

# Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

**July 26, 2024**

MCPB No. 24-066  
Preliminary Plan No.120230150  
**8676 Georgia Avenue**  
Date of Hearing: July 18, 2024

**This Resolution has been Superseded  
by a Corrected Resolution**

## RESOLUTION

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

WHEREAS, on March 20, 2024, 8676 Georgia Avenue LLC (“Applicant”) filed an application for approval of a preliminary plan of subdivision of property that would create one (1) lot on a 1.04 acre tract of land in the of CR-5.0, C-5.0, R-5.0, H-300 zone and Downtown Silver Spring Overlay Zone, located at the southern quadrant of the intersection of Georgia Avenue and Cameron Street (“Subject Property”), in the Silver Spring CBD Policy Area and 2022 *Silver Spring Downtown and Adjacent Communities Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s preliminary plan application was designated Preliminary Plan No.120230150, 8676 Georgia Avenue (“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 July 8, 2024, providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on July 18, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Vice Chair Pedoeem, with a vote of 5-0; Chair Harris, Vice Chair Pedoeem and Commissioners Bartley, Hedrick, and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120230150 to create one (1) lot on the Subject Property, subject to the following conditions:<sup>1</sup>

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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.

#### General Approval

1. This Preliminary Plan is limited to one (1) lot for up to 550,000 square feet of total development, including up to 525 multifamily dwelling units and up to 25,000 square feet of non-residential density.

#### Adequate Public Facilities

2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

#### Plan Validity Period

3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and before the expiration date 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 filed.

#### Outside Agencies

4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated June 25, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT’s requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Maryland State Highway Administration (“MDOT SHA”) in its letter dated June 28, 2024, and incorporates them as conditions of the Preliminary Plan approval with the exception of items 1 and 3 from Travel Forecasting and Analysis Division (TFAD). The Applicant must comply with each of the other recommendations in the letter, (with the exception of those identified above), which may be amended by MDOT SHA if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Water Resources Section in its stormwater management concept letter dated April 8, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the

recommendations in the letter, which may be amended by MCDPS – Water Resources Section if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

8. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated May 28, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated May 30, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

#### Future Site Plan Approval Required

10. Except for demolition and/or clearing and grading associated with the demolition of the existing building, before approval of a record plat, the Applicant must receive Staff certification of any subsequent Site Plan(s) associated with this Preliminary Plan. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks and landscaping is determined through site plan review and approval.
11. If an approved site plan or site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan or site plan amendment.

#### Environment and Noise

12. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.0.10 of the Forest Conservation Regulations.
13. Noise Attenuation

An updated noise analysis report must be included with the site plan application. The updated analysis must include a second acoustical measuring point on Cameron Street, as well as a vertical acoustical analysis for Georgia Avenue and Cameron Street.

## Transportation

### Frontage Improvements on Existing Roads

14. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
  - a. All land necessary to accommodate sixty-three (63) feet from the existing right-of-way centerline along the Subject Property frontage for Georgia Avenue.
  - b. All land necessary to accommodate thirty-seven-and-one-half (37.5) feet from the existing pavement centerline along the Subject Property frontage for Cameron Street.
  - c. All land necessary to accommodate thirty-one (31) feet from the existing pavement centerline along the Subject Property frontage for Ramsey Avenue.
15. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MDOT SHA to ensure construction of a ten and one-half-foot-wide (10.5 ft) sidewalk along the Property frontage on Georgia Avenue, unless modified by MDOT SHA.
16. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDOT to ensure construction of an eight-foot-wide (8 ft) sidewalk and a five-foot-wide (5 ft) separated bike lane along the Property frontage on Cameron Street, unless modified by MCDOT.
17. Before the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDOT to ensure construction of an eight-foot-wide (8 ft) sidewalk along the Property frontage on Ramsey Avenue, unless modified by MCDOT.

### Off-Site Improvements

18. Prior to the issuance of the first certificate of occupancy permit, the following off-site improvements as identified in the Transportation Impact Study (revised May 14 and June 17, 2024) must be permitted and bonded (to ensure construction) pursuant to MCDOT and/or MDOT SHA requirements, unless modified by the applicable agency:
  - a. Projects No. 14 and 15: Add a median to the south crossing of Georgia Avenue at Colesville Road
  - b. Project No. 95: Add a HAWK signal to the south crossing Georgia Avenue at Fenwick Lane

- c. Project No. 25: Rebuild the ADA curb ramps to meet ADA cross slope design standards at the southeast corner of Ramsey Avenue and Fidler Lane (facing Ramsey Avenue)
- d. Project No. 26: Rebuild the ADA curb ramps to meet ADA cross slope design standards at the southeast corner of Ramsey Avenue and Fidler Lane (facing Fidler Lane)
- e. Project No. 42: Rebuild the ADA curb ramp to meet ADA gutter slope design standards at the northeast corner of Georgia Avenue and Cameron Street
- f. Project No. 43: Rebuild the ADA curb ramp to meet ADA gutter slope design standards at the northwest corner of Georgia Avenue and Cameron Street (facing Cameron Street)
- g. Project No. 44: Rebuild the ADA curb ramp to meet ADA gutter slope design standards at the northwest corner of Georgia Avenue and Cameron Street (facing Georgia Avenue)
- h. Project No. 45: Rebuild the ADA curb ramp to meet ADA gutter slope design standards at the northwest corner of Georgia Avenue and Fidler Lane (facing Fidler Lane)
- i. Project No. 46: Rebuild the ADA curb ramp to meet ADA cross slope design standards at the southwest corner of Georgia Avenue and Fidler Lane (facing Fidler Lane)
- j. Project No. 47: Rebuild the ADA curb ramp with a cross slope and running slope to meet ADA cross slope and running slope design standards at the northeast Corner of Georgia Avenue and Colesville Road
- k. Project No. 48: Rebuild ADA curb ramp with a gutter slope and flared slope to meet ADA gutter and flared slope design standards at the southeast corner of Georgia Avenue and Colesville Road (facing Colesville Road)
- l. Project No. 49: Rebuild the ADA curb ramp with a cross slope and gutter slope to meet ADA gutter and cross slope standards at the southeast corner of Georgia Avenue and Colesville Road (facing Georgia Avenue)
- m. Project No. 99: Install an ADA accessible parking space on Fidler Lane between Georgia Avenue and Ramsey Avenue, consistent with Applicant's 10% design plans dated June 17, 2024.
- n. Project No. 63: Construct separated bicycle lanes on Cameron Street between Ramsey Avenue and Fenton Street, consistent with Applicant's 10% design plans dated June 17, 2024.
- o. Project No. P1: Construct a protected intersection at Cameron Street and Ramsey Avenue, consistent with Applicant's 10% design plans dated June 17, 2024.

- p. Project No. P2: Construct a protected intersection at Cameron Street and Georgia Avenue, consistent with Applicant's 10% design plans dated June 17, 2024.
  - q. Project No. P3: Construct a protected intersection at Cameron Street and Second Avenue, consistent with Applicant's 10% design plans dated June 17, 2024.
19. If, at the time the Applicant submits for permits to construct one of the required LATR Off-Site Improvements identified in Condition 18, the improvement is no longer necessary or desirable, because: i) it has been constructed or is under construction by another applicant or as part of a capital improvement project by a government agency, or, ii) the applicable master plan has changed and no longer requires or suggests the improvement, the Applicant can propose an alternative LATR Off-Site Improvement from the priority list of improvements provided in the subject Staff Report and shown on the Certified Preliminary Plan, that is of similar value, and this alternative improvement, if reviewed and approved by Planning Staff, can be substituted and shown on a revised Certified Preliminary Plan.

#### Record Plats

20. Except for clearing and grading associated with building demolition, there shall be no clearing or grading of the site before recordation of plat(s).
21. The record plat must show necessary easements.

#### Developments with MPDUs

22. The final number of MPDUs will be determined at the time of site plan approval.

#### Certified Preliminary Plan

23. The certified Preliminary Plan must contain the following notes:

*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 site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*

24. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
- a) Show resolutions and approval letters on the certified plan set.

- b) Include the list of required and alternative LATR Off-Site Improvement on the certified plan set.

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or 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 layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

The lot has been reviewed for compliance with Chapter 50, the Subdivision Regulations. The layout of the single-lot subdivision, including its size, width, shape, and orientation is appropriate for the mixed-use development in the CR Zone and Downtown Silver Spring Overlay Zone.

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

The block design is existing and appropriate for the development and use. The length, width, and shape of the block are compatible with the development pattern in the neighborhood in which the Site is located.

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

The proposed lot design is appropriate for the proposed development and use. It will consolidate two existing lots that form the northwest half of the existing block bound by Georgia Avenue, Fiddler Lane, Ramsey Avenue and Cameron Street, into a single lot. The length, width, and shape of the lot are compatible with the development pattern in the neighborhood in which the Site is located.

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

- i. *Master Planned Sites*

The Sector Plan identifies 8676 Georgia Avenue, the former bank property, as an opportunity site within the Downtown North District. The Sector Plan generally recommends that public open spaces and community gathering opportunities be increased on opportunity sites as they redevelop, though the Sector Plan does not specifically recommend this Site provide public open space, as detailed below. The Sector Plan further includes Cameron Street within the envisioned Central Green Loop, where new bicycle lanes and enhancements to the pedestrian realm

are recommended. No other specific recommendations are put forth for the subject Property by the Sector Plan.

The Sector Plan does not recommend new public open space for the subject Property. Instead, the Project will be required to provide a contribution in-lieu of on-site public open space, as is further recommended by the Sector Plan. The amount of this contribution will be determined during site plan review. The Preliminary Plan provides for elements of the Central Green Loop on Cameron Street, including separated bicycle lanes, new sidewalks, and street trees. The Proposal does include private, street-level plaza space adjacent to the Historic Taste Diner that is envisioned as a future outdoor gathering or dining area, with details to be addressed at site plan review.

ii. *Local Recreation*

The Preliminary Plan does not include dedication of land for public recreation purposes. The provision of private on-site recreational facilities for future residents of the development will be evaluated at the time of site plan.

iii. *Transportation and Utilities*

As conditioned, the streetscape improvements along the Site frontages comply with the transportation recommendations of the 2022 *Silver Spring Downtown and Adjacent Communities Plan* and associated *Design Guidelines*, as well as functional Master Plans such as the 2018 *Bicycle Master Plan*, the 2023 *Pedestrian Master Plan*, and the 2018 *Master Plan of Highways and Transitways*.

d) *The Lot(s) and Use comply with the basic requirements of Chapter 59*

*Use*

Multifamily residential, retail/service establishment uses, and other commercial uses are allowed uses in the CR zone and Downtown Silver Spring Overlay Zone.

*Lot*

As shown in the data table below, the Application will comply with the development standards for the CR Zone Optional Method and Downtown Silver Spring Overlay Zone. The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The size, width, shape, and orientation of the lot are appropriate for the zone, location, and mix of uses provided for the Site.



*Data Table for CR Zone, Optional Method, Section 59.4.5.4 and DSS Overlay Zone*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved</b>
<b>Tract Area</b>	n/a	45,503 sf (1.04 acres)
<b>Tract Area - Prior Dedication</b>	n/a	8,854 sf (0.20 acres)
<b>Tract Area - Proposed Dedication</b>	n/a	2,019 sf (0.05 acres)
<b>Site Area<sup>1</sup> (tract area minus dedications)</b>	n/a	34,630 sf (0.79 acres)
<b>Mapped Density</b> <b>CR-5.0 C-5.0 R-5.0 H-300</b>		
<b>Residential (GFA/ FAR)</b>	227,515 sf (5.0)	202,515 sf (4.45)
<b>Commercial (GFA/FAR)</b>	227,515 sf (5.0)	25,000 sf (0.55)
<b>Total Mapped Density (GFA/FAR)</b>	227,515 sf (5.0)	227,515 sf (5.0)
<b>MPDU requirement</b>	15%	15%
<b>MPDU Bonus Density</b> <b>(GFA/FAR)<sup>2</sup></b>	n/a	44,553 sf (0.98)
<b>Downtown Silver Spring Overlay Zone</b> <b>Density (DSS)</b>	n/a	277,932 sf (6.11)
<b>Total GFA/FAR (with bonus density)</b>	n/a	550,000 sf (12.09)
<b>Building Height, max average</b>	300 ft	300 ft
<b>Public Open Space (min)<sup>3</sup></b>	3,463 sf	Contribution-in-lieu

<sup>1</sup> Site area is determined by tract area minus any previous and proposed dedications per Section 59.4.1.7.A of the Zoning Ordinance.

<sup>2</sup> MPDU bonus density is in accordance with Section 59.4.5.2.C.1.a of the Zoning Ordinance, which allows for residential density to be increased above the mapped residential FAR by 0.88 percent for each 0.1 percent increase in MPDUs above 12.5 percent up to and including 15 percent.

<sup>3</sup> Section 59-4.9.8.C.5 of the Zoning Ordinance, regarding Public Open Space in the Downtown Silver Spring Overlay Zone, and Section 4.1.12 of the 2022 *Silver Spring Downtown and Adjacent Communities Plan* provide that all Optional Method development projects required to provide public open space on a site not recommended for a new public space in the Sector Plan area are required to instead make a fee-in-lieu contribution to Montgomery Parks based on the cost per square foot of constructing an equivalent area of the otherwise required on-site public open space. The amount of the contribution will be determined at the time of site plan application review.

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

a) *Land Use*

The Property is in the Downtown North District of the 2022 *Silver Spring Downtown and Adjacent Communities Plan*; in which a portion of the Property is identified as an opportunity site. The Property is identified as part of Map No. 63A in the Recommended Downtown North Zoning changes on pages 71 and 72 of the Sector Plan, which recommended the Property be upzoned from CR-5.0, C-1.0, R-5.0, H-200 to CR-5.0, C-5.0, R-5.0, H-300 to increase flexibility for future mixed-use development. That zoning change was achieved after the passage of the Sector Plan.

The scope and scale of development is in-line with the land-use vision of the Sector Plan for this Property. The Sector Plan also includes a series of recommendations for the plan area and for the Downtown North District that are relevant to this development. The Application substantially conforms with these recommendations as follows:

iv. *Downtown North District Recommendations*

*New tall buildings along Georgia Avenue should have clearly differentiated bases that relates to the pedestrian scale, with substantial variation in the building massing, facade and materials. Towers should step back above the base along streets, open spaces and through-block connections in a way that distinctly differentiates the tower from the building base. Refer to the Design Guidelines that accompany this Plan.*

The building design includes a distinct base treatment that relates to the pedestrian scale and will frame the adjacent public realm on Georgia Avenue, Cameron Street, and Ramsey Avenue. The building celebrates its prominence at the highly visible intersection of Georgia Avenue and Cameron Street with a strong vertical treatment that groundings its tower at street level at this corner and pulls up to its full height here. The building steps down in height proximate to Ramsey Avenue. Step backs are not included in the tower's Georgia Avenue frontage but are included above the base proximate to Cameron Street and Ramsey Avenue. The design incorporates the Historic Tastee Diner as a distinct,

street-level feature adjacent to the intersection of Ramsey Avenue and Cameron Street, which adds unique character and charm to the pedestrian realm. The building design also incorporates plane changes, variation in materials and façade treatments that further break down the mass and scale of the building. Details of the building design are to be further developed with a future site plan application.

*At infill redevelopment sites along Georgia Avenue provide active ground floor uses.*

Commercial retail uses and residential lobby and amenity spaces are provided for the building's ground floor program. The design concentrates commercial space proximate to Georgia Avenue.

*Implement the Green Loop concept along Cameron Street between Fenton Street and 2nd Avenue as a key component of the Central Green Loop. Cameron Street between Fenton Street and Spring Street should be a Green Loop connector with some elements of the Green Loop implemented as feasible.*

This Project will provide key elements of the Central Green Loop including separated bike lanes on the north and south side of Cameron Street proximate to the Property, new sidewalks, and new street trees.

*Increase public open spaces and community gathering opportunities in this district through development projects on existing opportunity sites.*

The northern portion of the Site, the former bank property, is identified as an opportunity site in the Sector Plan. The Project will provide general improvements to the public realm around the Property, including providing elements of the Sector Plan recommended Central Green Loop and space for a privately owned, but publicly accessible, street-level plaza proximate to the Historic Tastee Diner. These elements will help create an attractive public realm and provide the opportunity for a community gathering space adjacent to the Historic Tastee Diner. Per the Sector Plan, this Property is also recommended to provide a public open space contribution in-lieu of onsite public open space to further assist in meeting the Sector Plan's vision for open spaces in downtown Silver Spring.

*Additional opportunity sites in this district include: 8615 Georgia Avenue, 8676 Georgia Avenue, 86008606 2nd Avenue, 1323 Fenwick Lane, and 1327 Fenwick Lane.*

The Sector Plan identifies 8676 Georgia Avenue, the former bank property, as an opportunity site. As previously noted, this Proposal assembles two properties to support the development, the aforementioned opportunity site and the neighboring Tastee Diner site.

v. *General Recommendations*

*Land Use and Zoning*

*Any CR property in the Plan Area may obtain additional density necessary to reach the mapped maximum building height by making a contribution to the Civic Improvement Fund (CIF). CIF contributions will be made only for density above the total mapped maximum density for the site, not achieved through density-averaging, or for providing MPDUs above the required minimum, up to the approved maximum height.*

The development proposal exceeds the mapped total FAR for the Property and requests to utilize 277,932 square feet of Downtown Silver Spring Overlay Zone Density to reach a maximum development density 550,000 square feet. A contribution to the Civic Improvement Fund (CIF) must be made for additional density requested above the mapped FAR for the Property that is otherwise not achieved through the provision of MPDUs above the required minimum. The final amount of the contribution to the Civic Improvement Fund will be determined through future site plan review, with the contribution to be made prior to the issuance of any building permits, as stipulated in Section 59.4.9.8.C.2.e of the Zoning Ordinance.

*For Optional Method development projects required to provide public open space on a site not recommended for a new public open space in the Sector Plan, the Plan requires contribution to a recommended park preferably in the same district, unless the Planning Board determines the public open space will significantly contribute to the public open space network proposed in this Sector Plan. Refer to Section 4.1.12. Implementation.*

This development proposal is made under the Optional Method of development for the CR zone and is required to provide ten percent of the site area (3,463 square feet) as public open space. However, the 2022 *Silver Spring Downtown and Adjacent Communities Plan* does not recommend new public open space for the Site. As such, the Proposal is required to provide a fee-in-lieu contribution with the total amount to be calculated with a future site plan

application, in accordance with Planning Board Master Plan Interpretation Policy M-NCPPC 24-01, dated October 26, 2023.

*Economic Growth*

*Promote new ground-floor retail to established retail nodes or corridors where there is already existing retail and significant pedestrian activity. For those locations that are not adjacent to or on a block with existing retail consider alternative strategies for activating the ground floor, such as an art gallery/venue, community meeting space, educational or medical use.*

The development proposal will provide new ground-floor retail uses in the core of Silver Spring, proximate to other existing retailers, service providers, and dining options. The ground floor program for the development includes an activating residential lobby feature. The Applicant is also developing concepts for adaptively reusing the Tastee Diner and incorporating that as an activating feature for the development and adjacent streetscape area. Details regarding these design elements will be further reviewed at the time of site plan.

*Housing*

*Require all Optional Method of Development projects to provide a minimum of 15 percent moderately priced dwelling units (MPDUs) or other DHCA-equivalent affordable housing.*

The Application is made under the Optional Method of development for the CR zone and provides 15 percent MPDUs.

*Provide a range of unit types for a diversity of households, including families, seniors, and persons with disabilities.*

The building program provides up to 525 multifamily residential units, to include a mix of studio, one-bedroom and two-bedroom units, with 15 percent MPDUs and five fully accessible (ANSI A117.1 Residential Type A standard or County equivalent) units.

*Increase infill housing opportunities in office buildings with high vacancy rates and other underused properties by setting commercial and residential densities the same in CR zones.*

In accordance with the Sector Plan recommendation, the density and height allowances of the CR zoning for the Property were increased from CR-5.0, C-4.0, R-4.75, H-145 to CR-5.0, C-5.0, R-5.0, H-300 to allow flexibility for future mixed-use redevelopment. The development concept leverages the opportunity to redevelop two underutilized, low-density, vacant, commercial properties with

surface parking, and replaces them with a single, mixed-use, high-density building with up to 525 multifamily residential units.

*Urban Design*

*Encourage innovative building form and allow flexibility in design. Vary tower heights, setbacks, and building materials.*

The building design includes a pedestrian-scaled base and tall, slender tower that steps down from a maximum height on its northside, proximate to Georgia Avenue to a lower elevation on its southside, proximate to Ramsey Avenue. The building celebrates its visual prominence proximate to the intersection of Georgia Avenue and Cameron Street by pulling its tower up from the street level to its full height here. A variety of building materials and architectural techniques are incorporated into the design. To maximize this building's contribution to the urban form of its neighborhood, at the time of site plan, the following building elements should be further developed: a signature tower cap proximate to Georgia Avenue, uniform screening treatment of structured parking levels, and visual softening of the loading and parking access area.

*Limit bulky towers and consider architectural features, building articulation, solar building orientation, and access to light and air.*

A variety of architectural techniques are integrated into the building design to reduce its perceived massing and make it relatable at the pedestrian level. The building tower steps-in from its base, and is tall, slender, and accentuated by plane changes and step down in height. A sun/shade study was included with the Application that demonstrates the building orientation will allow many units to receive ample solar exposure and that despite the height of the proposed building, it will not cast shadows on the adjacent townhome community.

*Implement noise mitigation strategies for new development to comply with the county's noise ordinance.*

A preliminary noise study reviewed traffic noise levels for the Site's Georgia Avenue frontage only. The results of this study recommended that acoustically rated windows and doors may be needed on residential units on this façade to abate the impacts of road noise.

As part of this approval, a condition is included for the noise study to be updated at the time of site plan review, to include traffic noise analysis on the development associated with Cameron Street. As such, additional evaluation of noise impacts is required to be completed at the time of site plan review.

*Public Realm*

*Implement the Green Loop concept on the streets indicated in Section 2.2.*

The Application provides Central Green Loop features including protected bicycle lanes, wide sidewalks, and street trees along the portion of Cameron Street adjacent to the Subject Property.

*Activate spaces with placemaking efforts, including public art and programming, that celebrate and highlight the diverse cultures of downtown Silver Spring.*

The Historic Tastee Diner is a local landmark and a historically significant building that is to be preserved, adaptively reused, and celebrated through its prominent placement adjacent to the intersection of Cameron Street and Ramsey Avenue as part of this development proposal.

*Transportation & Pedestrian Network*

*Expand connectivity within and between the districts by crossing the rail tracks, implementing the Green Loop, and advancing the 2018 Bicycle Master Plan.*

The Application will implement elements of the Central Green Loop, including separated bicycle lanes on the north and south of side Cameron Street on the same block as the Site.

*Enhance roadway accommodation for all users and eliminate conflict points.*

The Project will enhance the safety of roadways and sidewalks around the Property by contributing to the realization of the Central Green Loop. Consolidated Site access and loading operations are on Ramsey Avenue, where the lowest pedestrian and vehicular activity is expected and where the fewest vehicular and pedestrian conflict points will exist.

*Upgrade all intersections with high-visibility continental crosswalk markings for all pedestrian approaches.*

Two crosswalks at the intersection of Cameron Street and Ramsey Avenue, and all four crosswalks at the intersection of Georgia Avenue and Cameron Street will be upgraded with continental-style markings. Bicycle lane driveway and street crossings will also include appropriate pavement markings as appropriate.

*Maximize safety by increasing and improving the quality of pedestrian-scale lighting provided along roadways, walkways, bicycle facilities, crosswalks, and pedestrian underpasses.*

The Application shows street lighting on Property frontages in general conformance with expectations for an urban infill site. An exterior lighting and photometric plan will be reviewed with a future site plan application.

*Ensure that every public right-of-way within the Sector Plan area will be ADA accessible. This applies to public sidewalks, trails, and street crossings.*

The Proposal provides new sidewalks, designed to current standards all on frontages. These sidewalks will be ADA accessible.

*Create one-way, separated bike lanes on both sides of Cameron Street between Spring Street and 2nd Avenue.*

This Application will provide for one-way, separated bike lanes, one on each side of Cameron Street, on the block bound by Cameron Street's intersections with Georgia Avenue and Ramsey Avenue.

#### Parking and Loading

*Promote a constrained parking policy appropriate for an urban area that is well-served by transit and is easily traversed on foot or by bicycle. The Plan supports redevelopment projects providing less than the required minimum parking for all areas of the plan.*

The Application will provide 340 vehicle parking spaces which is more than the minimum (333 spaces) and fewer than the maximum (831 spaces) number of allowable parking spaces. Of those 340 spaces, 263 will be reserved for the residents and 77 will be available for the retail use. The Applicant is encouraged to provide fewer than the minimum number of parking spaces given the Sector Plan's recommendation and the Site's proximity to the Paul S. Sarbanes Transit Center (~0.3 miles) and its multiple public rail and bus transportation opportunities. The final number of parking spaces will be determined at the time of site plan review.

#### Urban Heat Islands and Tree Canopy

*Prioritize urban tree canopy and green infrastructure in targeting the hottest streets and where tree canopy is deficient.*

Right-of-Way Priority Planting Areas for reducing urban heat island impacts are identified on Map 27 on page 168 of the Sector Plan. The Property is located in



an area identified as having a high heat island temperature. The Property's frontages on Ramsey Avenue, Cameron Street and Georgia Avenue are identified as priority tree planting areas. The Proposal includes new street trees in each frontage area, generally spaced at 30-foot intervals. Details will be further developed with a future site plan application.

*Require a minimum of 35 percent green cover on Optional Method Development projects where practicable and consistent with Plan objectives.*

As an Optional Method Development project, this development is required to provide at least 35 percent of the Site area as green cover. The Project will meet this requirement by providing an intensive green roof on at least 35 percent of the building's roof area. Details regarding green cover are to be further developed at the time of site plan review.

#### Historic Resources

*Protect and preserve resources listed in the Master Plan for Historic Preservation.*

The development will protect, preserve, restore and adaptively reuse the Historic Tastee Diner, a designated historic structured listed on Master Plan for Historic Preservation in Montgomery County (MP Historic Site No. 36/13). The designated historic portion of the Tastee Diner consists of an approximately 800 square-foot structure with an exterior surface of porcelain enamel with wraparound bands of trim and stainless-steel detailing. The Historic Preservation Commission completed two Preliminary Consultations regarding integration of the Diner into the larger redevelopment of the Site. The general treatment for the Diner and shift in its existing location were supported by the Historic Preservation Commission as noted in their letter of support for the Sketch Plan, attached to the Staff Report.

Additionally, the Historic Tastee Diner is also the subject of an Historic Easement Agreement that is focused on preserving the historic, aesthetic, and cultural character and appearance of the Diner. Work performed under this Agreement will be subject to further review and recommendations from the Historic Preservation Supervisor, County Attorney's Office, and approval by the County Executive.

*Promote the adaptive reuse of historic properties while retaining their character defining features.*

The Project includes the adaptive reuse of the Historic Tastee Diner and preservation of exterior character. The Historic Preservation Commission is

supportive of the design concept and will be involved in future review efforts as detailed designs are developed.

*b) Environment*

The Proposal provides environmental benefits in conformance with the *Silver Spring Downtown and Adjacent Communities Plan* and associated Design Guidelines. The development has received stormwater management concept plan approval from the Department of Permitting Services, will provide 35 percent green cover on the Site, contribute to the realization of the Central Green Loop along a portion of Cameron Street, including the provision of new street trees, provide a recycling facility plan, and incorporate bird-safe design into the building design.

*c) Transportation*

The Site has frontages on three master-planned roadways. Georgia Avenue is classified as a Downtown Boulevard with a minimum right-of-way of 126 feet. Cameron Street classified as a Downtown Street with a minimum right-of-way of 75 feet. The Sector Plan envisions one-way separated bike lanes on either side of the street, with on-street parking along the south side. Ramsey Avenue is classified as a Downtown Street with a minimum right-of-way of 54 feet. The Application demonstrates conformance with the Sector Plan by dedicating the necessary right-of-way, and construction of the separated bike lanes on Cameron Street.

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

*a) Roads and other Transportation Facilities*

*i. Existing Facilities:*

Georgia Avenue has a dedicated right-of-way of 100 feet. The streetscape along the Site frontage includes a five-foot wide street buffer and a five-foot-wide sidewalk. Cameron Street has a dedicated right-of-way of 70 feet. There are striped, separated bike lanes and intermittent on-street parking on both sides of the street. Sidewalks vary in width from 15-20 feet, with no discernable street buffer. A bus stop (flag style, no shelter) for the Vango Silver Spring Circulator is located on the south side of Cameron Street between Georgia Avenue and Ramsey Avenue. Ramsey Avenue has a dedicated right-of-way of 54 feet. The sidewalk is five feet wide with a five-foot-wide street buffer and on-street parking on the east (Site) side.

ii. *Proposed public transportation infrastructure:*

As conditioned, the Applicant will dedicate right-of-way along its frontages on Georgia Avenue and Cameron Street. Ramsey Avenue has sufficient right-of-way dedicated today. Sidewalks will be improved along all three frontages. Georgia Avenue will have an eight-foot-wide street buffer, a ten-and-one-half-foot sidewalk and five-foot-wide frontage zone. The Applicant will reconstruct Cameron Street to comply with the cross section included in the Sector Plan. This consists of an eight-foot-wide sidewalk, a six-foot wide pedestrian and bicycle buffer, a five-foot-wide, one-way separated bike lane (eastbound direction) and an eight-foot-wide parking lane/floating bus stop (with new bus shelter) along the Site frontage. The Applicant will also be constructing the five-foot-wide street buffer, five-foot-wide, one-way separated bike lane (westbound direction) and six-foot-wide pedestrian/bicycle buffer on the opposite side of the street. Ramsey Avenue will be improved with a six-and-one-half-foot-wide street buffer, and eight-foot-wide sidewalk, and five-foot-wide frontage zone. The two on-street parking spaces will be removed.

iii. *Proposed private transportation infrastructure:*

No private roadways or trails are proposed with this Application.

b) *Local Area Transportation Review (LATR)*

As a development with up to 525 multi-family dwelling units and up to 25,000 square feet of retail/service establishment uses, the Project is estimated to generate 280 total peak hour person trips in the morning and 446 total peak hour person trips in the evening. After accounting for peak hour person trips currently associated with the existing drive-in bank and diner on the Site, (122 morning peak hour person trips and 148 evening peak hour person trips), the Project is estimated to generate 158 net new morning peak hour person trips and 298 net new evening peak hour person trips. As a result of the estimated transportation impact, the Project was required to submit a Transportation Impact Study with the Preliminary Plan to satisfy the Local Area Transportation Review (LATR).

*8676 Georgia Avenue Estimated Person Trip Generation*

<b>Land Use</b>	<b>Morning Peak Hour</b>	<b>Evening Peak Hour</b>
<b>Existing (credit)</b>		
2,870 SF Drive-in Bank	29	60
7,074 SF High-turnover restaurant (“diner”)	93	88
<b>Subtotal</b>	122	148
<b>Proposed</b>		
525 High-rise multi-family units	221	263
25,000 SF Supermarket <sup>2</sup>	59	183
<b>Subtotal</b>	280	446
<b>Net New Person Trips</b>	158	298

Source: Transportation Impact study by Grove Slade dated June 2, 2023, revised May 14, 2024, amended by Planning Staff

Travel Mode Adequacy Test

The 2020-2024 *Growth and Infrastructure Policy* requires evaluation of all transportation modes, including: auto-drive, transit, walking and biking. Mode-specific adequacy tests are required for any project estimated to generate 50 or more net new peak hour person trips. The only exception is that projects within Red Policy Areas (such as the Subject Site) are not required to evaluate motor vehicle adequacy. The adequacy tests for transit, pedestrians, and bicyclists are still required. The mode split of the total person trips for the Project are summarized by travel mode in the table below. The Project’s estimated transportation impact necessitates that the Transportation Impact Study evaluate three (3) of the four (4) travel mode adequacy tests.

*8676 Georgia Avenue Trip Estimate by Mode*

	Total Person-Trips	Auto-Driver	Transit	Pedestrian <sup>3</sup>	Bicycle
Morning Peak Hour	280	136	42	95	53
Evening Peak Hour	446	209	74	164	90

Source: Transportation Impact study by Gorove Slade dated June 2, 2023, revised May 14, 2024, amended by staff

<sup>2</sup> The “supermarket” use was applied as a conservative measure as it generates a higher trip generation rate than generic retail use.

<sup>3</sup> Pedestrian trips are calculated by adding non-motorized and transit trips.

- As the Site is located within a Red Policy area, a motor vehicle adequacy test is not required for the Project.
- Transit system adequacy was evaluated by inventorying three bus stops located within 1,300 feet of the Property. Where shelters and associated amenities are not provided, the Applicant must install the standard amenities in coordination with MCDOT.
- Pedestrian system adequacy was evaluated within 900 feet of the Property. Mitigation will be required to achieve a Pedestrian Level of Comfort (PLOC) greater than 2 (Somewhat Comfortable), and/or deficiencies identified for streetlamps within the scoped boundary. The Pedestrian system adequacy also requires mitigation for ADA deficiencies identified within 450 feet of the Property.
- Bicycle system adequacy was evaluated by analyzing bikeways within 750 feet of the Property. Mitigation will be required to achieve a Level of Traffic Stress 2 (LTS-2) or lower, consistent with the Bicycle Master Plan.

Under Section 8 of 2023 *Local Area Transportation Review Guidelines* (LATR Proportionality Guide), the maximum cost of mitigation improvements the Applicant is required to construct or fund for a project consisting of 525 residential units and 25,000 square feet of retail uses is not to exceed \$3,395,893 (see calculation below).

$$\begin{aligned} \text{LATR Proportionality Guide} &= (\text{Extent of Development}) (\text{LATR Proportionality} \\ &\quad \text{Guide Rate}) (\text{LATR Proportionality Guide Adjustment Factor}) \\ \$3,395,893 &= ((525 \text{ units}) (\$9,168)) + ((25,000 \text{ square feet retail}) (\$16.45)) \end{aligned}$$

For this Preliminary Plan, the cost of construction and/or mitigation payments for mitigation projects is not to exceed \$3,395,893. After evaluating the adequacy of each of the required transportation modes, the Applicant identified a comprehensive list of deficiencies, by which a prioritized list of mitigation improvements was submitted to Staff for review. In compliance with the 2023 LATR Guidelines, the final list of 11 prioritized projects was finalized by the reviewing agencies and are now conditioned for approval of the Preliminary Plan. The table below identifies those projects which could be feasibly constructed.

*8676 Georgia Avenue LATR Mitigation Project List*

Map ID	Project Location	Project Description	Construct/ Mitigation Payment	Project Cost
14, 15	South crossing of Georgia Avenue at Colesville Road	Install a median	Construct	\$461,478.21
95	South crossing Georgia Avenue at Fenwick Lane	Install a HAWK signal	Construct	\$230,871.35
25, 26	Southeast corner of Ramsey Avenue and Fidler Lane (facing Ramsey Avenue and Fidler Lane)	Rebuild ADA curb ramp with a cross slope of less than two percent and flared side slope less than eight and one third percent	Construct	\$104,257.96
42	Northeast Corner of Georgia Avenue and Cameron Street	Rebuild ADA curb ramp with a gutter slope of less than five percent	Construct	\$29,596.22
43, 44	Northwest corner of Georgia Avenue and Cameron Street (facing Cameron Street and facing Georgia Avenue)	Rebuild ADA curb ramp with a gutter slope of less than five percent	Construct	\$30,366.79
45, 46	Northwest Corner of Georgia Avenue and Fidler Lane (facing Fidler Lane) and Southwest corner of Georgia Avenue and Fidler Lane (facing Fidler Lane)	45: Rebuild ADA curb ramp with a gutter slope of less than five percent 46: Rebuild ADA curb ramp with a cross slope of less than two percent	Construct	\$29, 696.68
47	Northeast Corner of Georgia Avenue and Colesville Road	Rebuild ADA curb ramp with a cross slope of less than two percent and a running slope less than eight and one third percent	Construct	\$37,655.72
48, 49	Southeast corner of Georgia Avenue and Colesville Road (facing Colesville Road and facing Georgia Avenue)	48: Rebuild ADA curb ramp with a gutter slope less than five percent and a flared side slope less than eight and one-third percent 49: Rebuild the ADA curb ramp with a cross	Construct	\$35,178.31

Map ID	Project Location	Project Description	Construct/ Mitigation Payment	Project Cost
		slope less than two percent and a gutter slope less than five percent		
99	Fidler Lane between Georgia Avenue and Ramsey Avenue	Install an ADA accessible parking space	Construct	\$12,019.13
63	Cameron Street between Ramsey Avenue and Fenton Street.	Construct separated bicycle lanes	Construct	\$494,292.78
P1	Intersection Cameron Street and Ramsey Avenue	Construct a protected intersection	Construct	\$70,428.28
P2	Intersection of Cameron Street and Georgia Avenue	Construct a protected intersection	Construct	\$791,615.01
P3	Intersection of Cameron Street and Second Avenue	Construct a protected intersection	Construct	\$553,964.12
			Project Subtotal	\$2,881,420.55
			Permitting	\$372,896.12
			Bonding	\$117,677.58
			Construction Subtotal	\$3,371,994.25
			Mitigation Payment Subtotal	\$0 <sup>1</sup>
			MPDU Credit <sup>1</sup>	\$0 <sup>1</sup>
			Adjusted Mitigation Payment Subtotal	\$0
			<b>Total</b>	\$3,371,994.25
			Proportionality Guide	\$3,395,893.00

<sup>1</sup> Consistent with Section TA4 of the 2020-2024 *Growth and Infrastructure Policy*, any mitigation payment will be reduced proportionally based on the share of the project’s LATR Proportionality Guide that is generated by MPDUs. None of the proposed mitigation projects are offered as fee in lieu, therefore there is no proposed payment and no proposed MPDU credit.

Situations may arise in which an applicant proposes to replace a conditioned improvement for another improvement on the list of mitigation projects identified in the staff report. In these instances, the replacement project must be of similar cost to the conditioned project, as estimated in the staff report and adjusted for inflation. If the conditioned improvement has been made obsolete because it has been constructed or is under construction or because of a change to master plan recommendation, the Applicant can propose an alternative mitigation project from the list of improvements identified in the table below that is of similar value and this alternative improvement, if reviewed and approved by Planning Staff, can be substituted, and shown on a

revised Certified Preliminary Plan. For all other reasons, an amendment to the preliminary plan is required.

*8676 Georgia Avenue LATR Mitigation Backup Project List*

Map ID	Project Location	Project Description	Construct/ Mitigation Payment	Project Cost
21*, 22*, 23*	Northeast corner of Ramsey Avenue and Cameron Street (facing Cameron Street), Northwest corner of Ramsey Avenue and Cameron Street (facing driveway), Southwest corner of Ramsey Avenue and Cameron Street facing Ramsey Avenue	21: Rebuild ADA curb ramp with a cross slope less than 2 percent  22: Remove level change, add truncated domes, rebuild the ADA curb ramp with gutter slope  23: Rebuild ADA curb ramp with flared side slopes less than eight and one third percent	Construct	\$42,088.26
38*, 39*	Southwest corner of Georgia Avenue and Fenwick Lane (facing Fenwick Lane), Northwest corner of Georgia Avenue and Fenwick Lane (facing Fenwick Lane)	38: Rebuild ADA curb ramp with gutter slope less than five percent, and flared side slope less than eight and one third percent  39: Rebuild ADA curb ramp with cross slope less than two percent	Construct	\$27,667.52
50*	Southwest corner of Georgia Avenue and Colesville Road	Rebuild ADA curb ramp flared side slope less than eight and one third percent	Construct	\$24,667.52
52*, 53*, 54*	Northeast corner of Colesville Road and Ramsey Avenue facing Colesville Road, facing Ramsey Avenue, northwest corner of Colesville Road and Ramsey Avenue facing Ramsey Avenue	52: Rebuild ADA curb ramp with truncated domes, a running slope of less than eight and one third percent, a cross slope less than two percent, a gutter slope less than five percent and a flared side slope with less than eight and one third percent  53: Rebuild ADA curb ramp with truncated domes, a running slope of less than eight and one third percent, and flared side slope with	Construct	\$33,425.54



Map ID	Project Location	Project Description	Construct/ Mitigation Payment	Project Cost
		less than eight and one third percent  54: Rebuild ADA curb ramp with truncated domes, cross slope of less than two percent, and flared side slope with less than eight and one third percent		
79	Colesville Rd & Georgia Ave – Bus Stop Location 2001140	Install bus shelter and real time information display	Construct	\$76,581.28
86*	Georgia Ave & Cameron St - Bus Stop Location 2000204	Install bus shelter and real time information display	Construct	\$76,581.28
89*	2nd Ave & Fenwick Ln - Bus Stop Location 25816	Install bus shelter and real time information display	Construct	\$49,787.50
98	Ramsey Avenue & Cameron Hill Court (east-west, south side)	Raise sidewalk to street level, extend sidewalk across alley entrance	Construct	\$101,455.35

\*Indicates that the project is a priority project that should be considered first when substituting projects that are conditioned for approval.

As conditioned, all off-site mitigation projects must be permitted, bonded for construction, and all mitigation payments must be paid before the issuance of the first use and occupancy permit. Montgomery County Planning, MCDOT staff reviewed the TIS and approved the mitigation project list. Therefore, the Applicant has satisfied the requirements of the LATR, and the public transportation facilities are adequate for the Site.

*c) Schools*

The FY25 Annual School Test, approved by the Planning Board on June 20, 2024 and effective July 1, 2024, is applicable to this Application. The 525 multifamily high-rise units will be served by Woodlin Elementary School, Sligo Middle School, and Albert Einstein High School. The FY25 Annual School Test results show student enrollment and capacity projections for these schools in the tables below.

*FY2025 Annual School Test Projections (2028-2029 School Year)*

	<b>Program Capacity</b>	<b>Enrollment</b>	<b>%Utilization</b>	<b>Surplus/ Deficit</b>
Woodlin ES	640	602	94.1%	+38
Sligo MS	958	782	81.6%	+176
Albert Einstein HS <sup>4</sup>	1,602	1,515	94.6%	+87

*FY2025 School Test Results*

	<b>Adequacy Status</b>	<b>Tier 1 Adequacy Ceiling</b>	<b>Tier 2 Adequacy Ceiling</b>	<b>Tier 3 Adequacy Ceiling</b>
Woodlin ES	No UPP	123	166	262
Sligo MS	No UPP	302	368	512
Albert Einstein HS	No UPP	267	408	648

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school’s adequacy status and ceilings, as determined in the Annual School Test. Under the FY25 Annual School Test, Woodlin Elementary School, Sligo Middle School, and Albert Einstein High School do not require any UPP as identified in the table above. If the project is estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required.

To calculate the number of students generated by this development, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

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<sup>4</sup> Projected enrollment is modified to estimate the impact of the Charles W. Woodward High School Reopening (CIP P651908) and the Northwood HS Addition/Facility Upgrades (CIP P651907), reflecting the scope of the boundary study approved by the Board of Education on March 28, 2023.

With a net of 525 multifamily high-rise units that are not age-restricted, the Project is estimated to generate the following number of students based on the Property’s location within an Infill Impact Area:

*Estimated Student Enrollment Impacts*

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
SF Detached	0	0.202	0.000	0.096	0.000	0.141	0.000
SF Attached	0	0.161	0.000	0.087	0.000	0.126	0.000
MF Low-rise	0	0.065	0.000	0.030	0.000	0.040	0.000
MF High-rise	525	0.039	20.475	0.016	8.400	0.018	9.450
<b>TOTALS</b>	<b>525</b>		<b>20</b>		<b>8</b>		<b>9</b>

As shown in the table above, on average, this Project is estimated to generate 20 elementary school students, eight middle school students and nine high school students. The estimated number of students generated do not exceed the adequacy ceilings identified for each school. Therefore, no additional UPPs are required, and neither are partial payments across multiple UPP tiers.

*d) Other Public Facilities and Services*

Other utilities, public facilities, and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

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

A Forest Conservation Exemption, designated as NRI/FSD No. 42023137E, was confirmed for the Property on May 02, 2023. Thus, this Application is subject to Chapter 22A Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) as the activity is occurring on a tract of land

less than 1.5 acres with no existing forest, no specimen or champion trees, and the afforestation requirements would not exceed 10,000 square feet. Accordingly, Chapter 22 A is satisfied.

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

The Department of Permitting Services approved a Stormwater Management Concept on April 8, 2024. The plan will meet required stormwater management goals via green roof and planter boxes. As stipulated in their letter, DPS is requiring further revision of the Stormwater Management Concept prior to site plan approval. As conditioned, Chapter 19 is satisfied.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

**July 26, 2024**

(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 consistent with the Maryland Rules for the judicial review of administrative agency decisions.

\* \* \* \* \*

**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 Hedrick, seconded by Commissioner Linden, with a vote of **3-0-1**; Chair Harris, and Commissioners Hedrick, and Linden, voting in favor of the motion, Commissioner Bartley abstaining, and Vice Chair Pedoeem necessarily absent, at its regular meeting held on Thursday, July 25, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair  
Montgomery County Planning Board