to the Art Review Panel for review and comment that will be available to the Planning Board prior to scheduling the Planning Board hearing for the site plan application.
 - c. Final design of the public art must be determined by Certified Site Plan.
9. Street Activation
- a. The separate retail space on Georgia Avenue must have direct pedestrian ingress/egress on Georgia Avenue separate from the access for the grocery store and the residential building.
 - b. The grocery store must have a secondary pedestrian ingress/egress point on Reddie Drive.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference (except as modified by herein), and upon consideration of the entire record and all applicable elements of § 59-D-2.42 as set forth below, which inherently address the relevant provisions of § 59-D-2.43, the Montgomery County Planning Board, with the conditions of approval, FINDS:

- (a) The proposed development complies with all of the intents and requirements of the CBD-3 zone.**

Intents and Purposes of the CBD Zones

The Montgomery County Zoning Ordinance, Section 59-C-6.212, states the purposes that the CBD zones are designed to accomplish. The following statements analyze how the Project Plan conforms to these purposes:

- (1) *"To encourage development in accordance with an adopted and approved master, 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 lies within the boundaries of the Approved and Adopted 1990 Sector Plan for the Wheaton Central Business District and Vicinity. The Sector Plan supports mixed use development, including housing near Metro. The Project Plan proposes a mixed-use development with 59,500 square feet of commercial uses including a grocery store and a separate retail space, and an 18-story high-rise residential building with 500 dwelling units. While the maximum density allowed under the CBD-3 Zone is 8 FAR, the approved density is 5.78 FAR. The project maximizes the building height of up to 200 feet, which is allowed by the zone. The zone typically permits up to 143 feet; however, the Planning Board may approve an increased height up to 200 feet if the proposal does not adversely affect surrounding properties. The Planning Board finds that the height and massing does not adversely affect the surrounding properties and is supported by the building location in close proximity to metro and transit, along with providing additional residential units in the CBD core and retaining the Safeway store. Therefore, the Planning Board approves a height of 200 feet for this Project Plan.

- (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 uses in the vicinity of the Subject Property include small scale retail to the north of the site and residential to the south and east of the site. The new residential uses will augment the existing high-density residential uses in the CBD and will increase the housing stock, including affordable housing, in the CBD. The new commercial uses consisting of a grocery store and a small retail space will complement the existing retail in the vicinity of the Subject Property. The stand-alone retail space fronting Georgia Avenue needs to be an activating use to further the objectives of enhancing and enlivening the streetscape and adjacent public use space. Further, the Applicant's contribution to the development of public space in the larger Wheaton 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 building will maintain a building line similar to that of the existing adjacent buildings along Georgia Avenue and will minimize the impacts on available sunlight and existing views by breaking up its massing into 3 towers above the residential parking level. The architecture continues the contemporary character of other recent renovations in this area of the CBD. The location and layout of the building entrances, the open space, and public art will direct pedestrians in and around the site to access this and adjacent buildings and streets. The location and layout of the garage entrances and loading areas will direct vehicular traffic in and around the site efficiently. The building will help to create along this section of Georgia Avenue an attractive destination for workers and residents.

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

The proximity to transit facilities combined with a reduction in the parking provided will encourage residents and customers alike to take advantage of the pedestrian network and ample transit options. The development is immediately north of a Metro entrance, and a block away from the Wheaton Metro transit facility including Metrobus and Ride-On buses. There is one bus stop within the site's right-of-way. The development will provide 28% fewer parking spaces than is required by code; however, a more significant reduction of parking spaces would be appropriate and should be considered at site plan given the project's proximity to Metro.

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

The development will improve pedestrian circulation primarily through street-activating ground-floor uses that include a grocery store and a separate retail space. The proposed public art, landscaping, hardscaping, and installation of the Wheaton Streetscape standard (or as amended) will further enhance the pedestrian experience. Pedestrian activation of Reddie Drive will be accomplished through a secondary entrance to the grocery store and architectural treatment along the building façade. Details of this building façade will be evaluated during the site plan process.

The Project Plan improves vehicular circulation on Georgia Avenue by reducing the number of curb cuts. The development provides one right-in/right-out vehicular entrance to the underground retail parking from Georgia Avenue. No

vehicular access is provided off Reedie Drive. The remaining access and loading will take place off Fern Street. This includes separate full-movement access points for the residential and retail parking garages, and separate residential and retail loading areas.

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

The development will provide 12.5% of the base density as MPDUs onsite, consistent with the requirements of Chapter 25A, and 10% of the final number of market rate dwelling units as Workforce Housing onsite, consistent with the requirements of Chapter 25B, unless the law changed to not require workforce housing. At the time of this Resolution, workforce housing is no longer a legal requirement for this project, and therefore the workforce housing may be eliminated as a type of dwelling unit in this project without the need for further Planning Board review and/or approval.

(7) *"To encourage land assembly and most desirable use of land in accordance with a sector plan."*

As part of preliminary Plan No. 120100120, the project consolidated Part of Parcel A, Part of Parcel B, lots 1-13 and a previously abandoned alley into 1 recorded lot with a net lot area of 76,729 square feet after right-of-way dedication for Georgia Avenue and Reedie Drive. Although under common ownership, the consolidation of all these lots and parcels will allow for the unified redevelopment of the underutilized site with a mix of residential (including affordable housing) and non-residential uses, public art, and investment in public use space within the larger CBD, which are all consistent with the most desirable land use for the affected site and consistent with the goals of the Sector Plan.

Further Intents of the CBD-3 Zone

Section 59-C-6.213(b) of the Zoning Ordinance states:

To foster and promote the orderly development of the CBD of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment.

The 18-story high rise building with 500 dwelling units will provide a range of housing choices conveniently located across from Metro and within walking distance of numerous restaurant and commercial establishments in the Wheaton CBD. The street-level retail including a large grocery store and a separate retail

space will expand the employment base in Wheaton and contribute to the economic development of the County.

Requirements of the CBD-3 zone

The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the development standards proposed for approval. The Board finds, based on the aforementioned data table, and other uncontested evidence and testimony of record, that the Application meets all of the applicable requirements of the optional method of development in the CBD-3 zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

DATA TABLE

| Development Standards | Approved by the Planning Board & Binding on the Applicant |
|--|--|
| Site Area (square feet) | |
| Gross Tract Area (including original prescriptive R/W for Georgia Ave) | 108,557 |
| Prior dedication | - 24,708 |
| Existing lot area | 83,849 |
| New dedication | - 7,120 |
| Net Tract Area | 76,729 |
| Max. Density | |
| Floor Area Ratio (FAR) | |
| - Total | 5.78 |
| - Non-residential FAR | 0.55 |
| Gross Floor Area (GFA) | |
| - Non-residential GFA | 59,500 ^(a) |
| - Residential GFA | <u>567,500</u> |
| - Total GFA | <u>627,000</u> |
| Max. No. of Dwelling Units | |
| - Market rate | 401 |
| - MPDUs | 58 ^(b) (12.5%) |
| - Workforce Housing ^(b) | <u>+ 41</u> (10.0%) |
| - Total d.u.s | 500 |
| Min. Public Use Space (% of net lot) | |
| On-Site Public Use Space | 9.9 |

| | |
|--|------------------------|
| | (7,615 sq ft) |
| On-Site Public Use Space provided via contribution to Amenity Fund | 10.1 (7,750 sq ft) |
| Contribution to Amenity Fund - 10.1% of assessed land value - 7,750 sf @ \$35/sf | \$961,161 |
| Off-Site Amenity Space | 18.0 (13,800 sq ft) |
| Total Public Use & Amenity Space | 38% (29,165 sq ft) |
| Max. Building Height (feet) | |
| | 200 ^(c) |
| Setbacks (feet) | |
| Georgia Ave | 20 |
| Reedie Drive | 2 |
| Fern Street | 0 |
| Alley | 0 |
| North Property Line | 0 |
| Vehicular Parking | |
| Residential ^(d) | |
| - Efficiency units ^(e) (96) | |
| - MPDU efficiency (12) | |
| - One-bedroom units ^(e) (173) | |
| - MPDU one-bedroom units (23) | |
| - Two-bedroom units ^(e) (173) | |
| - MPDU two-bedroom units (23) | |
| Less 15% metro/CBD credit | |
| Total residential spaces | 411 |
| Non-residential | |
| - Retail | |
| Less 15% metro/CBD credit | |
| Total non-residential spaces | 140 |
| Total Parking | 551 ^(f) |
| Parking (Miscellaneous) | |
| Residential | |
| - Accessible spaces | 15 |
| - Motorcycle spaces | 10 |
| - Bicycle spaces | 20 |

| | |
|------------------------|----|
| - Loading | 1 |
| Non-Residential | |
| - Accessible spaces | 5 |
| - Motorcycle spaces | 10 |
| - Bicycle spaces | 7 |
| - Loading | 3 |

- (a) Per Section 59-C-6.234(b)(iii), the maximum permitted non-residential FAR not to exceed 62.5 percent of the gross floor area.
- (b) If at the time of certified site plan, workforce housing is no longer a legal requirement for this project, the workforce housing may be eliminated as a type of dwelling unit in this project without the need for further Planning Board review and/or approval. If the total number of units remains the same, the number of MPDUs will increase to 63.
- (c) As measured from a datum point of 446.18 on Georgia Avenue.
- (d) The number of private parking spaces will be set at site plan, subject to final bedroom mix and unit count and will comply with the Montgomery County Parking requirements.
- (e) Includes market rate and workforce housing units.
- (f) The site is within the Wheaton Parking District, and therefore, no onsite parking is required; however, the project is subject to the Parking District Tax. The final number of required parking spaces will be determined at Site Plan based on the unit mix.

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 development is proffering the following package of amenities and public facilities:

- Significant financial contribution towards the development of public space in the larger Wheaton CBD;
- Streetscape improvements;
- Onsite plaza with seating
- Architectural treatment on the Reddie Drive building façade; and
- Onsite public art.

(b) The proposed development conforms to the 1990 Sector Plan for the Wheaton Central Business District and Vicinity approved under Chapter 56.

The Subject Property lies within the boundaries of the Approved and Adopted 1990 Sector Plan for the Wheaton Central Business District and Vicinity. The site

is located at 11215 Georgia Avenue in an area of the CBD designated as “Metro Center” which is envisioned to develop “with the highest intensity of new activities [...] an area of mixed uses, including high density residential and office activities, a range of services, and retail development scaled to serve the surrounding population.” The approved mixed-use development features an 18-story high-rise residential building with 500 dwelling units, and 59,500 square feet of street-level commercial uses, including a grocery store and a separate retail space.

Land Use and Zoning

The Project Plan conforms to the land use and zoning recommended by the Sector Plan. The Sector Plan specifically recommends that this site include “a substantial residential component and street-level retail” and retain “a supermarket to serve nearby residents on this parcel or elsewhere in the CBD” (p.46). The project will replace the existing 22,979 square feet Safeway store with a larger, state-of-the-art grocery store, which will serve the 500 residential dwelling units above as well as the surrounding neighbors. In addition, the project includes a separate retail space with direct pedestrian access to Georgia Avenue to better activate this streetscape. The Subject Property is zoned CBD-3, which is recommended by the Sector Plan.

Sector Plan Conformance

The Project Plan is in conformance with the Sector Plan. In addition to the specific Sector Plan recommendations for the site, which the Project Plan conforms with the Sector Plan also has several goals and objectives that the Project Plan satisfies. These include:

- Creation of new residential and mixed-use development around the metro station and in areas of high transit accessibility;
- Creation of a range of housing opportunities to serve a broad spectrum of the metropolitan population;
- Development of attractive open spaces in convenient locations; and
- Creation of boulevards that tie existing open space together using street trees, plazas, and pedestrian and bicycle pathways.

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

The Project Plan is compatible with both existing and potential development in the general neighborhood and does not adversely affect the surrounding properties. The Subject Property is located in an area of highest intensity in the CBD (CBD-3) with allowable densities of up to 8.0 FAR, and maximum building

heights of 200 feet, for optional method of development projects. The proposed 18-story high rise of 200 feet is higher than the 4-5 story residential development to the south, and considerably higher than the primarily 1-story development to the north and west. However, because this development will be the first optional method project in Wheaton, it will in part set the stage for the future redevelopment of Wheaton where potential densities and building heights as envisioned by the Sector Plan are much higher than the existing fabric. In terms of urban design, the Project Plan maintains a similar building line as the existing residential buildings to the south, but adds pedestrian activation of the sidewalk along the Subject Property. The architecture will minimize the impacts of a fairly large building upon the surrounding community by breaking up the massing into 3 towers above the residential parking level.

- (d) The proposed development does 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.**

The concurrent Preliminary Plan No. 120100120 has reviewed this proposal for Adequate Public Facilities (APF), which includes LATR and PAMR requirements. The development satisfies the LATR requirements. To satisfy the PAMR requirements, the development will have to mitigate 29 morning peak-hour trips and 45 evening peak-hour trips. The proposed mitigation measures include either the installation of two (2) real-time transit information signs at the Wheaton Metrobus Station, or implementation of improvements to Reddie Drive between Georgia Avenue and Fern Street within existing curbs to enhance operational efficiency and safety of vehicular and pedestrian movements along Reddie Drive.

Public facilities and services are available and will be adequate to serve the development. The Subject Property will be served by public water and public sewer. The Montgomery County Department of Fire and Rescue has determined that the Subject Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services, are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the Subject Property. The Application is not within a school moratorium area, and a school facilities payment is not required. Electrical, telecommunications, and natural gas services are also available to serve the Subject Property.

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

A standard method project would only allow a density of 4.0 FAR with a building height of 72 feet. Further, the requirement for public amenities would be removed and the public use space requirement would be reduced by one-half. 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 proposed development includes moderately priced dwelling units in accordance with Chapter 25A of this Code.

The development will provide 12.5% of the base density as MPDUs onsite, consistent with the requirements of Chapter 25A, and 10% of the final number of market rate dwelling units as Workforce Housing onsite, consistent with the requirements of Chapter 25B, unless the law changed to not require workforce housing. At the time of this Resolution, workforce housing is no longer a legal requirement for this project, and therefore, the workforce housing may be eliminated as a type of dwelling unit in this project without the need for further Planning Board review and/or approval. A final agreement between the Applicant and the Department of Housing and Community Affairs will be required at the time of site plan review. If the total number of units remains the same, the number of MPDUs will increase to 63.

(g) *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities within a lot with two or more CBD zones, the Project Plan may be approved by the Planning Board based on the following findings:*

The concurrent Preliminary Plan No. 120100120 consolidated Part of Parcel A, Part of Parcel B, lots 1-13 and a previously abandoned alley into 1 recorded lot. The development does not propose any public open space or density transfers.

(h) The proposed development satisfies any applicable requirements for forest conservation under Chapter 22A.

A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) #420100020 for this site was approved on July 13, 2009. There are no significant and specimen trees on-site, nor any forest, nor any offsite trees which are affected by this development. This site has a reforestation requirement of 0.35 acres to be met with a combination of on-site tree planting credit (0.25 acres), and an in-lieu fee payment for the remainder.

(i) The proposed development satisfies any applicable requirements for water quality resources protection under Chapter 19.

The development is subject to the water quality resources protection requirements. The MCDPS Stormwater Management Section approved the stormwater management concept on January 28, 2010. The concept includes on-site channel protection using structural sandfilters and on-site water quality control via a green roof, a volume-based filter and proprietary flow thru filters. On-site recharge is not required based on the type of soils present and since most of the lot contains a "below level" parking garage.

(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 financial contribution will enhance amenity space provided for in connection with any redevelopment of the Montgomery County Parking Lot 13, in the Wheaton CBD, and is consistent with the Wheaton CBD Sector Plan.

Given the constraints of the Subject Property, 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, Parking Lot 13 was recommended as the key civic open space for Wheaton in the preliminary Wheaton Sector Plan Update, presented to the Planning Board on December 3, 2009. When realized, this park will provide a valuable community amenity that is scarce in the CBD that will serve the public interest far better than providing the space on the Subject Property.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 920100020, Wheaton Safeway stamped received by M-NCPPC on February 23, 2010, and March 19, 2010 are required except as modified by the above conditions of approval; and

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

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Northwood High School
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Silver Spring, MD, 20901

Wheaton Post 268 Dept. of MD
c/o American Legion Inc.
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Wheaton, MD 20902-4626

Kammak Investments LLC
c/o Community Realty Co. Inc.
6305 Ivy Street, Suite 202
Greenbelt, MD 20770-6355

Wheaton Library
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