

Item 9 - Correspondence

From: [Soo Lee-Cho](#)
To: [MCP-Chair](#)
Cc: [Bogdan, Grace](#); [Dickel, Stephanie](#)
Subject: FW: Garage 22 - MR2024011
Date: Tuesday, July 23, 2024 11:50:38 AM
Attachments: [MR20240110-garage-22-SR-final.pdf](#)

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

Dear Chairman Harris,

Please see below questions submitted to Planning Staff regarding the above referenced Mandatory Referral matter, scheduled to be heard by the Board at this Thursday's meeting.

Thank you.

Soo



Soo Lee-Cho

BREGMAN, BERBERT, SCHWARTZ & GILDAY, LLC

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From: Soo Lee-Cho

Sent: Tuesday, July 23, 2024 11:39 AM

To: grace.bogdan@montgomeryplanning.org; stephanie.dickel@montgomeryplanning.org

Subject: Garage 22 - MR2024011

Stephanie / Grace:

I hope you've both been well. I represent Z-K Montgomery LLC, the property owners of 8600 Fenton Street located at the corner of Fenton/Colesville Road, immediately adjacent to The Fillmore.

I have reviewed the attached staff report but cannot find any information on the anticipated construction timeline/schedule for the project. As you can imagine, disruption to available public parking in the area is a concern.

In addition, I would assume that Garage 2 will not be taken offline until the replacement

spaces in Garage 22 are constructed and made available but again I cannot tell from the staff report if that is in fact the case.

Finally, can you confirm that United Therapeutics will be constructing their own garage to meet their parking needs as part of their redevelopment of Garage 2? We noticed that the number of spaces being replaced in Garage 22 is far less than what exists in Garage 2, which would be fine I think so long as United Therapeutics is planning to take care of their parking needs as part of their project.

Any additional information that you can provide regarding the above would be greatly appreciated.

Thank you.

Soo



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**MANDATORY REFERRAL NO. MR2024011 & FOREST
CONSERVATION PLAN AMENDMENT NO. F20240920
GEORGIA AVE GARAGE 22**

Description

The Montgomery County Department of Transportation (MCDOT) proposes to construct a new public parking garage containing 675 spaces and 3,000 square feet of ground floor non-residential uses on an existing surface parking lot in downtown Silver Spring located at 8615 Georgia Avenue.

No. MR2024011

Completed: 7-15-2024

MCPB

Item No. 9
7-25-2024

2425 Reddie Drive
Floor 13
Wheaton, MD 2090

Planning Staff



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Stephanie Dickel, Supervisor, Downcounty Planning, Stephanie.Dickel@montgomeryplanning.org, 301.495.4527



Elza Hisel-McCoy, Chief, Downcounty Planning, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

LOCATION

8615 Georgia Avenue

MASTER PLAN & ZONE

2022 Silver Spring Downtown and Adjacent Communities Plan

CR 5.0, C-5.0, R-5.0, H-260' & the Downtown Silver Spring Overlay Zone

PROPERTY SIZE

1.19 acres

ACCEPTANCE DATE

May 31, 2024

APPLICANT

Montgomery County Department of Transportation (MCDOT)

REVIEW BASIS

Md. Land Use Article, Section 20-301, et seq. Chapter 22A

Summary:

- Staff recommends approval of the Mandatory Referral and Forest Conservation Plan Amendment and transmittal of comments to MCDOT.
- The Mandatory Referral would allow for the construction of a new County-Owned Parking Garage in Downtown Silver Spring as a replacement for the existing Parking Garage No. 2.
- MCDOT and United Therapeutics have entered into a General Development Agreement for the replacement of existing County Parking Garage No. 2 in exchange for the land that the existing garage is located on.
- No community correspondence has been received during review of the Mandatory Referral.
- The Planning Board review of a Mandatory Referral is pursuant to the Land Use Article of the Maryland Annotated Code, Sections 20-301 et seq.

SECTION 1 - RECOMMENDATIONS

Mandatory Referral No. MR2024011

Staff recommends approval and the transmittal of the following comments to Montgomery County Department of Transportation:

1. The Parking Garage Structure should be structurally designed to support additional floors above the parking levels to accommodate future development.
2. Upon initial construction of the Parking Structure, the roof should include installation of one of the following to achieve the Sector Plan recommended green cover:
 - a) Solar panels, or
 - b) In areas designated for future solar panels, Intensive Green Roof with a minimum soil depth of 6 inches within the areas designated as future solar panels.
3. The design of the building should be amended to reflect comments from the Silver Spring Design Advisory Panel including:
 - a) strengthen the pedestrian experience of the active ground floor space and Georgia Avenue; and
 - b) extend metal fins along the entirety of the southern elevation to screen the structure from Colesville Road.
4. The Applicant should receive approval from a revised Stormwater Management Concept from the Department of Permitting Services prior to submittal of the Sediment and Erosion Control Plan.

TRANSPORTATION

5. The Mandatory Referral plan should show and label the easement along the private portion of the alley which runs along the southern edge of the Site per Liber 42064, Folio 385.
6. The Applicant should construct a minimum eight-foot-wide (8 ft) street buffer and a minimum 10 and one half-foot-wide (10.5 ft) sidewalk along the Site frontage on Georgia Avenue.
7. The Applicant should provide at least 14 long-term bicycle parking spaces with direct access to Georgia Avenue. The room should provide secure parking facilities and be accessible via a push-button activated doorway.
8. The Site should provide no more than 675 vehicular parking spaces, including 14 ADA accessible spaces.

9. The Site improvements should not preclude master-planned transportation facilities such as the dedicated bus lanes on Georgia Avenue and the future separated bike lanes on Fenton Street.

Forest Conservation Plan No. F20240920

Staff recommends approval with conditions of Forest Conservation Plan Amendment No. F20240920, subject to the following Conditions:

1. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
2. The Applicant must comply with all tree protection and tree save measures shown on the approved Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
3. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the certified Final Forest Conservation Plan.
4. Before certification of the Final Forest Conservation Plan, the Applicant must update the plan to address the following:
 - a) Update plan notes and graphics for minor clarifications related to legend, labels, typographical corrections, and plan sheet layout.

SECTION 2 - INTRODUCTION

GENERAL DEVELOPMENT AGREEMENT ("GDA")

The County has entered into an agreement with United Therapeutics for the redevelopment of County Owned Garage No. 2, located off Cameron Street between Georgia Avenue and Spring Street (shown in Figure 1 below). The GDA requires United Therapeutics to construct and convey land and facilities to the County for the replacement of the existing County owned Garage No. 2 and in return the County will convey the County Land (current location of Garage No. 2) to United Therapeutics. To satisfy these obligations, United Therapeutics has entered into a purchase and sale agreement with LDG, Inc, the current property owner for the Subject Property.

County Parking Garage No. 2 also contains the County's Fiber Hub, which provides connectivity for critical County communications and internal systems. Per the GDA, United Therapeutics will construct a replacement Fiber Hub and convey the land to the County, which will be located on Fairview Road. This is being reviewed under a separate Mandatory Referral (MR2024018) submitted by the Department of General Services and shown in Figure 1 below in the orange dashed boundary.



Figure 1 - Vicinity Map

Review Process

The subject Mandatory Referral Application was accepted for review on May 31, 2024 and scheduled for a public hearing with the Planning Board on July 25, 2024. The Planning Department mailed notices on June 7, 2024 to adjoining and adjacent property owners as well as area civic, homeowners, and renters associations registered with the Department and located within one half-mile of the Site. The review process followed the protocols and timeline defined in the current Montgomery Planning Mandatory Referral Review Uniform Standards (updated December 2022).

The Applicant team conducted community engagement sessions on March 19, 2024 to collect input, answer questions, and have discussions to inform the redevelopment scenario for the proposed Garage 22. The community asked questions related to the need for parking and how many parking spaces currently exist in Garage 2, and what would happen on the remaining surface parking lot behind the proposed Garage 22. The existing County-Owned Parking Garage No. 2 contains approximately 1,325 spaces. The County currently does not have plans for the remaining surface

parking lot that fronts on Fenton Street, however it is designated as future affordable housing per the County’s Press Release (Attachment E).

Staff has not received any correspondence regarding the Mandatory Referral during the course of review.

SECTION 3 – PROJECT DESCRIPTION

Background

PRELIMINARY PLAN NO. 120100260 AND SITE PLAN NO. 820100100

On July 15, 2010, the Planning Board approved Preliminary Plan No. 120100260 and Site Plan No. 820100100 to allow the redevelopment of the Subject Property and 8656 Colesville Road to allow a 12-story office building and 14-story hotel with structured parking, and a 3-story music hall that would incorporate the JC Penney façade on Colesville Road (as shown in Figure 2 below). The 3-story music hall (The Fillmore Silver Spring) along Colesville Road was constructed, however the 12-story office building and 14-story hotel were never brought to fruition. The Adequate Public Facilities approval for the project remains valid, however given the Applicant for the current proposal is a County agency, no amendments to this approval are required. The associated Final Forest Conservation Plan approval was conditioned to require the forest afforestation requirement to be met with a fee in-lieu payment, which was paid in full in 2010.

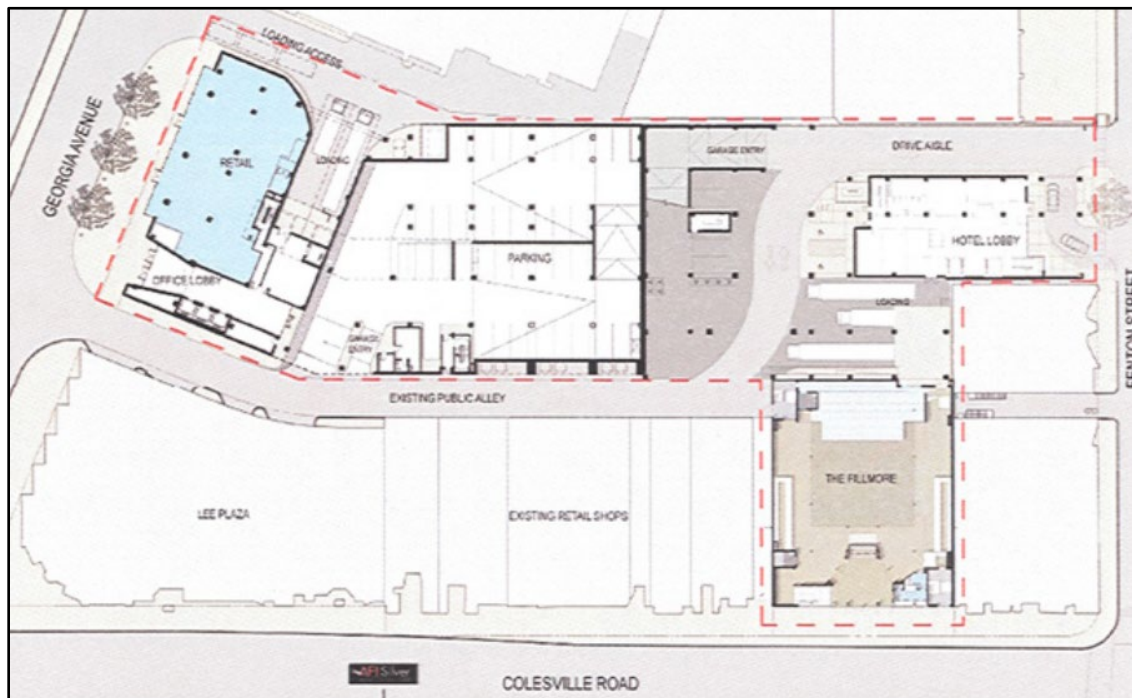


Figure 2 – Illustrative rendering for Preliminary Plan No. 120100260 and Site Plan No. 820100100

Surrounding Neighborhood

The Project is located in downtown Silver Spring on Georgia Avenue with frontage also on Fenton Street, approximately 200 feet north of the intersection with Colesville Road. This area is within the Downtown North district of the 2022 *Silver Spring Downtown and Adjacent Communities Plan* (“Sector Plan”). The area is comprised of commercial and mixed-use buildings ranging from two stories to 15 stories in height. The Silver Spring Transit Center is located approximately ¼ mile to the southwest, with several additional bus stations located along Georgia Avenue.

Site Description

The Subject Property (“Subject Property” or “Property” or “Site”) is approximately 1.21 acres in size and is comprised of Lots 2 and 3 of Block A, Silver Spring Music Hall Subdivision as recorded in Plat No. 24272 of the Land Records of Montgomery County, Maryland. The Property was recently rezoned to CR 5, C-5.0, R-5.0, H-260 ft through the Sector Plan, and is currently improved as a surface parking lot.



Figure 3 – Aerial of Subject Property

The existing surface parking lot contains approximately 135 spaces. There are two existing curb cuts on Georgia Avenue, the curb cut to the north is a shared driveway with 8621 Georgia Avenue, which provides main vehicular access to the mixed-use building. The curb cut to the south serves a public alley that runs to the east, providing access to the businesses fronting on Colesville Road, including the Fillmore Music Hall. There is an access easement on the Subject Property to provide loading and circulation to the Fillmore Music Hall, which exits onto Fenton Street to the east as shown in Figure 4 below.

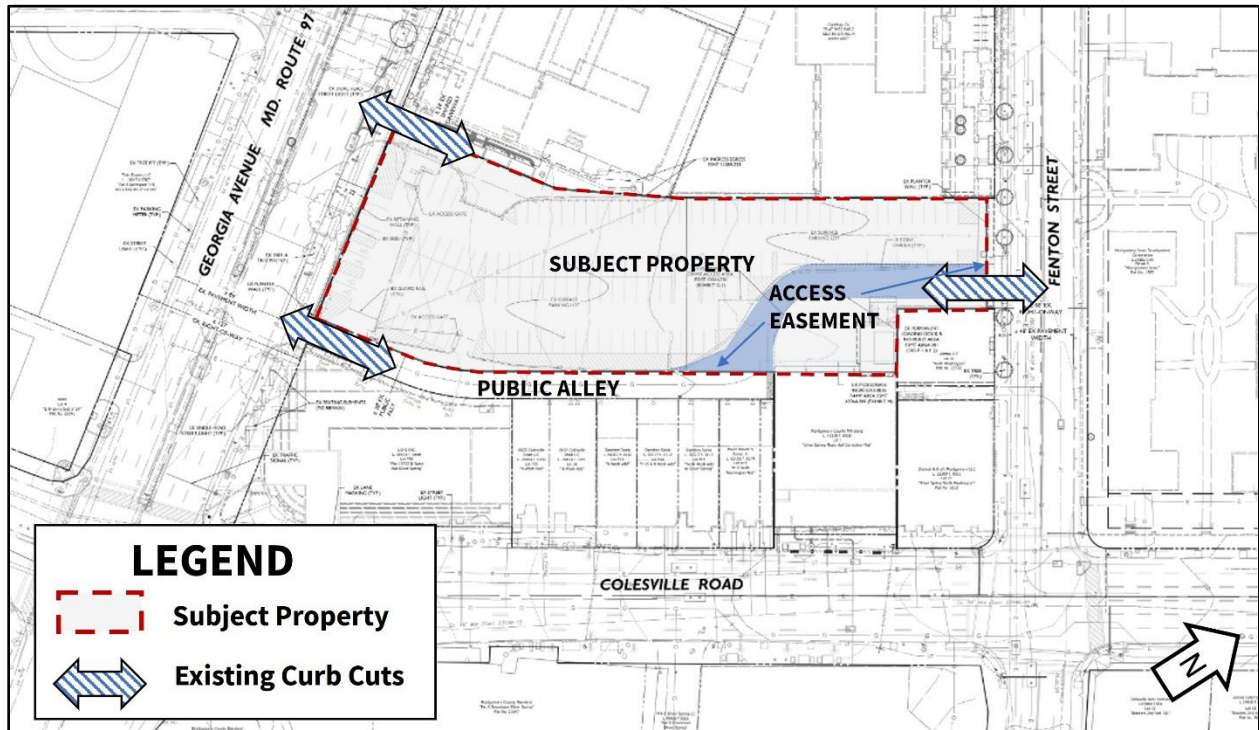


Figure 4 – Exhibit showing existing circulation and curb cuts adjacent to and within Subject Property

Project Description

The Applicant proposes to construct a 7-story Public Parking Garage for approximately 675 spaces on the Subject Property that fronts on Georgia Avenue, where the previously proposed office was intended. The Parking Garage will front entirely on Georgia Avenue and will provide up to 3,000 square feet of active uses along this frontage. The existing surface parking on the eastern portion of the Site is to remain, with interim improvements including reconfiguration of the existing barriers into the alley and stormwater management features. Per the County’s press release announcing the Partnership (Attachment E), the surface parking lot is designated for future affordable housing. The entire Site, including the surface parking lot to remain, will be conveyed to MCDOT upon project completion.

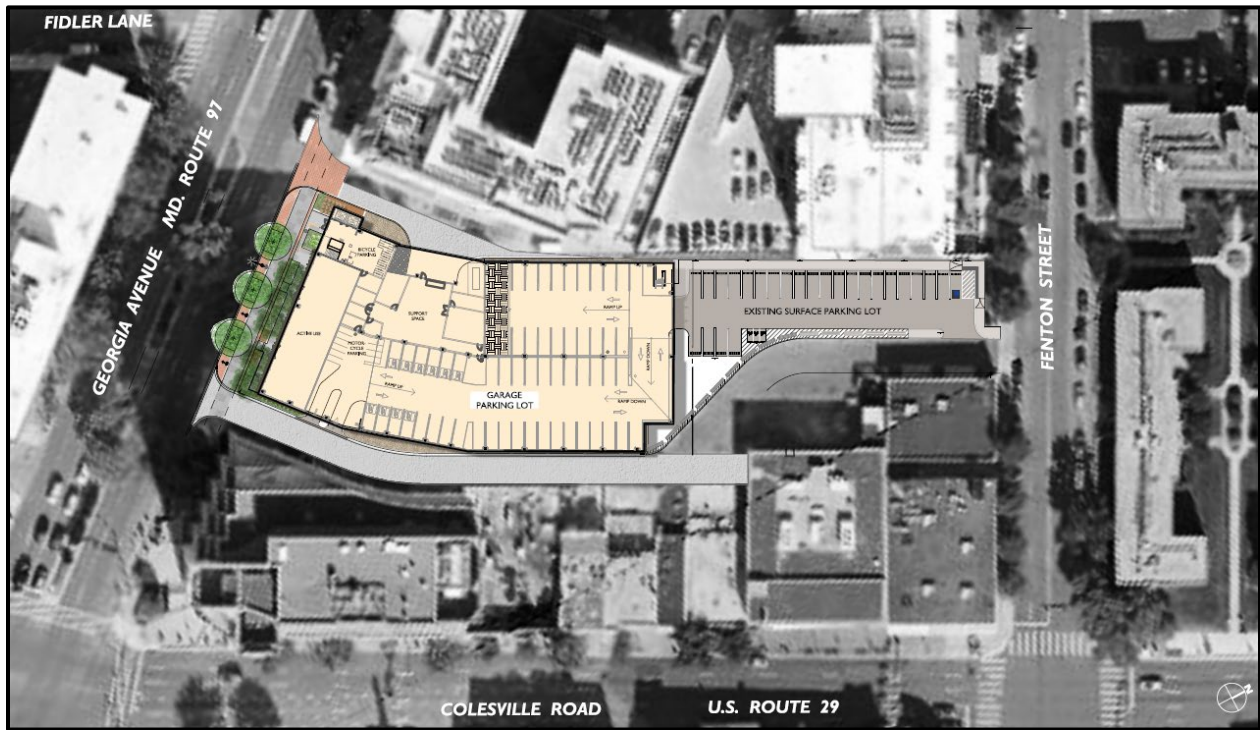


Figure 5 – MR2024011 Rendered Site Plan

BUILDING/ARCHITECTURE

The structure has been designed to respond to the prominence of the frontage along Georgia Avenue into downtown Silver Spring. Accordingly, the Georgia Avenue façade is composed of three main parts, a pedestrian scale base, a vertical tower (for circulation) and a central mass containing the levels of parking.



Figure 6 – Rendering of façade from Georgia Avenue looking east

The pedestrian scale base height will relate to the mixed-use building to the north, Core Apartments, and will be of a clear glass material. The circulation tower will also utilize a glass material, which is located on the northern end, and the tower is proposed to rise above the roof to serve as a corner feature. Lastly, the central mass will provide screening from the parking with a visually kinetic and artistic expression of vertical metal fins. The vertical fins will allow transparency out from the structure and will appear more dynamic as viewed externally from varying locations. The vertical fins are proposed entirely along the Georgia Avenue façade, and from visible points on the southern façade.

As discussed further below in Section 4, findings, Staff is recommending the garage be structurally designed to support additional floors above the parking levels to accommodate future development, including affordable housing development as stated in the County’s press release (Attachment E).



Figure 7 – Rendering of garage entrance from Public Alley looking north



Figure 8 – Rendering of Georgia Avenue façade looking south east

TRANSPORTATION

Vehicles will access Garage 22 via established curb cuts on Georgia Avenue and Fenton Street. One entrance to the garage will be from the existing public alley at the southwest of the Property and a second through the surface parking lot located off Fenton Street in the northwest corner. A loading bay for the proposed building will be accessed by a shared driveway that intersects with Georgia Avenue along the north side of the Property. The existing access easement through the property to Fenton Street will remain.

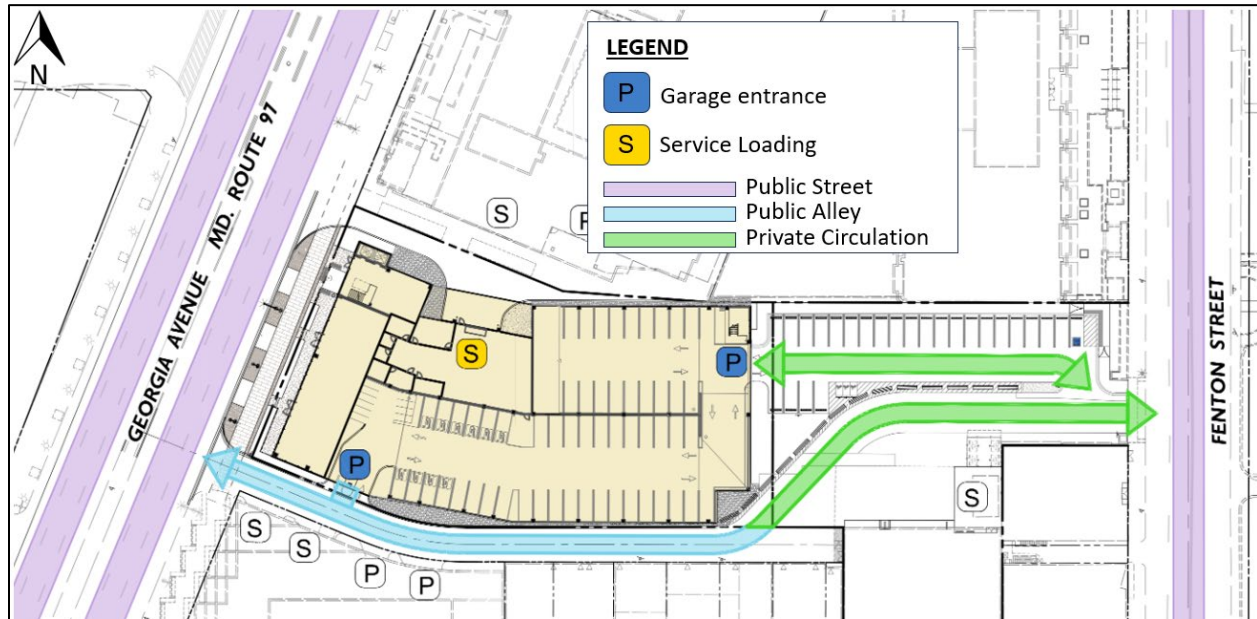


Figure 9 - Vehicular Circulation and Access

The 2022 *Silver Spring Downtown and Adjacent Communities Sector Plan* classifies Georgia Avenue along the Site frontage as a Downtown Boulevard with the master-planned right-of-way of 126 feet. The Applicant is proposing an eight-foot-wide street buffer and 12-foot-wide sidewalks in conformance with the latest Streetscape Standards. There is already sufficient right-of-way dedicated on Georgia Avenue to achieve the master-planned vision for the roadway.

The Sector Plan envisions Fenton Street along the Site frontage with a right-of-way of 80 feet. The Applicant is proposing a five-foot-wide street buffer, an eight-foot-wide two-way separated bike lane, an eight-foot-wide pedestrian/bicycle buffer and a ten-foot-wide sidewalk along the Site frontage in conformance with the latest Streetscape Standards. These streetscape improvements will be constructed by the Montgomery County Department of Transportation (MCDOT) as part of the Fenton Street Cycletrack, which is expected to go to construction in early 2025.

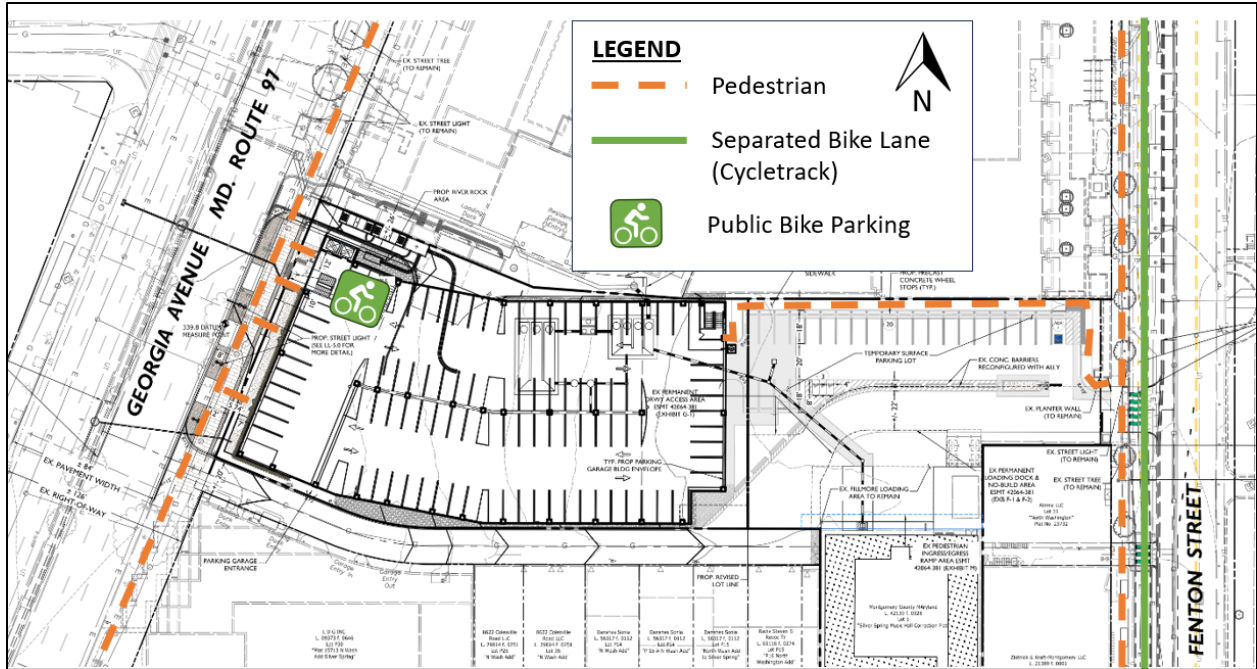


Figure 10 – Non-motorized Circulation and Access

ENVIRONMENT

As described above, a Final Forest Conservation Plan (FFCP), Plan No. 820100100, for the Subject Property which was approved on August 9, 2010 which required a 0.33-acre afforestation requirement that was paid in full in 2010.

The proposed Forest Conservation Plan Amendment remains largely consistent with the work proposed in the approved Forest Conservation Plan; the updates contained in the amended FCP plan consist of changes to the limits of disturbance (LOD) due to revised utility connections and right-of-way construction following updates to the overall site design. In total, the amendment results in a slightly reduced area of disturbance as compared to the original FFCP and no further mitigation is required.

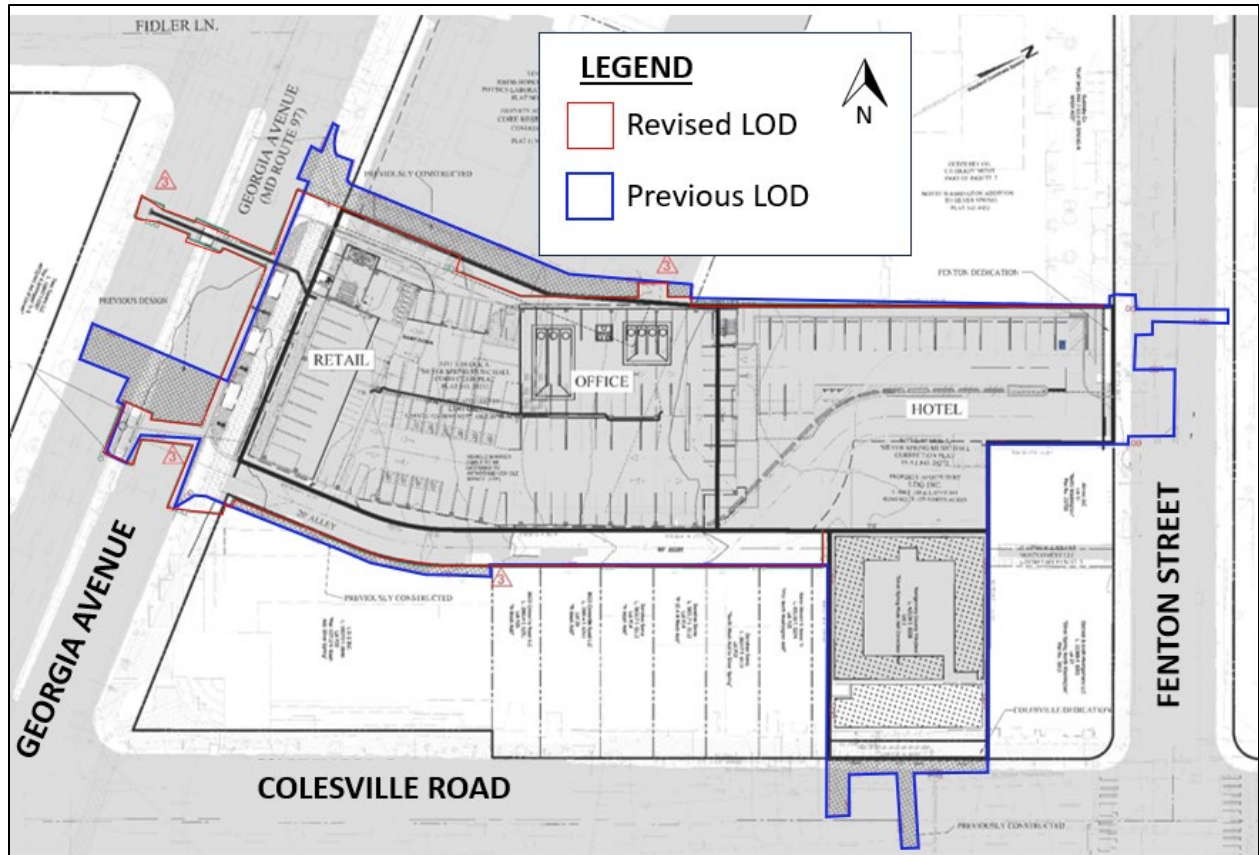


Figure 11 – Proposed changes to Final Forest Conservation Plan

Green Cover

The 2022 *Silver Spring Downtown and Adjacent Communities Plan* includes a recommendation for new developments in downtown Silver Spring to provide a minimum of 35 percent of site area as green coverage. The green cover may include intensive green roof (6 inches or deeper), tree canopy coverage, or a combination thereof; on-site energy generation may also be used towards this requirement. The Application has a tract Area of 38,269 square feet which results in a minimum green cover requirement of 13,394 square feet. The Applicant is unable to provide the full requirement onsite but has proposed 908 square feet of eligible tree canopy within the Subject Property and states further green roof is not possible on the roof of the structure as future solar photovoltaic array may be installed by the County in the future as shown in Exhibit 12.

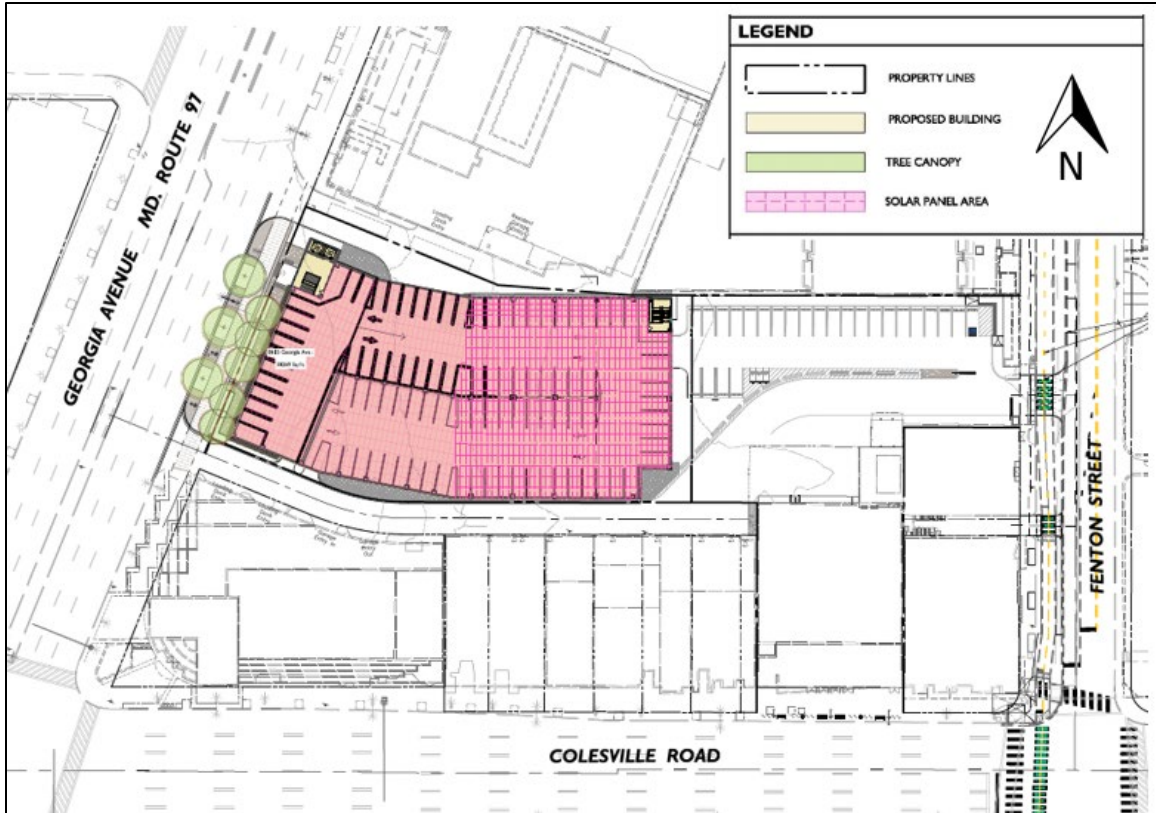


Figure 12 – Exhibit showing future solar panels on roof

SECTION 4 – MANDATORY REFERRAL ANALYSIS

Mandatory Referral review is guided by the Montgomery Planning Mandatory Referral Review Uniform Standards (December 2022), and the authority granted through the Maryland Land Use Article, Section 20-301, et. seq. As set forth in Sections 20-301 and -302, the Montgomery County Planning Board has jurisdiction over mandatory referral projects presented by Montgomery County government and Montgomery County Board of Education/Montgomery County Public Schools, for (i) acquiring or selling land; (ii) locating, constructing or authorizing a road, park, public way or ground, public building or structure, or public utility; or (iii) changing the use of or widening, narrowing, extending, relocating, vacating or abandoning any of the previously mentioned facilities. The Planning Board must review such projects and transmit comments on the proposed location, character, grade and extent of the activity.

As described in the Uniform Standards, the Planning Board considers all relevant land use and planning aspects of the proposal including, but not limited to, the following:

1. whether the proposal is consistent with the County’s General Plan, functional plans such as the master plan of highways, environmental guidelines, the approved and adopted area master plan or sector plan, and other public plans, guidance documents, or programs for the area;

The Project is located within the recently adopted 2022 *Silver Spring Downtown and Adjacent Communities Sector Plan* (Sector Plan), within the Downtown North District. On page 68 (Section 2.3.6 of the Sector Plan), the goals for the Downtown North District include “encourage redevelopment of underutilized parcels including existing public parking garages and surface lots by increasing zoning flexibility and incentivizing additional height and FAR... promote infill development on Georgia Avenue north of Colesville Road.” The Site was rezoned CR 5 to increase flexibility for future mixed-use development and was noted as an opportunity site. The existing County-owned Parking Garage 2 is also listed as an opportunity site.

The Sector Plan defined opportunity sites within each district of the plan to show sites that are currently underutilized that have significant development potential in key locations. Some of the opportunity sites (such as this one) already have regulatory approvals for redevelopment. Additionally, the County has designated a portion of the site that will remain as surface parking a future affordable housing location. While the proposed County Garage 22 will provide a much-needed redevelopment of the surface parking lot fronting on Georgia Avenue in a more efficient manner, it does not take advantage of the additional density and height that the Sector Plan intended with the rezoning. Given the Sector Plan’s intent for rezoning this site, coupled with the County’s initiative to increase opportunities for affordable housing on County-owned land, and its proximity to public transit and the core of downtown Silver Spring, the stand-alone parking garage does not fully live up to the intent of the Sector Plan. Staff and the Silver Spring Design Advisory Panel (DAP) mentioned this in their initial review of the Proposal. Please see Finding 8 for more discussion.

The Mandatory Referral was reviewed by the DAP in April of 2024 as a courtesy review and the Panel provided a handful of comments. These included de-emphasis of the vertical circulation stair tower, and continuation of the fin across the full façade with emphasis on the lobby entrance. The DAP also recommended that the metal fins shown on the south elevation on the upper floors (which screen visibility from Colesville Road above the two-story commercial buildings) be extended to the sign for the parking garage entrance and extended on the upper floors for the entire extent of the southern elevation. The Applicant acknowledged these comments and has removed the metal fins from the southern elevation, which was not a recommendation of the DAP. Staff recommends that the southern elevation be revised to include the metal fins along the entire stretch of the southern façade to screen the structure from various vantage points along Colesville Road.

Environment

The 2022 *Silver Spring Downtown and Adjacent Communities Plan* includes a recommendation for new developments in downtown Silver Spring to provide a minimum of 35 percent of site area as green coverage which may include intensive green roof (6 inches or deeper), tree canopy coverage, or a combination thereof; on-site energy generation may also be used towards this requirement. The Application has a Net Tract Area of 38,269 square feet which results in a minimum green cover requirement of 13,394 square feet. Given that the Site is already partially developed with structures associated with the previous approvals, the Applicant is unable to provide the full requirement onsite but has proposed 908 square feet of eligible tree canopy within the Subject Property in addition to a solar photovoltaic array atop 29,834 sf of the proposed development.

As currently submitted, the Application exceeds 35% coverage with the proposed solar array, however as it is unclear, per the submitted Application Materials, when the solar array would be provided, Staff recommends that the Applicant explore the inclusion of an interim green roof area which could then serve as a base for the future solar array and contribute to stormwater capture. With this added recommendation, Staff is supportive of this proposal to continue to maintain at least this level of green cover as the Project evolves in order to pursue compliance with the Sector Plan's urban green goals.

Transportation

The 2022 *Silver Spring Downtown and Adjacent Communities Sector Plan* classifies Georgia Avenue along the Site frontage as a Downtown Boulevard with the master-planned right-of-way of 126 feet. The cross sections on pages 155 and 157 indicate that the streetscape should include an eight-foot-wide street buffer, a 10-and-one-half-foot-wide sidewalk and a five-foot-wide frontage zone on the Site side. All of these measurements are intended to be minimums. The Applicant is providing an eight-foot-wide street buffer, meeting the minimum requirement and 12-foot-wide sidewalks, exceeding the minimum required. There is already sufficient right-of-way dedicated on Georgia Avenue to achieve the master-planned vision for the roadway. The site plans included with the mandatory referral demonstrate compliance with the streetscape elements, and they will be constructed by the Applicant.

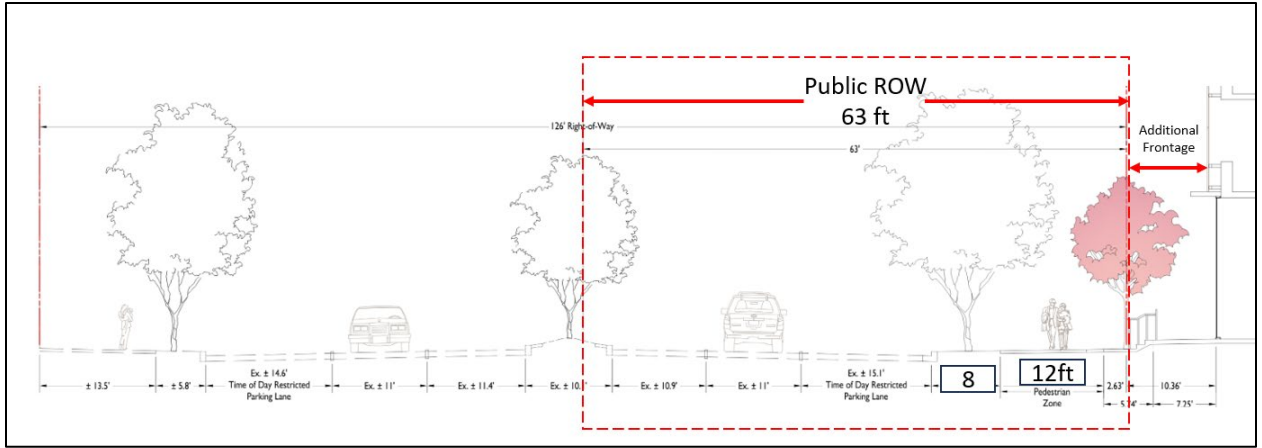


Figure 13 – Project Cross Section of Georgia Avenue, looking north, Site frontage shown in red dashed box.

The Sector Plan envisions Fenton Street along the Site frontage with a right-of-way of 80 feet. The cross section on page 162 shows a five-foot-wide street buffer, an eight-foot-wide two-way separated bike lane, an eight-foot-wide pedestrian/bicycle buffer and a ten-foot-wide sidewalk along the Site frontage. These streetscape improvements will be constructed by the Montgomery County Department of Transportation (MCDOT) as part of the Fenton Street Cycletrack, which is expected to go to construction in early 2025. There are no other master-planned transportation facilities on either Site frontage.

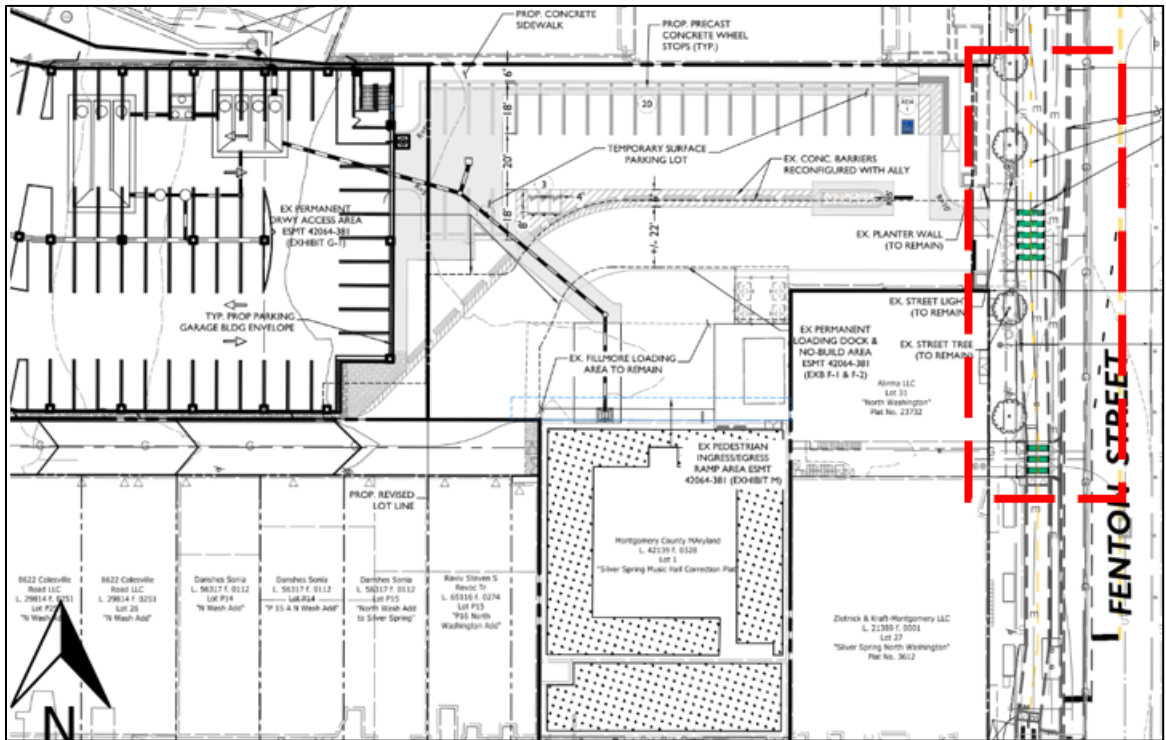


Figure 14 – Site Plan showing Fenton Street Bikeway to be built by MCDOT, frontage shown in red dashed box.

2. whether the proposal is consistent with the intent and the requirements of the zone in which it is located;

The Project is located in the CR zone and structured parking is a permitted use in the zone. As demonstrated in Table 1 below, the Project conforms to the intent and requirements of the CR zone for standard method development.

Table 1: MR2024011 Data Table for CR Zone, Standard Method, Section 59.4.5.3

Development Standard	Permitted/ Required	Proposed
Tract Area	n/a	51,650 sf (1.19 ac)
Tract Area - Prior Dedication	n/a	13,381 sf (0.31 ac)
Tract Area - Proposed Dedication	n/a	0
Site Area¹ (tract area minus dedications)	n/a	38,269 sf (0.88 ac)
Setbacks		
Georgia Avenue (front)	0 ft	9 ft
Alley (Side street)	0 ft	3 ft
Side	0 ft	1 ft
Rear	0 ft	12 ft
Building Height, average	260 ft	85 ft
Public Open Space (min s.f.)	10% of Site Area (3,827 sf)	4% of Site Area (1,687 sf) ¹

¹The Silver Spring Downtown and Adjacent Communities Plan recommended against individual sites providing public open space as they result in small spaces and fail to enhance the public realm and prevent buildings from activating the street. The Downtown Silver Spring Overlay Zone states that Projects with a public open space requirement are subject to a fee during the site plan review, given there is no site plan for this project, no fee or additional open space is required given this is a Mandatory Referral. Additionally, the previous approval on the Site (Site Plan No. 820100100) met the open space requirement through the provision of the arts and entertainment use for the constructed Fillmore music venue.

3. whether the nature of the proposed site and development, including its size, shape, scale, height, arrangement, design of structure, massing, setback(s), site layout, and location(s) of parking is compatible with the surrounding neighborhood and properties;

The Proposal’s development scheme is compatible with the surrounding neighborhood and properties. The proposed access accommodates the existing curb cuts located off Georgia Avenue. The building footprint and height are compatible with the surrounding development, as the existing buildings range from 2 stories to 15 stories in height and the proposed building height of 85 feet is within that range.

4. whether the locations of buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;

As designed, the Proposal will be safe, adequate, and efficient. The proposed streetscape improvements along the Georgia Avenue frontage are consistent with the Silver Spring Streetscape Standards as described in Finding 1. The Montgomery County Department of Transportation reviewed the Mandatory Referral and provided an approval letter, included in Attachment C. The additional open space and landscaping on the Property at the building frontage will provide potential outdoor space for the users of the 3,000 square foot space, further activating the ground floor of the structure.

TRANSPORTATION ACCESS

As described above, vehicular access to the building will be from the existing public alley connecting Georgia Avenue and Fenton Street along the southern end of the Site, as well as from the existing surface parking lot accessed from Fenton Street. Pedestrian and bicycle access will be improved with wider sidewalks on Georgia Avenue and a new Cycletrack on Fenton Street. No new curb cuts are proposed with the Subject Application.

LOCAL AREA TRANSPORTATION REVIEW

The Subject Application is proposing to construct a public parking garage with a total of 657 vehicular parking spaces and up to 3,000 square feet of commercial space. Vehicular parking spaces do not generate trips (they serve as storage for other uses that are generating trips), and therefore the trip generation estimates are based on the commercial space. The results of that analysis indicate that 19 net new peak hour person trips are estimated in the morning and 45 are estimated in the evening.

Table 2: Trip Generation Estimate for the Garage 22

	ITE Rates		Policy Area Adjustment		Person Trips	
	AM	PM	AM	PM	AM	PM
3,000 SF Retail	13	33	8	19	19	45

Transportation Exemption Statement prepared by Rodgers Consulting, dated April 5, 2024

The project is estimated to generate fewer than 50 net new person trips in the peak travel hour; therefore, in accordance with the 2020-2024 *Growth and Infrastructure Policy* a transportation impact study is not required and the Local Area Transportation Review for the project is satisfied.

PEDESTRIAN AND BICYCLE FACILITIES

The Subject Application adheres to the cross sections envisioned for Georgia Avenue and Fenton Street in the 2022 *Silver Spring Downtown and Adjacent Communities Sector Plan*, as described in Finding 1 of this report.

PUBLIC TRANSIT SERVICE

There are no public transit stops along the Site frontage. Dedicated lanes for bus rapid transit are recommended along Georgia Avenue north of the CBD to Colesville Road. The cross sections provided with the Subject Application demonstrate that the dedicated lanes and buffers and/or guideways will not be precluded with the Subject Application.

PARKING

The Subject Project will provide 675 vehicular parking spaces. This includes 10 motorcycle/scooter spaces, 12 electric vehicle spaces, and 14 ADA accessible spaces. The Subject Application will be replacing Garage 2 which has 1,361 public parking spaces. This results in a net reduction of 686 parking spaces in the Parking Lot District. Reducing the number of parking spaces aligns with the 2022 *Silver Spring Downtown and Adjacent Communities Sector Plan* recommendation to, “support a constrained parking policy for a downtown well-served by transit” (page 120). Furthermore, the number of parking spaces was determined as part of the General Development Agreement between the County and the Applicant.

- 5. whether the proposal has an approved NRI/FSD and a preliminary SWM concept plan, and meets the requirements of the Forest Conservation Law (Chapter 22A of the County Code). Forest Conservation Plan, if applicable, must be approved by the Planning Board, either before or at the time of the Board’s mandatory referral review and action on the project. Unlike the mandatory referral review by the Board, the conditions of the Forest Conservation Plan are binding on all county projects and require a Resolution of Approval.***

As part of the previously approved Preliminary Plan No. 120100260 and Site Plan No. 820100100, the Site had an approved Stormwater Management Concept and Final Forest Conservation Plan. The Applicant submitted an amendment to the Forest Conservation Plan (F20240920) which proposes to revise the limits of disturbance and reduce the total amount of afforestation required. The associated fee in lieu payment for the previously approved Forest Conservation Plan was paid in 2010, which fully covers the requirements based on the amended limits of disturbance.

The Applicant has submitted a revised Stormwater Management Concept to the Department of Permitting Services for review. Given the location of the Project is along a State Road (MD 97 – Georgia Avenue), the State Highway Administration must also review this revision. The Applicant must receive approval of a Stormwater Management Concept prior to the submittal

of the Sediment Erosion Control Plan at the building permit stages. Chapter 19 of the County Code does not require a Stormwater Concept Plan approval for Mandatory Referrals.

- 6. *whether a Preliminary or a Final Water Quality Plan has been reviewed by the Planning Board if the project is located in a Special Protection Area. In addition, for a Water Quality Plan for a project on public property, the Board must determine if the plan meets the standards of Article V. WATER QUALITY REVIEW IN SPECIAL PROTECTION AREAS, of the County Code (pursuant to Section 19-65(d)(4));***

The Project is not located within a Special Protection Area and does not require a Water Quality Plan.

- 7. *whether or not the site would be needed for park use if the proposal is for disposition of a surplus school.***

The Site is not identified as a future master planned park or surplus school in the 2022 *Silver Spring Downtown and Adjacent Communities Plan*.

- 8. *whether alternatives or mitigation measures have been considered for the project if the proposal is inconsistent with the General Plan or other plans and policies for the area, or has discernible negative impacts on the surrounding properties or neighborhood, the transportation network, the environment, historic resources (including burial sites) or other resources.***

As previously stated in Finding 1, while the proposed use and structure are allowed in the CR zone, it does not fully meet the intent of the Sector Plan given that the Subject Property was rezoned for an increased density and height and further identified as an opportunity site by the Sector Plan and designated for future affordable housing development per the County's Press Release. Staff has studied the Site to determine what other designs and/or uses could be integrated to fully capture the Sector Plan's vision for the Subject Property, as shown in Attachment D.

Attachment D shows the current development proposal as well as two alternative designs. Alternative Design 1 shows the proposed parking garage with future redevelopment of the lot that fronts onto Fenton Street, which will also be conveyed to the County once Parking Garage 22 is constructed (per the GDA). This scheme maximizes the CR 5 zoning and would purchase additional density from the Silver Spring Downtown Overlay Zone to achieve the maximum height of 260 feet.

Alternative Design 2 shows the proposed parking garage with future redevelopment on the lot fronting Fenton Street with a potential build over atop the parking garage floors. This scheme

would take advantage of the density not being utilized by the proposed parking garage and provide opportunity for future residential development, including affordable housing.

While the General Development Agreement is unlikely to change, Staff recommends, at a minimum, that the Parking Garage be structurally designed in a way that could support future development of additional floors above the Parking Garage. This is similar to the recently approved Sketch Plan for Ellsworth Place that will add a residential tower atop the existing shopping mall that was built in 1991. Given the County has designated this as a future affordable housing development, Staff recommends that the proposed structure be reinforced for potential future housing and/or other uses envisioned by the Sector Plan, given its proximity to transit and other commercial/employment opportunities and resources within the core of Downtown Silver Spring, which would be more in line with the intent of the Sector Plan's vision for this opportunity site.

SECTION 5 – FINAL FOREST CONSERVATION PLAN NO. F20240920

As summarized above, in association with the Mandatory Referral Application, the Applicant has submitted Forest Conservation Plan (FCP), No. F20240920, which serves as an amendment to previously approved Final Forest Conservation Plan No. 820100100. The previously approved FCP included limits of disturbance to clear the subject property and provide right-of-way improvements and utility connections. The proposed Forest Conservation Plan amendment is consistent with the previous approval and simply revises the extent of the limits of disturbance. As conditioned, all Chapter 22A Forest Conservation requirements are met.

SECTION 7 - CONCLUSION

Staff recommends approval of the Final Forest Conservation Plan No. F20240920 with conditions and the transmittal of comments to the Montgomery County Department of Transportation.

ATTACHMENTS

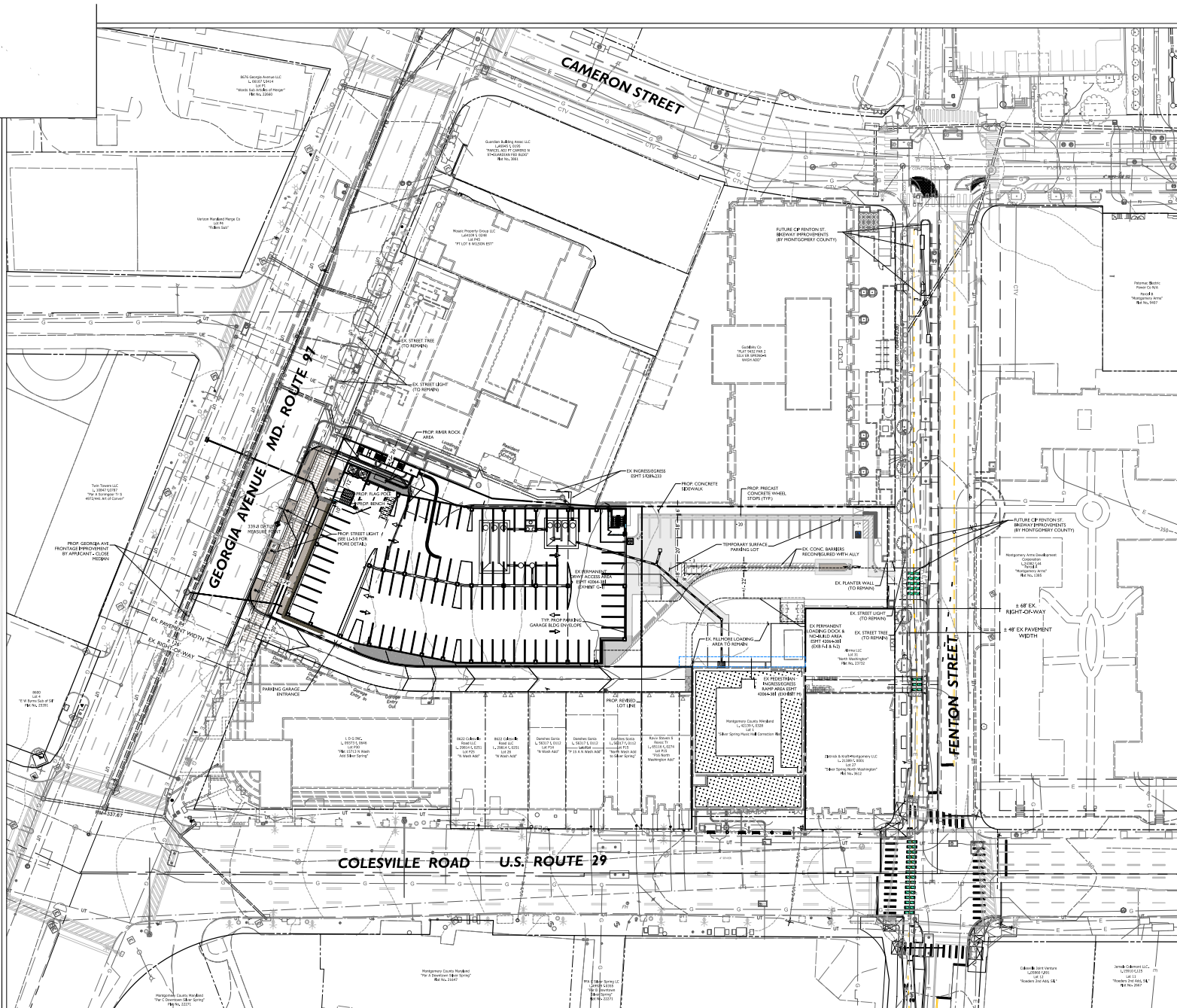
Attachment A – Mandatory Referral Plan

Attachment B – Final Forest Conservation Plan

Attachment C – Agency Letters

Attachment D – Alternative Designs by Staff

Attachment E – Press Release



SHEET NOTES

1. ALL IMPROVEMENTS SHOWN WITHIN THE FENTON STREET RIGHT-OF-WAY ARE ASSOCIATED WITH THE FUTURE MONTGOMERY COUNTY DEPARTMENT OF TRANSPORTATION "FENTON STREET BREAKAWAY" CIP PROJECT. NO. 03030101 ARE SHOWN FOR SHOWN FOR REFERENCE PURPOSES ONLY AND ARE NOT A PART OF THIS PROJECT.

RODGERS CONSULTING
 1000 S. ...
 240.777.8745
 Attn: Jeremy Souders

MDOT Division of Parking Management
 4th Floor
 Gateway Center
 Silver Spring, MD 20910
 240.777.8745
 Attn: Jeremy Souders

UNITED THERAPEUTICS
 1400 Spring Street
 Silver Spring, Maryland 20914
 240.611.1739
 Attn: Thomas Kaufman

LDG Inc.
 801 Columbia Ave
 Silver Spring, Maryland 20910
 Phone: 301.558.5418
 Attn: Paul Dusko

Lerch, Early & Brewer, Chd.
 7600 Wisconsin Ave.
 Suite 700
 Bethesda, Maryland 20814
 301.641.8929
 Attn: Bill Komersars / Chris Ruhlman

RODGERS CONSULTING, INC.
 1887 Conroy Boulevard
 Suite 200
 Gaithersburg, Maryland 20878
 Attn: Robert Graham / Zach Pavlos

DESMAN
 8331 Greenbriar Dr.
 Suite 708
 Fairfax, VA 22102
 703.448.1190
 Attn: John Judge

Fox Architects
 1340 23rd Street, NW
 Washington, D.C. 20037
 Phone: 202.476.4169
 Attn: JP Spiekler

Whiting Turner
 3005 Jolly Lane
 Suite 800
 Greenbelt, Maryland 20770
 Phone: 240.297.3191
 Attn: Carol Boston



PROFESSIONAL CERTIFICATION
 I hereby certify that I am a duly licensed Professional Engineer in the State of Maryland, and that I am duly qualified to prepare and seal the drawings herein.

REV	DATE	DESCRIPTION
1		
2		
3		
4		
5		

REVISION	DATE	DESCRIPTION
1		
2		
3		
4		
5		

GARAGE 22
GEORGIA AVENUE
MANDATORY REFERRAL
 #MR2024011
 845 GEORGIA AVE
 SILVER SPRING, MARYLAND 20910

PROJECT NUMBER: 128611
 DATE: 2024.06.21
 SCALE: 1" = 30'
 DRAWING TITLE: Site Plan

ISSUE: DRAWING NO.

MR-7.0

CALL "MISS UTILITY" AT
1-800-287-7777
 48 Hours Before Start of Construction

The contractor must notify MISS UTILITY of any companies with underground utilities in the area of proposed excavation and have them located. This is the contractor's responsibility. The contractor is responsible for coordination with representatives of other utility companies.



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Christopher R. Conklin
Director

June 12, 2024

Ms. Grace Bogdan, Planner III
Down-county Planning Division
The Maryland-National Capital
Park & Planning Commission (M-NCPPC)
2425 Reedie Drive, 14th Floor
Wheaton, Maryland 20902

RE: Mandatory Referral-MR2024011
Garage 22 - Georgia Avenue Garage

Dear Ms. Bogdan:

We have completed our review of the Mandatory Referral Plan uploaded in eplans dated April 04, 2024, and have the following recommendations:

1. Georgia Avenue:
 - a. The Master Plan of Highways and Transitway classifies this roadway as Downtown Boulevard with a 126-ft minimum right-of-way and six planned lanes (four travel lanes and two transit lanes). Plat# 24119 shows 63 feet +/- from the centerline, which complies with the master plan.
 - b. Please dimension the right-of-way and provide a roadway cross-section.
 - c. We defer to the Maryland State Highway Administration (MDSHA) for any improvements along this roadway.
2. Fenton Street:
 - a. The Master Plan of Highways and Transitway classifies this roadway as Downtown Street, with an 80-ft minimum right-of-way and two planned lanes. Please dimension the right-of-way.
 - b. The right-of-way permit plan should reflect the MCDOT Fenton Street Cycle Track project plans. The cycle track will be constructed in the first half of 2025, so it should be reflected. Please coordinate with Mr. Matt Johnson at matt.johnson@montgomerycountymd.gov or 240-777-7237 for the plans and any impacts to this project due to the Fenton Street Cycle Track project
 - c. Consider some form of traffic calming for drivers leaving the garage to cross the cycletrack and enter Fenton Street. We need to ensure they have sufficient visibility, so they don't block the cycletrack while trying to leave the garage or strike cyclists on the bikeway.

Office of the Director

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

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

Ms. Grace Bogdan
Mandatory Referral No. MR2024011
June 12, 2024
Page 2

3. Public Alley:
 - a. The 20-ft public alley shown in the plans should be improved per MC-201.01.
 - b. The plans should show and label the easement along the private portion of the alley, per Liber 42064 folio 385.
4. The circulation plan must show the Fenton cycle track, the bike lanes on Cameron Street, and the Cameron to Planning Place bikeway adjacent to the existing Garage 2.
5. The circulation plan should also consider how cyclists get from the cycle track on Fenton Street to the bike parking area on the opposite side of the garage.
6. Please confirm that the demolition of Garage 2 and the property transfer will maintain the continuity of public access to the Cameron to Planning Place Bikeway.
7. Stormwater Management Plan shall be approved by MCDPS.
8. **Storm Drain Study: INCOMPLETE.** Not submitted.
 - a. If any portion of the subject site drains to an existing storm drain system maintained by Montgomery County, submit storm drain and/or flood plain studies, with computations, for review and approval by DPS at or before the Permit Stage. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on the same. If the proposed subdivision drains to an existing closed section street, include spread computations in the impact analysis.
 - b. The portion of the site draining to Georgia Avenue (MD-97) shall be approved by MDSHA.
 - c. The limits of the floodplain and the building restriction lines are to be shown on the plan where applicable. The floodplain is to be dimensioned from the property line.
9. **Sight Distance:** We defer to MDSHA for the sight distance at the proposed site entrance to state-maintained rights-of-way.
10. Design all access points and alleys to be at-grade with the sidewalk, dropping down to street level between the sidewalk and roadway.

If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Team Engineer for this project, at (240)-777-2194 or deepak.somarajan@montgomerycountymd.gov.

Sincerely,

Deepak Somarajan

Digitally signed by Deepak
Somarajan
Date: 2024.06.12 10:40:37 -04'00'

Deepak Somarajan, Engineer III
Development Review
Office of Transportation Policy

Ms. Grace Bogdan
Mandatory Referral No. MR2024011
June 12, 2024
Page 3

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Mandatory Referral\ MR2024011-Garage 22 - Georgia Avenue Garage\ Letter\ MR2024011-Garage 22 - Georgia Avenue Garage ltr

Sharepoint Correspondence folder FY 24

cce:	Atiq Panjshiri	MCDPS RWPR
	Sam Farhadi	MCDPS RWPR
	Mark Etheridge	MCDPS WRM
	Sherryl Mitchell	MCDPS WRM
	Kwesi Woodroffe	MDSHA District 3
	Matt Johnson	MCDOT DTE
	Corey Pitts	MCDOT DTE
	Jeremy Souders	MCDOT DPM
	Benjamin Morgan	MCDOT DPM
	Rebecca Torma	MCDOT OTP

EXISTING PROPOSAL

Zoning

CR 5.0 - Height 260'

FAR (Mapped) - 176,050 sf

Building Height - 100'

Square Footage

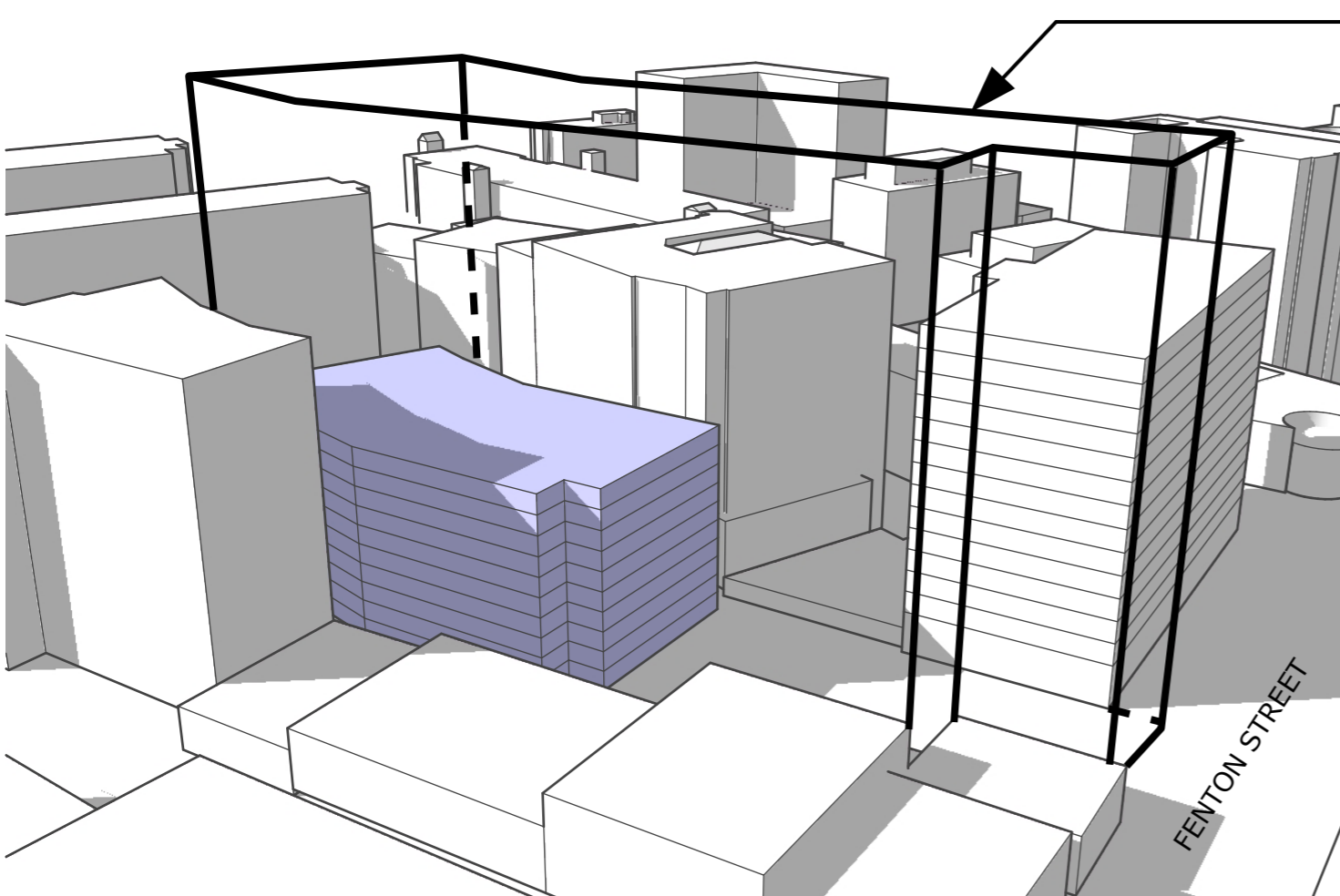
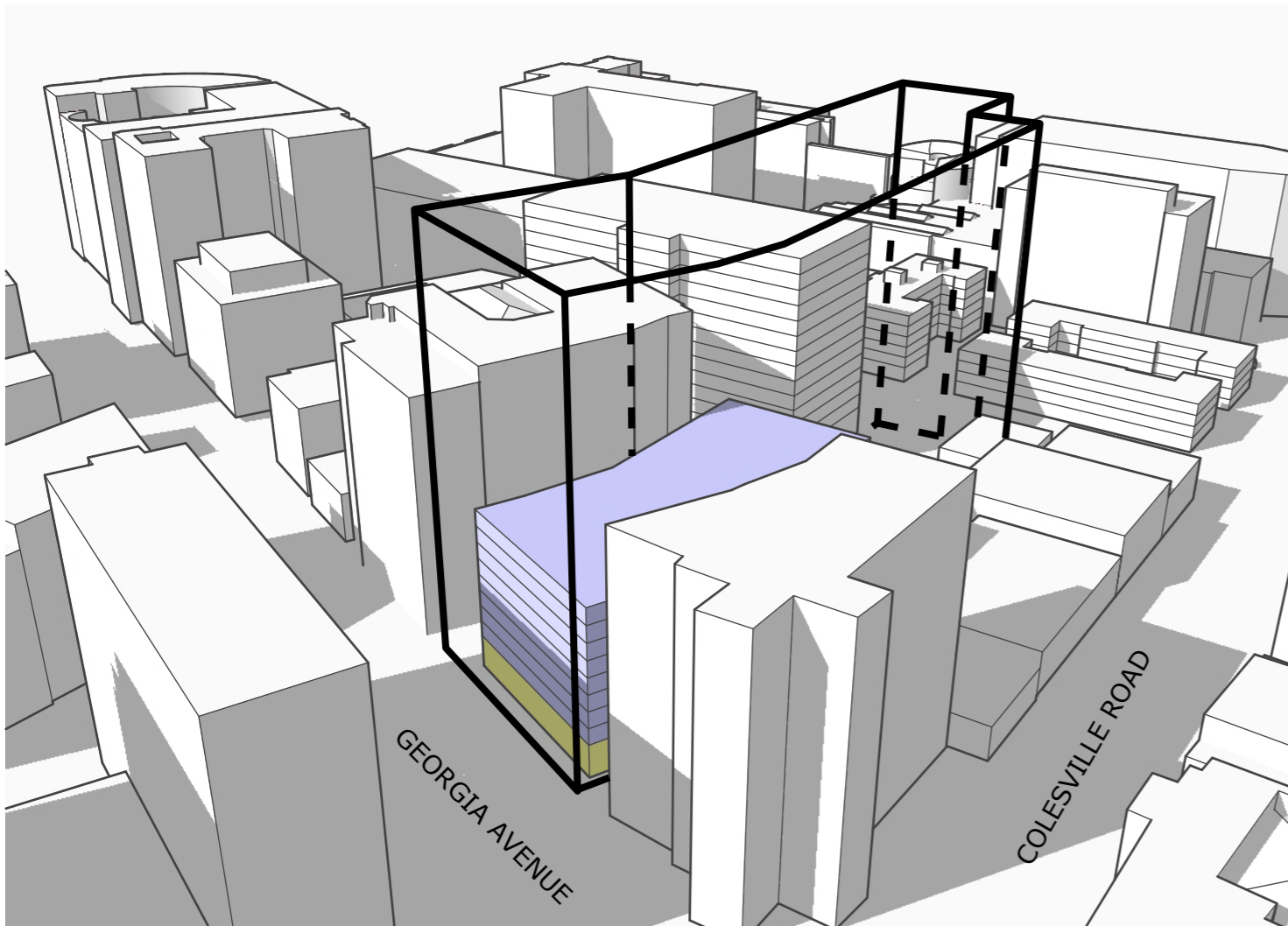
Commercial - 3,000 sf

Residential - 0 sf (approximately 0 units at 1,000 each)

TOTAL - 3,000 sf
FAR Remaining - 173,050 sf

Parking Provided

Parking Spaces - 675



Development Envelope



ALTERNATE PROPOSAL 1



Zoning

CR 5.0 - Height 260'

FAR (Mapped) - 123,805 sf

Square Footage

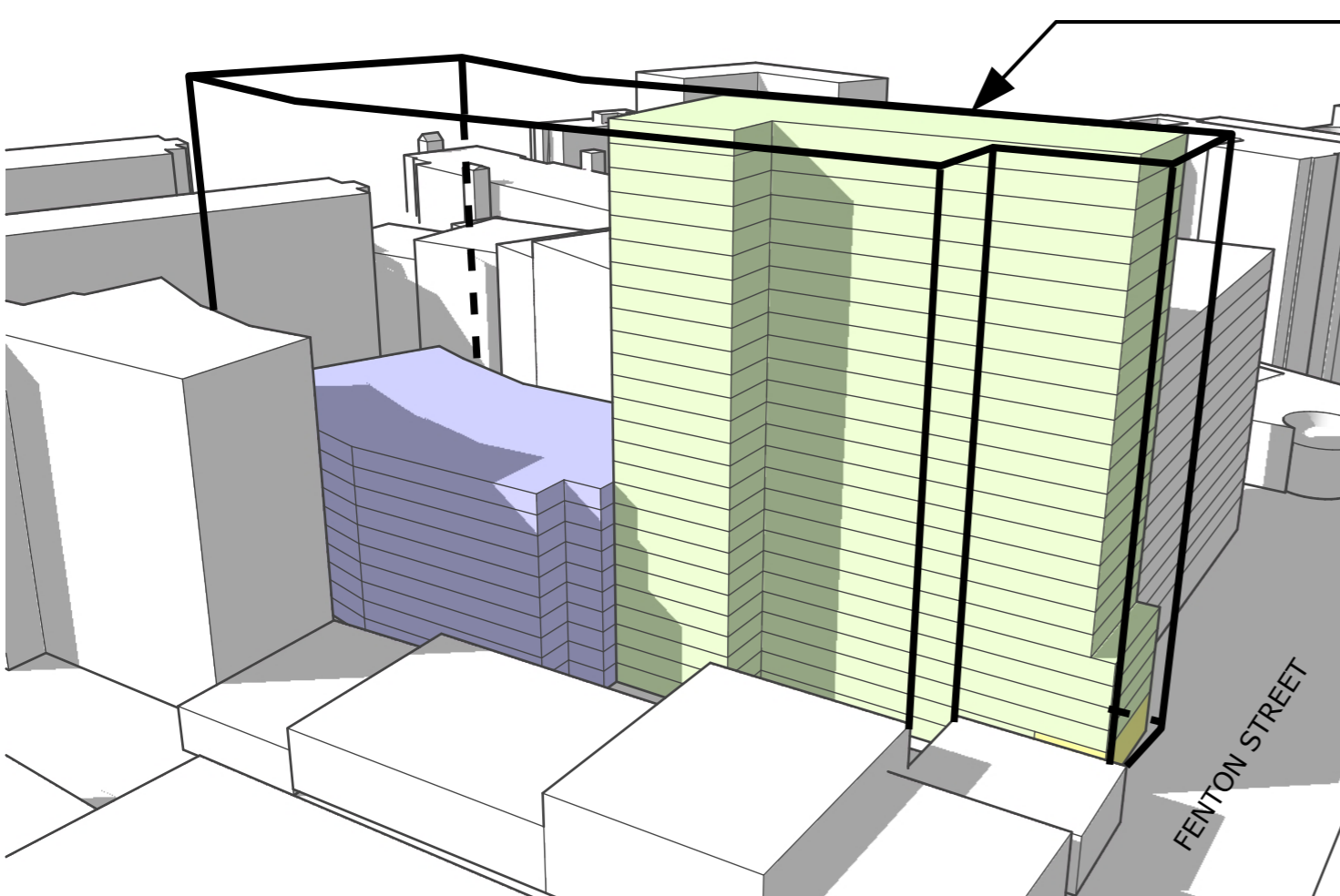
Commercial - 1,800 sf

Residential - 361,200 SF (approximately 361 units at 1,000 each)

TOTAL - 363,000 SF (Potential FAR)

Parking Provided

Parking Spaces - 675



Development Envelope



- ↑ N
- Commercial
- Fillmore Loading Zone
- Parking
- Residential

ALTERNATE PROPOSAL 2



Zoning

CR 5.0 - Height 260'

FAR (Mapped) - 299,855 sf

Square Footage

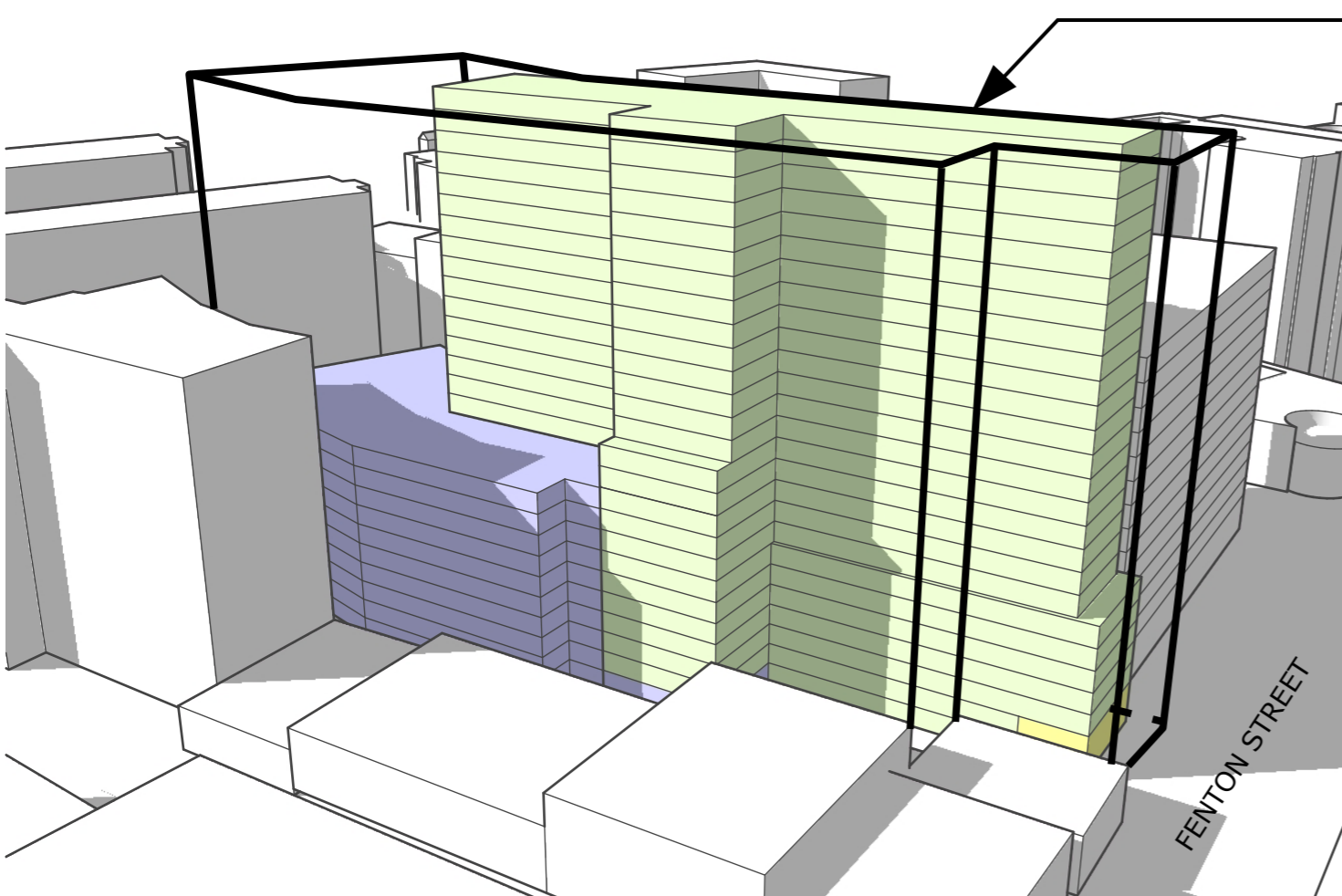
Commercial - 4,650 sf

Residential - 450,000 SF (approximately 450 units at 1,000 each)

TOTAL - 454,650 SF (Potential FAR)






Parking Provided

Parking Spaces - 675



Development Envelope



-  N
-  Commercial
-  Fillmore Loading Zone
-  Parking
-  Residential

Montgomery County, United Therapeutics Corporation Announce Partnership for Future Growth in Silver Spring; Long-term Vision Includes Public Parking, Housing and Other County Benefits

For Immediate Release: Friday, December 15, 2023

County Executive Marc Elrich, County Council President Andrew Friedson and County Council Vice President Kate Stewart joined with United Therapeutics Corporation today to announce a partnership for future growth and long-term vision for Downtown Silver Spring. The partnership includes a general development agreement between the County and United Therapeutics that will allow for the company's future growth in Silver Spring and provide significant benefits to the County. This deal, valued at over \$100 million, will eventually expand United Therapeutics' campus footprint in Downtown Silver Spring by 40 percent.





“The partnership and agreement we are announcing today will provide significant benefits to County residents, usher in an era of economic growth in Silver Spring, and further solidify Montgomery County’s leading biotech, life sciences and research economy,” said County Executive Marc Elrich. “United Therapeutics Corporation is revolutionizing healthcare through the development of manufactured organs for transplant. We are committed to the company’s future growth in Silver Spring, and I look forward to working with the County Council through the property disposition process.”

Under the agreement between Montgomery County and United Therapeutics, the first publicly traded biotechnology company organized as a public benefit corporation, United Therapeutics will construct a new public parking garage at 8615 Georgia Avenue, provide land and funding to the County for a state-of-the-art fiber hub, and relocate Montgomery County’s Department of Transportation’s (MCDOT) parking operations facility to a renovated facility at 9150 Brookville Road. The site of the new parking garage includes a parcel designated for a future affordable housing development in Silver Spring.



If approved by the Montgomery County Council, upon completion of the new garage, ownership of the site will transfer from United Therapeutics to the County. In exchange, the County will transfer ownership of 8700 Cameron Street, the current site of the Spring Cameron Parking garage, to United Therapeutics to allow for the company's future growth. United Therapeutics will be required to invest at least \$50 million in any new facility on the site within fifteen years of ownership transfer.

The property disposition process requires public input and Council approval following a "Declaration of No Further Need" by the County Executive. The disposition process also requires the County to secure full (fair) market value for any County-owned property. More details about disposition process can be found on the County Department of General Services (DGS) Office of Planning and Development's website.

"Montgomery County's standing as a global biohealth leader is thanks in no small part to the commitment of United Therapeutics in Silver Spring," said Council President Andrew Friedson. "We are so proud to partner with purpose-driven, forward-looking organizations that are willing to take risks and invest in Montgomery County while advancing lifesaving innovation."


The County first sold land in Silver Spring to United Therapeutics in 2002 to facilitate construction of its corporate headquarters at 1040 Spring Street. The County again sold a parcel on Spring Street in 2015 to United Therapeutics to facilitate construction of its environmentally sustainable, LEED certified Unisphere expansion, the world's largest site net zero commercial office building, delivered in 2018. The site has 230 employees and focuses on biotech, specifically the marketing of therapeutics to treat rare diseases and the research and development of manufactured organs for transplant to help patients with end stage organ diseases. The company has had immense growth, with revenues of nearly \$2 billion in 2022 and average annual revenue growth above 20 percent since its first commercial sale in 2002.

"Since our founding almost 30 years ago, we have been honored to be part of the downtown Silver Spring community," said Thomas Kaufman, Associate Vice President, Corporate Real Estate at United Therapeutics. "Montgomery County has been a key partner in supporting our growth during that time, and this agreement will allow us to continue our growth and support for Silver Spring for years to come."

"The partnership announced today lays the foundation for the long-term vibrancy of Downtown Silver Spring and benefits our entire County," stated Council Vice President Kate Stewart. "The growth of United Therapeutics will bring jobs and economic investment to our community, as they advance their lifesaving medicine. We are fortunate to have a trailblazing biotech company that changes lives worldwide and gives back to our community right here in Downtown Silver Spring."

"Maryland has long been a leader in critical research and development. This agreement will expand our innovation economy while spurring jobs, growth, and investment in Silver Spring. This is great news for the community, the County, and our state," said U.S. Senator Chris Van Hollen.

Summary of the Agreement:

The proposed agreement between Montgomery County and United Therapeutics Corporation will allow for the company's future growth at its urban campus in downtown Silver Spring and provide the County with significant public benefits, including: 

- Further solidifying Montgomery County's commitment to growing its bio-health economy by providing United Therapeutics the flexibility for future growth as it continues to advance its mission to develop an unlimited supply of tolerable, transplantable organs at its co-headquarters in Silver Spring.
- Ensuring that United Therapeutics continues to grow from its current 230 full-time employees in downtown Silver Spring and expand its significant contributions to Montgomery County and the State of Maryland's biohealth economy and ecosystem.
- A new parking garage in the heart of Silver Spring along Georgia Avenue, located just north of Colesville Road at 8615 Georgia Avenue.
- Approximately 3,000 square feet (SF) of new retail space area on the ground floor of the new parking garage along Georgia Avenue.
- Land designated for a future affordable housing development in Downtown Silver Spring.
- A new state-of-the-art, fiber hub for the Montgomery County Department of Technology and Enterprise Business Solutions.
- A new 20,000 SF parking operations service facility for MCDOT in a more centralized location relative to the three main parking lot districts in Silver Spring, Wheaton, and Bethesda. The new site includes an additional 17,000 SF to accommodate future MCDOT needs, and a 5,000 SF renovated and enclosed building for equipment and field vehicle storage.

For more details on the agreement, please visit the DGS Office of Planning and Development website.

###

Release ID: 23-550

Media Contact: Emily DeTitta 240-372-2282, Rick Abbruzzese 410-790-5002

Categories: Business



From: [Kominers, William](#)
To: [MCP-Chair](#)
Cc: [Dicke, Stephanie](#); [Bogdan, Grace](#)
Subject: Mandatory Referral MR2024011
Date: Tuesday, July 23, 2024 5:25:38 PM

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

Dear Chair Harris,

This message is written on behalf of our client, United Therapeutics, with respect to the Mandatory Referral No. MR2024011 (Garage 22). Some questions have been raised to your Staff regarding the sequencing of the new Garage 22 operation relative to the closing of the existing Garage 2 that is to be replaced.

I have included the substance of the questions in italics below, along with answers in regular text, to the extent known today.

Question: *I would assume that Garage 2 will not be taken offline until the replacement spaces in Garage 22 are constructed and made available.*

Answer: County DOT has advised that existing Garage 2 will not close until the new Garage 22 is open. There will not be a time without parking available for the area in one or the other of the garages.

Question: *Can you confirm that United Therapeutics will be constructing their own garage to meet their parking needs as part of their redevelopment of Garage 2? We noticed that the number of spaces being replaced in Garage 22 is far less than what exists in Garage 2, which would be fine I think so long as United Therapeutics is planning to take care of their parking needs as part of their project.*

Answer: There are no current development applications for the redevelopment of the Garage 2 property. The potential redevelopment cannot occur until the new garage construction is completed and conveyed to the County. A development application at this time would be premature. The County undertook two parking demand studies, one for the entire Silver Spring PLD and one specifically for Garage 2, to determine utilization and the proper amount of replacement parking needed.

I hope this information addresses the questions that were raised.

Thank you,

Bill Kominers

William Kominers, Attorney

Lerch, Early & Brewer, Chtd. rising to every challenge for over 70 years

7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814
T 301-841-3829 | F 301-347-1783 | Main 301-986-1300
wkominers@lercheearly.com | Bio

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