

Action

MEMORANDUM

September 14, 2018

TO: County Council  
-JCA

FROM: Jean Arthur, Legislative Analyst

SUBJECT: **Resolution to approve the following abandonment:  
AB761, portion of Planning Place  
Woodside Park Subdivision  
Silver Spring, 13<sup>th</sup> Election District**

PURPOSE: Approve abandonment of a portion of Planning Place in Silver Spring.  
The abandonment will facilitate redevelopment of 8787 Georgia Avenue

SC/BA Silver Spring Apartments, LLC, through its attorney Lerch Early & Brewer submitted a request dated September 20, 2017 to abandon a portion of the right-of-way for Planning Place in the Woodside Park Subdivision, Silver Spring. The property is 1,743 square feet and is bounded by Planning Place and Public Parking Garage No. 2 to the south, Georgia Avenue to the west and Spring Street to the north and east. The property is owned by M-NCPPC. This abandonment will facilitate redevelopment of the current Montgomery County Park and Planning headquarters at 8787 Georgia Avenue.

As is customary, this matter is going directly to the full Council because there is no controversy and no party has raised objections to the abandonment.

The County Executive's designee held a public hearing on January 23, 2018. Prior to the hearing, the County's Department of Transportation requested comments from the public, government agencies and public utility companies with the following results.

- Verizon, Washington Suburban Sanitary Commission, PEPCO and Montgomery County Police Department did not respond and therefore, we presume that neither has an objection.
- Washington Gas and the Montgomery County Fire Marshal voiced no objections.
- The Montgomery County Planning Board staff recommended approval.

- The Montgomery County Department of Transportation recommended approval of the abandonment with the following condition:
  - The Applicant must dedicate a portion of Planning Place as shown in the attached drawing by Bohler Engineering for public use to maintain pedestrian connectivity along Planning Place at Georgia Avenue (MD 97). See circle 1.
- The County Executive recommends approval of the proposed amendments.

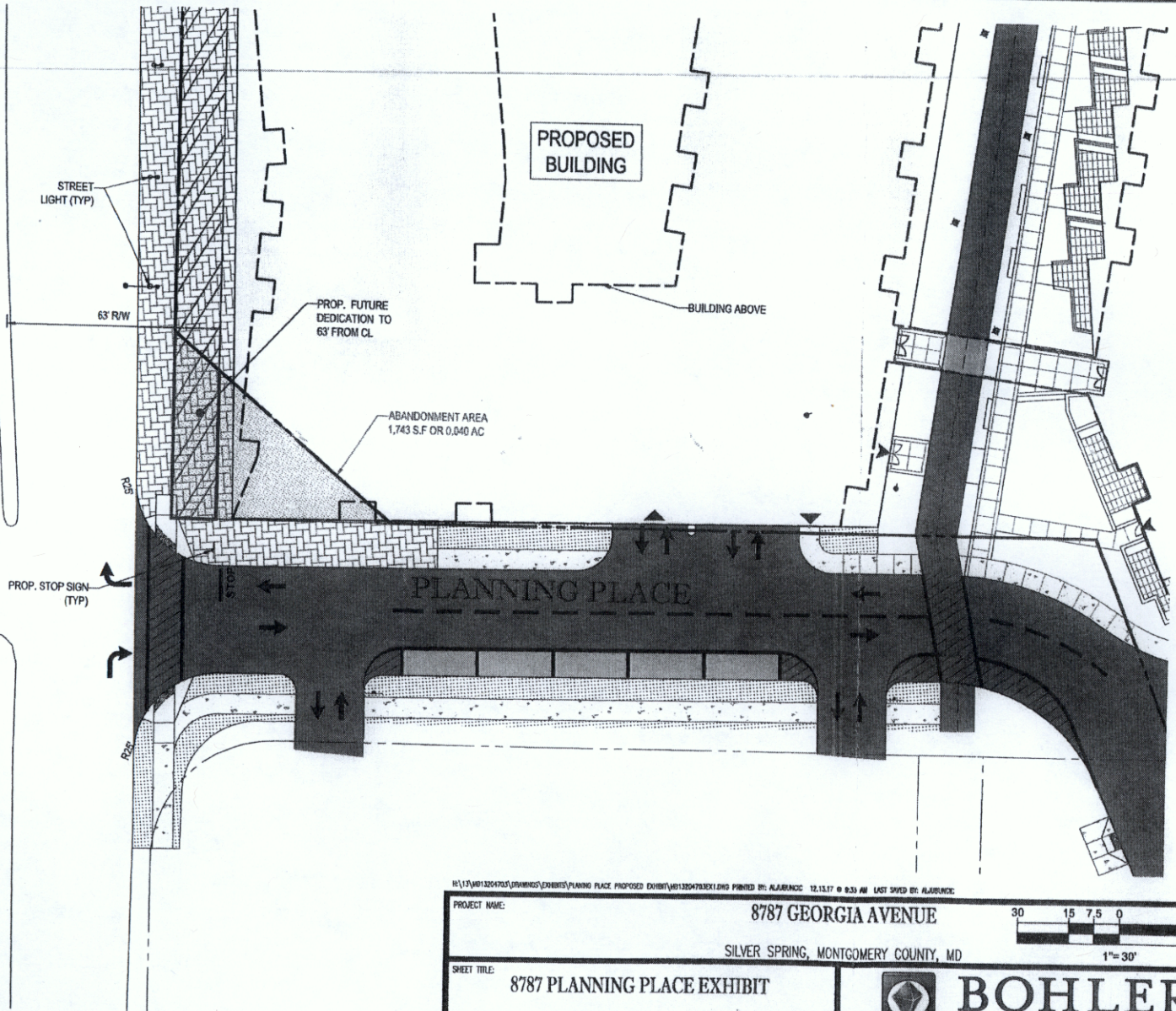
The hearing examiner recommends the abandonment of the right-of-way subject to the condition that a portion of Planning Place be dedicated for public use to facilitate pedestrian access.

**This packet contains the following:**

Drawing by Bohler Engineering of area to be dedicated for public use	<u>©</u> 1
Draft Resolution AB761	2
County Executive's Transmittal Memorandum	5
Letter requesting the abandonment from Lerch Early & Brewer	6
Executive Order No. 181-17, Effective Date 11/27/17	15
Public Hearing Officer's report	16
Map noting locations of areas to be abandoned and map AB761	21

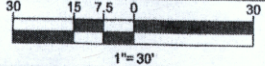


GEORGIA AVENUE-MD RTE. 97



H:\13\MB13204703\DRAWINGS\EXHIBIT\PLANNING PLACE PROPOSED EXHIBIT\MB13204703K1.DWG PRINTED BY: ALJARRANC 12.13.17 @ 8:33 AM LAST SAVED BY: ALJARRANC

PROJECT NAME: 8787 GEORGIA AVENUE  
SILVER SPRING, MONTGOMERY COUNTY, MD



SHEET TITLE: 8787 PLANNING PLACE EXHIBIT



**BOHLER**  
ENGINEERING

16701 MELFORD BLVD., SUITE 310 BOWIE, MD 20715  
PHONE: (301) 609-4300 FAX: (301) 609-4301

SCALE: 1"=30' DATE: 11/30/17 CAD ID: EX1 PROJECT NUMBER: MB13204703

1

Resolution No: \_\_\_\_\_

Introduced: \_\_\_\_\_

Adopted: \_\_\_\_\_

**COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND**

---

By County Council

---

**SUBJECT:** DOT Docket Nos. AB761  
Abandonment – Planning Place  
Woodside Park Subdivision, Silver Spring

**Background**

1. By letter dated September 20, 2017 from Lerch Early & Brewer on behalf of its client, SC/BA Silver Spring Apartments, LLC (the “Applicant”), the Applicant requested that the County abandon a portion of the right-of-way for Planning Place in the Woodside Park Subdivision in Silver Spring. The portion of the right-of-way for which abandonment is sought consists of 1,743 square feet as shown on the drawing by Bohler Engineering. It adjoins property under contract to the Applicant.
2. A Public Hearing to consider the abandonment proposal was held on January 23, 2018 by the designee of the County Executive.
3. Verizon did not respond within 60 days and therefore, concurrence is presumed.
4. Washington Suburban Sanitary Commission did not respond within 60 days and therefore, concurrence is presumed.
5. Washington Gas expressed no issues.
6. PEPCO did not respond within 60 days and therefore, concurrence is presumed.
7. The Montgomery County Police Department did not respond within 60 days and therefore, concurrence is presumed.
8. The Montgomery County Fire Marshal voiced no objection.
9. The Montgomery County Planning Board staff recommended approval.
10. The Department of Transportation (DOT) recommended approval with the following conditions: the Applicant must dedicate a portion of Planning Place as shown in an attached drawing by Bohler Engineering for public use to maintain pedestrian connectivity along Planning Place at Georgia Avenue (MD 97).

11. The County Executive recommends approval of the proposed abandonments.

**Action**

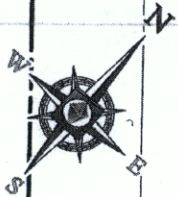
The County Council for Montgomery County, Maryland, finds that the subject portion of the Planning Place right-of-way is no longer necessary for public use and pursuant to Section 49-63 of the Montgomery County Code, approves the abandonment subject to the following conditions which must be satisfied at Applicant's sole cost and expense prior to the abandonment becoming effective:

1. Applicant must dedicate a portion of Planning Place as shown in the attached drawing by Bohler Engineering for public use to maintain pedestrian connectivity along Planning Place at Georgia Avenue; and
2. Applicant must file a new record plat incorporating the former right-of-way and showing the new dedication;
3. The County Attorney must record among the Land Records of Montgomery County, Maryland, a copy of this Resolution approving the abandonment of the subject area.
4. Any person aggrieved by the action of the Council for the abandonments may appeal to the Circuit Court within 30 days after the date such action is taken by Council.

This is a correct copy of Council Action.

---

Megan Davey Limerzi, Esq.  
Clerk of the Council



GEORGIA AVENUE-MD RTE. 97

STREET LIGHT (TYP)

63' RW

PROP. FUTURE DEDICATION TO 63' FROM CL

ABANDONMENT AREA  
1,743 S.F. OR 0.040 AC

PROPOSED BUILDING

BUILDING ABOVE

PROP. STOP SIGN (TYP)

PLANNING PLACE

H:\15\MB13204703\DRAWINGS\EXHIBITS\PLANNING PLACE PROPOSED EXHIBIT\MB13204703\1.DWG PRINTED BY: ALABIANCO 12.13.17 @ 9:33 AM LAST SAVED BY: ALABIANCO

PROJECT NAME:

8787 GEORGIA AVENUE

SILVER SPRING, MONTGOMERY COUNTY, MD

SHEET TITLE:

8787 PLANNING PLACE EXHIBIT

SCALE:

1"=30'

DATE:

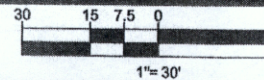
11/30/17

CD ID:

EX1

PROJECT NUMBER:

MB13204703



**BOHLER**  
ENGINEERING

16701 MELFORD BLVD., SUITE 310 BOWIE, MD 20716  
PHONE: (301) 809-4500 FAX: (301) 809-4501

TRAN



JCA  
CC  
MH  
ML

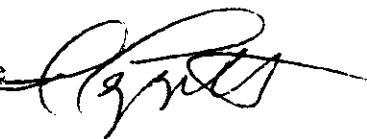
OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

MEMORANDUM

August 30, 2018

TO: Hans Riemer, President  
Montgomery County Council

FROM: Isiah Leggett, County Executive  
Office of the County Executive 

SUBJECT: DOT Docket Nos. AB761 Abandonment of Portion of Planning Place,  
Woodside Park Subdivision, Silver Spring, 13<sup>th</sup> Election District

I am attaching for your consideration, a proposed Resolution by which the County Council might approve the abandonment of a portion of the Planning Place right-of-way at the intersection with Georgia Avenue (MD 97) in the Woodside Park Subdivision in Silver Spring. The following supporting materials are also attached to this memorandum:

1. County Council Resolution
2. Letter dated September 20, 2017 from Lerch Early & Brewer on behalf of its client, SC/BA Silver Spring Apartments, LLC (the "Applicant"), requesting the abandonment of a portion of Planning Place
3. Executive Order No. 181-17, Effective Date November 27, 2017, which authorized a Public Hearing to be held on 1/23/2018
4. A copy of the Hearing Examiner's Report and Recommendation
5. A location map and a drawing highlighting the area

IL:mc

Attachments

2018 AUG 30 PM 3:54  
RECEIVED  
MONTGOMERY COUNTY  
FRI AUG 31 11



**Robert R. Harris**  
301-841-3826  
[rrharris@lerchearly.com](mailto:rrharris@lerchearly.com)

**Elizabeth C. Rogers**  
301-841-3845  
[ecrogers@lerchearly.com](mailto:ecrogers@lerchearly.com)

September 20, 2017

VIA ELECTRONIC AND HAND DELIVERY

**RECEIVED**

SEP 21 2017

DIVISION OF  
TRANSPORTATION  
ENGINEERING

The Honorable Isiah Leggett  
County Executive  
c/o Mr. Michael S. Cassidy  
Department of Transportation  
Division of Transportation Engineering  
100 Edison Park Drive – 4<sup>th</sup> Floor  
Gaithersburg, MD 20878

Re: Abandonment of a Portion of Planning Place  
Silver Spring, Maryland

Dear Mr. Leggett:

We are writing on behalf of SC/BA Silver Spring Apartments, LLC (the "Applicant") to request abandonment of a portion of the Planning Place right-of-way in Silver Spring, Maryland, as more particularly shown on Exhibit "A". As discussed in detail below, the abandonment will improve pedestrian safety in the Silver Spring Central Business District ("CBD"), and will facilitate the redevelopment of the low-density commercial office building and large surface parking lot located at 8787 Georgia Avenue (the "Property") with a context sensitive, transit-oriented development. Importantly, consistent with the recommendations of the Maryland-National Capital Park and Planning Commission ("M-NCPPC") Staff, the proposed abandonment will allow the building to be constructed directly at the intersection of Planning Place and Georgia Avenue to enhance the prominence of this corner in the Silver Spring Central Business District ("CBD").

**Background**

The Property is bounded by Planning Place and Public Parking Garage No. 2 to the south, Georgia Avenue to the west, and Spring Street to the north and east. The Property is currently owned by the M-NCPPC and is operated as the M-NCPPC headquarters.



The Montgomery County Department of Transportation issued a Request for Qualifications and Request for Proposals for the relocation of the M-NCPPC headquarters to the Wheaton Central Business District and the subsequent redevelopment of the Property (the "RFQ/RFP"). The County selected the Applicant's proposal and awarded the Applicant the development contract.

In accordance with the County's goals, as expressed through the RFQ/RFP and the 2000 Approved and Adopted Silver Spring Central Business District Sector Plan (the "Sector Plan"), the Applicant is proposing to redevelop the Property with a mixed-use, predominately residential development. To that end, the Montgomery County Planning Board approved Sketch Plan No. 320170060 on July 24, 2017 for the redevelopment of the Property with a mixed-use project containing up to 413,821 total square feet, including up to 413,821 square feet of residential development and up to 50,000 square feet of non-residential uses (the "Project"). To accommodate the redevelopment, the Applicant is proposing to subdivide the Property into one lot and one private street parcel.

The northeast corner of the intersection of Planning Place and Georgia Avenue (the "Intersection"), which frames the Property to the south, was previously truncated in connection with a prior subdivision of the Property. The Intersection is currently configured to provide a channelized right-turn lane and has an exceptionally wide driveway apron. This condition is contrary to the County's goal of encouraging pedestrian activity within the CBD – the channelization favors vehicles and gives drivers a false sense of comfort, and the wide apron further increases the potential for pedestrian/vehicular conflicts. As such, the Applicant is seeking abandonment of the truncated portion of the right-of-way, to eliminate the channelized right-turn from this Intersection. M-NCPPC Staff supports this request.

In our conversations with M-NCPPC Staff, all have agreed that the abandonment of the truncated portion of Planning Place will improve vehicular circulation and pedestrian safety, and result in an improved building design at this prominent location. In fact, a condition of the Sketch Plan Resolution requires that, in connection with the future Preliminary Plan, the Applicant address the "[p]otential right-of-way abandonment within the area previously truncated at the intersection of Planning Place and Georgia Avenue."

Pursuant to Section 49-63 of the Montgomery County Code, a right-of-way may be abandoned if:

1. *The right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or*
2. *The abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed. In assessing health, safety, and welfare issues, the Council may consider:*

- a. *any adopted land use plan applicable to the neighborhood;*
- b. *safe and efficient pedestrian and vehicular traffic patterns and flows, together with alternatives, in the immediate neighborhood, for local and through traffic; and*
- c. *changes in fact and circumstances since the original dedication of the right-of-way.*

As explained more fully below, the proposed abandonment satisfies these requirements.

1. The abandonment is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned.

- a. *The abandonment promotes the goals and objectives of the Silver Spring Sector Plan.*

The right-of-way was originally dedicated in 1975 (see Plat No. 11049) and the Intersection was constructed many years ago, in connection with the existing use of the Property. The Property is currently underdeveloped. The auto-centric development pattern on-site is contrary to the County's vision for Silver Spring, which seeks to create a transit-oriented and pedestrian-friendly downtown. The proposed abandonment promotes these and other goals of the Sector Plan by facilitating the redevelopment of the Property with a mixed-use, predominately residential development that favors the pedestrian and encourages transit ridership. The Project will provide additional housing and retail uses in close proximity to transit, including the Silver Spring Metro and MARC station, various bus lines, and future Silver Spring Purple Line station. The Project will also improve connectivity – a re-imagined urban plaza provides a new and welcoming pedestrian and bicycle north-south axis through the site, between Planning Place and Spring Street; and the extension of Planning Place to Spring Street creates an east-west pedestrian and vehicular connection. Both of these provide important mid-block connections through what is otherwise a superblock, given the Property's large size. Furthermore, the abandonment will result in an enhanced building design – the abandonment will allow the proposed building to be pulled up to the Intersection. This location, along the street edge, will create a continuous building line and help define and activate the pedestrian environment. As a result, the abandonment will enhance the prominence of the Property's gateway location to the CBD, marking the transition between the residential neighborhood to the north and the CBD to the south, as recommended by the 2000 Approved and Adopted Silver Spring CBD Sector Plan (page 75).

- b. *The abandonment will improve pedestrian safety and vehicular circulation.*

The abandonment will improve safety for bicycles and pedestrians traveling along Georgia Avenue by reducing the width of the driveway apron – by shorting the distance that pedestrians

and bicyclists must cross, the abandonment will minimize the potential for pedestrian/vehicular conflicts. Additionally, if the abandonment is granted, the Intersection will be redesigned to eliminate the channelized right-turn lane. This will promote traffic calming measures and will put vehicles on notice that they are approaching a pedestrian realm. As such, the abandonment of this portion of the right-of-way will promote safer and more efficient pedestrian and vehicular circulation in the CBD.

Conversely, if the abandonment is not granted, the existing intersection design, which favors vehicles, will remain unchanged. This remnant of the auto-centric development of the past is in conflict with the County's goals of creating a more pedestrian friendly CBD.

- c. The abandonment is supported by the changes in fact and circumstances since the original dedication of the right-of-way.*

The Intersection, as currently constructed, is contrary to the County's vision for a "transit-oriented" and "pedestrian-friendly" downtown Silver Spring. The existing development on the Property and truncation of the Intersection predates the extension of Metrorail to Silver Spring – the wide driveway apron is a vestige from the past that was originally designed and constructed when single-occupant vehicles were the primary mode of transportation.

Given its location in close proximity to transit services, the Applicant is now seeking to redevelop the property with a mixed-use, transit oriented development. The proposed Project is reflective of the development pattern that has emerged in Silver Spring over the past several decades. The Project provides a context sensitive design that will improve the relationship between the CBD's more intensive uses and the residential properties that are located just outside the CBD boundary, while simultaneously responding to the transit oriented nature of its location and its function as a gateway entrance to the CBD. With the introduction of mass-transit and change in land use pattern in Silver Spring, it is clear that there has been a "change in fact and circumstance since the original dedication."

2. The right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future.

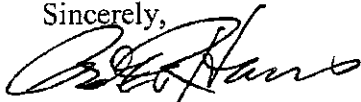
The right-of-way requested to be abandoned is no longer necessary for present or anticipated public use. Rather, the existing truncation is contrary to the County's goals for this Property and Silver Spring as a whole. The Intersection will continue to serve the surrounding community. However, the proposed redesign (with the elimination of the channelized right-turn lane and narrower driveway apron) will improve pedestrian safety and vehicular circulation at this prominent site.

Thus, for all the reasons discussed above, we respectfully request approval of the subject abandonment. Enclosed in support of this request are the following materials:

1. \$2,500 filing fee;
2. Partial Street Abandonment Exhibit depicting the area to be abandoned (Exhibit "A");
3. Metes and bounds description of the area to be abandoned (Exhibit "B"); and
4. List of adjoining and confronting property owners and HOA/Civic Associations (Exhibit "C").

Thank you for your consideration of this request.

Sincerely,



Robert R. Harris



Elizabeth C. Rogers

Enc.

cc: Alisa Rosenberg  
Matthew Folden  
Robert Kronenberg



GEORGIA AVENUE - MD RTE. 97  
VARIABLE WIDTH RIGHT-OF-WAY  
SRC NO. 8904

LOT 2 BLOCK C  
WOODSIDE PARK  
PLAT NO. 11049

LANDS OF  
THE MARYLAND-NATIONAL CAPITAL PARK  
AND PLANNING COMMISSION  
LIBER 2165 FOLIO 565  
TM: JN23 162

PARCEL D  
WOODSIDE PARK  
PLAT NO. 21574

LANDS OF  
THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION  
LIBER 16328 FOLIO 238  
TM: JP31 N972

PARTIAL ABANDONMENT  
OF PLANNING PLACE  
AREA: 1,743 S.F. OR 0.040 AC.

N39°59'36"W 180.27'

125.74'

54.53'

S89°31'39"E  
84.02'

63.92'

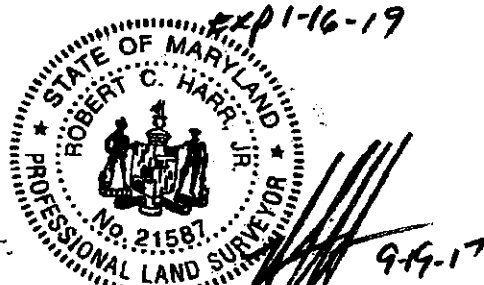
S50°00'16"W 270.09'

155.97'

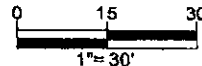
50.20'

N61°38'42"W  
81.80'

PLANNING PLACE  
60' WIDE RIGHT-OF-WAY  
PLAT NO. 5839 & PLAT NO. 21574



PARTIAL STREET  
ABANDONMENT EXHIBIT  
GEORGIA AVENUE AND PLANNING PLACE  
WHEATON (NO. 13) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1" = 30' DATE: 09/19/17



**BOHLER**  
ENGINEERING

22636 DAVIS DRIVE, SUITE 250  
STERLING, VIRGINIA 20164  
703.709.9500 - 703.709.9501 FAX  
[www.bohlerengineering.com](http://www.bohlerengineering.com)

11

METES AND BOUNDS DESCRIPTION

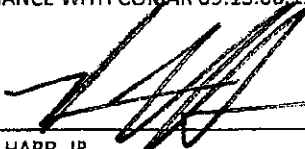
PART OF PLANNING PLACE  
60 FOOT WIDE RIGHT-OF-WAY  
WHEATON  
MONTGOMERY COUNTY, MARYLAND

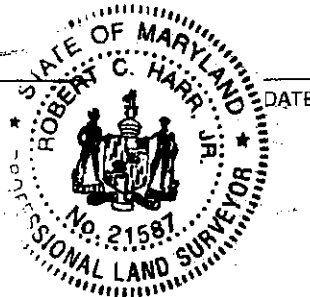
BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LIMITS OF GEORGIA AVE – MD RTE. 97 (VARIABLE WIDTH RIGHT-OF-WAY), WITH THE NORTHERLY RIGHT-OF-WAY LIMITS OF PLANNING PLACE (60 FOOT WIDE RIGHT-OF-WAY), THENCE WITH SAID NORTHERLY RIGHT-OF-WAY LIMITS;

1. SOUTH 89° 31'39" EAST, 84.02 FEET, THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LIMITS AND WITH A LINE THROUGH SAID PLANNING PLACE, THE FOLLOWING TWO COURSES AND DISTANCES;
2. SOUTH 50° 00'16" WEST, 63.92 FEET, THENCE;
3. CONTINUING, NORTH 39° 59'36" WEST, 54.53 FEET, TO THE PLACE OF BEGINNING.

CONTAINING 1,743 SQUARE FEET OR 0.040 ACRES

I HEREBY CERTIFY THAT THE METES AND BOUNDS DESCRIPTION HEREIN WAS PREPARED BY ME PERSONALLY OR UNDER MY DIRECTION AND THAT THIS DESCRIPTION AND ANY SURVEY WORK REFLECTED HEREIN WAS PREPARED IN COMPLIANCE WITH COMAR 09.13.06.12.

  
ROBERT C. HARR, JR.  
STATE OF MARYLAND  
PROFESSIONAL LAND SURVEYOR NO. 21587  
EXPIRATION DATE JANUARY 16, 2019



Property: Block C, Lot 2, Parcel D, N972  
 Area (approx.): 3.23 ac  
 Tax Map: JN 23  
 Owners: MNCPPC

8787 Georgia Avenue  
 Right-of-way Abandonment - Notice List

Adjoining/Confronting Property Owner	Organization	Mailing Address	City	State	Zip	Block	Lot/Parcel	Tax Account Number
1 Georgian Investors LLC		549 Madison Ave., Ste. 32A	New York	NY	10022	1	Lots P1, Pt 7-5, Pt 10-13, Pt 19-21	13-01089405
2 1300 Spring Street LLC		3299 K St. NW, Ste. 700	Washington	DC	20007	1	Par. A	13-01090825
3 1111 Spring Street LLC		4641 Montgomery Ave., Ste. 200	Bethesda	MD	20814	1	Lot P2	13-01431020
4 Kopit, Martin & H. S.		1209 Ballard St.	Silver Spring	MD	20910	E	Lot 12	13-01433358
5 Hoffman, Elana B.		8804 Alton Pkwy	Silver Spring	MD	20910	E	Lot P13, Pt. Lot 14	13-01434934
6 Farrah, Mitchell I. Trustee		8848 Woodland Dr.	Silver Spring	MD	20910	B	Lot 2	13-02441046
7 Diehl, Sarah S.	Diehl, R. Stephen	8804 Woodland Dr.	Silver Spring	MD	20910	B	Lot 3	13-02441057
8 Anderson, R. Joseph & K. E.		8812 Woodland Dr.	Silver Spring	MD	20910	B	Lot 7	13-02441092
9 Bucher, Anne W.		3529 Twin Branches Dr.	Silver Spring	MD	20906	B	Lot 8	13-02441104
10 IC-Silver Spring Inc.	c/o Davidson Hotels & Resorts	One Ravinia Dr., Suite 1600	Atlanta	GA	30346		Unit HU-1	13-03293517
11 8757 GA LLC	c/o Washington Property Co.	4719 Hampden Lane, Fl 3	Bethesda	MD	20814		Unit OU-1	13-03293528
12 Maryland-National Capital	Park & Planning Commission	8787 Georgia Ave.	Silver Spring	MD	20910		Parcel P865	13-00969492
13						2	Lot P1	13-01090200
14						2	Lot P1	13-01090211
15						A2	Lot P9	13-01435825
16 Montgomery County	EOB	101 Monroe St.	Rockville	MD	20850	C	Parcel C	13-03309204
17						C	Parcel E, Parcel N055	13-03309226
18 Osnowitz, Steven J.		8810 Woodland Dr.	Silver Spring	MD	20910	B	Lot 6	13-02442081
19 Woodside Pk. Homeowners	c/o Dennis Carey	8817 Woodside Dr.	Silver Spring	MD	20910	E	Lot P13, Pt. Lots 14-16	13-01562780
20 Reid, Stephen S. & L. E.		1415 Spring St.	Silver Spring	MD	20910	F	Lot P13, Pt. Lot 14	13-01606896
21 Stebbelman, Scott D.		8802 Alton Pkwy	Silver Spring	MD	20910	E	Lot P13, Pt. Lot 14	13-01621254
22 Woodside Station Homeowners	Association Inc.	8737 Colesville Rd.	Silver Spring	MD	20910	B	Par. B	13-02441024
23 Rand, Jane		8806 Woodland Dr.	Silver Spring	MD	20910	B	Lot 1	13-02441035
24 Saulter, Benjamin F. 3rd		8806 Woodland Dr.	Silver Spring	MD	20910	B	Lot 4	13-02441068
25 Pappas, Deborah W.		8822 Woodland Dr.	Silver Spring	MD	20910	B	Lot 5	13-02441070
26 The Point at Silver Spring	Leasing Manager	8750 Georgia Ave.	Silver Spring	MD	20910			
<b>Civic, Community, Condominium and HOAs registered with MNCPPC (half mi. radius) (1_10)</b>								
27 Robert Middleton	Cameron Hill Homeowners Assn.	8517 Second Avenue	Silver Spring	MD	20910			
28 Paul Associates Inc.	Chevy Chase Crest Homeowners Assn.	6935 Wisconsin Ave. Ste. 400	Chevy Chase	MD	20815			
29 David Stein	Clarksburg Village Forum	P O Box 1435	Clarksburg	MD	20871			
30 Ilene Lillian	Clarksburg Village Forum	23045 Turtle Rock Terr	Clarksburg	MD	20871			
31 Ilene Lillian	Clarksburg Village Forum	P O Box 1435	Clarksburg	MD	20871			
32	East County Citizens Advisory Board	3300 Briggs Chaney Road	Silver Spring	MD	20904			
33 Karen Roper	East Silver Spring Citizens Assn.	7911 Chicago Avenue	Silver Spring	MD	20910			
34 Megan Moriarty	East Silver Spring Citizens Assn.	8215 Schrider Street Apt 4	Silver Spring	MD	20910			
35	Elizabeth House Residents Assn.	1409 Fenwick Lane	Silver Spring	MD	20910			
36 Michael Wilpers	Friends of Sligo Creek	P O Box 11572	Takoma Park	MD	20913			
37 Carol Ann Barth	Montgomery County Civic Federation	10602 Lockridge Drive	Silver Spring	MD	20901			
38 Matthew Losak	Montgomery County Renters Alliance Inc.	1001 Spring Street #316	Silver Spring	MD	20910			
39 Joan Fidler	Montgomery County Taxpayers League	7400 Pyle Road	Bethesda	MD	20817			
40 Judith Christensen	Montgomery Preservation, Inc.	6 Walker Avenue	Galithersburg	MD	20877			
41	North Woodside-Montgomery Hills	P.O. Box 8022	Silver Spring	MD	20907			
42 Jean Teichroew	North Woodside-Montgomery Hills	P O Box 8022	Silver Spring	MD	20910			
43 Laurie Berger	North Woodside-Montgomery Hills	P O Box 8022	Silver Spring	MD	20910			
44 Julius Cinque	Northern Montgomery County Alliance	22300 Sildell Road	Boyd's	MD	20841			
45 Steve Butler	Park Sutton Condo.	1900 Lyttonsville Road	Silver Spring	MD	20910			
46 Andrew Krifine	Presidents Council of Silver Spring CA	8417 Worth Avenue	Silver Spring	MD	20901			
47 Mike Kraft	PROGRESS	120 Dale Drive	Silver Spring	MD	20910			
48 Michael Bufalini	Seven Oaks-Evanswood Citizens Assn.	410 Hamilton Avenue	Silver Spring	MD	20901			
49 Jerry McCoy	Silver Spring Historical Society	800 Thayer Avenue	Silver Spring	MD	20910			
50 Charles Wolff	Silver Spring-Takoma Traffic Coalition	635 Bennington Drive	Silver Spring	MD	20910			
51 Justin W. Chappell	South Silver Spring Neighborhood Assn.	1220 Blair Mill Road, Unit 12	Silver Spring	MD	20910			
52 Shyam Kannan, Office of Planning	Washington Metro Area Transit Authority	600 Fifth Street NW	Washington	DC	20001			
53 Eileen Sands	Woodside Civic Assn.	1608 N. Springwood Drive	Silver Spring	MD	20910			
54 John Dittmeier	Woodside Civic Assn.	9910 Georgia Avenue	Silver Spring	MD	20910			
55 Brian Ditzler	Woodside Park Civic Assn.	1225 Noyes Drive	Silver Spring	MD	20910			
56 Christine Morgan	Woodside Park Civic Assn.	1008 Woodside Parkway	Silver Spring	MD	20910			
57 Jim Burke	Woodside Park Civic Assn.	1422 Highland Drive	Silver Spring	MD	20910			

13

Property: Block C, Lot 2, Parcel D, N972  
 Area (approx.): 3.23 ac  
 Tax Map: JN 23  
 Owners: MNCPPC

8787 Georgia Avenue  
 Right-of-way Abandonment - Notice List

58	Robert Oshel	Woodside Park Civic Assn.	9114 Crosby Road	Silver Spring	MD	20910
59	Daniel Maratin	Woodside Park Civic Assn.	8906 Woodland Drive	Silver Spring	MD	20910
60	Kathleen Briese	Woodside Park Civic Assn.	9007 Woodland Drive	Silver Spring	MD	20910
61	Jeff Secunda	Woodside Park Homeowners Association	8804 Alton Parkway	Silver Spring	MD	20910
62	Eugene Cantels	Woodside Station Homeowners Assoc.	1306 Noyes Drive	Silver Spring	MD	20910
63	Katherine Anderson	Woodside Station Homeowners Assoc.	8812 Woodland Drive	Silver Spring	MD	20910
64		Woodside Way Homeowner's Assn.	1711 Leighton Wood Ln.	Silver Spring	MD	20910
<b>Others Required to be Notified</b>						
		<b>Organization</b>	<b>Street</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
65	Intake Section	MNCPPC-DARC	8787 Georgia Avenue	Silver Spring	MD	20910
66	Uzoma Onyemaechi, Branch Manager	Silver Spring Library	900 Wayne Ave.	Silver Spring	MD	20910
67	Mrs. Shoua Mousa, Principal	Woodlin Elementary School	2101 Luzerne Avenue	Silver Spring	MD	20910
68	Mr. Cary Dimmick, Principal	Sligo Middle School	1401 Dennis Avenue	Silver Spring	MD	20902
69	Mr. James Fernandez, Principal	Albert Einstein High School	11135 Newport Mill Road	Kensington	MD	20895
70	Timothy Firestone, Chief Administrative Officer	Office of the County Executive	101 Monroe St., Second Fl.	Rockville	MD	20850
71	Al Rosenthal, Acting Director	Montgomery County Dept. of Transportation	100 Edison Park Dr., Fourth Fl.	Gaithersburg	MD	20878
72	Vickie Gaul, Esq., County Attorney	Executive Office Building	101 Monroe St., Third Fl.	Rockville	MD	20850
<b>Team Members</b>						
		<b>Organization</b>	<b>Street</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
73	Robert R. Harris	Lerch, Early & Brewer, Chtd.	3 Bethesda Metro Center, Suite 460	Bethesda	MD	20814
74	Cynthia M. Bar	Lerch, Early & Brewer, Chtd.	3 Bethesda Metro Center, Suite 460	Bethesda	MD	20814
75	Hillary Goldfarb	Bozzuto & Associates	6406 Ivy Lane, Suite 700	Greenbelt	MD	20770
76	Mike Henehan	Bozzuto & Associates	6406 Ivy Lane, Suite 700	Greenbelt	MD	20770
77	Allisa Rosenberg	Bozzuto & Associates	6406 Ivy Lane, Suite 700	Greenbelt	MD	20770
78	Bradford Fox	Bahler Engineering	16701 Melford Blvd., Suite 310	Bowie	MD	20715
79	Matt Jones	Bahler Engineering	16701 Melford Blvd., Suite 310	Bowie	MD	20715
80	Doug Firstenberg	Sronabridge Carras	7200 Wisconsin Ave., Ste. 700	Bethesda	MD	20814
81	Rohit Anand	KTSY	8614 Westwood Center Dr., Suite 340	Vienna	VA	22182
<b>Others interested in updates</b>						
		<b>Organization</b>	<b>Street</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
82	Jay Eivove		9607 Sutherland Rd.	Silver Spring	MD	20901
83	Mike Diego		10304 Eastwood Ave.	Silver Spring	MD	20901
84	Uri Pasternak		1401 Blair Mill Rd., #805	Silver Spring	MD	20910
85	Jon Lourie		9007 Fairview Rd.	Silver Spring	MD	20910
86	Bee Ditzler		1225 Noyes Ave.	Silver Spring	MD	20910
87	Brian Ditzler		1225 Noyes Ave.	Silver Spring	MD	20910
88	Valerie Barr		2209 Richland Place	Silver Spring	MD	20910
89	Elana Hoffman		8804 Alton Pkwy	Silver Spring	MD	20910
90	Francine Hoffman		8804 Alton Pkwy	Silver Spring	MD	20910
91	Jonathan Bernstein		9224 Kingsbury	Silver Spring	MD	20910
92	Sam Smalls		8864 Woodland Dr.	Silver Spring	MD	20910
93	Damon Davis		8828 Woodland Dr.	Silver Spring	MD	20910
94	Perry Plumart		8804 First Ave.	Silver Spring	MD	20910
95	Steve Osowitz		8810 Woodland Dr.	Silver Spring	MD	20910
96	Keely Lange		8813 Woodland Dr.	Silver Spring	MD	20910
97	Joe & Katherine Anderson		8812 Woodland Dr.	Silver Spring	MD	20910
98	Jim Burke		1422 Highland Dr.	Silver Spring	MD	20910

AI





# MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Abandonment -- Planning Place Silver Spring	Executive Order No. 181-17	Subject Suffix PA
Originating Department: Transportation	Department Number 38-17	Effective Date 11/27/17

AB761

- Pursuant to Section 49-62 of the Montgomery County Code (2004) as amended, the County Executive or his Designee shall conduct a Public Hearing

at 7:30 p.m. on Tuesday, January 23, 2018  
 Executive Office Building Lobby Auditorium  
 101 Monroe Street  
 Rockville, Maryland 20850

to consider an application received from Lerch Early Brewer, on behalf of its client, SC/BA Silver Spring Apartments, LLC, the Applicant, seeking abandonment of a portion of Planning Place right-of-way off Georgia Avenue adjacent to 8787 Georgia Avenue in Silver Spring.

- After the aforesaid Hearing, the Hearing Officer shall report his findings and recommendations to the County Executive for further consideration as prescribed by County Code.

Approved as to Form and Legality:  
 Office of the County Attorney

APPROVED:

By: *Robert Birenbaum*  
 Robert Birenbaum  
 Associate County Attorney  
 Date: 11/17/2017

*Ramona Bell-Pearson*  
 Ramona Bell-Pearson  
 Assistant Chief Administrative Officer  
 Date: 11/27/17

Distribution:

Department of Transportation  
 Department of Finance  
 Office of County Attorney



OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Isiah Leggett  
County Executive

**IN THE MATTER OF: AB761, ABANDONMENT OF A PORTION OF PLANNING PLACE ADJOINING 8787 GEORGIA AVENUE IN SILVER SPRING, MD**

**Proposed abandonment of a portion of the right-of-way of Planning Place adjoining the Maryland National Planning and Park Commission, 8787 Georgia Ave., Silver Spring, MD to SC/BA Silver Spring Apartments, LLC.**

**BEFORE: Michael L. Subin, Public Hearing Officer**

**PUBLIC HEARING OFFICER'S REPORT AND RECOMMENDATION**

**I. BACKGROUND**

In a letter dated September 21, 2017, counsel for SC/BA Silver Spring Apartments, LLC, (the "Applicant"), requested the abandonment of a portion of the right-of-way ("ROW") of Planning Place in Silver Spring, MD adjacent to the Maryland National Capital Park and Planning Commission ("MNCPPC"), 8787 Georgia Ave., Silver Spring, MD. (Exhibit 1) The request is associated with the redevelopment of the low-density commercial office building and large surface parking lot located at 8787 Georgia Ave., and is expected to improve pedestrian safety.

The intent of §49-62, Procedures; Hearings, of the Montgomery County Code (2004), as amended, Abandonment authority (the "Code"), is to establish procedures for the closure to public use or abandonment of the County's right to use a ROW. Pursuant to §49-62(f), Executive Order 181-17, authorizing a hearing, was issued on November 27, 2017. (Exhibit 2) In accordance with §49-62(d), Notice of the Public Hearing was published in *Go Montgomery*, an electronic newsletter of the Montgomery County Department of Transportation ("MCDOT"), on December 20, 2017. (Exhibit 3) Pursuant to §49-62(e), public notice of the hearing also appeared in *The Montgomery Sentinel* for two consecutive weeks on January 11 and 18, 2018. A photograph of the subject area and vicinity was provided for public viewing. (Exhibit 5) Signage

announcing the public hearing was posted at the sites of the abandonment on January 5, 2018. (Exhibit 6)

In accordance with §49-62(h)(1-8), comment was requested from appropriate governmental agencies, public utility companies, and the public. The following comments were received:

Washington Gas, in an email dated January 5, 2018, expressed no issues with the abandonment request. (Exhibit 7)

The Montgomery County Planning Department, in a memo dated January 5, 2018, recommended approval of the subject abandonment. (Exhibit 8)

In a memo, dated January 23, 2018, the Director of MCDOT recommended approval of the request with the following conditions: the Applicant must dedicate a portion of Planning Place as shown in an attached drawing by Bohler Engineering for public use to maintain pedestrian connectivity along Planning Place at Georgia Ave. (MD 97). (Exhibit 9)

Exhibits 10 and 11 do not exist (the exhibit numbers had been reserved for PEPCO and Verizon, neither of which responded).

In an email of January 22, 2018, the Fire Marshall expressed that it had no objections to the proposed abandonment. (Exhibit 12)

Exhibit 14 does not exist (the exhibit number has been reserved for the Montgomery County Police Department).

The Code assumes concurrence with the proposal if an agency does not respond to the request within sixty (60) days.

A public hearing was held at 7:36 pm, January 23, 2018 in the Lobby Auditorium, Executive Office Building, 101 Monroe St., Rockville, MD 20850. The record remained open until 5:00 pm, February 6, 2018.

## **II. EVIDENCE AND SUMMARY OF TESTIMONY**

### **A. Project Description**

Mr. Michael Cassedy, MCDOT, testified on behalf of the Department. He stated that the request was being made by the Applicant to improve the vehicular circulation and pedestrian safety of the redeveloped MNCPPC headquarters

### **Testimony in Favor of the Request**

Elizabeth Rogers, Esq., of the LearchEarlyBrewer Law Firm, testified on behalf of the Applicant. She stated the property is being redeveloped and that the requested abandonment was suggested by the Planning Department. It was suggested by them to be considered when looking into the abandonment of the truncated portion of Planning place. Currently, there is a channelized right-turn exit and a very wide driveway apron. Consequently, the abandonment would improve pedestrian safety, vehicular circulation and an improved building design. The ROW is 60 feet and the requested abandonment consists of 1,743 square feet.

### **B. Testimony in Opposition to the Request**

There were no unfavorable comments, written or oral, received regarding the subject abandonment.

### **III. CONCLUSIONS AND RECOMMENDATIONS**

The abandonment of road rights-of way is governed by the provisions of sections 49-63, Montgomery County Code (2004) as amended. Section 49-63 permits application for abandonment of a right-of way (the "ROW") by any person or government agency, provides for public agency and utility company review, and requires a public hearing with notice. I find that the hearing and notice procedures have been satisfied, and the public, public agencies, and utility companies have been given an opportunity to review the petition for abandonment and closure as described above.

Section 49-63 allows abandonment if the ROW is not needed for public use or if abandonment is necessary to protect the health, safety and welfare of the residents in the neighborhood. In determining health, safety and welfare issues, the Council may consider: 1) any adopted land use plan applicable to the neighborhood; 2) the safe and efficient pedestrian and vehicular traffic patterns and flows, together with alternatives in the immediate neighborhood for local and through traffic; or 3) changes in fact and circumstances since the original dedication of the ROW.

In this case, the abandonment turns on whether or not the subject ROW is needed for stated public use and for the safe and efficient pedestrian and vehicular traffic patterns and flows in and around the ROW. I find that the evidence and the record demonstrate that the abandonment of the portion of the ROW under consideration will enhance its public purpose.

Further, I find the abandonment is required for the continued enhancement of pedestrian flow, will serve the health, safety, and welfare of the community, and that it provides a safe and efficient pedestrian traffic pattern.

Consequently, I find that the proposed abandonment would be in the public interest and should be Approved. The “public interest” is a broad concept that manifests itself in a variety of contexts. When, as here, an abandonment is involved, the abandonment will be considered to be in the public interest if it will do such things as promote the general health and safety of the citizenry, protect the environment, preserve open space, or otherwise advance the community’s quality of life. (See City of Monterey v. Del Monte Dunes at Monterey, Ltd., 526 U.S. 687, 701(1999)). This includes providing for the safe and efficient flow of vehicular and pedestrian traffic. (See Wheaton Moose Lodge No. 1775 v. Montgomery County, MD, 41 Md. App. 401, 397 (1979)).

However, Approval is to be conditioned upon the following: the Applicant must dedicate a portion of Planning Place as shown in an attached drawing by Bohler Engineering for public use to maintain pedestrian connectivity along Planning Place at Georgia Ave.

SIGNATURE PAGE FOLLOWS

Respectfully submitted,



Michael L. Subin

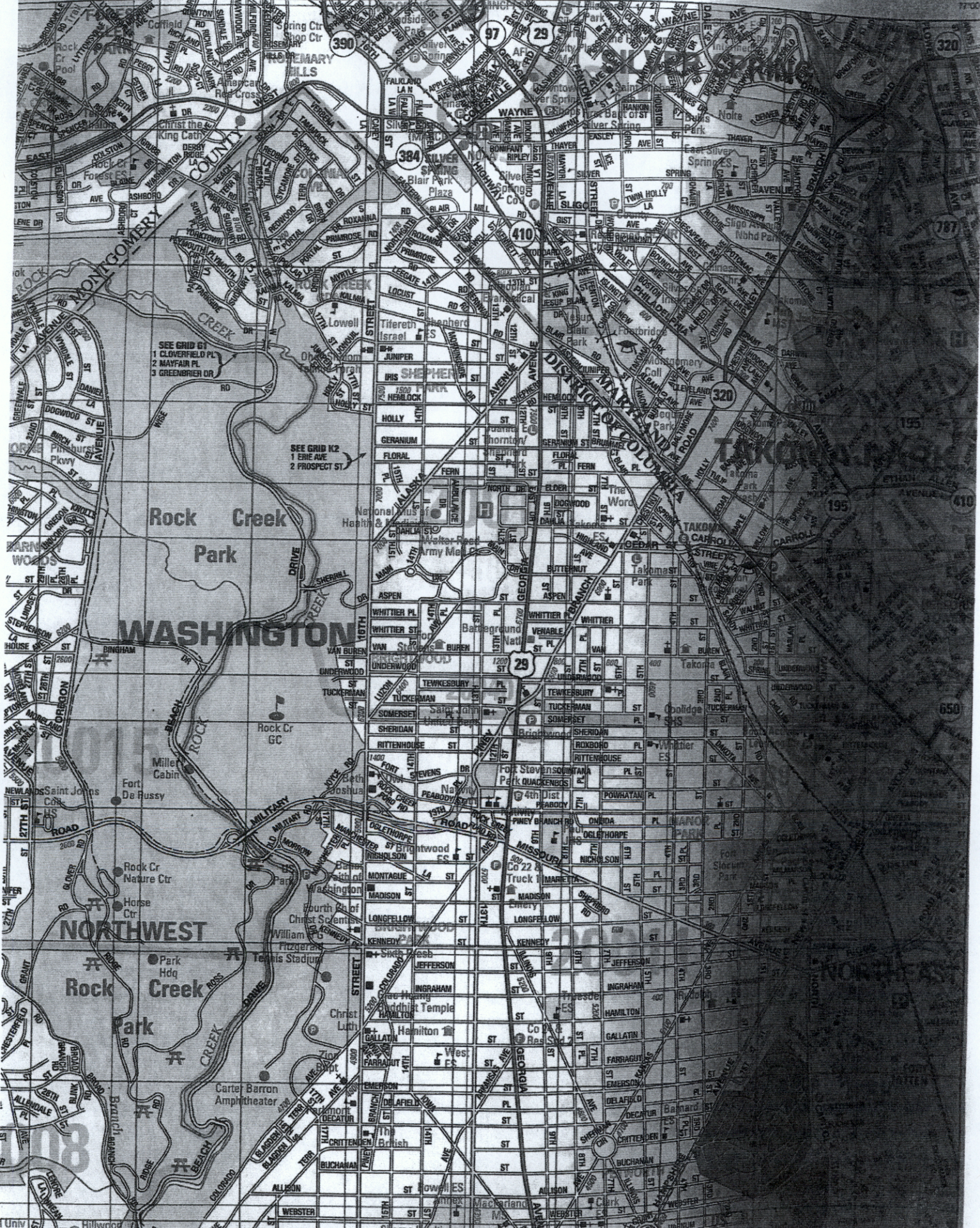
Date: *June 6, 2018*

The Public Hearing Officer's Recommendations regarding the APPROVAL of AB 761, the abandonment of a portion of a right-of-way on Planning Place adjacent to the 8787 Georgia Avenue in Silver Spring, MD is APPROVED.



Isiah Leggett, County Executive

Date: *June 14, 2018*





GEORGIA AVENUE - MD RTE. 97  
VARIABLE WIDTH RIGHT-OF-WAY  
SRC NO. 8904

LOT 2 BLOCK C  
WOODSIDE PARK  
PLAT NO. 11049

LANDS OF  
THE MARYLAND-NATIONAL CAPITAL PARK  
AND PLANNING COMMISSION  
LIBER 2165 FOLIO 565  
TM: JN23 162

PARCEL D  
WOODSIDE PARK  
PLAT NO. 21574

LANDS OF  
THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION  
LIBER 16328 FOLIO 238  
TM: JP31 N972

PARTIAL ABANDONMENT  
OF PLANNING PLACE  
AREA: 1,743 S.F. OR 0.040 AC.

N39°59'36"W 180.27'  
125.74'

54.53'

S89°31'39"E  
84.02'

63.92'

S50°00'16"W 270.09'

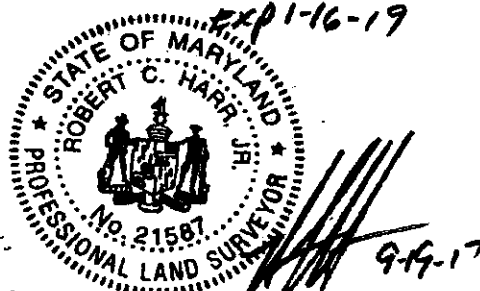
155.97'

50.20'

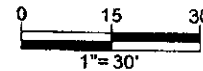
N61°38'42"W  
81.80'

PLANNING PLACE

60' WIDE RIGHT-OF-WAY  
PLAT NO. 5839 & PLAT NO. 21574



PARTIAL STREET  
ABANDONMENT EXHIBIT  
GEORGIA AVENUE AND PLANNING PLACE  
WHEATON (NO. 13) ELECTION DISTRICT  
MONTGOMERY COUNTY, MARYLAND  
SCALE: 1" = 30'      DATE: 09/19/17



**BOHLER**  
ENGINEERING

22638 DAVIS DRIVE, SUITE 250  
STERLING, VIRGINIA 20164  
703.709.9500 - 703.709.9501 FAX  
[www.bohlerengineering.com](http://www.bohlerengineering.com)