

8407 Ramsey Avenue, Preliminary Plan 120180270

- KAR** Kathleen A. Reilly, AICP Planner-Coordinator Area 1, Kathy.Reilly@montgomeryplanning.org (301) 495-4614
- CH** Elza Hisel-McCoy, Supervisor, Area 1 Elza.Hisel-McCoy@montgomeryplanning.org (301) 495-2115
- MP** Mark Pfefferle, Interim Chief, Area 1, Mark.Pfefferle@montgomeryplanning.org (301) 495-4730

Staff Report Date: December 3, 2018

Description

Request: To consolidate parts of Lot 15 into one lot for up to 8,600 square feet of non-residential development under the Standard Method of Development

Location: 8407 Ramsey Avenue

Size: 4,000 square feet (0.09 acre)

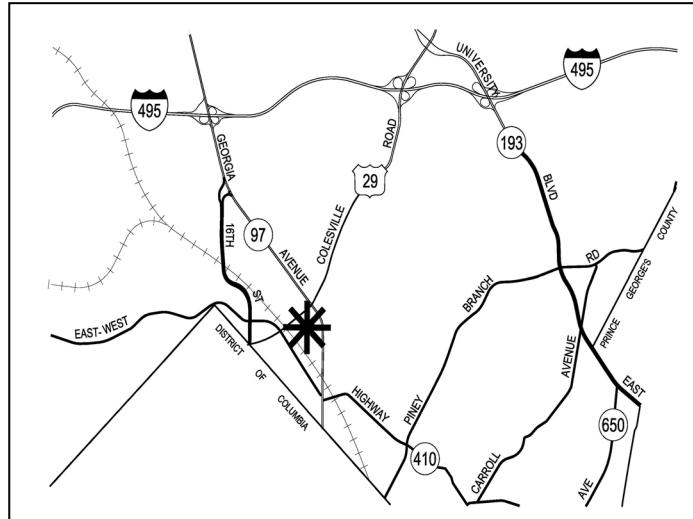
Zone: Commercial -Residential CR-8.0, C-6.0, R-7.5, H-200T

Master Plan: 2000 Silver Spring CBD (Central Business District) Sector Plan

Applicant: 8407 LLC

Acceptance Date: August 15, 2018

Review Basis: Chapter 50, Chapter 59, Chapter 22A



Summary

- Staff recommends **Approval** of Preliminary Plan of Subdivision 120180270.
- This Property will be developed under the Standard Method of Development for the Commercial Residential CR-8.0, C-6.0, R-7.5, H-200T Zone.
- This Preliminary Plan is exempt from Chapter 22A, the Forest Conservation Law because the site is less than 1.5 acres with no existing forest, specimen or champion trees and the afforestation request would not exceed 10,000 square feet.
- The Preliminary Plan is exempt from stormwater management requirements because the disturbance to the site is less than 5,000 square feet.
- A Site Plan is not required as the building will be less than 10,000 square feet and less than 40 feet in height.

SECTION 1 – STAFF RECOMMENDATION AND CONDITIONS

Staff recommends approval with conditions of Preliminary Plan of Subdivision, 120180270, subject to the following conditions:

1. This Preliminary Plan is limited to one lot for up to 8,600 square feet of non-residential development.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated October 12, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in their letter dated October 30, 2018 and does hereby incorporate them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. At the time of record plat, the Applicant must enter into a covenant with the Planning Board for the future 5-foot dedication along the Ramsey Avenue frontage. The covenant must be noted on the plat by book and page reference.
5. The record plat must show all necessary easements.
6. Prior to issuance of use and occupancy permits, the Applicant must install a bicycle rack as shown on the Certified Preliminary Plan.
7. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Planning Board Resolution.
8. The Certified Preliminary Plan must contain the following note:
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of issuance of building permit(s). Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.
9. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
 - a. Include the Preliminary Plan Resolution and MCDOT approval letter in the certified set.
 - b. Correct parking space requirements on the data table.

SECTION 2 – SITE DESCRIPTION

Site Location

The neighborhood surrounding the site is the Silver Spring Central Business District (CBD) developed with high-rise commercial and residential uses and county parking garages. The Washington Metropolitan Area Transit Administration (WMATA) Silver Spring Red Line Station and the Paul S. Sarbanes Transit Center are directly across the street and west of the Site.

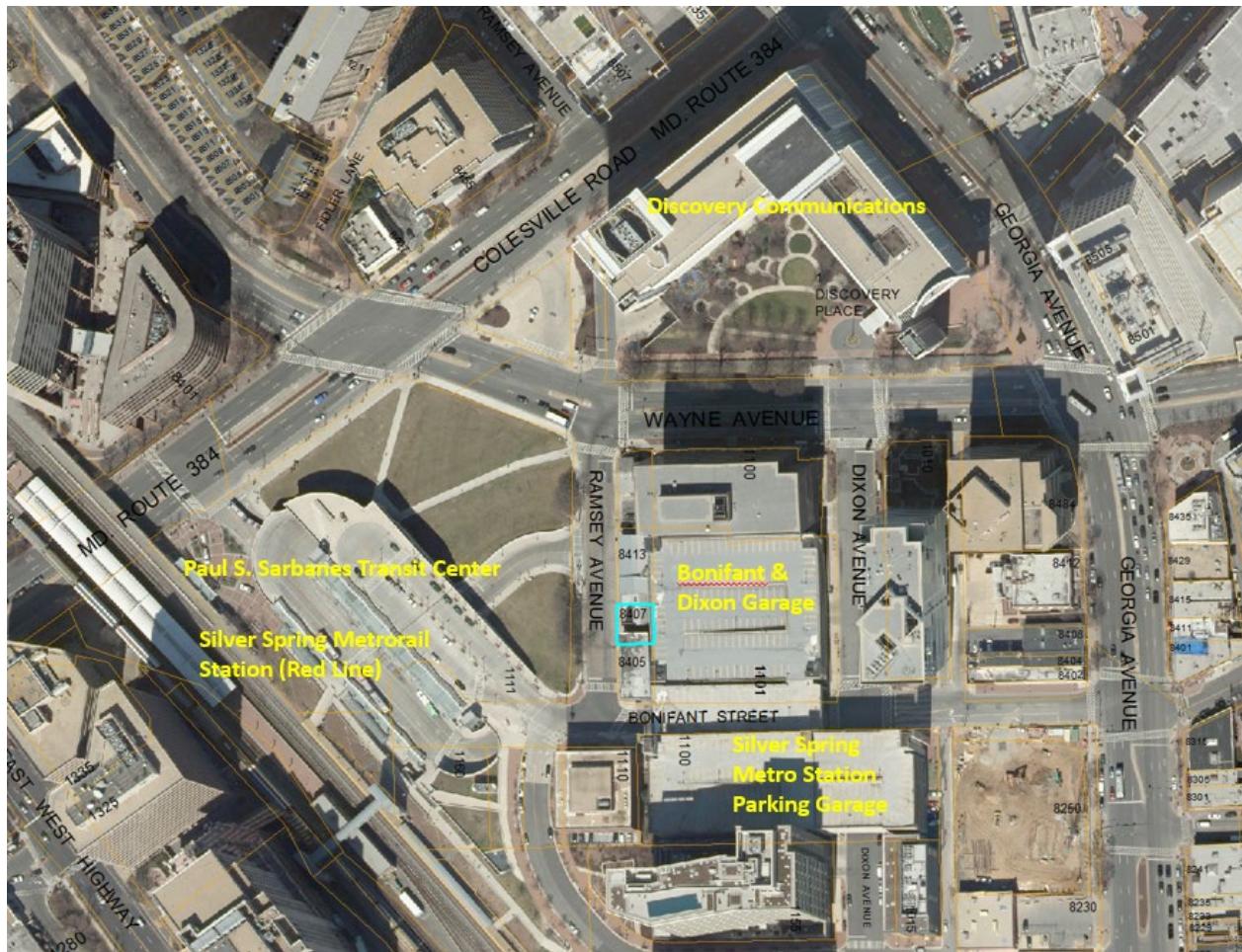


Figure 1 – Aerial Map (Subject Site In Blue)

Site Description

The property consists of parts of Lot 15 which were conveyed to various grantees over many years. The property is located on the east side of Ramsey Avenue approximately 250 feet south of its intersection with Wayne Avenue. The Property slopes up from Ramsey Avenue and is developed with a two-story commercial/restaurant building. The building's entrance is on Ramsey Avenue. The Subject Property does not contain historic features, stream buffers, wetlands, 100-year floodplains or environmentally sensitive features such as steep slopes and specimen trees. It is located within the Lower Rock Creek watershed.



Figure 2 – View of Existing Building looking west from Ramsey Avenue

SECTION 3 –PROPOSAL

Proposal

The Applicant proposes to subdivide the site to create one lot for up to 8,600 square feet of non-residential uses in the CR-8.0 C-6.0 R-7.5 H-200T Zone under the standard method of development. The existing 2-story commercial structure contains 5,860 square feet and the Applicant will be adding a third floor to this structure, which will comprise approximately 2,740 square feet. Access to the site is from Ramsey Avenue, a 60-foot public right-of-way. The Project is located within the Silver Spring Parking Lot District. and will be subject to the parking district tax regulations in lieu of providing the full minimum parking. A bike rack will be located on Ramsey Avenue in front of the existing building.

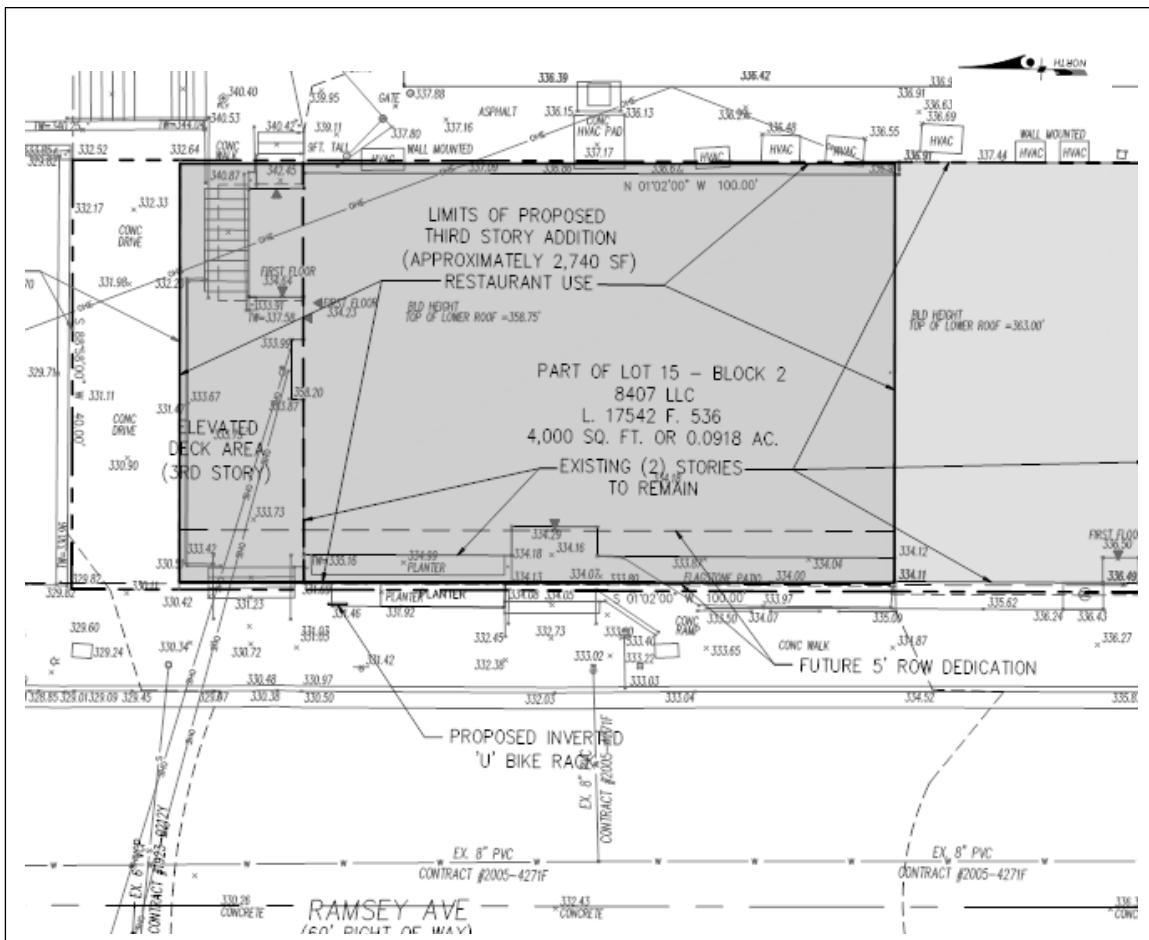


Figure 3: Proposed Subdivision Plan

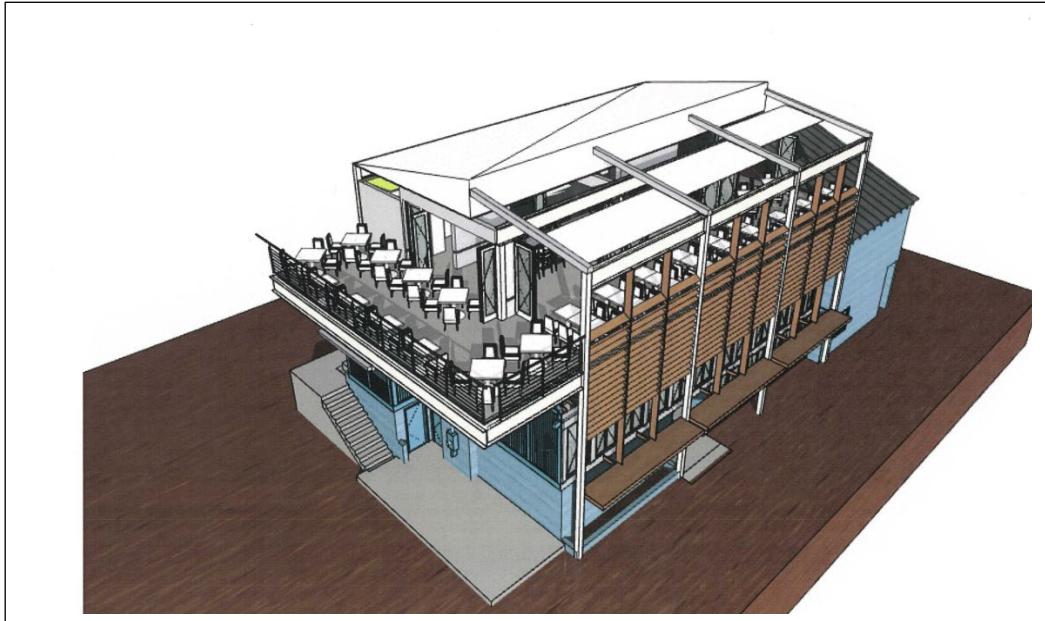


Figure 4: Schematic Elevation of Building with Proposed Third Floor Addition

SECTION 4 – ANALYSIS AND FINDINGS

1. *The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

- a. *The block design is appropriate for the development or use contemplated*

The length and width of this nonresidential block will provide adequate provision for pedestrians, deliveries and truck maneuvering. Pedestrian access is provided by the sidewalk on Ramsey Avenue. Deliveries and loading to the site can be accommodated in the existing driveway. With respect to parking, the property is located within the Silver Spring Parking Lot District. The Applicant has the option to pay a parking lot district tax in lieu of providing the on-site parking otherwise required by the Zoning Ordinance. The block design is appropriate for the proposed commercial use and is consistent with Section 50.4.3.B.2 of the Subdivision Code.

- b. *The lot design is appropriate for the development or use contemplated.*

The lot design, including width, size, shape and orientation is consistent with Section 50.4.3.C of the Subdivision Code. As proposed this development will accommodate the anticipated commercial building and other infrastructure necessary to serve the lot. The proposed lot will conform to the standards set forth in Section 59.4.5.3 of the Zoning Ordinance.

c. *The Preliminary Plan provides for required public sites and adequate open areas*

Not applicable as the size of the site and the single right-of-way frontage do not require public open space under the CR zone and no required public sites or open areas are recommended in the Sector Plan for this Property.

d. *The Lot and Use comply with the basic requirements of Chapter 59*

The lot was reviewed for compliance with the dimensional requirements for the CR-8.0 Zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for building setbacks, height, and parking in that zone and as developed under the Standard Method of Development . A summary of this review is shown in Table 1.

**Table 1: Development Standards in the Commercial- Residential Zone
CR-8.0, C-6.0 R-7.5, H-200T Standard Method of Development**

CR-8.0 C-6.0 R-7.5, H-200T	Required/Allowed by the Zone	Proposed for Approval
Total Density	48,000 square feet	10,000 square feet
Residential Density	45,000 square feet	NA
Non- Residential Density	36,000 square feet	8,600 square feet ¹
Setbacks		
Front	0 feet	Must meet minimum ²
Side	0 feet	Must meet minimum ²
Rear	0 feet	Must meet minimum ²
alley		4 feet
Maximum Building Height	200 feet	34 feet
Parking	20-60 spaces ³	None ⁴
Public Open Space	No	No
Site Plan Required	No	No

¹Existing Non-residential density on-site is 5,860 square feet; this Application proposes to add 2,740 square feet for a total of 8,600 square feet of non-residential density.

²As determined by MCDPS at time of building permit.

³Parking for restaurants is calculated based on patron area per 1,000 square feet, excluding outdoor seating area. For this use the patron area is 4,300 square feet. For properties in the CR zones and within a Parking Lot District, the metric for baseline minimum is 4.0 and the metric for baseline maximum is 12.00. For this use $4,300/1,000 = 4.3$ or 5 spaces;

⁵ 5 spaces X 4.0 (baseline minimum) = 20 and 5 spaces X 12 (baseline maximum) = 60 spaces.

⁴The property is located within the Silver Spring Parking Lot District and may provide less parking than required by the Zoning Ordinance or no parking.

2. *The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan*

The Project substantially conforms to 2000 *Silver Spring Central Business District (CBD) Sector Plan*.

Land Use

The Sector Plan identifies the subject site as located within the Core Revitalization Area. While there are no recommendations specific to the Subject Site, the Sector Plan “envisions the Core area as the commercial, civic and entertainment center of Silver Spring” (p.36). The Plan also notes on page 18, “that entertainment and restaurant uses serving the businesses and resident communities should be incorporated into downtown development, to round out the available choices with leisure-time opportunities.” The proposed development of this property is consistent with the Sector Plan’s recommendations for the Core area of the Silver Spring CBD.

Environment

Presently, there is no stormwater management on the Site, which contains nearly 100-percent impervious cover. The Montgomery County Department of Permitting Services (MCDPS) has granted an exemption of stormwater management requirements for this site because less than 5,000 square feet of land will be disturbed under this proposal.

Even though this site is exempt from the County requirement to manage stormwater runoff, doing so would improve the site's impact on water quality while also offering benefits to the owners, tenants, and local community, and neighborhood streams. The Sector Plan states on page 143 that "Stormwater management is the most important environmental issue to address in the Silver Spring CBD". The Sector Plan further recommends that development incorporate innovative stormwater management techniques, when possible (p. 145) and enhance water quality through a variety of stormwater management techniques (p.141), recognizing that "stormwater management measures applied during redevelopment provide some opportunity to reduce pollutant and storm flows to the newly-restored Sligo Creek watershed and the Rock Creek Mainstem." (p. 143). To that end, if the property is redeveloped in the future, the Applicant will need to address and meet stormwater management requirements in accordance with Sector Plan recommendations.

Transportation

There are no specific transportation recommendations for this property in the Sector Plan. However, the Plan recommends a user-friendly interconnected transportation system that offers travel options to businesses and residents in the Core. The subject site's proximity to the Red Line Metrorail station, and the Transit Center, the existing sidewalk and the addition of a bike rack in front of the building help to fulfill the Sector Plan's recommendation of providing several modes of transportation to residents and visitors in the Core.

The Sector Plan recommends for Ramsey Avenue a minimum right-of-way of 70 feet, necessitating a dedication on this Property of five feet from the existing property line. At this time, such dedication would project into the existing building footprint to remain. Because Ramsey Avenue is a county right-of-way, Montgomery County Department of Transportation (MCDOT) reviewed the Preliminary Plan and recommends that if the property is redeveloped in the future, the Applicant will be required to provide necessary dedication for Ramsey Avenue in accordance with the Sector Plan and to remove all steps, stoops, retaining walls, etc. that are within the right-of-way. A condition of approval is recommended that prior to record plat, the Applicant enter into a covenant with the Planning Board for the future 5-foot dedication along the Ramsey Avenue frontage if the property is completely redeveloped. The covenant will be noted on the plat by book and page reference. Thus, Preliminary Plan substantially conforms to the recommendations within the 2000 *Silver Spring CBD Sector Plan*.

3. Public Facilities will be adequate to support and service the area of the subdivision

Roads and Transportation Facilities

Access and Circulation

Loading access to the Subject Property is provided via an existing curb cut on Ramsey Avenue, along the north side of the existing building. There is no vehicular parking provided on-site. Pedestrian access is provided by an existing public sidewalk on Ramsey Avenue. No changes to the site access points are proposed with the Subject Application as shown in Figure 5.

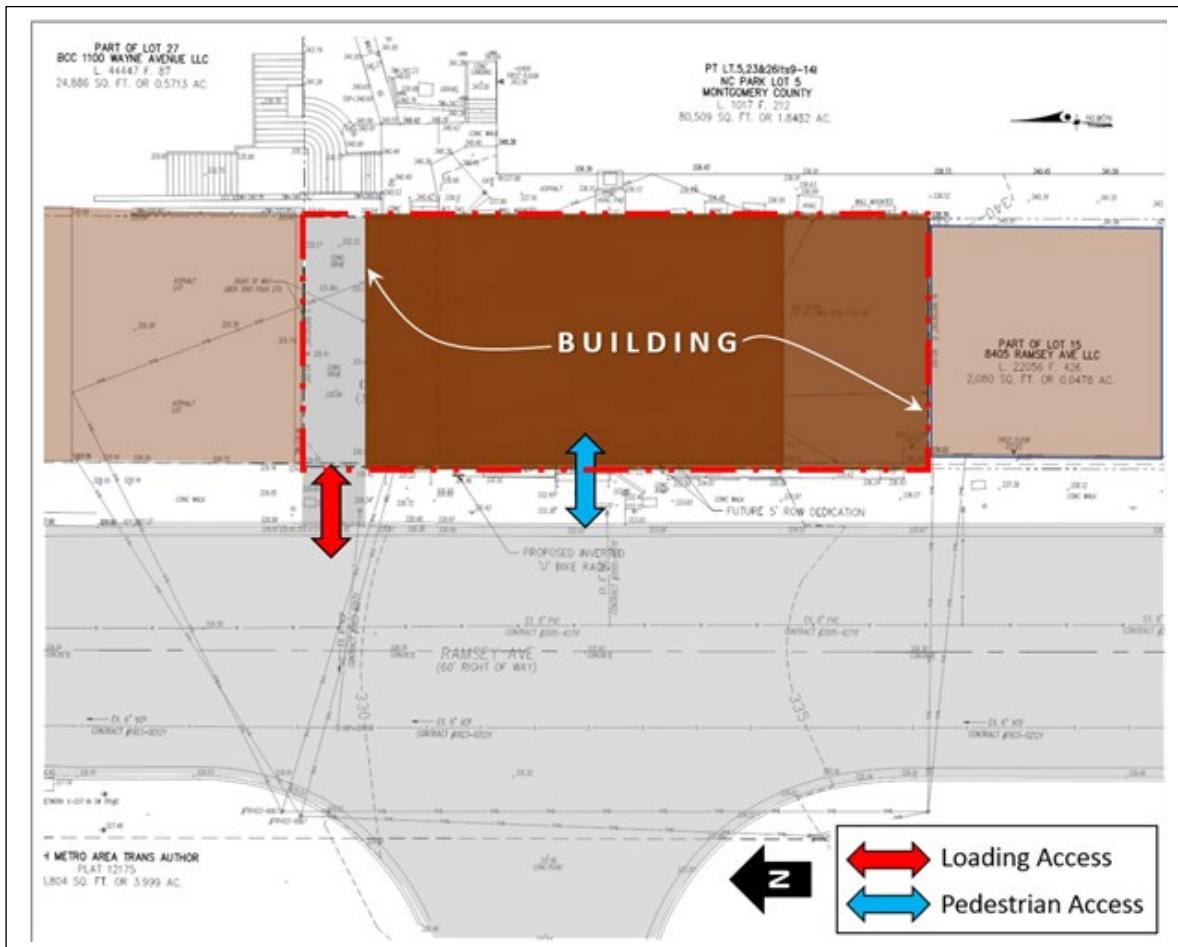


Figure 5:- Access and Circulation

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Silver Spring Metrorail Station, which is located immediately across the street from the Subject Property.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2000 Silver Spring CBD Sector Plan and Planning Board Draft 2018 Bicycle Master Plan designates Ramsey Avenue, along the western site frontage, as a Business District street with a minimum right-of-way width of 70 feet.

Local Area Transportation Review (LATR)

Based on the 2016-2020 Subdivision Staging Policy transportation impact criteria, the Project generates fewer than 50 peak-hour person trips, therefore, the Application satisfies the Local Area Transportation Review through a transportation exemption statement. Peak-hour trip generation is summarized in Table 2.

Table 2: Project Peak Hour Trip Generation

	Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
	AM	PM	AM	PM	AM	PM
Existing 5,860 SF Restaurant	58	57	38	37	77	75
	AM	PM	AM	PM	AM	PM
Proposed Expansion (Net New) 2,719 SF Restaurant	26	26	18	18	37	37
Total Trips	84	85	56	55	114	112

Source: Wells & Associates Transportation Statement, dated May 17, 2018.

Other Public Facilities and Services

Public facilities and services are available and adequate to serve the proposed development. The property will be served by public water and sewer systems. Electrical and telecommunications services are also available to serve the subject property. The application has been reviewed by Montgomery County Fire and Rescue (MCFRS) and emergency vehicle access has been deemed adequate. Local health clinics, police and fire stations are adequate to serve this development. This Project will not create any new residential units, thus, there will be no impact on the public school system.

4. All Forest Conservation Law, Chapter 22A requirements are satisfied

The Project is exempt from submitting a Forest Conservation Plan under Chapter 22A Forest Conservation Law Section 22A-5 (s) (1) of the County Code, because the size of this tract is less than 1.5 acres with no existing forest, or specimen or champion trees and the afforestation requirement would not exceed 10,000 square feet. Staff granted exemption 42028237E on June 8, 2018.

5. All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied

A stormwater management concept is not required for this Preliminary Plan as the proposed disturbance is less than 5,000 square feet.

6. Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.

Not applicable, there are no other provisions specific to the property and necessary for approval of this subdivision required.

SECTION 5 – COMMUNITY COMMENTS

The Applicant has met all proper signage, noticing and pre-submission meeting requirements for the submitted Application. The Applicant held a community meeting on February 26, 2018. To date, no comments have received by Staff on this Application.

SECTION 6– CONCLUSION

As conditioned, the proposed lot will meet all of the requirements established in the Subdivision Regulations and the Zoning Ordinance and conform to the recommendations of the 2000 *Silver Spring CBD Sector Plan*. Access to the lot is adequate and all public facilities and utilities have been deemed adequate to serve this Application. The Application was reviewed by other applicable County agencies, all of whom have recommended approval of the plan. Therefore, Staff recommends approval of the Application, with the conditions as specified in this report.

Attachments

Attachment A - FCP Exemption Letter
Attachment B – Agency Memorandums



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

June 8, 2018

Mr. Theo Margas
7906 Georgia Avenue, #103
Silver Spring, MD. 20910

Re: Forest Conservation Exemption 42018237E; NRI; 8407 Ramsey Avenue; Lot P15, Block 2

Dear Mr. Margas:

Based on the review by staff of the Montgomery County Planning Department, the Forest Conservation Exemption Request submitted on June 1, 2018 for the plan identified above, is confirmed. The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(s)(1) because this activity is being conducted on a tract less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner should contact this inspector before construction to verify the limits of disturbance. The owner's representative, construction superintendent, this forest conservation inspector, and the Montgomery County Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.

You may contact me at david.wigglesworth@montgomeryplanning.org or at (301) 495-4581.

Sincerely,

David Wigglesworth
Sr. Planner
Development Applications & Regulatory Coordination

CC: Andrew Bradshaw (JBA, Inc.)
42018237E



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdiah
Director

October 30, 2018

Ms. Kathleen Reilly, Coordinator
 Area 1 Planning Division
 The Maryland-National Capital Park & Planning Commission
 8787 Georgia Avenue
 Silver Spring, MD 20910-3760

RE: Preliminary Plan No. 120180270
 8407 Ramsey Avenue

Dear Ms. Reilly:

We have completed our review of the preliminary plan uploaded to eplans on October 3, 2018. A previous plan was reviewed by the Development Review Committee at its September 11, 2018 meeting. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services (DPS) in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

Preliminary Plan Comments

1. If this property is redeveloped in the future, the applicant will be required to provide necessary dedication for Ramsey Avenue in accordance with the 2000 Silver Spring CBD Sector Plan and remove all steps, stoops, retaining walls, etc. within the right-of-way.
2. We recommend that the applicant coordinate with Mr. Timothy Cupples, Division Chief Department of Transportation Engineering for Montgomery County and Mr. Michael Madden of

Office of the Director

101 Monroe Street 10th Floor • Rockville Maryland 20850 • 240-777-7170 • 240-777-7178 FAX
www.montgomerycountymd.gov
Located one block west of the Rockville Metro Station

Ms. Kathleen Reilly
Preliminary Plan No. 120180270
October 30, 2018
Page 2

the Maryland Transit Authority regarding the Purple Line project. Mr. Cupples can be reached at timothy.cupples@montgomerycountymd.gov or at 240-777-7170.

3. At or before the permit stage, please coordinate with Mr. Wayne Miller of our Division of Transit Services to coordinate improvements to the RideOn bus facilities in the vicinity of this project. Mr. Miller may be contacted at Wayne.Miller2@montgomerycountymd.gov or 240 777-5836.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. William Whelan, our Development Review Engineer for this project, at william.whelan@montgomerycountymd.gov or (240) 777-7170.

Sincerely,



Rebecca Torma, Manager
Development Review Team
Office of Transportation Policy

cc: Theo Margas 8407 LLC
 Andrew Bradshaw JBA, Inc.
 Letters notebook

cc-e: Sam Farhadi MCDPS RWPR
 Timothy Cupples MCDOT DTE
 Wayne Miller MCDOT DTS



**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 12-Oct-18

TO: Andrew Bradshaw - abradshaw@jba-inc.net
Johnson Bernat Associates

FROM: Marie LaBaw

RE: 8407 Ramsey Ave
120180270

PLAN APPROVED

1. Review based only upon information contained on the plan submitted 12-Oct-18 .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** See Statement of Performance Based Design *****

Kaitlin Barker

From: Kaitlin Barker
Sent: Wednesday, May 23, 2018 10:07 AM
To: Kaitlin Barker
Subject: FW: 8407 Ramsey Avenue - Preliminary Plan Filing

From: Etheridge, Mark [<mailto:Mark.Etheridge@montgomerycountymd.gov>]
Sent: Tuesday, May 22, 2018 9:54 AM

To: Andrew Bradshaw <abradshaw@jba-inc.com>
Subject: RE: 8407 Ramsey Avenue - Preliminary Plan Filing

Andy –

I agree that the project as you describe it below would not trigger a requirement to obtain a sediment control permit and thus would not require submission of a stormwater management concept.

Mark C. Etheridge
Manager
Water Resources Section
Department of Permitting Services
255 Rockville Pike, 2nd Fl.
Rockville, MD 20850
240-777-6338
240-777-6339 (fax)

Have you tried DPS eServices? <http://permittingservices.montgomerycountymd.gov/DPS/eServices/AbouteServices.aspx>

All information in this communication and its attachments are confidential and are intended solely for addressee(s) included above and may be legally privileged. Please take notice that any use, reproduction or dissemination of this transmission by parties other than the intended recipient(s) is strictly prohibited. If you are not the intended recipient, please immediately notify the sender by reply e-mail or phone and delete this message and its attachments.

From: Andrew Bradshaw [<mailto:abradshaw@jba-inc.com>]
Sent: Tuesday, May 22, 2018 9:26 AM
To: Etheridge, Mark <Mark.Etheridge@montgomerycountymd.gov>
Subject: 8407 Ramsey Avenue - Preliminary Plan Filing

Mark (wasn't sure who the SWM reviewer would be for this area so I started with you),

As part of the initial acceptance of the preliminary plan package for the property listed above; we are looking for confirmation from DPS Water Resources that the improvements described below will not trigger stormwater management requirements and thus the submission of a stormwater concept. Typically I'll include this confirmation as the 'SWM Plan Exemption Letter'.

The property currently consists of a two story commercial building containing a restaurant use with frontage along Ramsey Avenue. The first floor of the restaurant contains 2,928 sf of GFA and the second floor of the restaurant contains 2,932 sf of GFA w/ outdoor seating and a loading area to the north of the 4,000 sf property. Associated with this Preliminary Plan is a 3rd story building addition consisting of approximately 2,700 sf of commercial use (i.e. expansion of the restaurant). Other than structural enhancements to the existing foundations; there will be no disturbance associated with this Preliminary Plan.