

AUG 8 2011



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

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

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

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

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

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

Approved as to
Legal Sufficiency:

[Signature] 7/21/11

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

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

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

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

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

1. Site Plan

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

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

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

d. Streetscape

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

e. Environment

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

f. Stormwater Management

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

g. Development Program

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

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

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

h. Certified Site Plan

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

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

i. Transportation

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

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

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

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the

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

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

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

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

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

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

The proposed residential building is similar in design and massing to the office building approved under the original Site Plan and continues to provide an appropriate density and mix of uses on an optimal site for accessibility to mass transit and neighborhood facilities. The design and layout of the building are compatible with the existing and proposed development in the north end of the Silver Spring CBD in terms of massing, detailing, and height. Both the use and the design elements of the architecture provide an adequate, safe, and efficient building on the subject site.

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

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

a. Pedestrian and Vehicular Circulation Systems

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

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

The Board finds that the building is compatible with other constructed, proposed, and planned high-rise mixed-use development along Georgia Avenue and Cameron Streets, including the adjacent hotel, office buildings, and other mixed-use structures in massing, scale, design, detailing, and layout.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Amendment, including off-site improvements, is subject to forest conservation requirements. The site does not currently include any trees, and the Applicant will meet their forest conservation requirements through on- and off-site planting and/or fee in lieu. This Amendment does not change the Board's finding from the Original Site Plan

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

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

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

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

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

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

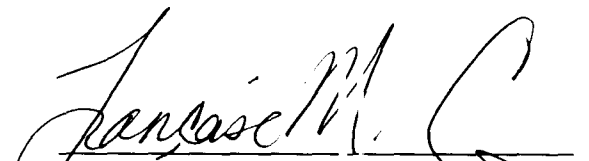
BE IT FURTHER RESOLVED, that the date of this written resolution is AUG 18 2011 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Commissioner Presley, with Chair Carrier, Vice Chair Wells-Harley and Commissioners Dreyfuss and Presley present and voting in favor of the motion and Commissioner Anderson abstaining at its regular meeting held on Thursday, July 28, 2011, in Silver Spring, Maryland.



Françoise M. Carrier, Chair
Montgomery County Planning Board