



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

SEP 15 2009

MCPB No. 09-104  
Project Plan No. 920070010  
Project Name: Studio Plaza  
Date of Hearing: May 28, 2009

**MONTGOMERY COUNTY PLANNING BOARD**

**RESOLUTION**

WHEREAS, under 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 July 25, 2006, Michael, LLC, ("Applicant") filed, and on March 12, 2007, staff accepted, an application for approval of a project plan for a multi-building mixed-use development, including, but not limited to, residential, retail, office, and/or hotel uses, with a maximum density – exclusive of any density bonuses for MPDUs or workforce housing – of 626,781 gross square feet ("Project Plan"), on 5.11 acres of CBD-1 and Fenton Village Overlay-zoned land, located on the block bound by Thayer Avenue, Fenton Street, Silver Spring Avenue, and Mayor Lane in the Fenton Village area of the Silver Spring CBD ("Property" or "Subject Property"); and

WHEREAS, Applicant's project plan application was designated Project Plan No. 920070010, Studio Plaza, (the "Application"); and

WHEREAS, Planning Board Staff ("Staff") issued a memorandum to the Planning Board, dated May 15, 2009, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, on May 28, 2009, following review and analysis of the Application by Staff and the staffs of other governmental agencies, the Planning Board held a public hearing on the Application concurrently with a *pro forma* Mandatory Referral (MR 09-713) and a Petition to Abandon Public Alleys (AB-719) (the "Hearing"); and

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

Approved as to  
Legal Sufficiency:

M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320 A-1

[www.MCParkandPlanning.org](http://www.MCParkandPlanning.org) E-Mail: [mcp-chairman@mncppc.org](mailto:mcp-chairman@mncppc.org)

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WHEREAS, on May 28, 2009, the Planning Board voted to approve the Application subject to conditions, on motion of Commissioner Alfandre; seconded by Commissioner Robinson; with a vote of 4-0, Commissioners Alfandre, Cryor, Hanson, and Robinson 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. 920070010 for a multi-building mixed-use development, including, but not limited to, residential, retail, office, and/or hotel uses, with a maximum optional method base density – exclusive of any density bonuses for MPDUs or workforce housing – of 626,781 gross square feet, on 5.11 gross acres in the CBD-1 and Fenton Village Overlay zones, subject to the following conditions:

1. Development Ceiling

- a. The maximum density of the proposed development, excluding any residential density bonuses for MPDUs or workforce housing, is limited to 626,781 square feet of gross floor area. The final total development ceiling, including all density bonuses, dwelling unit counts, and distribution of land uses will be determined at Site Plan.
- b. If, by time of Preliminary Plan review, the County Council approves a Zoning Text Amendment revising Section 59-C-6.2351 to allow the transfer of optional method density within CBD zones from lots smaller than 22,000 square feet, at Preliminary Plan the Applicant may propose to revise the maximum density established above without amending this Project Plan.

2. Accommodation of Adjacent Properties

- a. In general, at Preliminary Plan and Site Plan, the Applicant must show adequate access for customers and deliveries for adjacent properties currently enjoying such access;
- b. The final design of the buildings included in this Project Plan, including but not limited to setbacks, vertical stepping, and other design measures, must afford the existing, immediately-adjacent buildings sufficient access to light and air. The Planning Board will approve the final design at Site Plan;
- c. For the Kalivas Property, the Applicant shall:
  - i. relocate the loading entrance to the west side of the building to facilitate loading from the alley behind the GranDesign building;
  - ii. replace, in close proximity to the rear of their building, the parking spaces currently accessible from the 16-foot alley located at the southeast corner of the Kalivas property;
  - iii. provide a secondary entrance to the building that would be more directly accessible to Studio Plaza patrons; and

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- iv. coordinate construction phasing to maintain the loading function of Kalivas tenants; or
  - v. if the owners of the Kalivas property are not amenable to the above conditions, construct the alley configuration referred to in the Project Plan staff report as "Revised Option 2".
- d. For the Gerecht Property, the Applicant shall:
- i. install a commercial elevator inside the building convenient to the Fenton Street entrance;
  - ii. enclose the alcove at the parking lot entry as conditioned space;
  - iii. make modifications to the building interior to accommodate the addition of the elevator
  - iv. remove the pedestrian bridge;
  - v. replace signage on the Fenton Street façade;
  - vi. set back the proposed building to the north to allow a reasonable measure of light and air for the existing windows on the north elevation of 8204 Fenton Street as determined by the Planning Board at site plan;
  - vii. if the owners of the Applicant and the owners of the Gerecht Property cannot agree to changes inside their building, the Applicant must provide one of two exterior options:
    - 1. an exterior elevator, as illustrated in the Project Plan staff report as "Exterior Elevator Option"; or
    - 2. an exterior stair connecting the pedestrian bridge to the Fenton Street right-of-way, referred to in the Project Plan staff report as "Exterior Stair Option."
- e. For 911 Silver Spring Avenue (the "Katz Property"), no Site Plan associated with this Project Plan may inhibit direct vehicular access to the 16-foot public alley behind 911 Silver Spring Avenue from the proposed adjacent private street.
- f. The Preliminary Plan must include a public access easement over the proposed private street connecting Thayer Avenue and Silver Spring Avenue.
- g. If the Applicant and adjacent property owners come to mutually agreeable accommodations other than those described in conditions 2.c., 2.d., and 2.e., the Planning Board will consider conformance with condition 2.a. above at Site Plan.

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- h. The details of the accommodations required under this Condition No. 2 shall be in writing and determined at Site Plan.
- i. None of the development, permitting, and construction of the above items shall be at the expense of the owners of the Kalivas property, 8204 Fenton Street, or 911 Silver Spring Avenue.
- j. The final approved Project Plan shall illustrate each of the options described within this condition.

### 3. Public Use Space and Amenities

- a. The Applicant must provide a minimum of 23 percent of the net lot area for on-site public use space and a minimum of 22 percent of the net lot area for on and off-site public amenity space. The final design and details will be determined during Site Plan review.
- b. The proposed public use space must be easily and readily accessible to the general public and available for public enjoyment.
- c. The Applicant must provide a public art installation that announces the central public space and connects it in a meaningful, attractive, and enticing fashion to the surrounding streets and the larger community. This artwork should be integrated into the overall environmental design of the project, including the architecture, landscape, and hardscape features.
- d. The Applicant must present the public artwork to the art review panel for comment prior to approval of the Site Plan.
- e. The Applicant must provide a through-block pedestrian promenade from the intersection of Mayor Lane and Mayor's Promenade east to Fenton Street. The paving on the existing section of Mayor's Promenade must match that of the proposed promenade extension to Fenton Street.
- f. The Applicant must install the Silver Spring Streetscape standard, including paving, street lights, street trees, and undergrounding of utilities, along site frontage on public streets.
- g. The Applicant must underground all utilities along Mayor Lane between Silver Spring and Thayer Avenues.

### 4. Housing

- a. The proposed development must provide a minimum of 15 percent of the final number of all dwelling units as MPDUs, exclusive of Workforce Housing.
- b. Comply with the Workforce Housing provisions of the General Development Agreement (GDA) for Parking Lot #3, Silver Spring, MD, between Michael, LLC, and Montgomery County, MD, executed on October

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24, 2008, by providing 15 percent of the residential density attributable to County Land, per the equation included in the GDA.

- c. The Applicant must provide a minimum of 10 percent workforce housing for residential density attributable to the all portions of the site not included in the original July 25, 2006, Project Plan application, which are grandfathered as exempt, or addressed in the GDA for Parking Lot 3.

5. Sustainability

- a. The development as a whole must achieve at a minimum a Certified rating in the LEED-ND (Neighborhood Development) standard established by the US Green Building Council, provided such Certification is available. The final certification level and timing will be determined at Site Plan.
- b. Each building included in this Project Plan and subsequent Site Plans must achieve at a minimum a Certified rating in LEED-NC (New Construction), or other building-specific LEED rating system, established by the US Green Building Council.

- 6. The final design of the underground parking garage to be constructed by the Applicant for eventual transfer to Montgomery County under the terms of the General Development Agreement must be approved as part of Site Plan review. The Mandatory Referral heard by the Board at the May 28, 2009, public hearing was *pro forma* only and does not limit or conclude the Board's review of any portion of the site included in the Project Plan.

7. Issues to be Addressed at Site Plan

Among the issues to be addressed at Site Plan are:

- a. The design of the central open space must demonstrate a significant relationship and connection to the adjacent public streets.
- b. Staged interim or alternative public parking accommodation for retailers on Fenton Street, possibly to include shorter-term parking meters on Fenton Street or shared parking arrangements within nearby private parking garages.
- c. Safety review of the project by a Montgomery County Police Department CPTED (Crime Prevention Through Environmental Design) Officer.
- d. A site phasing plan that minimizes negative impacts on the adjacent buildings and surrounding community.

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-2.43, the Montgomery County Planning Board, with the conditions of approval, FINDS:(a)

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*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."*

As recommended in the Sector Plan, this proposed Project Plan promotes mixed-use higher-density urban infill redevelopment. The project benefits from increased density and building height recommended by the Sector Plan and realized in the zoning. The proposed additional residential units and office space, combined with street-activating ground-floor retail and restaurants, will enliven and reinvigorate Fenton Village.

- (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 Project Plan proposes a variety of land uses, including residential, office, retail and restaurant, and potentially hotel. Residences will include market-rate units, MPDUs, and Workforce Housing. The central public use space and extensive pedestrian network will provide opportunity for a diversity of recreational activities, active and passive, for residents of both the project and the larger community as well as visitors.

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- (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."*

This project will make a significant contribution to the rebuilding of Fenton Village, replacing one- and two-story commercial buildings with mixed-use residential and office buildings with ground-floor retail and restaurant uses. These buildings will line the street edge, creating vibrant, attractive streetscapes. The smaller retail and restaurant spaces envisioned for this project are intended to retain and reinforce the neighborhood-serving character of the larger Fenton Village. Further, the addition of through-block connections – a new north-south private street and an east-west pedestrian promenade – will expand upon the existing sidewalk network in the CBD and create more opportunities for small retailers. In terms of building height, the taller buildings on the project will be located closest to Georgia Avenue, with height decreasing approaching Fenton Street and the single-family neighborhoods to the east, in conformance with the Sector Plan and the Fenton Village Overlay Zone. As conditioned, the project will also provide a reasonable alternative accommodation to adjacent buildings whose current service operations will be impacted.

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

This project is located approximately one-quarter mile from the Silver Spring Transit Center, which includes local and regional rail service as well as numerous metropolitan bus lines. A commercial interstate bus depot is just one block south of the site. The proposed pedestrian-oriented improvements will augment and upgrade the existing sidewalk system and will provide residents and tenants of the project, as well as the larger community, greater access to transit.

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

The addition of two through-block pedestrian connections and streetscape upgrades will significantly improve already reasonably high-quality pedestrian circulation. Street-activating ground-floor retail and restaurant uses, as well as residential and office building entrances, will further improve circulation and increase pedestrian safety by placing more eyes on the street and encouraging foot traffic. The new mid-block private street will provide additional connectivity for vehicles within Fenton Village.

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

Though the final unit mix will be determined during Preliminary and Site Plan review, the project will contain a significant number of residential units that will include substantial proportions of MPDUs and Workforce Housing, providing housing opportunities for people with a range of different incomes.

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

This project assembles a large number of properties, with a gross tract area of about five acres, currently occupied by small-scale commercial buildings and surface parking lots, which do not take full advantage of proximity to metro and other benefits of a redeveloping CBD. In proposing development in accordance with the goals of the Sector Plan, this project will provide highly desirable land uses and public spaces and amenities for Fenton Village.

#### Further Intents of the CBD-1 Zone

Section 59-C-6.213(a) indicates other objectives of the CBD-1 Zone:

- (1) *"To foster and promote the orderly development of the fringes of the Central Business Districts of the county so that these areas will provide land uses at a density and intensity which will encourage small business enterprises and diverse living accommodations, while complementing the uses in the interior portions of these districts; and"*

This development will provide an array of land uses – multi-family residential, office, retail, restaurant, and possibly hotel – that readily complements nearby uses. These include single- and multi-family housing, small office buildings, a supermarket, small-scale retail, and restaurants. The density and height of the development provides a transition between the Georgia Avenue corridor, the Silver Spring Transit Center, and Downtown Silver Spring, and the lower-density development of Fenton Street and East Silver Spring. During Site Plan review, staff will undertake to help ensure the small, diverse, neighborhood-scale of the retail enterprises. At that time, staff will also endeavor to increase the diversity of unit types, sizes, and bedroom counts to maximize the range of living accommodations.

- (2) *"To provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts."*

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Adjacent land uses located outside the CBD and Fenton Village consist primarily of single-family houses, with the buildings along both sides of Fenton Street defining the transition. In accordance with the Sector Plan and the Overlay Zone, the building heights within this project will step down to their lowest point along the west side of Fenton Street. This project will further reinforce Fenton Street as a neighborhood shopping street, providing small-scale retail and restaurant uses and building entrances, helping to activate this street.

#### Purpose of the Fenton Village Overlay Zone

Section 59-C-18.191 describes the purpose of the Fenton Village Overlay Zone:

- (1) *“facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment;”*

The scale of this Project Plan enables the organized and cohesive development of the large majority of a single block in this revitalizing urban environment. The buildings are located directly on sidewalks and public open spaces, delineating these public streets and open places as the public realm.

- (2) *“encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the overlay zone;”*

This Project Plan features an attractive design that fits well between the higher densities along Georgia Avenue and Downtown Silver Spring and the lower-density development east of Fenton Village. The proposed buildings will achieve a minimum LEED-NC Certification and, if the standard is out of pilot phase, the development as a whole will achieve a minimum LEED-ND Certification. As conditioned, the proposed uses, as described above, are compatible with and complimentary to surrounding uses.

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- (3) *“provide flexibility of development standards to encourage innovative design solutions;”*

This project benefits significantly from the flexible development standards, balancing private economic benefit with improved public benefit, consistent with the sector plan.

- (4) *“allow for the transfer of the public use space requirement to other properties within the Overlay District; and”*

The proposed development will transfer a total of 74,979 gross square feet of base density from three sending lots located across public rights-of-way, including Mayor Lane, Fenton Street, and Silver Spring Avenue, to the receiving portion of the site.

- (5) *“allow new uses.”*

The three new uses enumerated in the Overlay Zone – catering facilities, small bakeries, and computer component assembly firms – could each be well accommodated within the proposed development.

#### **Requirements of the CBD-1 & Fenton Village Overlay zones**

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 this data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the CBD-1 and Fenton Village Overlay zones. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

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DATA TABLE

Development Standards  
 Approved by the Board and  
 Binding on the Applicant

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<b>Max. Building Height (feet)</b>	
Building, if project min. 33 % residential; along the west side of Fenton Street	60
Building, if project min. 33 % residential – to accommodate Workforce Housing	90 110
<b>Min. Setbacks (feet)</b>	
East Property Line	0
North Property Line	0
West Property Line	0
South Property Line	0
<b>Min. Site Area (square feet)</b>	
Gross Tract Area	222,592
Prior Dedication	41,971
Proposed Dedication	8,283
Net Tract Area	172,338
<b>Max. Base Density (exclusive of residential density bonuses)</b>	
Gross Area	626,781
Floor Area Ratio	2.82
<b>Public Use Space ( percent of net lot)</b>	
On-Site Public Use Space	23.2
Off-Site Amenity Space	22.6
Total Public Use & Amenity Space	45.9

*(b) The proposed development conforms to the Silver Spring CBD Sector Plan approved under Chapter 56.*

By providing a mixed-use urban-infill development, this project fulfills each of the goals identified in the Silver Spring CBD Sector Plan regarding downtown development: Transit-Oriented; Commercial; Residential; Civic; Green; Pedestrian-Friendly. The site is located approximately one-quarter mile from the Silver Spring Transit Center, including local and regional rail and numerous bus lines. The project proposes a vertical mix of uses, with office, multi-family residential, and possibly hotel uses, all above retail, restaurant, and potentially other street-activating ground floor uses. Central to the design is a large public civic green space, and each street, public or private, contained within or adjacent

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to the site will have street trees, upgraded street lights, and other features of the Silver Spring streetscape standard. Highlighting the civic nature of the central green will be a significant public art project, to be integrated with the design and configuration of the surrounding buildings so as to boldly empower the space to reach out of the center of the block to the adjacent streets and the neighborhoods beyond. Finally, this urban infill project will expand and improve the street and pedestrian network and experience in Fenton Village, with through-block connections, attractive streets, and exciting recreation, retail, and entertainment opportunities.

- (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.*

As conditioned, the project's size, intensity of development, design, operational characteristics, and staging are compatible with the existing adjacent development as well as the planned redevelopment of Fenton Village. The Planning Board has carefully considered, and is sensitive to, the impact of the design of this project on the surrounding neighbors. Thus, the approval of this plan is conditioned upon the Applicant taking steps to ensure that the neighboring businesses' access needs are met. It is also conditioned to ensure that this project will not unduly deny light and air to the surrounding properties. As the planning of this project moves forward to site plan, the Planning Board will continue to look carefully at these issues, and ensure this project is compatible with surrounding development. The Planning Board notes that the types of compatibility concerns that have been raised about this project are likely to become more frequent as other CBD properties are redeveloped. While the close proximity of new and existing development in these areas may pose compatibility challenges, it also has the potential to create a distinctive sense of place, which is an important goal in creating transit-oriented, pedestrian-friendly environments. Creative design will be key to meeting these compatibility challenges, and it is what the Planning Board will expect as this project moves forward.

- (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.*

Other public facilities exist on or near the site and no expansion or renovation of these services will be required by the County. Initial review of this project by Transportation Planning staff and County agencies did not reveal significant issues. The project design and operational details must be approved by the

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respective agencies prior to preliminary plan approval. Further, the Applicant is replacing in kind the number of public surface parking spaces with public underground parking spaces, and will provide interim accommodations during construction. Final details of the ultimate design of the underground garage and interim parking arrangements will be determined at site plan.

- (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 2.0 FAR on this site. 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 proposed development will provide 15 percent MPDUs as required by Chapter 25A, based on the final number of dwelling units to be determined at Site Plan. A final agreement between the Applicant and the Department of Housing and Community Affairs will be required at the time of Site Plan review.

- (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:*

- (1) The project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or*
- (2) The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
- (3) The project will result in an overall land use configuration that is significantly superior in meeting the goals of the applicable master or sector plan and the zone than what could be achieved without the proposed transfer.*

The project will neither preserve a historic site nor implement an urban renewal plan. The proposed development will transfer to the receiving portion of the site

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a total of 74,979 gross square feet of base density from three sending lots located across public rights of way: Mayor Lane; Fenton Street; and Silver Spring Avenue. The additional density will contribute towards the compact redevelopment of this site and produce a more viable project than would be allowed without the proposed transfer.

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

The site is subject to Chapter 22A Montgomery County Forest Conservation Law. A Preliminary Forest Conservation Plan was stamped as received by the Environmental Planning Division on March 13, 2009. There is no forest on-site. Two specimen trees on-site will be removed and one specimen tree off-site on an adjacent property will be preserved. The site's entire requirement will be met with a fee-in-lieu payment.

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

The site's stormwater management concept plan was conditionally approved on January 21, 2009 by the Department of Permitting Services. The conditional approval notes that proposed stormwater management structures are shown differently on the project plan than on the concept plan. The proposed method includes two underground vaults and filters. A revised concept plan was recently submitted to DPS to reduce stormwater runoff quantities to be captured by a series of proposed green roof tops. Any outstanding issues will be resolved at Site Plan review.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 920070010 stamped received by M-NCPPC on March 16, 2009, 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

BE IT FURTHER RESOLVED, that neither the Board's deliberation nor this Resolution should be construed to constitute an opinion of the Board as to the existence or validity of any private easement that may or may not be attributable to the property underlying this Project Plan; and

BE IT FURTHER RESOLVED that this Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

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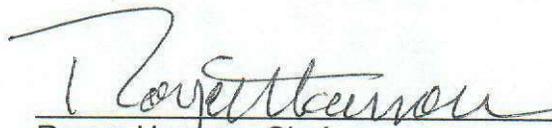
BE IT FURTHER RESOLVED that the date of this Resolution is SEP 15 2009  
(which is the date that this Resolution is mailed to all parties of record); and

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 Resolution, 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 Wells-Harley, seconded by Commissioner Presley, with Commissioners Hanson, Alfandre, Presley, and Wells-Harley voting in favor of the motion, and with Commissioner Cryor absent, at its regular meeting held on Thursday, September 10, 2009, in Silver Spring, Maryland.

  
\_\_\_\_\_  
Royce Hanson, Chairman  
Montgomery County Planning Board



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

**MAY 1 2013**

MCPB No. 13-22  
Preliminary Plan No. 120130020  
Studio Plaza  
Date of Hearing: February 21, 2013

**RESOLUTION**

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on September 11, 2012, Fairfield Investment Company LLC ("Applicant") filed an application for approval of a preliminary plan of subdivision to create 3 lots on 5.11 acres of land in the CBD-1 and Fenton Village Overlay zones, located on the block bound by Thayer Avenue, Fenton Street, Silver Spring Avenue, and Mayor Lane ("Subject Property"), in the Silver Spring CBD Policy Area and the Silver Spring CBD Sector Plan ("Master Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120130020, Studio Plaza ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 11, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 21, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on February 21, 2013, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Dreyfus, seconded by Commissioner Wells-Harley, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfus, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 120130020 to create 3 lots on the Subject Property, subject to the

Approved as to  
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
MNCPPC Legal Department  
www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

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following conditions:<sup>1</sup>

1. The development must comply with the conditions of approval for Project Plan 920070010 as listed in the Planning Board resolution No. MCPB 09-104, dated September 15, 2009.
2. This Preliminary Plan is limited to 3 lots for a maximum of 626,781 square feet of base density (exclusive of bonus residential density for providing MPDUs), and a maximum net new trip generation of 297 morning peak-hour trips and 351 evening peak-hour trips (based on a traffic study for 739,553 square feet of development, with a maximum 625,373 square feet of residential development, including a maximum of 749 total dwelling units, and 114,180 square feet of commercial uses, including 36,180 square feet of retail and 78,000 square feet of office).
3. For each site plan approval sought in conjunction with this Preliminary Plan for the build-out of Studio Plaza, the Applicant must demonstrate at the time of that site plan review, with a traffic statement or similar instrument, that the total cumulative number of trips generated by the mix of uses, including any density bonuses, does not exceed the maximum trip generation described above.
4. Prior to recordation of any plat, for the properties identified as parcels 1, 20, and 27 on the Preliminary Plan, the Applicant must record a document in the County Land Records that identifies that a portion of the density attributable to those parcels was utilized for Preliminary Plan 120130020. All record plats associated with this preliminary plan must reference these documents.
5. 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 site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building

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<sup>1</sup> 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.

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height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.

6. The Applicant must comply with the conditions of approval for the revised preliminary Forest Conservation Plan No. 120130020, approved as part of this Preliminary Plan, subject to the following conditions:
  - a. Final Forest Conservation Plan must include detailed and specific tree protection measures for off-site trees affected by the Limits of Disturbance (LOD).
  - b. A fee-in-lieu that satisfies the 0.64 acre afforestation requirement must be submitted by the Applicant then approved by M-NCPPC staff prior to any clearing, grading or construction activity within the project area.
  - c. The Final Forest Conservation plan must be signed by the plan preparer and Applicant, and the Applicant must provide and sign the developer's certificate.
  - d. The sediment and erosion control plan and stormwater management plan for each phase must be consistent with the Limits of Disturbances (LODs) and the associated tree/forest preservation measures of the Final Forest Conservation Plan.
  - e. The Applicant must satisfy all conditions prior to Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
7. The Applicant must satisfy all conditions prior to Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
8. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated February 1, 2013, 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 may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

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9. Prior to Certification of the Preliminary Plan, remove all references to "Private Street" from the Preliminary Plan.
10. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
11. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated January 21, 2009, 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 may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
12. The Applicant must dedicate and show on the record plat(s) the following dedications:
  - a. Thirty feet from the existing pavement centerline along the Subject Property frontage for Thayer Avenue.
  - b. Thirty-five feet from the existing pavement centerline along the Subject Property frontage for Silver Spring Avenue. For the property identified as part of Lot 7, recorded in Plat 54, dated January 23, 1904, a plat showing this dedication must be recorded in the land records of Montgomery County prior to issuance of any building permit for Lot 2.
  - c. Forty feet from the existing pavement centerline along the Subject Property frontage for Fenton Street.
13. The Applicant must construct all road improvements within the rights-of-way shown on the approved Preliminary Plan to the full width mandated by the master plan and/or to the design standards of all applicable road codes.
14. The record plat must show necessary easements.

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15. All record plats must include a note that the lot includes public use space, and that the public use space show on the Certified Site Plan(s) must be maintained in perpetuity.
16. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.
17. The Subject Property is within the Blair High School cluster area. As applicable, the Applicant must make a School Facilities Payment to MCDPS at the middle school level at the high-rise unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
18. No clearing, grading or recording of plats prior to certified site plan approval for each phase.
19. For each phase of development, final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at Site Plan.
20. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width, or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the site plan.

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the Master Plan.*

The Silver Spring CBD Sector Plan sets forth a vision for the redevelopment of downtown Silver Spring based on six themes:

- Transit-oriented downtown
- Commercial downtown
- Residential downtown
- Civic downtown
- Green downtown
- Pedestrian-friendly downtown.

This plan meets the goals of each of these themes. The site is located approximately one-quarter mile from the future Silver Spring Transit Center, which will contain local and regional rail and numerous bus lines. It is also within a 2-minute walk of the future Purple Line station to be located at the intersection of Fenton Street and Wayne Avenue. The project includes a vertical mix of uses, with multi-family residential and office uses above retail, restaurant, and other street-activating ground floor uses. Central to the design is a large public green space composed of lawn, shade trees, shrubs and groundcovers. Highlighting the civic nature of the central green will be a significant public art component integrated with the design and configuration of the private drive and pedestrian mews that bisects it, helping it to reach out to the adjacent streets and the neighborhoods beyond. Finally, this urban infill project will expand and improve the street and pedestrian network and experience in Fenton Village, with through-block connections, attractive streets, and recreation, retail, and entertainment opportunities. Sidewalks along each street contained within or adjacent to the site will be upgraded street trees, upgraded street lights, and other improvements required as part of the Silver Spring streetscape standard.

The Silver Spring CBD Sector Plan further identifies five "Revitalization Areas," including Fenton Village, of which it states:

Pedestrian traffic in Fenton Village has declined due to a variety of real and perceived problems including lack of demand for the goods and services offered in Fenton Village, inadequate pedestrian circulation, concerns about security, the ability to attract office workers from the nearby Core, and the area's deteriorating visual image.

The area is also physically disjointed, due to a lack of significant renovation or infill development in recent years. In more unified shopping districts, retailers benefit from the combined drawing power of the individual stores. In Fenton Village, the disjointed

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patterns of commercial activity and the lack of a resident population dilutes pedestrian traffic – a key component to retail vitality.

This plan specifically addresses those issues.

With the objective to “Revitalize Fenton Village by positioning it to benefit from redevelopment on the Urban Renewal site, facilitate housing that will upgrade the physical environment and bring in new residents, and provide a pedestrian-friendly environment that encourages people to stroll and stay,” the Sector Plan also made recommendations specific to Fenton Village.

The Plan increased the zoning in Fenton Village from CBD-0.5 to CBD-1, doubling the maximum density from FAR 1.5 to 3.0, identified locations for new housing (including this site) and open space, and established an overlay zone to help ensure compatibility. By complying with these various requirements, this plan fulfills the vision and goals of the Sector Plan.

- 2. Public facilities will be adequate to support and service the area of the approved subdivision.*

As shown in the traffic study submitted by the Applicant, CLV values for intersections included in the study were estimated to be well below the Silver Spring CBD Policy Area Policy Area congestion standard (1,800 CLV). Based on this analysis, the Application satisfies LATR requirements. Further, the PAMR mitigation requirement for the development is fully mitigated during the morning peak-hour as well as during the evening peak-hour. The subject plan satisfies the PAMR requirements of the APF test.

Public facilities and services are available and will be adequate to serve the dwelling units. The subject property will be served by public water and sewer connections. Gas, electric and telecommunications services are also available to serve the property. Police stations, firehouses, and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. The Application has been reviewed and approved by the Montgomery County Fire and Rescue Service (MCFRS) who has determined that the property has adequate access for emergency vehicles.

For FY13, projects within the Blair cluster must make a school facilities payment at the middle school level. This project will comply with that requirement, as applicable, as determined by MCDPS.

- 3. The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision.*

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This Application has been reviewed for compliance with the Subdivision Regulations of Montgomery County Code Chapter 50. The Application meets all applicable sections. Access and public facilities will be adequate to support the lots and uses. The lots meet the requirements of the zone, and are appropriate for the location of the subdivision.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

The Planning Board approved a Preliminary Forest Conservation Plan (PFCP-920070010) on March 13, 2009. The net tract area was 4.41 acres with an afforestation requirement of 0.66 acres to be met both onsite (0.27 acres in landscaping credit) and offsite (0.39 acres in fee-in-lieu).

A revised Preliminary Final Forest Conservation Plan (120130020) was submitted on September 11, 2012. The net tract was decreased by 0.16 acres as a result of a reduction in offsite impacts. The Applicant will meet the total afforestation requirements of 0.64 acres through a fee-in-lieu payment under the Forest Conservation Law.

5. *All stormwater management requirements shall be met as provided in Chapter 19, article II, title "stormwater management", Section 19-20 through 19-35.*

The MCDPS Stormwater Management Section conditionally approved the Stormwater Management Concept for the Application January 21, 2009. The stormwater management concept consists of a waiver of on-site channel protection measures due to existing shallow storm drain inverts. On-site water quality control will be met via green roofs, flow based filters, and a hydrodynamic separator.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 85 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 1 2013 (which is the date that this Resolution is mailed to all parties of record); and

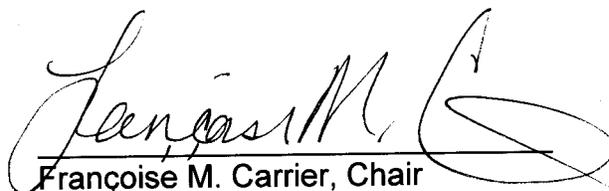
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BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative 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 Presley, seconded by Commissioner Anderson, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, April 25, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board



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

Agenda Date: February 21, 2013  
Agenda Item No. 3

MEMORANDUM

TO: Montgomery County Planning Board

FROM: Elza Hisel-McCoy, Assoc. AIA, LEED-AP, Planner Coordinator, Area 1

VIA: Robert Kronenberg, Acting Chief, Area 1

DATE: June 6, 2013

Re: Correction to the Resolution of Site Plan No. 820130010, Studio Plaza

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Attached please find a redlined version of the resolution for Site Plan No. 820130010 (Studio Plaza), which corrects the legal name of the Applicant as well as errors in the data table regarding site area and density. The resolution was mailed out to all parties of record on May 1, 2013.

The error in the legal name of the Applicant resulted from a correction made to the Applicant name after the application had been submitted. The errors in the data table regarding site area resulted from the use of the site area for the entirety of the approved Lot 1, instead of only the portion of Lot 1 that includes the approved Phase 1 Site Plan improvements. This also requires a correction in the description of the site area. The errors in the data table regarding density were mathematical.



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

**JUL 18 2013**

MCPB No. 13-23  
Site Plan No. 820130010  
Studio Plaza  
Date of Hearing: February 21, 2013

**CORRECTED RESOLUTION**

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board") is authorized to review site plan applications; and

WHEREAS, on September 11, 2012, ~~Fairfield Investment Company Michael~~ LLC ("Applicant") filed an application for approval of a site plan for one mixed-use multi-family apartment building with a total gross floor area of 418,069 sf., including 10,500 sf. of retail and up to 415 dwelling units, including 61 Moderately Priced Dwelling Units (MPDUs) (15% of non-Workforce Housing Units (WFHUs)) and 10 WFHUs in addition to 344 market rate units, on ~~3.8~~ **2.4** acres of CBD-1 and Fenton Village Overlay zoned land, located on the block bound by Mayor Lane, Thayer Avenue, Fenton Street, and Silver Spring Avenue ("Subject Property"), in the Silver Spring CBD Policy Area, Silver Spring CBD Sector Plan ("Master Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820130010, Studio Plaza ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated February 11, 2013, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 21, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

Approved as to  
Legal Sufficiency:

*Oliver D. L...*  
MNCPPC Legal Department  
www.montgomeryplanningboard.org

9787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
E-Mail: mcp-chair@mncppc-mc.org

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WHEREAS, on February 21, 2013, the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Dreyfuss, seconded by Commissioner Anderson, with a vote of 5-0; Commissioners Anderson, Carrier, Dreyfuss, Presley, and Wells-Harley voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820130010 for one mixed-use multi-family apartment building with a total gross floor area of 418,069 sf., including 10,500 sf. of retail and up to 415 dwelling units, including 61 MPDUs (15% of non-WFHUs) and 10 WFHUs in addition to 344 market rate units, on the Subject Property, subject to the following conditions:<sup>1</sup>

1. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan 120130020. This includes but is not limited to all references to density, rights-of-way, dedications, easements, transportation conditions, DOT conditions, and DPS stormwater conditions.

2. Density

This Site Plan is limited to a maximum gross floor area of 418,069 sf., including 10,500 sf. of retail and up to 415 dwelling units. The total number of dwelling units includes 61 MPDUs and 10 WFHUs, in addition to 344 market rate units.

3. Moderately Priced Dwelling Units (MPDUs)

- a. The development must provide 15 percent of the total number of non-WFHUs as MPDUs on-site in accordance with Chapter 25A. The Applicant is receiving a 22 percent residential density bonus for providing 15 percent MPDUs on-site.
- b. The MPDU agreement to build shall be executed prior to the release of any building permits, except sheeting and shoring permits.

4. 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 for public record purposes only from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional

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<sup>1</sup> 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.

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identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

5. Maintenance of Public Amenities

The Applicant is responsible for maintaining all on-site publicly accessible amenities including, but not limited to, the public use space, the new private drive, public art, and associated landscaping and site furnishings, unless provided by contract with another party.

6. Site Design

- a. At the northeast corner of the building, the Applicant must provide a minimum of 5' clear passage between the outside face of the exterior columns adjacent to the retail portion of the building and the railing adjacent to the sidewalk of the new private drive, beginning at the corner of Thayer Avenue and the new private drive and ending at the stair into the public use space.
- b. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on Sheets A3.00, A3.01, and A3.02 of the submitted architectural drawings, as determined by Area 1 staff.
- c. For the adjacent GranDesign building, located at 912 Thayer Avenue:
  - i. The Applicant must place bollards or other buffering and protective measures (e.g., planters) along the north side of the public alley located on the south side of the GranDesign property to protect the building. The number, type, and location of these measures must be illustrated on the Certified Site Plan.
  - ii. Prior to initial occupancy of any Phase 1 improvements, the Applicant must enter into a written agreement with the owners of the GranDesign building to address:
    1. whether GranDesign's rear building entrance will remain in its current location on the west side of the building or will be relocated to the south side of the building;
    2. all interior and exterior improvements (e.g., stairs or a ramp) that must be made to the GranDesign building related to any relocation of the rear building entrance.
  - iii. The Applicant must note on the Certified Site Plan that the rear building entrance options and design will be determined by agreement between the Applicant and GranDesign prior to initial occupancy permit of any Phase I improvements, and that either option may be incorporated without amending the site plan.
  - iv. All other details relating to the selection and implementation of these alternatives solutions will be by private agreement.

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7. Public Use and Amenities

- a. Provide a minimum of 35,100 sf. of on-site public use space, as illustrated on the Certified Site Plan.
- b. Exclusive of the public use space required in Condition 7.a. above, provide a minimum of 23,750 sf. of on-site and off-site public amenity space, as illustrated on the Certified Site Plan.
- c. The Applicant must provide the Silver Spring streetscape standard improvements along the site frontage.
- d. Provide and install the Silver Spring streetscape pavers (not including street lights, street trees, or undergrounding of utilities) within the right-of-way on the north side of Silver Spring Avenue between the western site boundary and the existing streetscape improvements near Georgia Avenue. The Applicant must make good faith efforts to obtain permission from the property owner along this frontage to install streetscape pavers on the private property between the right-of-way and the existing building face.
- e. Except as noted, all streetscape improvements must conform to the Silver Spring Streetscape guidelines, as amended, and include undergrounding of utilities.
- f. Replace a maximum of 4 ornamental trees in the public use space with 2 canopy trees. Final location and species to be approved by M-NCPPC Area 1 staff at Certified Site Plan.
- g. If at a future time the definition of "Public Use Space" in the Zoning Ordinance is changed, this project will be subject to and comply with all requirements of the new definition.

8. Private Lighting

- a. The lighting distribution and photometric plan with summary report and tabulations must conform to IESNA standards for residential development.
- b. All onsite down- light fixtures must be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. The height of the light poles shall not exceed the height shown on the Certified Site Plan, including the mounting base.

9. Public Art

- a. Provide for and install the public art concept designed and produced by artist Dan Steinhilber, as presented to the Planning Department's Art Review Panel on December 12, 2012, and illustrated in the Certified Site Plan.
- b. Any significant changes to the concept presented on December 12, 2012, must be presented to the Art Review Panel and approved by Area 1 staff before Certified Site Plan.
- c. Significant changes to the concept, as determined by Area 1 staff, proposed after Certified Site Plan, will require a Site Plan Amendment.

10. Noise

The Applicant must attenuate for all indoor noise levels that exceed 45 dBA Ldn.

11. Surety

Prior to issuance of first building permit (exclusive of sheeting and shoring) within each relevant phase of development, Applicant must provide a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. Applicant must provide a cost estimate of the materials and facilities, which, upon staff approval, will establish the initial surety amount.
- b. The amount of the bond or surety shall include plant material, on-site lighting, recreational facilities, site furniture, and entrance piers within the relevant phase of development.
- c. Prior to issuance of the first building permit, Applicant must enter into a Site Plan Surety & Maintenance Agreement with the Planning Board in a form approved by the Office of General Counsel that outlines the responsibilities of the Applicant and incorporates the cost estimate.
- d. Surety shall be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety for each phase of development will be followed by inspection and reduction of the surety.

12. Development Program

The Applicant must construct the development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. Street lamps and sidewalks must be installed prior to the issuance of the 300<sup>th</sup> residential use and occupancy permit. Street tree planting may wait until the next growing season.
- b. On-site and off-site amenities including, but not limited to, the public use space, Mayor's Promenade, sidewalks, benches, trash receptacles, and

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- bicycle facilities must be installed prior to release of the 300<sup>th</sup> residential use and occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur prior to approval of the Final Forest Conservation Plan, Sediment Control Plan, and M-NCPPC inspection and approval of all tree-save areas and protection devices.
  - d. The development program must provide phasing for installation of on-site landscaping and lighting.
  - e. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, afforestation, trip mitigation, and other features.

### 13. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Modify data table to reflect development standards enumerated in the Planning Board Opinion.
- d. Ensure consistency off all details and layout between site plan and landscape plan.
- e. The recreation calculations for this phase of development.
- f. Illustrate pedestrian safety measures to be included in Mayor Lane.
- g. Remove references to "Private Street."

BE IT FURTHER RESOLVED, that all site development elements as shown on Studio Plaza drawings stamped by the M-NCPPC on December 13, 2012, shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

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The site plan is consistent with the approved project plan. It retains the overall disposition of buildings, the new private drive, and the central green and pedestrian promenade. The gross floor area of the development is within the maximum established by the project plan. The project plan included conditions addressing accommodation of adjacent properties. This site plan meets the conditions for the property adjacent to this phase 1 site plan area, 911 Silver Spring Avenue. The Project Plan conditions for the Kalivas and Gerecht properties, which are not immediately adjacent to the phase 1 development, will be addressed during the future site plan for phase 2.

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

The uses are allowed in the CBD-1 Zone, as modified by the Fenton Village Overlay Zone (FVOZ) and the site plan fulfills the purposes of the zone by providing higher-density mixed-use zoning near transit.

#### **Requirements of the CBD-1 & Fenton Village Overlay Zones**

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the CBD-1 and Fenton Village Overlay Zones.

**Data Table**

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved for entire Project, per Project Plan 920070010</b>	<b>Preliminary Plan 120130020</b>	<b>Phase 1, Site Plan 820130010</b>	<b>Remaining for future site plans</b>
<b>Min. Site Area (square feet)</b>					
Gross Tract Area	18,000	222,592	222,592	<del>165,809</del> 104,434	<del>56,783</del> 118,158
Prior Dedication	n/a	41,971	42,021	<del>25,072</del> 15,146	n/a
Proposed Dedication	n/a	8,283	8,423	<del>5,100</del> 3,000	
Net Lot Area	n/a	172,338	172,148	<del>135,637</del> 86,288	

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<b>Max. Density</b>					
Base density (square feet)	667,776	626,781	626,781	<del>334,573</del> 344,573	<del>292,208</del> 282,208
Base FAR	3	2.82	2.82	<del>1.50</del> 1.55	<del>1.31</del> 1.27
Non-residential density (square feet)	n/a	n/a	n/a	10,500	n/a
Base residential density (square feet)				334,073	
Bonus residential density for providing 15% MPDUs (square feet)				73,496	
Total density, (square feet)				418,069	
Total FAR				1.87	
Dwelling units, total	n/a	n/a	749	415	334
Dwelling units, @ 15% MPDU			n/a	61	n/a
Dwelling units, WFHU*			n/a	10	
MPDU, min. % of non-WFHU	12.5	15	15	15	n/a
<b>Max. Net New Traffic Generation (trips)</b>					
Morning Peak-Hour	n/a	n/a	297	119	178
Evening Peak			351	135	216
<b>Max. Building Height (feet)</b>					
Building, if project min. 33 % residential	90	90	n/a	110	n/a
- to accommodate WFHU	110	110			
<b>Min. Setbacks (feet)</b>					
East Property Line	n/a	n/a	0	0	n/a
North Property Line			0	0	
West Property Line			0	0	
South Property Line			0	0	

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 Studio Plaza  
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<b>Public Use Space, Min.</b>					
On-Site Public Use Space (% of Net Lot Area)	20	23.2	n/a	20.4	2.8
On-Site Public Use Space (square feet)	34,429	39,938		35,100	4,838
Off-Site Amenity Space (% of Net Lot Area)	n/a	22.6		13.8	8.8
Off-Site Amenity Space (square feet)		38,905		23,750	15,155
Total Public Use & Amenity Space (% of Net Lot Area)	20	45.8		34.2	11.6
Total Public Use & Amenity Space (square feet)	n/a	78,843		58,850	19,993

\* based on the number of units attributable to County land

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

The building and structures of the development are located directly along the public streets, which is appropriate for the character envisioned by the Sector Plan. This location provides easy access to the building from adjoining sidewalks, open spaces, and parking. The location of the building and structures are adequate and efficient, while addressing the aesthetic concerns of the area, and do not pose any safety concerns on the site.

The project provides a 12,415 sf. landscaped central green, enclosed on three sides by the building and bound by the new private drive on the fourth. Through this green runs a paved pedestrian pathway, "Mayor's Promenade", which connects Georgia Avenue to Fenton Street. The space is located centrally to the block, with access to adjacent streets via a new sidewalk and terraced plaza. The location of the open space is adequate for the surrounding community, has been designed to encourage pedestrian activity and visual surveillance to promote safety, and presents an efficient balance between private development and public space.

Streetscape improvements, including trees, lighting, and underground utilities are provided along the new and existing adjacent streets to enhance the pedestrian

MCPB No.  
Site Plan No. 820130010  
Studio Plaza  
Page 10

environment. Interior lighting will create enough visibility to provide safety but not so much as to cause glare on the adjacent roads or properties. The provided recreation facilities, both on-site and in the vicinity, include open space, seating, and pedestrian paths. The landscaping, site details, and recreation facilities adequately and efficiently address the needs of the use and the recommendations of the Sector Plan, while providing a safe and comfortable environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the surrounding area. Safety is enhanced by several improvements, including new and upgraded sidewalks and ground-floor building design that features regular entrances and windows. The vehicular circulation design efficiently directs traffic into and through the site with minimal impacts to pedestrian circulation. As designed, the paved area for both pedestrians and vehicles reduces imperviousness on site from the existing conditions. This balance of design with the site, the recommendations of the Master Plan, and the needs of the use is an efficient and adequate means to provide a safe atmosphere for pedestrians, cyclists, and vehicles.

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

The site is located in a transition area between Georgia Avenue, Fenton Village, and the East Silver Spring neighborhood beyond. Current development in this section of the CBD consists primarily of 25-30'-tall buildings. Site Plans approved by the Planning Board for buildings near Fenton Street and along Thayer Avenue provide additional residential and ancillary retail uses, and range in height from 60 to 90 feet. The *Silver Spring CBD Sector Plan* envisioned higher density development in this area, and changed the zoning to encourage additional height and density. The structure is compatible with the planned future development of this area.

The massing of the is mitigated through building stepbacks, primarily at the entrances from Thayer and Silver Spring Avenues, and the use of materials and will be further mitigated by future development on this site and surrounding sites, which will be of a comparable scale. Future phases of the project will include building heights that conform to the maximum allowed under the Fenton Village Overlay Zone, with a maximum height along Fenton Street of 65 feet and up to 110' closer to Georgia Avenue.

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.*

MCPB No.  
Site Plan No. 820130010  
Studio Plaza  
Page 11

The development complies with the applicable requirements of the Forest Conservation Law. The Applicant will meet the total afforestation requirements through a fee-in-lieu payment.

The MCDPS Stormwater Management Section conditionally approved the Stormwater Management Concept on January 21, 2009. The stormwater management concept consists of a waiver of on-site channel protection measures due to existing shallow storm drain inverts. On-site water quality control will be met via green roof, flow based filters, and a hydrodynamic separator.

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 Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

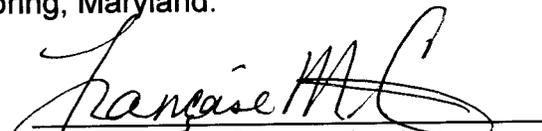
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUL 18 2013 (which is the date that this resolution is mailed to all parties of record); and

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 Resolution, 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 Vice Chair Wells-Harley, seconded by Commissioner Dreyfuss, with Chair Carrier, Vice Chair Wells-Harley, and Commissioners Anderson, Dreyfuss, and Presley voting in favor at its regular meeting held on Thursday, June 27, 2013, in Silver Spring, Maryland.

  
Françoise M. Carrier, Chair  
Montgomery County Planning Board



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

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**DATE:** 14-Dec-20  
**TO:** Bradford Fox - bfox@bohlereng.com  
Bohler Engineering  
**FROM:** Marie LaBaw  
**RE:** Urby Silver Spring  
820200170

---

**PLAN APPROVED**

1. Review based only upon information contained on the plan submitted **03-Dec-20**. 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.

**Draft Traffic Order**

Install Signs: No parking any time

In unnamed alley north of Studio Plaza; Phase II and south of 900 Thayer building:

On the south side of alley from Fenton Street to end of public alley.





## DEPARTMENT OF TRANSPORTATION

Marc Elrich  
*County Executive*

Christopher R. Conklin  
*Director*

December 16, 2020

Ms. Katherine Mencarini, Planner Coordinator  
Downcounty Planning Division  
The Maryland-National Capital  
Park & Planning Commission (M-NCPPC)  
2425 Reedy Drive, 13th floor,  
Wheaton, MD 20902

RE: Preliminary Plan No. 12013002A  
Urby Silver Spring

Dear Ms. Mencarini:

We have completed our review of the attached preliminary plan submitted via email on December 11, 2020. A previous plan was reviewed by the Development Review Committee at its June 9, 2020 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 Montgomery County Department of Permitting Services (MCDPS) 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.

**Significant Preliminary Plan Comments**

1. All the revisions per the attached plans received via email on December 11, 2020, the sight distance form and plan received via email dated December 16, 2020 and this letter should be reflected on the certified preliminary plan.
2. Fenton Street: The applicant is responsible to install the interim roadway cross section with the existing pavement section to remain and improvements along the property frontage which shall include the following as shown in the attached Road Sections (Sheet#5):

Interim Cross Section A-A:

- six (6)- foot lawn panel from the face of curb,
- seven (7)-foot are for PEPCO Vaults and a
- eleven (11)-foot Americans with Disabilities Act (ADA) compliant sidewalk.

**Office of the Director**

101 Monroe Street 10<sup>th</sup> Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

[www.montgomerycountymd.gov](http://www.montgomerycountymd.gov)

*Located one block west of the Rockville Metro Station*

Ms. Katherine Mencarini  
 Preliminary Plan No. 12013002A  
 December 16, 2020  
 Page 2

- A portion of the proposed 11- foot sidewalk shall be in a public improvement easement (PIE) as shown on the Preliminary Plan.

Interim Cross Section B-B:

- nine (9)- foot lawn panel from the face of curb,
- nine (9)-foot ADA compliant sidewalk in the right-of-way.
- The remaining six (6)-foot ADA compliant sidewalk shall be in a PIE as shown on the Preliminary Plan (Sheet#3).

At the certified preliminary plan, the Fenton Street roadway cross sections should clearly show the PIE.

3. Silver Spring Avenue: The roadway cross section with the existing pavement to remain and improvements along the property frontage which shall include a nine (9)-foot lawn panel from the face of curb and a seven (7)-foot ADA compliant sidewalk as shown in the attached Road Sections (Sheet#5).
4. The applicant will be extending the alley from the public alley terminus to the Private Drive which shall be privately maintained. The private portion of the alley which will be primarily functioning as a shared street per the applicant will be within a 17-ft wide Public Access Easement (PAE) which includes a 11-foot travel lane and a 5-foot sidewalk as shown in the attached Preliminary Plan (Sheet#3) and with a one-way vehicular access and pedestrian access from the existing public alley terminus. The applicant shall install the necessary traffic signage at the termination of the two-way public alley for safe traffic movements through the one-way private alley in a PAE with approval from MCDOT at the signing and marking plan.
5. The proposed 5-ft sidewalk along the public alley frontage should be ADA compliant. The proposed sidewalk along the public alley frontage shall be in the PAE as shown in the attached Preliminary Plan (Sheet#3).
6. The applicant must record the PIE as it is required along Fenton Street and a PAE as required along the private portion of the alley and the existing public alley. The Declaration of PIE and PAE document is to be recorded in the Land Records of Montgomery County. The deed reference is to be provided on the record plat.
7. MCDOT agree with the general location and orientation of the proposed PEPCO vault in the public alley as shown in the attached Preliminary Plan (Sheet#3). The final location or adjustments to the proposed PEPCO vault in the public alley shall be finalized at the Right-of-Way (ROW) permit stage with the approval of MCDPS.
8. The existing street light along the frontage should be replaced in kind at the same location as shown on the attached Preliminary Plan. Please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at [yazdan.sanayi@montgomerycountymd.gov](mailto:yazdan.sanayi@montgomerycountymd.gov) or at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

Ms. Katherine Mencarini  
Preliminary Plan No. 12013002A  
December 16, 2020  
Page 3

9. The ultimate section as shown in the attached Road Sections (Sheet#5) will include the bike lanes which shall be installed as part of a Capital Improvements Project (CIP) by Montgomery County. The applicant must participate in a pro-rata basis towards the construction of a master planned separated bike lane along the Fenton Street frontage. The county currently has a Bicycle and Pedestrian Priority Areas (BIPPA) project in place and applicant must provide an engineer's estimate for the separate bike lanes along their Fenton street frontage that will include 40% contingencies and be approved by MCDOT prior to the issuance of the right-of-way permit. The cost shall include, but not be limited to, repaving, restriping, flex posts, signing and other related improvements for the separated bike lanes. The payment must be made prior to the recordation of the record plat
10. **Sight Distance:** The sight distances study has been accepted per the attached Sight Distance Exhibit (Sheet#1) and the certified sight distance form submitted via email on December 16, 2020. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference. The existing parking on Silver Spring Avenue between the Fenton Street intersection and the proposed driveway is metered parking, therefore please coordinate with MCDPS and our Division of Parking Management (see below comments for contact information) for the removal/relocation to achieve safe sight distance at the permit stage.
11. **Storm drain study:** At the ROW permit stage the following should be addressed:
  - The applicant should certify that there is no increase in impervious and no change in drainage area pattern from the previous submission.
  - The applicant will have to submit the inlet efficiency and spread computations for new and existing inlets in the public right-of-way for MCDPS review.
12. At or before the permit stage, please coordinate with Mr. Benjamin Morgan of our Division of Parking Management at 240-777-8704 or at [benjamin.morgan@montgomerycountymd.gov](mailto:benjamin.morgan@montgomerycountymd.gov) for the following:
  - a) If the existing parking meter(s) along the Fenton Street and Silver Spring Avenue site frontages need to be relocated/removed for any reason. We recommend any existing parking meter(s) along both site frontages if impacted due to the development should be replaced in kind at the same location as existing. All cost for relocation or impact to the existing parking meter is the responsibility of the applicant.
  - b) There is a good amount off-street parking availability nearby and the private street adjacent to the site (connecting Silver Spring Ave and Thayer Ave) is the only access point to Public Parking Garage #3 and needs to be better enforced. It is a No Parking zone but often vehicles are parked for hours at a time, narrowing the lane that is designed to be two-way and creating conditions that are not safe.
13. The TMAg executed in 2014, Recital J. states: "As site plan approvals are secured for the remainder of the Property and Project, this TMAg must be amended to include the remainder of the Property and Project (in two or more phases), or a new TMAg must be entered into specific to the remainder of the

Ms. Katherine Mencarini  
 Preliminary Plan No. 12013002A  
 December 16, 2020  
 Page 4

Property and Project (in two or more phases). The amended TMAg, or the new TMAg, must be executed prior to issuance of any building permit for future phase(s). The amended or new TMAg must include traffic mitigation measures that address trips generated by these future phase(s)." An amended TMAg is required for this project prior to issuance of building permits that allow for the development of Phase II, the balance of the Studio Plaza site. The amended TMAg must include traffic mitigation measures that address trips generated by the entire development.

The applicant should coordinate with Ms. Sandra Brecher, Chief of the Commuter Services Section. Ms. Brecher may be contacted at [Sandra.Brecher@montgomerycountymd.gov](mailto:Sandra.Brecher@montgomerycountymd.gov) or at 240-777-8380.

### **Standard Comments**

1. No buildings, steps, stoops or retaining walls for the development are allowed in County ROW. No door swings into county ROW.
2. All access points and alleys to be at-grade with sidewalk, dropping down to street level between the sidewalk and roadway.
3. The streetscape shall be per Silver Spring Streetscape standards for Fenton Street and Silver Spring Avenue frontages.
4. We recommend applicant to underground the existing utilities.
5. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards. Tree planning within the public right of way must be coordinated with MCDPS-ROW Plan Review Section.
6. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
7. Posting of the ROW permit bond is a prerequisite to MCDPS approval of the record plat. The right-of-way permit will include, but not necessarily be limited to, the following improvements:
  - a. Sidewalks and handicap ramps, storm drainage and appurtenances, street light, parking meter and street trees along Fenton Street site frontage.
  - b. Sidewalks and handicap ramps, storm drainage and appurtenances, street light, and street trees along Silver Spring Avenue site frontage.
  - c. The streetscape along the Fenton Street and Silver Spring Avenue frontages shall be per Silver Spring Streetscape standards.
  - d. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
  - e. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the MCDPS and will comply with their specifications.

Ms. Katherine Mencarini  
Preliminary Plan No. 12013002A  
December 16, 2020  
Page 5

Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the MCDPS.

- f. Developer shall ensure final and proper completion and installation of all utility lines underground along their site frontage.
- g. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Engineer for this project, at [deepak.somarajan@montgomerycountymd.gov](mailto:deepak.somarajan@montgomerycountymd.gov) or (240) 777-2194.

Sincerely,

*Deepak Somarajan*

Deepak Somarajan, Engineer III  
Development Review Team  
Office to Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Preliminary Plan\ Studio Plaza-Urby Silver Spring\Letter\ 12013002A  
Urby Silver Spring-DOT Preliminary Plan Letter 12-2020

Attachment(s):

- 1. Preliminary Plan (Sheet#3) submitted via email dated December 11, 2020.
- 2. Road Section (Sheet#5) submitted via email dated December 11, 2020.
- 3. Sight Distance Exhibit (Sheet#1) via email dated December 16, 2020.
- 4. Sight Distance Form via email dated December 16, 2020.

cc: Sharepoint Correspondence Folder FY-21

cc-e: Will Reardon	Urby Silver Spring Fee Owner
Patricia Harris	Lerch & Early
Bradford Fox	Bohler Engineering
Atiq Panjshiri	MCDPS RWPR
Sam Farhadi	MCDPS RWPR
Corey Pitts	MCDOT DTE
Matt Johnson	MCDOT DTE

Ms. Katherine Mencarini  
Preliminary Plan No. 12013002A  
December 16, 2020  
Page 6

Dan Sanayi	MCDOT DTEO
Benjamin Morgan	MCDOT DPM
Sandra Brecher	MCDOT CSS
Beth Dennard	MCDOT CSS
Rebecca Torma	MCDOT OTP

# ATTACHMENTS









**MONTGOMERY COUNTY, MARYLAND**  
 DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
 DEPARTMENT OF PERMITTING SERVICES

**SIGHT DISTANCE EVALUATION**

Facility/Subdivision Name: URBY SILVER SPRING Preliminary Plan Number: 1-2013002A

Street Name: SILVER SPRING AVENUE Master Plan Road Classification: BUSINESS

Posted Speed Limit: 30 mph

Street/Driveway #1 (SILVER SPRING AVENUE)  
LOADING DOCK ENTRANCE

Sight Distance (feet)	OK?
Right <u>368'</u>	<u>YES</u>
Left <u>264'</u>	<u>YES</u>

Street/Driveway #2 (SILVER SPRING AVENUE)  
GARAGE ENTRANCE

Sight Distance (feet)	OK?
Right <u>336'</u>	<u>YES</u>
Left <u>300'</u>	<u>YES</u>

Comments: \_\_\_\_\_  
CLEAR SIGHT DISTANCE TO INTERSECTION OF SILVER SPRING AVENUE AND MAYOR LANE; AND THROUGH SIGNALIZED INTERSECTION OF SILVER SPRING AVENUE AND FENTON STREET.

Comments: \_\_\_\_\_  
CLEAR SIGHT DISTANCE TO INTERSECTION OF SILVER SPRING AVENUE AND MAYOR LANE; AND THROUGH SIGNALIZED INTERSECTION OF SILVER SPRING AVENUE AND FENTON STREET.

**NOTE:** 1. NO ON-STREET PARKING TO BE ALLOWED ON SILVER SPRING AVENUE BETWEEN PRIVATE DRIVE AND FENTON STREET CORNER. 2. EXISTING UTILITY POLES ON SILVER SPRING AVENUE TO BE REMOVED BY STUDIO I DEVELOPMENT.

**GUIDELINES**

**NOTE:** 1. NO ON-STREET PARKING TO BE ALLOWED ON SILVER SPRING AVENUE BETWEEN PRIVATE DRIVE AND FENTON STREET CORNER. 2. EXISTING UTILITY POLES ON SILVER SPRING AVENUE TO BE REMOVED BY STUDIO I DEVELOPMENT.

Classification or Posted Speed (use higher value)	Required Sight Distance in Each Direction*
Tertiary - 25 mph	150'
Secondary - 30	200'
Business - 30	200'
Primary - 35	250'
Arterial - 40	325'
(45)	400'
Major - 50	475'
(55)	550'

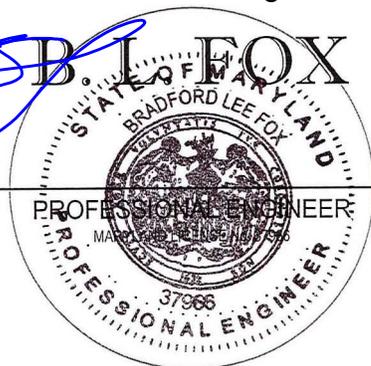
\*Source: AASHTO

Sight distance is measured from an eye height of 3.5' at a point on the centerline of the driveway (or side street) 6' back from the face of curb or edge of traveled way of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing)

**ENGINEER/ SURVEYOR CERTIFICATE**

I hereby certify that this information is accurate and was collected in accordance with these guidelines.

*B. L. FOX* 12/15/20  
 Signature Date  
37966  
 PLS/P.E. MD Reg. No. PROFESSIONAL ENGINEER



**Montgomery County Review:**

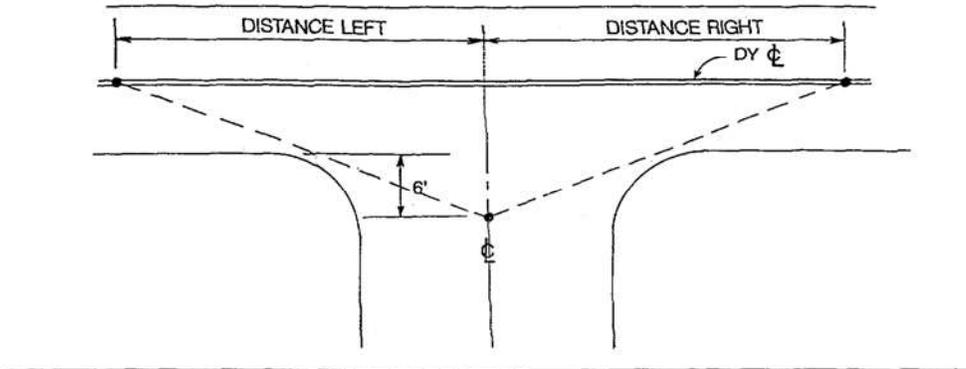
Approved  
 Disapproved:  
 By: Deepak Somarajan  
 Date: 12/16/2020



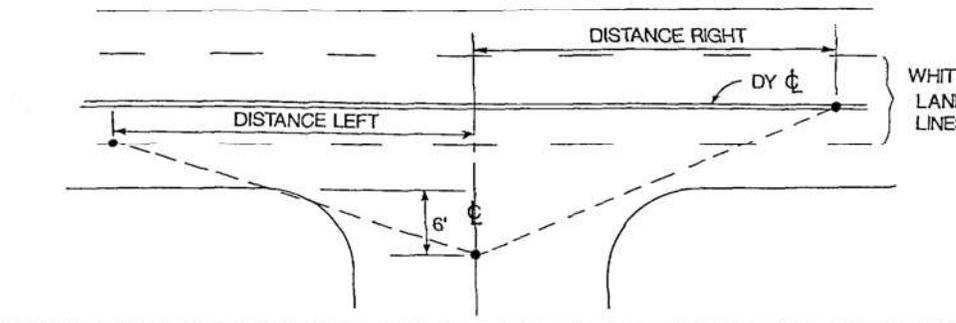
**MONTGOMERY COUNTY, MARYLAND**  
DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION  
DEPARTMENT OF PERMITTING SERVICES

**SIGHT DISTANCE EVALUATION ATTACHMENT**

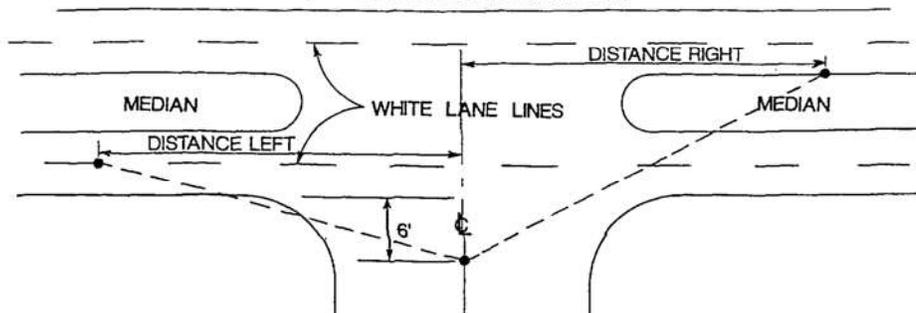
2 LANE UNDIVIDED ROADWAY



MULTI-LANE UNDIVIDED ROADWAY



MULTI-LANE DIVIDED ROADWAY



**DPS-ROW CONDITIONS OF APPROVAL****December 7, 2020****820200170 Urby Silver Spring**

Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscape plans files:

“07-SITE-820200170-003.pdf V6” uploaded on/ dated “12/4/2020”,  
“08-LL-820200170-020.pdf V6” uploaded on/ dated “12/4/2020”,  
“08-LL-820200170-021.pdf V5” uploaded on/ dated “10/28/2020” and

The followings need to be addressed prior to the certification of site plan:

1. Provide and notate standard Silver Spring Streetscaping (existing to remain or proposed) along the site frontages. Any deviation should be clearly specified for our review and approval.
2. Provide public sidewalk:
  - a. to ADA standards (minimum five feet wide) and label it accordingly.
  - b. when outdoor seating café is proposed, minimum 6’ clear sidewalk is needed. Provide a note clarifying this on the site plan.
3. As agreed upon in the meeting on December 2<sup>nd</sup>, 2020 with the applicant, MNCPPC, MCDOT and MCDPS:
  - a. All existing County infrastructure including but not limited to streetlights, parking meters and street signs will need to remain where they currently exist within the site frontages;
  - b. Provide PIE for the public sidewalk outside of ROW along the public alley and Fenton Street and ensure they remain ADA compliant;
  - c. For continuity purposes, ensure of sufficient ADA sidewalk and road widths between the terminus of public alley and the private drive;
  - d. Relocate the proposed electrical vault within the public alley as needed to prevent any future conflict with other infrastructure;
4. On the landscape plans please use amended soil panel between tree pits where possible, or provide Silva cells under the sidewalk to meet the soil volume requirements and specify clearly on the landscape plans.

Thayer Avenue

Attachment C

Georgia Avenue

Fenton Street

Silver Spring Avenue

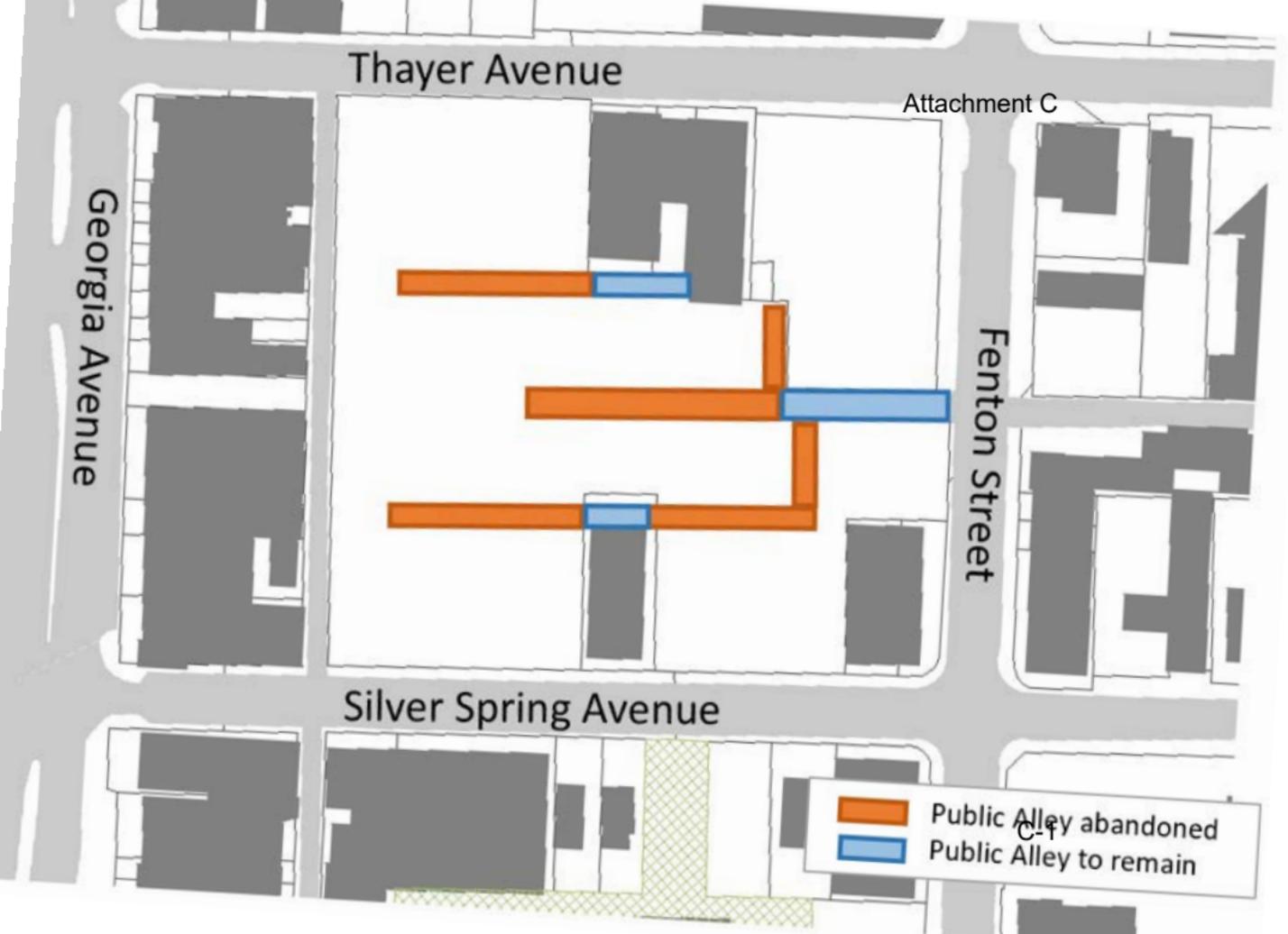


Public Alley abandoned



Public Alley to remain

C-1



## Bush, Jonathan

**From:** Bush, Jonathan  
**Sent:** Tuesday, January 12, 2021 12:01 PM  
**To:** tanya.schmieler@verizon.net  
**Cc:** Dickel, Stephanie; Mencarini, Katherine  
**Subject:** Urby Silver Spring

Hello Tanya. I am Jonathan Bush and I am the Co-Lead for the regulatory review for Urby Silver Spring. I write in reference to an email correspondence from you dating back to May 2020 pertaining to your interest in Urby Silver Spring located at 905 Thayer Avenue. The project is scheduled for a tentative Planning Board hearing on Thursday, January 28, 2021. Should you wish to review any information regarding the project, I have included the application numbers and brief description of the project. For any questions, please feel free to contact me via email and/or phone, I will be delighted to assist.

<u>Plan Type</u>	<u>Project ID</u>	<u>Request</u>
Preliminary Plan Amendment	12013002A	Request to increase the number of dwelling units from 749 to 793 and decrease retail from 36,180SF to 34,980 SF.
Site Plan Amendment	82013001B	Request to amend forest conservation requirements
Site Plan	820200170	Construction of mixed use project consisting of 7,611 square feet of nonresidential development and 394 dwelling units.

### CC'd for Informational & Tracking Purposes:

Stephanie Dickel, Regulatory Supervisor – DownCounty

Katie Mencarini, Planner Coordinator – DownCounty and Lead Reviewer for Preliminary Plan 12013002A



### Jonathan Bush

Planner Coordinator - Down-County Planning Division

Montgomery County Planning Department  
 8787 Georgia Avenue, Silver Spring, MD 20910  
[jonathan.bush@montgomeryplanning.org](mailto:jonathan.bush@montgomeryplanning.org)  
 O: 301-495-4530



### WE'RE MOVING!

THE NEW PARK AND PLANNING HEADQUARTERS WILL BE LOCATED AT  
 2425 REEDIE DRIVE, WHEATON, MD 20902 IN AUGUST 2020.

**Bush, Jonathan**

---

**From:** Kit Gage <kgage@verizon.net>  
**Sent:** Thursday, January 21, 2021 3:24 PM  
**To:** Bush, Jonathan  
**Cc:** Gatling, Tsaiquan; Dickel, Stephanie; Mencarini, Katherine  
**Subject:** Re: site plan number 820200170

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Sure. I'm so sad to see this get used so commonly particularly in urban areas that are losing trees quickly. The increased pedestrianization will both make tree planting easier, and also more important. I would advocate that you make that last .02 acre be paying for tree planting in downtown Silver Spring.

Kit Gage  
 Advocacy Director

---

**From:** "Bush, Jonathan" <Jonathan.Bush@montgomeryplanning.org>  
**Date:** Thursday, January 21, 2021 at 3:11 PM  
**To:** Kit Gage <kgage@verizon.net>  
**Cc:** "Gatling, Tsaiquan" <tsaiquan.gatling@montgomeryplanning.org>, "Dickel, Stephanie" <Stephanie.Dickel@montgomeryplanning.org>, "Mencarini, Katherine" <katherine.mencarini@montgomeryplanning.org>  
**Subject:** RE: site plan number 820200170

Hello Kit!

Thank you for reaching out. Relative to the Urby Silver Spring and the request to amend the Site Plan, the request is from the Applicant. For previous stages of the Application, the Applicant has fulfilled the obligation of 0.64 acres of the afforestation requirement. The latest amendment that we are reviewing proposes to increase the afforestation requirement by 0.02 acres, for a total of 0.66 acres which will be met via fee-in-lieu or forest mitigation credits. I hope this provides more insight to your request. Should you have additional questions, please feel free to reach out and I will be delighted to assist. Thank you.

**CC'd for Informational & Tracking Purposes:**

Katie Mencarini, Lead Reviewer for Preliminary Plan Amendment for  
 Tsaiquan Gatling, Environmental Reviewer for Urby Silver Spring  
 Stephanie Dickel, Regulatory Supervisor, DownCounty



**Jonathan Bush**

**Planner Coordinator - Down-County Planning Division**

Montgomery County Planning Department  
8787 Georgia Avenue, Silver Spring, MD 20910  
[jonathan.bush@montgomeryplanning.org](mailto:jonathan.bush@montgomeryplanning.org)  
O: 301-495-4530



**WE'RE MOVING!**

THE NEW PARK AND PLANNING HEADQUARTERS WILL BE LOCATED AT  
2425 REEDIE DRIVE, WHEATON, MD 20902 IN AUGUST 2020.

**From:** Kit Gage <[kgage@verizon.net](mailto:kgage@verizon.net)>  
**Sent:** Wednesday, January 20, 2021 3:52 PM  
**To:** Bush, Jonathan <[Jonathan.Bush@montgomeryplanning.org](mailto:Jonathan.Bush@montgomeryplanning.org)>; Mencarini, Katherine <[katherine.mencarini@montgomeryplanning.org](mailto:katherine.mencarini@montgomeryplanning.org)>  
**Subject:** site plan number 820200170

**[EXTERNAL EMAIL]** Exercise caution when opening attachments, clicking links, or responding.

Hi Mr. Bush and Ms. Mencarini  
I received notice of the planning board hearing for the Urby Silver Spring

The postcard says there is a proposal to amend the previously approved site plan. The part I'm interested in is and afforestation requirement met thru purchase of forest mitigation credits.

Can you tell me if the request is from the contractor to change the afforestation or from planning to change it.

I work with Friends of Sligo Creek to mitigate tree loss by planting trees close to where they've been removed. We're supporting a bill requiring this for the Purple Line, for example.

Kit Gage  
Advocacy Director  
Friends of Sligo Creek