



The Blairs Master Plan, Project Plan 920130050 & Preliminary Plan 120130220

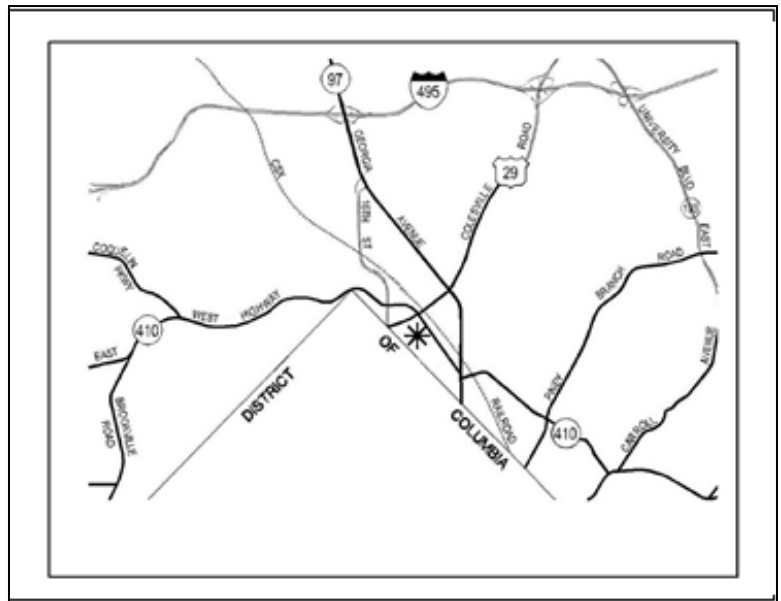
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Staff Report Date: 10/11/13

Description

- Location: Eastern quadrant of the intersection of Colesville Road (MD 384) and Eastern Avenue; Silver Spring
- Gross Tract Area: 30.36 acres
- Zone: CBD-R2
- Request: Approval of a project plan for a mixed use project of 3,825,400 gross square feet, including 450,000 square feet of commercial uses and 3,375,400 square feet of residential uses with 20% on-site public use space; Approval of a preliminary plan to consolidate seven parcels and create parcels for private roads and distinct blocks containing existing and new structures for a maximum of 2,800 residential dwelling units, including 12.5% MPDUs of the net new dwelling units
- Sector Plan: Silver Spring CBD
- Applicant: Blair Towers, LLC; Blair Office Building, LLC; Blair Shopping Center, LLC; Blair Stores, LLC
- Filing Date: April 25, 2013



Summary

- The staff recommends **approval** of Project Plan 921030050 and Preliminary Plan 120130220
- The Blairs Master Plan project is an urban infill redevelopment project within the Silver Spring CBD in close proximity to the Silver Spring metrorail station. Construction on the site is proposed in five phases over a period of 20 years.
- The applicant has designed the site as it relates physically to an upper escarpment and lower escarpment, and intends to retain four existing buildings in their current state.
- The project includes 20% Public Use Space, on-site, calculated over the net tract area.
- For newly constructed units, the project includes a total of 12.5% Moderately Priced Dwelling Units.
- Approval of the project plan and preliminary plan applications will allow for the applicant to proceed to the site plan application stage.

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SECTION 1: CONTEXT AND PROPOSAL

SITE DESCRIPTION

Vicinity

The site for this application (“Subject Property” or “Site”) is located within the Silver Spring Central Business District (“CBD”) in the eastern quadrant of the intersection of Colesville Road (MD 384) and Eastern Avenue. The net tract area of the Site is 27.58 acres, and when taking prior right-of-way dedications into account, the gross tract area of the Site is 30.36 acres. The site is bounded on the northwest by Colesville Road, on the south by Blair Mill Road, on the northeast by East-West Highway, and on the southwest by Eastern Avenue. The property is governed by the 2000 *Silver Spring CBD Sector Plan*. The closest distance to the Silver Spring metrorail station is approximately 500 feet from an existing entry point along East West Highway.

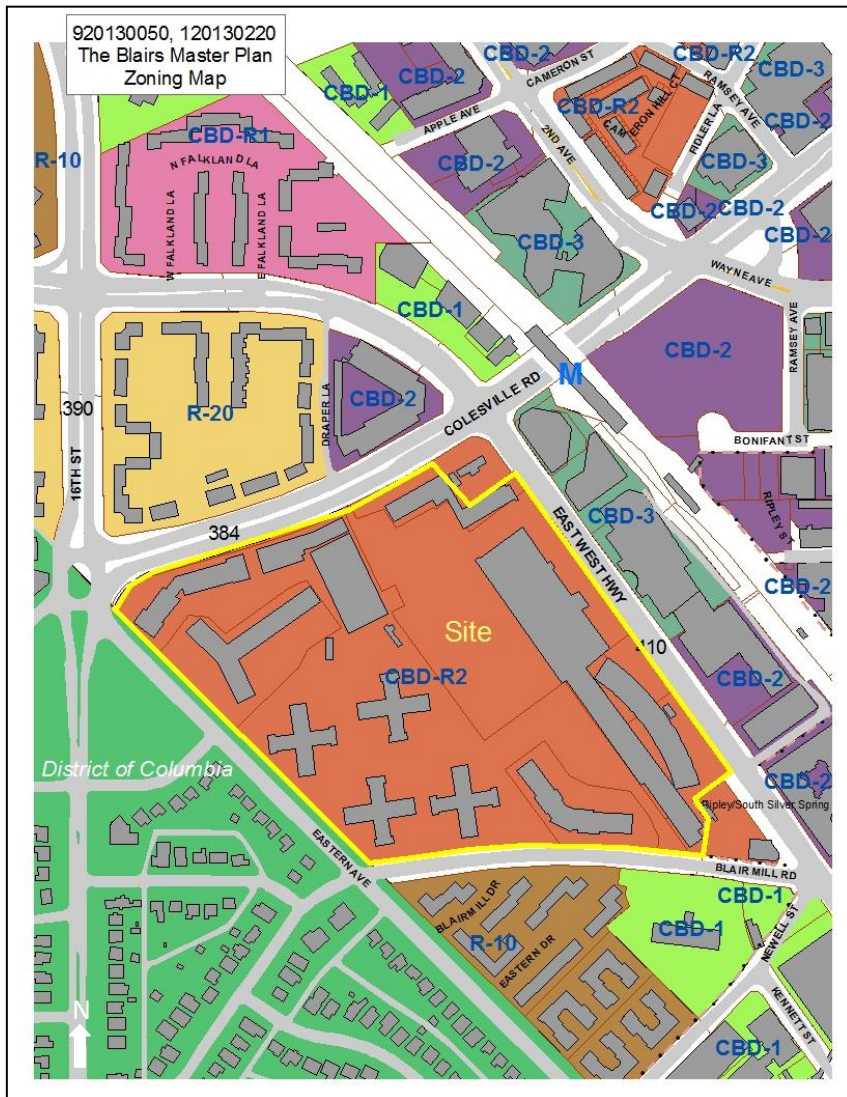


Figure 1: Vicinity Map

The site is zoned CBD-R2. Surrounding properties include one family detached residential dwelling units opposite Eastern Avenue zoned R-1-B, within the District of Columbia, which is known as the Shepherd Park neighborhood. To the northwest across Colesville Road are multifamily residential dwelling units within the Falkland Chase garden apartment complex zoned R-20 as well as the Lenox Park Apartment building, a 17 story building containing multi-family units above street level retail zoned CBD-2. A gas station is adjacent to the Subject Property in the northwest portion of the site at the intersection of Colesville Road and East-West Highway. Across East-West Highway to the northeast of the site are commercial office buildings up to 16 stories in height (approximately 174 feet) with street level retail, as well as a county parking garage, within the CBD-3 and CBD-2 zones. The 14 story, 143 foot tall multi-family residential building known as 1200 East-West Highway abuts the site at the far eastern corner at the intersection of East-West Highway and Blair Mill Road, in the CBD-R2 zone. Blair Mill Road bounds the site on the south, where the 15 story MICA Condominium building (CBD-1 zone) and the four story Rock Creek Springs garden apartment complex (R-10 zone) are located across the street from the subject property.

Site Analysis

The site currently consists of seven individual parcels and is improved with 12 buildings, two parking structures, outdoor amenity areas, and surface parking lots. Existing surface parking lots comprise approximately seven acres of the tract. The highest elevation point on the site is located along East-West Highway at 325 feet. The lowest topographical point is along Eastern Avenue at 285 feet. A steep drop of approximately 18 feet in elevation is located in the center of the site, reinforced by a stone retaining wall. This drop currently separates the site into an upper half (upper escarpment) and lower half (lower escarpment).

The majority of existing commercial development on the site is located in the upper half, along with two high-rise residential buildings. The commercial development in the upper half includes a 72,562 square foot office building and 85,196 square feet of retail and restaurant uses, which includes a 54,000 square foot Giant Foods grocery store. Existing development in the upper half also includes two high-rise residential buildings known as Blair East located at 1220 East-West Highway and Blair Plaza located at 1401 Blair Mill Road. A three story parking structure sits behind Blair East and next to the Giant Foods grocery store. The gas station that abuts the site to the northwest at the corner of East-West Highway and Colesville Road is not included in this application.

The lower half of the site consists entirely of residential buildings and parking areas. These residential buildings include four buildings, five stories in height each, visible from Blair Mill Road and Eastern Avenue known as Blair Towers, the 12 story building along Eastern Avenue known as Blair House, and the three and four story multi-family buildings that front Colesville Road known as Blair Towns. A parking structure that serves both Blair House and Blair Towns is located at the rear of the two buildings on the interior of the site. Surface parking and an outdoor swimming pool for residents of The Blairs is located next to this parking garage on the interior of the site. A total of 13 curb cuts are located along the perimeter of the site for vehicular access to the interior.

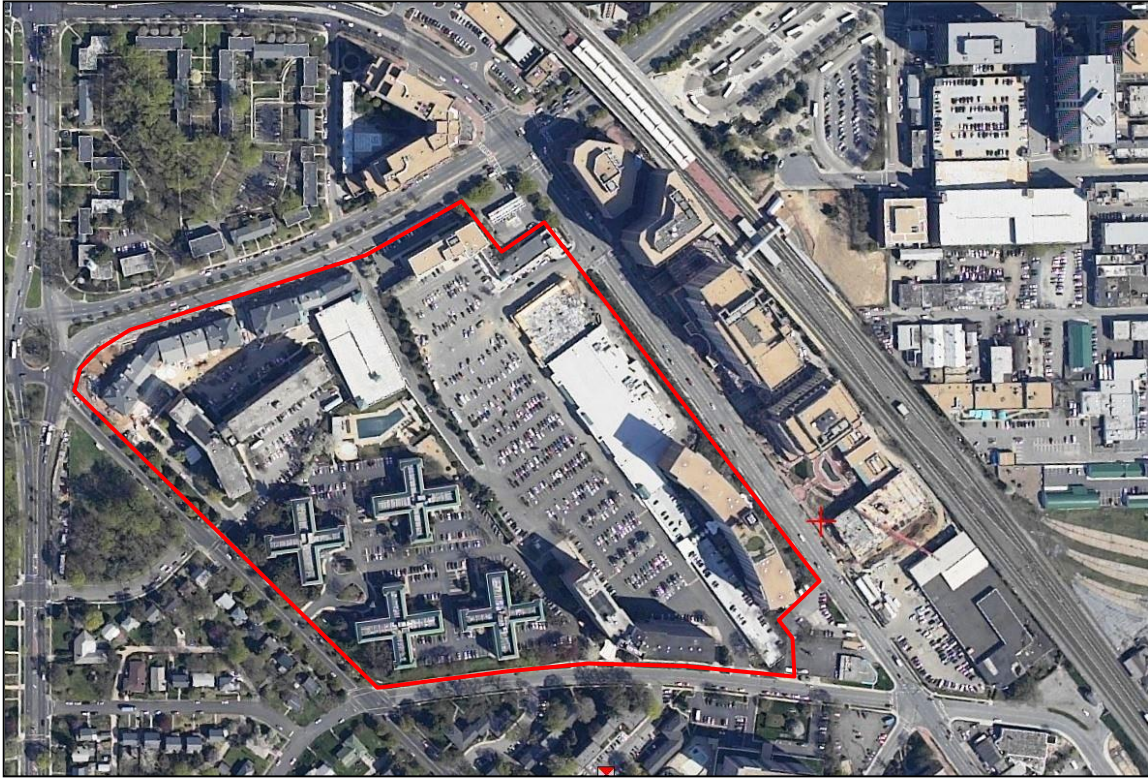


Figure 2: Aerial Image

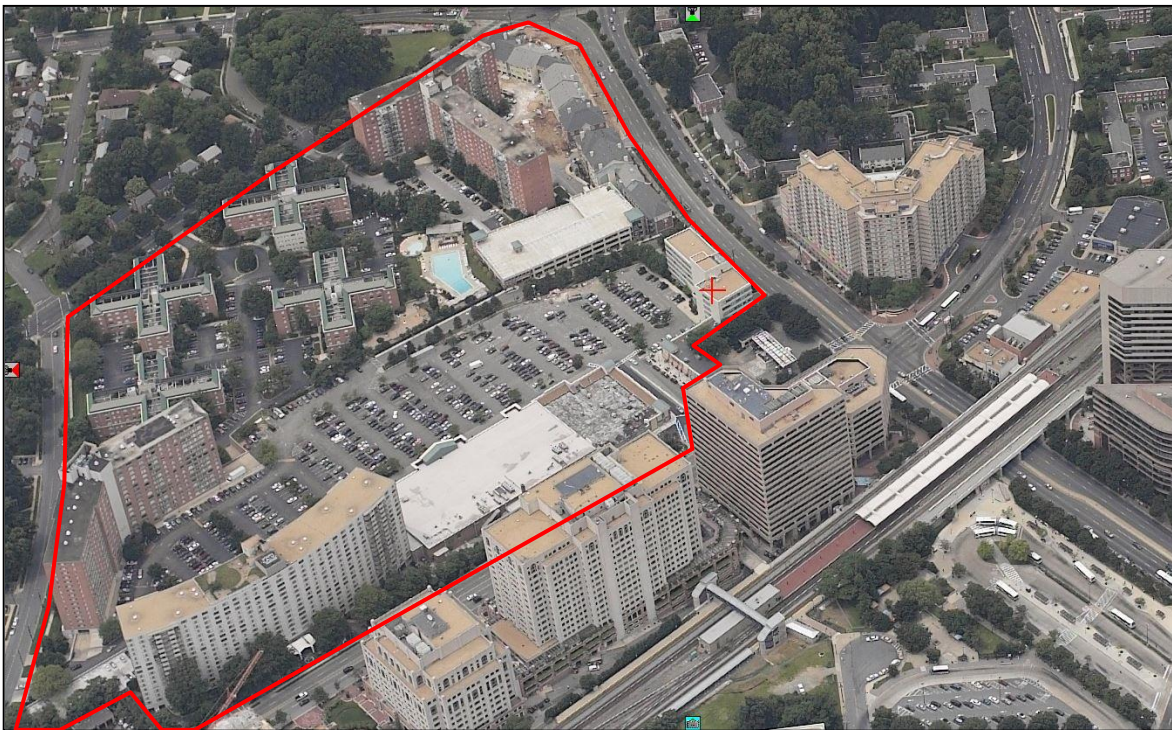


Figure 3: Aerial Image

PROJECT DESCRIPTION

Proposal

The applicant proposes to redevelop the commercial area on the upper half of the site as well as the area containing the four Blair Towers residential buildings on the lower half of the site. An extension of Draper Lane is proposed through the middle of the property, which divides the site more clearly into what the applicant has termed an upper escarpment and a lower escarpment. A cohesive pattern of open space and amenity areas will link existing buildings to the proposed new development and also link the lower escarpment to the upper escarpment. Private streets were designed to efficiently serve the various buildings and parking garages.



Figure 4: Upper and Lower Escarpments

Within the upper escarpment, the applicant proposes to retain the Blair East and Blair Plaza buildings and the parking structure behind Blair East. The remaining area within the upper escarpment redeveloped with podium style buildings up to 200 feet in height, containing commercial uses at the ground level and then four residential towers, a hotel tower, and a mixed use tower. The roof levels of the podiums serve as elevated private courtyard spaces for residents of the towers. The applicant intends for the ground levels of the podiums to define the urban edge of the neighborhood. New parking garages are a combination of structures to be located below grade or partially below grade.

Public use space areas within the upper escarpment include Blair Park, The Terrace, and the pedestrian area adjacent to Blair Park Lane and Blair Mill Road that will include an attractive streetscape. Blair Park is designed on a north-south axis, with a sight line that allows people to see the area as they leave the

Silver Spring metrorail station and walk south through an existing plaza and then across East-West Highway. The applicant intends for Blair Park to be the central green space within The Blairs Master Plan application area. The edges of Blair Park are proposed to be clearly defined by retail storefronts, outdoor dining, and building entrances. The Terrace is another park area which connects the upper escarpment to the lower escarpment with a pedestrian path designed in a switchback pattern, under 5% in grade, to provide maximum accessibility. Steps are proposed to frame the pathway along both sides of The Terrace. Retail and restaurant uses along the edges are also proposed to further activate the space. The Terrace will benefit from southern exposure.

Upper Escarpment Scheme								
Building	Block	Existing/new	Use	Gross floor area	# Units	Commercial SF	Height	Parking provided
1	A	new	mixed	758,343 sf	270	282,443 sf	200'	374
2	B	new	mixed	144,494 sf	hotel	144,494 sf	120'	267
3	C	new	mixed	366,141 sf	250	18,518 sf	200'	382
Blair East	C	existing	residential	521,488 sf	394		170'	281
Blair Plaza	C	existing	residential	336,153 sf	329	1,523 sf	180'	68
Public Use Space	Active/Passive	Size						
Blair Park	Active	22,500 sf						
The Terrace	Passive	19,000 sf						

Within the lower escarpment, the applicant proposes to retain Blair House and Blair Towns. The remaining area will be redeveloped with four new residential towers. A podium concept is also proposed for these buildings, where two to four story parking garages are surrounded by townhouses, with residential towers on the top of the podiums. The roof level of each podium will provide the area for private green space for residents of each tower. The new buildings will be connected by two new private drives, Portal Drive and Private Street C.

Public use space areas within the lower escarpment include the pedestrian areas surrounding the buildings, Sonny’s Park, Rachel Carson Park, Blair Stomping Ground, The Mews, Lucy’s Landing, and Fitness Park. Sonny’s Park is located at the southern end of The Terrace and is designed to be the primary gathering space for the lower escarpment. A pavilion is shown for shaded seating along with a child’s play space and second seating area. Rachel Carson Park makes the final through connection to the intersection of Blair Mill Road and Eastern Avenue, completing an open space axis that bisects the site to provide a clear pedestrian network for residents and patrons within both escarpments to the core of the CBD and metrorail station. Rachel Carson Park is designed to have unique landscape elements including linear bioswales for stormwater management, an architecturally interesting pedestrian bridge, and terraces designed as sitting areas. North of Rachel Carson Park along Blair Mill Road, Blair Stomping Ground is a publicly accessible dog park with clear visibility from Blair Mill Road. It is intended to provide a social space for dogs and their owners. West of Rachel Carson Park along Eastern Avenue, The Mews is a linear space designed to connect Eastern Avenue to the Private Street C. The Mews will provide an additional connection for pedestrians through the site and enhance the accessibility for the public into interior spaces and the upper escarpment. Lucy’s Landing is a second, smaller dog park also intended for residents and the public, to ease any overcrowding that might occur at Blair Stomping

Ground. Finally, Fitness Park is located off of Portal Drive and alongside an existing surface parking lot to provide another opportunity for active recreation within the site. This park will have outdoor fitness equipment for adults and children as well as a sitting area for rest.

Lower Escarpment Scheme								
Building	Block	Existing/new	Use	Total GFA	# Units	Commercial SF	Height	Parking provided
1	E	new	residential	397,400 sf	373	1,500 sf	200'	256
2	F1	new	residential	276,600 sf	266	-	140'-180'	217
3	F2	new	residential	277,900 sf	261	-	140'-180'	168
4	G	new	residential	264,600 sf	270	-	140'-180'	246
Blair Towns	D	existing	residential	107,292 sf	78	-	50'	94
Blair House	D	existing	residential	374,989 sf	306	1,522 sf	130'	867
Public Use Space	Active/Passive	Size						
Sonny's Park	Active & Passive	18,000 sf						
Rachel Carson Park	Passive	15,600 sf						
Blair Stomping Ground	Passive	10,000 sf						
The Mews	Passive	14,300 sf						
Lucy's Landing	Passive	3,900 sf						
Fitness Park	Active	9,500 sf						

The Site is located within the Silver Spring Parking Lot District; therefore, the applicant has the option to provide no on-site parking or fewer parking spaces per unit. The applicant must, however, pay a tax for any parking not provided on-site. The parking requirement per the CBD-R2 zone for the commercial uses is 1,055 spaces and 3,160 spaces are required for the residential units. At this time, the applicant is electing to provide 322 of the 1,055 commercial spaces on site, which includes 267 spaces within a parking garage structure and 55 on-street spaces. The applicant also proposes to provide 2,953 of 3,160 residential parking spaces on site. The final parking allocation will be determined at the site plan stage.

The Sector Plan identifies a master planned roadway, bisecting the Site that could be dedicated as either a public or private roadway. The Applicant has requested that this roadway be platted as a private roadway and constructed to minimum standards established by the Montgomery County Business District street typical section. The private roadway will allow the Applicant to install non-standard landscaping and traffic calming devices, including a "speed table," to improve the pedestrian experience. Staff supports the proposed private street because it is consistent with the sector plan and will provide a superior transportation facility for pedestrians, bicyclists, and motorists. Additionally, the

Applicant will have flexibility to program the roadway, pursuant to road closure conditions included in this report, as an active and vibrant streetscape.

For on-site loading, a total of 42 on-site loading spaces (four “WB-50” sized spaces and 38 “SU-30” spaces) are required for the proposed development as per Sec. 59-E-1.4 of the Zoning Ordinance. The applicant submitted a design exception package to MCDOT requesting a reduction in the requirement to 25 loading spaces. The loading space reduction was granted, so the applicant will provide six “WB-50” spaces and 19 “SU-30” spaces at specific locations identified on the Preliminary Plan.

COMMUNITY OUTREACH

The applicant has met all proper signage, noticing, and submission meeting requirements. Staff has received one letter from a property owner who lives on Eastern Avenue in the District of Columbia. This property owner is concerned that Eastern Avenue will be disturbed during construction of new buildings that front Eastern Avenue, and stormwater flows will not be accommodated adequately. The right-of-way for Eastern Avenue is entirely within the limits of the District of Columbia, therefore, any impacts to storm sewers must be reviewed and approved by the District of Columbia Department of Transportation at the time of the applicant’s site permit submissions. The applicant has received preliminary approval from the Montgomery County Department of Permitting Services regarding the stormwater management plan for the subject property.

Many residents of the Silver Spring CBD have testified in the past on the need for parks and green space in this area of Silver Spring. This area of the Silver Spring CBD today has the highest density of units per acre within the Silver Spring/Takoma Park area, and Parks Staff has identified the most needed park facilities to be community open space, dog parks, and community gardens. There are no Montgomery County public parks easily accessible by walking in this neighborhood (defined by EW Hwy, 16th St, Eastern Ave, Georgia Ave, Metro Tracks), however Jessup Blair Park is located 0.7 miles (10-15 minute walk) southeast of the Site, and Rock Creek Park in the District of Columbia is located about one mile south of the Subject Property. The Silver Spring CBD Green Space Guidelines also support a large, contiguous green grass-covered space in this location. The Applicant has proposed a series of interconnected open spaces and a large contiguous grass area in the form of Blair Park in order to meet this void.

Staff has also received two phone calls from people who currently reside within The Blairs. These residents expressed concerns about construction noise and additional traffic generated by new development. The applicant will be required to adhere to Montgomery County noise standards for construction activities and operate during the standard time frame allowed. While additional trips will be generated as a result of the proposed development density, the Applicant’s traffic study indicates traffic congestion will remain within the Silver Spring CBD policy area standards, at an acceptable level. The private streets included in the development proposal will enhance circulation through the site and allow the applicant to implement traffic calming measures. It is anticipated that as a result of the site’s close proximity to the Silver Spring metrorail station, many new trips are expected to be transit-oriented.

SECTION 2: PROJECT PLAN

RECOMMENDATION AND CONDITIONS

Staff recommends approval of Project Plan No. 920130050, The Blairs Master Plan, including a waiver¹ of the gross floor area devoted to retail or personal service commercial uses pursuant to §59-C-6.234, subject to the following conditions:

1. Development Ceiling
The development is limited to a maximum 2.89 FAR, and a maximum 3,825,400 gross floor area consisting of a maximum 450,000 square feet of commercial uses and a maximum 2,800 residential units (new and existing).
2. Housing
The Applicant must provide a minimum of 12.5% of the total number of newly constructed units as Moderately Priced Dwelling Units on-site, consistent with the requirements of Chapter 25A, in accordance with the Department of Housing and Community Affairs letter dated August 13, 2013.
3. Architecture, Building Height, and Mass
 - a) The buildings within the upper escarpment (Parcels A, E, and F) and lower escarpment, Parcel H, are limited to a maximum building height of 200 feet as determined by the Department of Permitting Services applicable building height measurement point.
 - b) The buildings within the lower escarpment, Parcel G, are limited to a maximum building height of 180 feet as measured from their respective fronts as determined by the Department of Permitting Services applicable building height measurement point.
 - c) Buildings in Block G of Parcel G must maintain a minimum setback from the current northerly right-of-way line of Blair Mill Road of 16 feet (townhouse building face; 0 feet to courtyards). The maximum height for these buildings will be further reviewed at the site plan stage for compatibility. Maximum building height permitted will be based upon building step backs, materials, massing, and architecture.
 - d) Buildings in blocks F1 and F2 of Parcel G must maintain a minimum setback from the current northerly right-of-way line of Eastern Avenue of 18 feet for townhouse building face (as to F-1), and 16 feet for townhouse building face (as to F-2). The maximum height for these buildings will be further reviewed at the site plan stage for compatibility. Maximum building height permitted will be based upon building step backs, materials, massing, and architecture.
4. Public Use Space, Facilities, and Amenities

¹ The Applicant has requested a waiver of the gross floor area devoted to retail or personal service commercial uses pursuant to §59-C-6.234, which requires a waiver request at the the time of Project Plan. The Zoning Ordinance requires the Application to provide 5% of the ground floor area to be devoted to retail and personal service commercial uses and the Applicant is requesting that the Board approve a 3.27% waiver based upon the design of the site and mix of overall uses provided in the Application.

- a) With the submittal of the final site plan for the development, the Applicant must demonstrate a minimum of 20% of the net lot area as public use space on-site. A variable amount of public use space is permitted with each phase and will be approved with each site plan.
- b) The Applicant must provide public art on-site, integrated into the overall site design. The public art components must be commensurate with the size of the public use space in which the art will be located.
 - i) The Applicant must present final public art concepts to the Art Review Panel for review and comment that will be available to the Planning Board prior to scheduling the Planning Board hearing for the site plan application which contains the public art associated with each building or public use space area to be completed in the same phase.
 - ii) Final detail and design of the public art must be determined by the applicable Certified Site Plan.
- c) As a public amenity, the Applicant must provide streetscape improvements per the Silver Spring CBD Streetscape Standards, or as amended (or as approved by Staff), including the undergrounding of public utilities along the property's frontage on Blair Mill Road, Colesville Road, and East-West Highway, with the phasing of the streetscape improvements determined at the time of the applicable site plan which adjoins the particular frontages.
- d) All record plats that include public use space must include a note that all public use spaces as illustrated on the certified Site Plan(s) must be maintained in perpetuity by the property owners and access must be provided to the general public.

5. Parks and Recreation

- a) The site plans that include construction and completion of the public dog parks must include details for design, operations, and management that insure performance as a public dog park.
- b) The site plans that include construction and completion of the playgrounds must include details for design to insure the playgrounds (collectively) meet the needs of various age groups.
- c) At a minimum, one basketball court must be identified prior to the first site plan submission for the development and included as part of the public use space area for the relevant site plan.

6. Staging of Amenity Features

- a) The development must be completed in accordance with the preliminary phasing plan and development program dated September 17, 2013 unless modified at the time of each site plan.
- b) The Applicant must complete the on-site public use space improvements associated with each phase prior to issuance of the final use and occupancy permit for that phase.
- c) The Applicant must install the landscaping associated with each phase no later than the next growing season after completion of the building and site work.

Environment

- 7. The Applicant must achieve a LEED Certified rating certification at a minimum, or energy and environmental design standards that the Department of Permitting Services identifies as

equivalent to a certified-level rating in the appropriate LEED rating system. The applicant must make good faith efforts to achieve a LEED Silver rating, or energy and environmental design standards that the Department of Permitting Services identifies as equivalent to a Silver-level rating in the appropriate LEED rating system. Before issuance of the final use and occupancy certificate, the Applicant must inform MNCPPC staff of the LEED Certification Level that they are qualified for. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to staff a written report for the public record purposes only from the Applicant's LEED consultant, analyzing the feasibility of achieving a LEED-Silver rating (or equivalent), to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating (or equivalent), including their associated extra cost. Submission of this report constitutes compliance with this condition.

8. The Applicant must obtain approval of a Final Forest Conservation Plan from the Planning Department prior to issuance of a Sediment Control Permit from the Department of Permitting Services for new construction. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.
9. The Applicant must plant twenty-four (24) three-inch caliper native canopy trees as mitigation for the removal of specimen trees. The species and location of plantings must be identified on the Final Forest Conservation Plan.
10. An International Society of Arboriculture certified arborist must certify tree protection measures on Final Forest Conservation Plan.

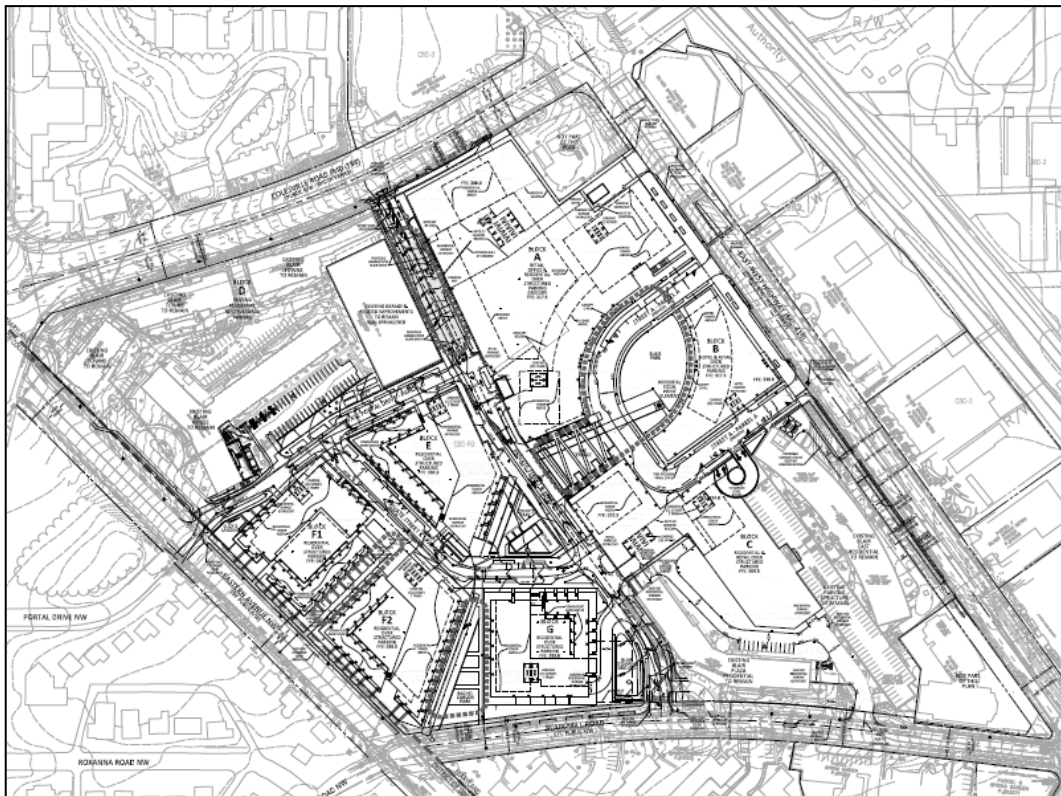


Figure 5: Project Plan

BASIS FOR CONSIDERATION

Project Plans have a standard of review that includes a Basis for Consideration and Findings. The Basis for Consideration are listed below and their discussion for the Board's consideration is incorporated within the Findings Section.

Section 59-D-2.43, Basis for Consideration, states: In reaching its determination on the application for the optional method of development and in making the required findings, the Planning Board must consider:

- (a) *The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures.*
- (b) *Whether the open spaces, including developed open space, are sized and located to provide convenient areas for recreation, relaxation and social activities for the residents and patrons of the development. Open spaces should be planned, designed and situated to provide sufficient physical and aesthetic open areas among and between individual structures and groups of structures. The proposed setbacks, yards and related walkways must be wide enough and located to provide adequate light, air, pedestrian circulation and necessary vehicular access.*
- (c) *Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.*
- (d) *Whether the proposed development contributed to the overall pedestrian circulation system. Pedestrian walkways must:*
 - (1) *be located, designed and sized to conveniently handle pedestrian traffic efficiently and without congestion;*
 - (2) *be separated from vehicular roadways and designed to be safe, pleasing, and efficient for movement of pedestrians; and*
 - (3) *contribute to a network of efficient, convenient and adequate pedestrian linkages in the area of the development, including linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.*
- (e) *The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.*
- (f) *The adequacy of provisions for the construction of moderately priced dwelling units in accordance with Chapter 25A of this Code if applicable.*
- (g) *The staging program and schedule of development.*
- (h) *The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.*
- (i) *The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.*
- (j) *Payment of a fee acceptable to the Planning Board may satisfy all or some of the requirements*

for any public use space, or public facilities and amenities under the requirements established elsewhere in this Section.

FINDINGS

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board in concert with the basis for consideration.

Staff makes the following findings:

a) The application would comply with all of the intents and requirements of the zone.

The subject Site is zoned CBD-R2. Section 59-C-6.212 of the Montgomery County Zoning Ordinance establishes the CBD-R2 Zone, and this section outlines the description, intent and general requirements of the CBD zones. The CBD-R2 zone is intended for use in areas of a central business district designated to accommodate high density residential development. More specifically, 59-C-6.213(b) establishes that the further intent of the CBD-R2 zone is to foster and promote the orderly development of the Central Business Districts of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment.

Overall Intent

The overall intent of the CBD zones is as follows:

- (a) To encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the Site Plan or combined urban renewal Project Plan is approved on review by the Planning Board.
- (b) To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers, and residents.
- (c) To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.
- (d) To promote the effective use of transit facilities in the central business district and pedestrian access thereto.
- (e) To promote improved pedestrian and vehicular circulation.
- (f) To assist in the development of adequate residential areas for people with a range of different incomes.
- (g) To encourage land assembly and the most desirable use of land in accordance with a sector plan.

The density and amenities achieved through the optional method of development enables the realization of the recommendations of the Silver Spring CBD Sector Plan, as described in Finding b) below. Currently, a suburban style retail center operates on the property which is a use that does not take full advantage of the site's close proximity to mass transit facilities and the employment opportunities in the Silver Spring CBD. There is a disjointed nature between the area of the site which fronts East-West Highway and the area of the site situated 18 feet below. Pedestrians cannot

easily traverse the site and the strip shopping center emphasizes vehicular movement. Public green space is lacking since the majority of development predates the public use space requirement for optional method projects within Silver Spring. The proposal to establish a public green area with visibility from East-West Highway as pedestrians walk south from the Silver Spring metrorail station, with pedestrian-oriented walkways leading to retail storefronts and the lower escarpment, will enhance the circulation system and overall desirability of the area for residents, workers, and shoppers. Residents south of the site will also benefit from public use space areas that front Eastern Avenue and connect to the extended open space network on the site. These connections provide more direct access to retail on the upper escarpment and the metrorail station. The construction of a private road that will essentially function as a public road through the site will connect the development to surrounding multi-family properties while at the same time increasing the permeability of the site. The provision of 12.5% MPDUs in the development will increase the number of MPDUs available in this very desirable section of Silver Spring. This increase will allow for more MPDU residents to live within walking distance of a range of amenities, reducing the need for auto-oriented expenses. For land assembly, the applicant has created a lotting diagram that allows for the proposed private streets to provide maximum accessibility to, from, and within the site. The logical parcels that result after the creation of the roads establishes blocks that will allow for building orientations that support a pedestrian friendly, civic, green, commercial, residential, and transit oriented downtown as envisioned by the Sector Plan.

Retail & Personal Service Use Requirement

Under Section 59-C-6.234 of the Zoning Ordinance, the maximum density of development for the CBD-R2 zone, footnote 3, requires at least 5% of the gross floor area consist of retail or personal service commercial uses. The Planning Board may waive a portion of this requirement during the course of project plan approval upon a finding that full compliance with this requirement is not practical, feasible, or would result in such uses being required on other than the ground or first floor. The applicant has requested the Planning Board approve the project with 3.27% retail and personal service uses rather than the full 5%. The applicant has argued that the Sector Plan limits development on the site to 2,800 residential units and 450,000 square feet of commercial development, and therefore, the resulting FAR the applicant can construct is 2.4 FAR. For compatibility reasons, the applicant is providing the vast majority of retail opportunities on the upper escarpment near the metrorail station and in close proximity to the more intense commercial and residential development in the core area of Silver Spring. The applicant believes that at this time they have substantially complied with the requirement because retail uses in the immediate vicinity in addition to the proposed retail and hotel uses within the project will provide ample retail to support the residential component and other commercial uses on the site. The applicant also believes that at site plan, and throughout the multi-year phased implementation of the project, a future decrease in the residential unit sizes could lead the applicant to revise the calculation and become compliant.

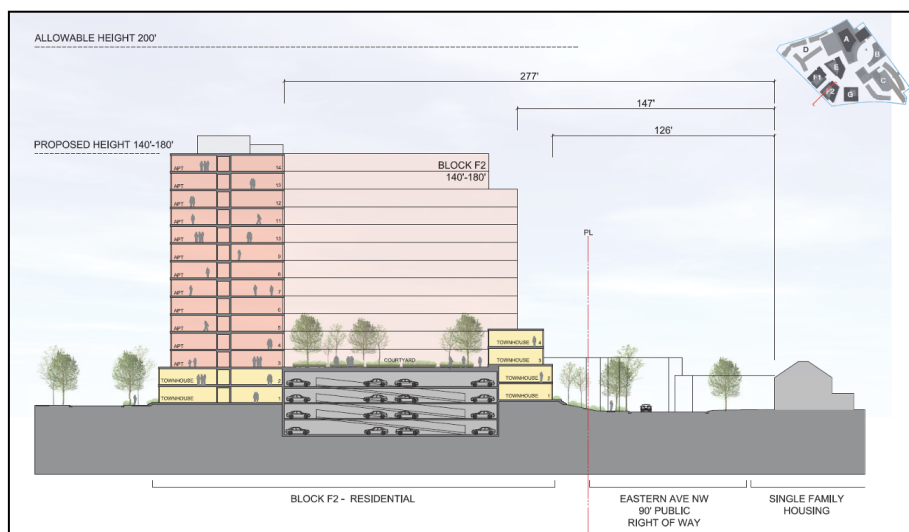
Height

Section 59-C-6.235(b) of the County Code states the height normally allowed in the CBD-R2 zone is 143 feet, but may be increased up to 200 feet if approved by the Planning Board in the process of site plan or combined urban renewal project plan approval as not adversely affecting surrounding properties. For the upper escarpment, the applicant proposes a maximum building height of 200 feet within Block A, 120 feet within Block B, and 200 feet within Block C. For the lower escarpment, the applicant proposes a maximum building height of 200 feet within Block E, and 180 feet within

Block F, and 180 feet within Block G, which is more proximate to the adjacent residential neighborhoods in South Silver Spring and the District.

Staff has reviewed the height of the buildings extensively, despite the fact that the ultimate height of the buildings will be established at site plan. Building heights of up to 200 feet in the upper escarpment should be allowed due to the height of existing buildings across East-West Highway and along Blair Mill Road and Colesville Road. The heights within these adjacent and confronting properties range from 140 to 170 feet with varying setbacks from the street. A height of up to 200 feet is appropriate in Block A of the site, which is the closest to the metro and existing office and residential buildings within downtown Silver Spring that sit at a higher elevation than the Subject Property and approach 200 feet in height as well. An urban form is important at this location to emphasize the mixed use nature of the upper escarpment where a lively pedestrian realm is essential to its success. A building height of up to 200 feet within Block C is appropriate because the existing high rise residential buildings fronting East-West Highway and Blair Mill Road, along with Blair East and Blair Plaza, which climb to 170 and 180 feet respectively, will buffer confronting properties from the new building. These existing buildings will provide visual relief from the streets, as well as a sufficient step back to minimize shadow effects.

Within the lower escarpment, Staff believes the maximum allowable height should be 180 feet or less. The close proximity of future buildings in Blocks G, F1, and F2 to existing garden apartment buildings and single family residential dwelling units requires compatibility to be closely examined as part of future site plan reviews. As conditioned, the maximum height for these buildings will be further reviewed at the site plan stage for compatibility, including evaluation of step backs, building materials, massing, and architecture. The applicant has included massing exhibits as part of the project plan submission, which show minimum distances between the proposed multifamily units on Blair Mill Road and garden apartments across the street and minimum distances between the multifamily buildings on Eastern Avenue and the single family residential dwelling units across the street. Staff has included conditions requiring certain setback from the respective right-of-way lines be maintained in the future.



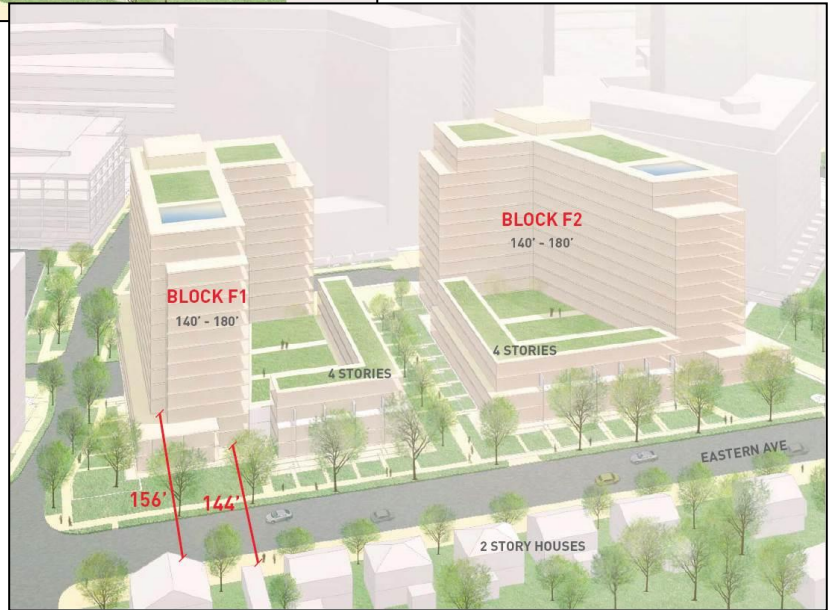
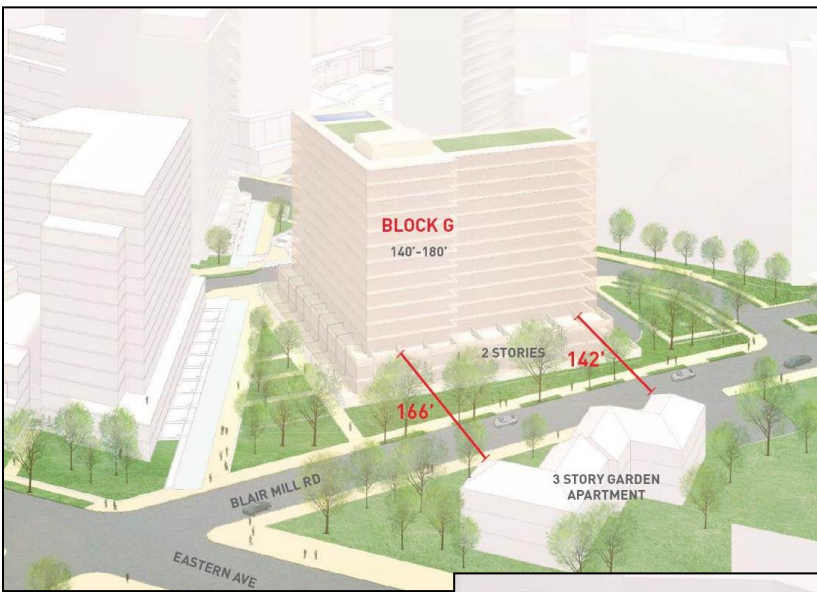


Figure 6: Height Exhibits

The applicant's proposal to construct two buildings, one in Block F1 and one in Block F2, that will include townhome units in the front, surrounding a parking garage with much greater density of units on opposite sides, is an appropriate approach; however, the ultimate height of the building should be further evaluated when more details are available.

As demonstrated in the table on the following page, the project complies with the requirements of the CBD-RD Zone.

Project Data Table for the CBD-R2 Zone (Optional Method of Development)

Development Standard	Zoning Ordinance Permitted/ Required	Proposed for Approval
Site Area (square feet)		
Gross Tract Area	18,000 sf	30.36 acres (1,322,792 sf)
Less Dedication for Public ROW	n/a	0.69 acres (30,366 sf)
Less Prior Dedication for Public ROW		3.09 acres (134,677 sf)
Net Lot Area	n/a	26.58 acres (1,157,749 sf)
Density		
Max. Total FAR	5.0	2.89
- residential	n/a	2.55
- commercial	1.0 or 450,000 sf ¹	0.34 (450,000 sf)
Retail & Personal Service Use	5% of GFA	3.27% ²
MPDUs [Chapter 25A] Units	12.5%	12.5%
Min. Public Use Space		
On-Site	20%	20%
Off-Site Amenity Space	n/a	4%
Min. Building Setbacks (ft) [59-C-10.3.8]		
Front	0 ft	0 ft
Rear	0 ft	0 ft
West Side	0 ft	0 ft
East Side	0 ft	0 ft
Max. Building Height (ft)		
	143 ft	200 ft ³
Vehicle Parking (number of spaces)⁴		
Retail	1,055 spaces	322 spaces
Residential	3,160 spaces	2,953 spaces
Total spaces	4,215 spaces	3,275 spaces
Bicycle Parking		
Number of spaces	1 space for every 20 auto spaces, but not more than 20 in any 1 lot	To be determined at site plan
Motorcycle Parking		

Number of spaces	2% of auto spaces, but not more than 10 in any 1 lot	To be determined at site plan
Footnotes		
<p>¹ On sites of 10 contiguous acres or more, the amount of non-residential development is limited to a maximum of 450,000 gross square feet.</p> <p>² The Planning Board may waive a portion of this requirement upon during the course of project plan approval upon a finding that full compliance with this requirement is not practical, feasible, or would result in such uses being required on other than the ground or first floor.</p> <p>³Per Section 59-C-6.235(b), the Planning Board can approve a height that exceeds 143 feet, up to 200 feet, in the CBD-R2 zone for an optional method of development in the process of site plan.</p> <p>⁴No Parking is required for this site as it is located in the Silver Spring Parking Lot District. Total number of spaces will be determined at certified Site Plan.</p>		

b) *The application would be consistent with the applicable sector plan or urban renewal plan.*

Site Specific Recommendations

The site lies within the “Other Areas of the CBD” section identified in the 2000 Silver Spring CBD Sector Plan. On page 69 of the Sector Plan, a recommendation was made to “Rezone the Blair property from R-10 to CBD-R2 contingent upon the passage of a zoning text amendment to cap the density at the amount allowed by the current zoning. The change in zoning would allow more flexibility and creativity for development without increasing the amount of development or changing the mix of uses...” This text amendment was passed which is why the entire site is zoned CBD-R2 today.

The Plan then makes additional recommendations for the site on page 69, stating:

The full residential use of the property could be equivalent to 80 dwelling units per acre under standard method, or 200 dwelling units or a 4 FAR under optional method of development. For the Blair tract, these limits equal 2,240 dwelling units under the standard method or 5,600 units under the optional method. This Sector Plan sets a cap of 2,800 dwelling units under the optional method. This site will also be subject to the terms of a new text amendment that limits the maximum allowed commercial square footage to 450,000 square feet of standard method development in the CBD-R2 zone on sites of ten or more contiguous acres.

Rather than impose this specific text amendment, the County Council applied a limitation from the Zoning Ordinance that caps the amount of non-residential development on 10 or more contiguous acres to 450,000 gross square feet in the CBD-R2 zone, under the optional method requirements. The applicant is proposing a plan that includes commercial redevelopment in the upper escarpment. The total square footage of commercial development proposed at full build-out is a maximum 450,000 gross square feet in accordance with the Sector Plan and Zoning Ordinance limitations.

Urban Design Recommendations

The Sector Plan provides general urban design recommendations for redevelopment projects in the Silver Spring CBD. The guidelines most applicable to the application site are listed below with

analysis immediately following.

- Create an attractive pedestrian environment by creating a system of short blocks, and defining streets with buildings, open spaces, and streetscaping at a human scale created by street-front retail, frequent doors and windows, architectural detail, and appropriately scaled building heights

An attractive pedestrian environment will be provided through the system of private streets proposed, which adequately break up the upper and lower superblocks, given the challenging grade differential in the middle of the site. The applicant has located buildings as close to these private streets as possible, leaving room only for streetscape treatment. New and existing buildings along the periphery of the site frame the thoroughfares, with the exception of Eastern Avenue, where the first townhome units are set back 18 feet from the right-of-way line to respect the less dense development in the District of Columbia. Architectural details such as doors and windows will be closely reviewed at the time of site plan, but the preliminary designs of the residential buildings give Staff assurance that the applicant will be able to meet this recommendation.

- Through urban design treatments, establish streetscapes that emphasize the hierarchy of the circulation system

Although streetscape specifications will be finalized at the site plan stage, the applicant has shown on the project plan appropriate streetscapes that correspond to the classification of each road. East-West Highway will include the standard Silver Spring streetscape design with a brick sidewalk, streetlights, and street trees. The off-road shared use path along Colesville Road will be extended to the northern boundary of the site's Colesville Road property frontage. Blair Mill Road will also have an off-road shared use path for superior bicycle accessibility, and Eastern Avenue will conform to the streetscape standards within the District of Columbia.

- Create formal and informal civic spaces—buildings and open spaces—that add to property values, provide amenity, and improve downtown's aesthetic appearance

The applicant is creating a network of informal civic spaces (the civic spaces will remain under private ownership) within a tract where civic areas are currently absent. The public use space concept locates such spaces in a linear spine where public use space will not be directly associated with any one building but will instead convey a sense of openness and varied public gathering locations.

General Recommendations

For the general goals of the Plan, The Sector Plan's vision for Silver Spring's future is "to create a development environment that invites revitalization". The Plan outlines themes of a transit oriented downtown, residential downtown, commercial downtown, green downtown, civic downtown and pedestrian friendly downtown to achieve this vision. The application is consistent with all six themes.

The Sector Plan seeks to create a transit oriented downtown—it strives to balance the needs of pedestrians and vehicles as well as commuter and local traffic, and at the same time, maximize the investment in Silver Spring's transit infrastructure. The site offers direct pedestrian linkages to the metrorail station and Silver Spring Transit Center on a north-south axis that is the most direct route from

the southern end of the site and points beyond. Vehicular access points to the various garages within the site are located towards the periphery of the property to minimize conflicting pedestrian and vehicular movements. The project also includes bus stops on the periphery to directly link residents and visitors of the site to bus transit infrastructure within Montgomery County and the District of Columbia.

With a net new 1,690 residential units bringing the total number of units on the site to 2,800, the theme of a residential downtown is supported. With regards to a commercial downtown, the Applicant has proposed the maximum amount of commercial development allowed by the Sector Plan and Zoning Ordinance for this site. The commercial development is located on the upper escarpment of the site, off of East-West Highway. This location is closest to the metrorail station and more established high-rise commercial buildings in the Core. The commercial development is oriented in such a way to draw pedestrians into the site where vehicular traffic will be less disruptive than on a major thoroughfare. The majority of retail activity on the site will take place at the ground level, emphasizing the street-oriented commercial nature of the upper escarpment.

For a green downtown and civic downtown, the application includes a public use space concept that truly invites residents and non-residents to explore its intricacies. Blair Park offers a contiguous green area, 22,500 square feet in size, in an area of the CBD where large green spaces are lacking. The applicant intends for Blair Park to offer a wide range of public activities, including concerts, farmers markets and festivals. In addition, Blair Park will be flexible enough to also allow less formal gatherings such as picnics and outdoor ballgames. The overall public use space concept for The Blairs Master Plan, and Blair Park in particular, contributes to the goal of the Sector Plan to achieve a CBD with a wide range of green and civic spaces.

The proposed project will contribute to a pedestrian friendly downtown environment as envisioned by the Sector Plan. With ground floor retail and residential units on the upper floors, as well as the placement of a significant amount of new parking spaces on the site below grade or partially below grade (with the exception of limited on-street parking spaces), there will be new activity on areas of the site currently used as parking lots. Ground level retail uses will help activate the sidewalk areas in front of buildings in the upper escarpment. The open space concept will link residents living in the lower escarpment to the upper escarpment in an inviting way that encourages pedestrian travel rather than vehicular travel. Residents of the multi-family dwelling units will shop and dine within The Blairs Site, and then beyond the property in South Silver Spring and the Core area of Silver Spring, and will most likely reach such destinations by foot.

Roadway Recommendations

On page 76 of the Plan, the circulation objective for both Georgia Avenue and Colesville Road is outlined: "Georgia Avenue and Colesville Road are and will remain regional transportation corridors and primary transit routes, but in Silver Spring, they must also serve as urban boulevards....These corridor roads must serve pedestrians as well as vehicular traffic." Other applicable Sector Plan recommendations for Colesville Road include continuity of design treatment along Colesville Road as remaining sites redevelop and cohesive streetscaping by filling in streetscape gaps in the context of an expanded Silver Spring Streetscape Plan to help create a pedestrian and mass transit-friendly corridor. The applicant has shown on the plan a streetscape for Colesville Road that will continue the existing treatment via future construction of a shared use path, measuring eight to 10 feet in width, with a tree panel separating the path from the street. Flexibility in the ultimate width is necessary to appropriately tie in with the sidewalk in front of the gas station use located north of the site at the corner or East-

West Highway and Colesville Road.

The 2000 Silver Spring CBD Sector Plan allows the proposed Private Street B roadway to be improved as a private street if the Board finds that private ownership is in the public interest. If the Board approves this road as a private street, this roadway will accommodate two-way vehicular access, on-street parking as well as pedestrian and bicycle facilities within a 60 foot wide parcel and public access easement. Roadway construction must be in accordance with MCDOT roadway standards for a two lane business district street. The private roadway will allow the Applicant to install non-standard landscaping and traffic calming devices, including a “speed table,” to improve the pedestrian experience. Staff does support platting the roadway as a private street because it is consistent with the sector plan and will provide a superior transportation facility for pedestrians, bicyclists, and motorists.

c) *Because of its location, size, intensity, design, operational characteristics and staging the application would be compatible with, and not detrimental to, existing or potential development in the general neighborhood.*

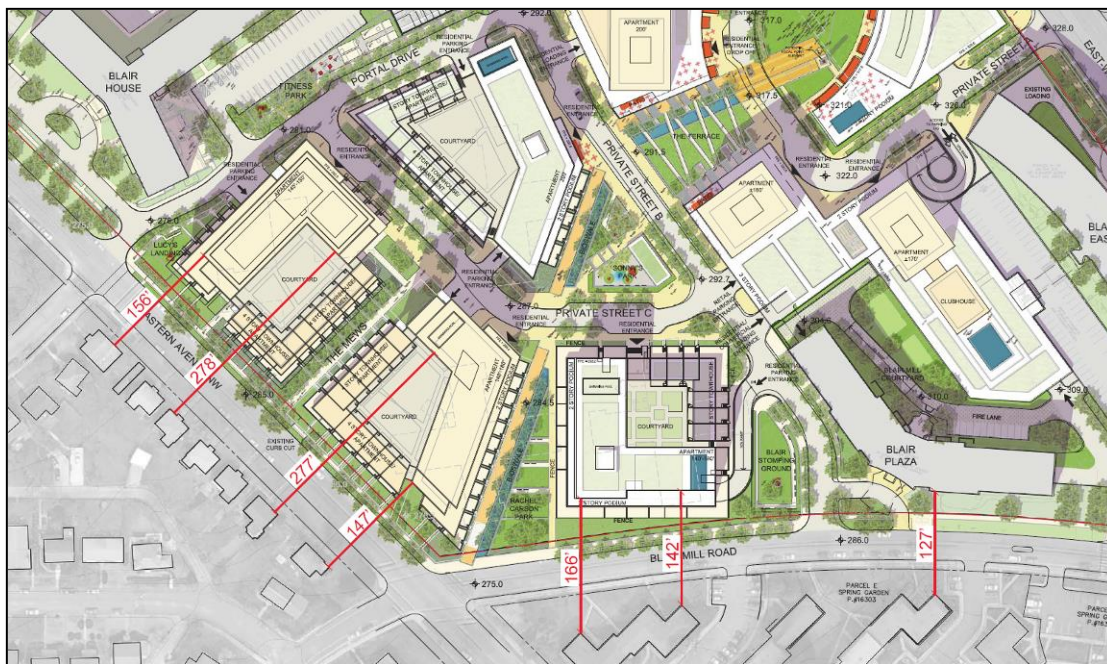


Figure 7: Compatibility Exhibit

The location, size, intensity, design, and operational characteristics proposed for this application are compatible with the existing and potential development in the general neighborhood. The orientation of the various new buildings responds to the surroundings. The majority of the ground floor retail spaces and residential units have entry and exit points from the roadways and public use areas of the site, where visibility and pedestrian activity will be greatest. The garage entry and loading dock entry points are located behind buildings where possible to limit truck movement through the site. The layout of the proposed private roads is such that vehicles are directed quickly from main thoroughfares to parking

THE BLAIRS MASTER PLAN PROJECT PHASING

THE PROJECT IS PROPOSED TO BE TWO ESSENTIAL PHASES: PHASE 1 (LOWER ESCARPMENT) AND PHASE 2 (UPPER ESCARPMENT). NUMBERING DOES NOT INDICATE SEQUENCING/ORDER. PROJECT PHASING ORDER MAY BE ALTERED OR POTENTIALLY COMBINED, DEPENDING UPON MARKET CONDITIONS. DETAILED PHASING, STAGING LOCATIONS, LIMITS OF CONSTRUCTION AND SEQUENCING TO BE DETERMINED AS PART OF EACH SITE PLAN, DEPENDENT UPON FINAL GRADING PROPOSED & AGENCY INTERACTION FOR LIFE SAFETY PURPOSES.

PHASE 1A - LOWER ESCARPMENT

DEMOLITION OF BLAIR TOWERS (FOUR EXISTING RESIDENTIAL BUILDINGS)

PHASE 1B - LOWER ESCARPMENT

DEVELOPMENT AND CONSTRUCTION OF RESIDENTIAL BUILDING F-1, ALONG WITH ASSOCIATED STRUCTURED PARKING AND RELATED LANDSCAPING; CONSTRUCTION OF 'LUCY'S LANDING'; CONSTRUCTION OF PORTAL DRIVE BETWEEN EASTERN AVENUE AND STREET C; STREET C BETWEEN PORTAL DRIVE AND 'THE MEWS'; DEVELOPMENT AND CONSTRUCTION OF RELATED RESIDENTIAL AMENITIES, POTENTIAL PUBLIC ART COMPONENTS AND STREETScape FRONTAGE IMPROVEMENTS.

PHASE 1C - LOWER ESCARPMENT

DEVELOPMENT AND CONSTRUCTION OF RESIDENTIAL BUILDING F-2, ALONG WITH COMPLETION OF STRUCTURED PARKING GARAGE BELOW GRADE CONNECTING TO BLOCK F1 AND RELATED SITE LANDSCAPING; CONSTRUCTION OF STREET C FROM 'THE MEWS' TO 'RACHEL CARSON PARK'; DEVELOPMENT AND CONSTRUCTION OF 'THE MEWS' PUBLIC USE AREA AND RELATED RESIDENTIAL AMENITIES, POTENTIAL PUBLIC ART COMPONENTS, AND STREETScape FRONTAGE IMPROVEMENTS.

PHASE 1D - LOWER ESCARPMENT

DEMOLITION OF EXISTING SWIMMING POOL BY EXISTING BLAIR HOUSE; DEVELOPMENT AND CONSTRUCTION OF RESIDENTIAL BUILDING G, ALONG WITH STRUCTURED PARKING GARAGE BELOW GRADE; CONSTRUCTION OF STREET B FROM BLAIR MILL ROAD TO STREET C AND COMPLETION OF STREET C TO 'RACHEL CARSON PARK'; DEVELOPMENT AND CONSTRUCTION OF 'RACHEL CARSON PARK' PRIVATE AMENITY AND RELATED SITE LANDSCAPING, AND 'BLAIR STOMPING GROUNDS' PUBLIC USE AREA; DEVELOPMENT AND CONSTRUCTION OF RELATED RESIDENTIAL AMENITIES, POTENTIAL PUBLIC ART COMPONENTS, AND STREETScape FRONTAGE IMPROVEMENTS.

PHASE 1E - LOWER ESCARPMENT

DEVELOPMENT AND CONSTRUCTION OF RESIDENTIAL BUILDING E, ALONG WITH STRUCTURED PARKING GARAGE BELOW GRADE; COMPLETION OF STREET B FROM STREET C TO COLESVILLE ROAD & COMPLETION OF PORTAL DRIVE FROM STREET C TO STREET B; CONSTRUCTION OF 'SONNY'S PARK' AND PAVILION PUBLIC USE AREA; DEVELOPMENT AND CONSTRUCTION OF RELATED RESIDENTIAL AMENITIES, POTENTIAL PUBLIC ART COMPONENTS, AND STREETScape FRONTAGE IMPROVEMENTS.

PHASE 1F - LOWER ESCARPMENT

ADDITION OF PARKING FLOORS ABOVE EXISTING GARAGE AND RELATED PUBLIC AMENITY/ART COMPONENT.

PHASE 2 - UPPER ESCARPMENT

DETAILED UPPER ESCARPMENT PHASING IS NOT YET DETERMINED AT THIS TIME. PHASE 2 INCLUDES CONSTRUCTION OF RETAIL, OFFICE, AND RESIDENTIAL BUILDINGS IN BLOCKS A, B AND C; CONSTRUCTION OF RELATED STRUCTURED PARKING AND PRIVATE STREET A; CONSTRUCTION OF 'BLAIR PARK' AND 'THE TERRACE' PUBLIC USE AREAS; RECONFIGURATION OF LOADING FOR BLAIR EAST BUILDING; DEVELOPMENT AND CONSTRUCTION OF RELATED AMENITIES, POTENTIAL PUBLIC ART COMPONENTS AND STREETScape FRONTAGE IMPROVEMENTS.

garages and loading areas without having to wind through the site.

The block in which this project is located is one of the closest in the Silver Spring downtown area to the Silver Spring metrorail station. The height of buildings in the upper escarpment ranges from 120 feet to 200 feet. Building across East West Highway are approximately 25 to 30 feet in height, on a similar topographical elevation as that of the proposed buildings. Buildings within the lower escarpment range in height from 50 feet for Blair Towns and up to 180 feet for the residential buildings in Block E. The new buildings along Eastern Avenue are proposed to be 140 to 180 feet in height and the new building that fronts Blair Mill Road is also proposed to be 140 to 180 feet in height. To improve compatibility with single family homes across Eastern Avenue within the District of Columbia and four story garden apartments across Blair Mill Road, the applicant has proposed to wrap these buildings with townhome units to further set back the upper floors of the building, thereby increasing the distance from the higher floors from less dense development across the street. This approach also makes the upper floors more difficult to see from the roads and sidewalks along Eastern Avenue and Blair Mill Road. The 18 feet drop in elevation from the upper escarpment to the lower escarpment creates a natural tenting effect within the property, despite buildings in the lower escarpment being of similar height to those in the upper escarpment. Staff has conditioned further evaluation of the

buildings in the lower escarpment at the time of site plan to insure compatibility with the surrounding neighborhood.

Staging of construction will occur in such a way that the necessary private roads and parking spaces as

well as supporting public use spaces adjacent to each building must be completed prior to use and occupancy of the different buildings. The applicant has proposed a preliminary development program as follows:

- d) *The application would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, is subject to a traffic mitigation agreement that meets the requirements of that article.*

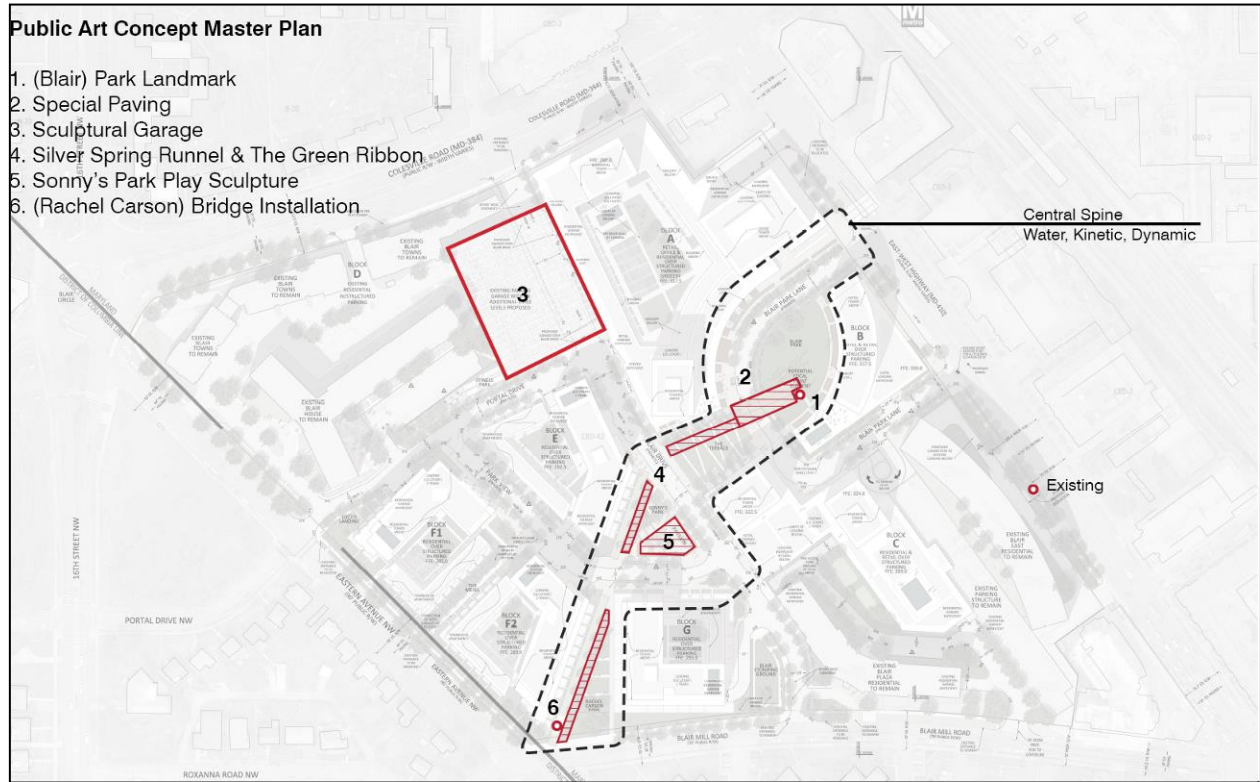
The application development program will not overburden existing public facilities and services nor those programmed for availability. The application for the proposed residential and commercial development satisfies the transportation requirements of the Adequate Public Facilities (APF) review as fully outlined in the in the Preliminary Plan section of this report. The property is located within a transportation management district, therefore, the applicant is required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and Montgomery County Department of Transportation. The site is located in the Montgomery Blair High School Cluster. The other schools that serve this location include Sligo Creek Elementary School and Silver Spring International Middle School. The proposed 1,690 new multi-family housing units are estimated to generate approximately 71 elementary school students, 66 middle school students, and 56 high school students. The current Subdivision Staging Policy School Test for FY 2014 requires school facility payments for subdivision approval at the elementary, middle, and high school levels in the Blair Cluster.

- e) *The application would be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The application proposes to develop the site using the optional method of development, which is more efficient and desirable than the standard method of development. The optional method allows greater densities at key locations, such as proximity to mass transit, in exchange for greater public amenities and facilities. Construction of a standard method project would yield overall development constructed to a maximum 1.0 FAR with maximum building heights of 60 feet. For a site located in the Silver Spring CBD, buildings constructed under the standard method would not be required to have significant public amenities or substantial open space, and would be insufficient to reach the critical mass and density envisioned for this property within very close proximity to the Silver Spring metrorail station. Additionally, the greater number of affordable housing units provided far exceeds what could be achieved under the standard method. The 20% public use space proposed on the site will contribute to the vision of the Silver Spring CBD Green Space Guidelines, whereas only 10% public use space would be required for a standard method project, making this achievement more difficult. Given the recommendations of the Master Plan and the Site's proximity to transit, employment and services, the optional method of development is much more desirable and efficient for this large site.

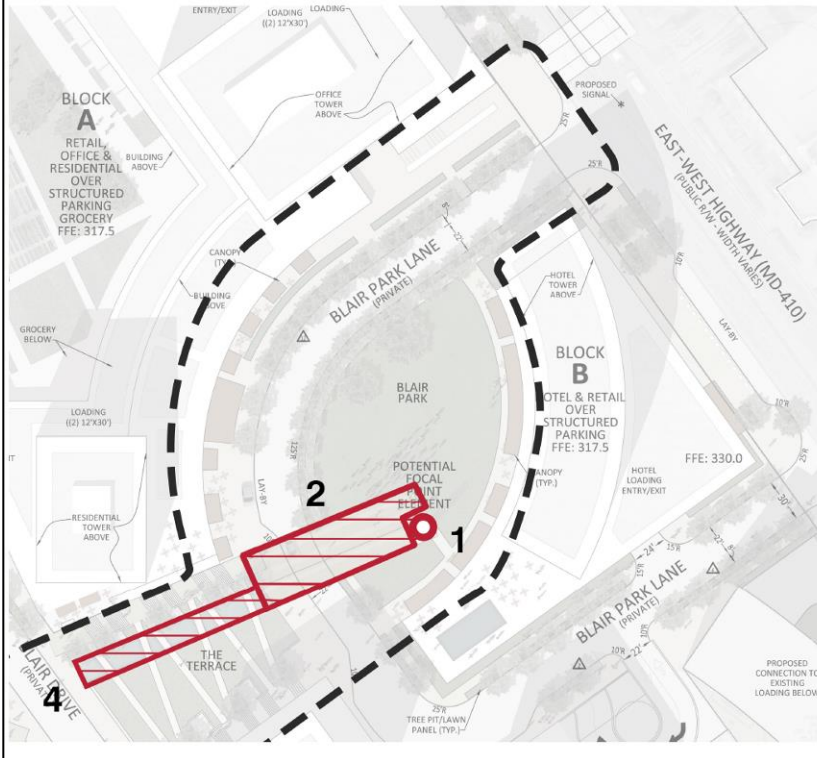
Public Art Concept Master Plan

1. (Blair) Park Landmark
2. Special Paving
3. Sculptural Garage
4. Silver Spring Runnel & The Green Ribbon
5. Sonny's Park Play Sculpture
6. (Rachel Carson) Bridge Installation

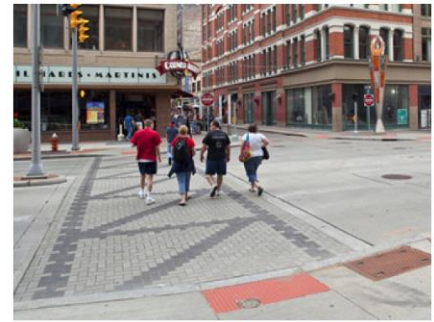
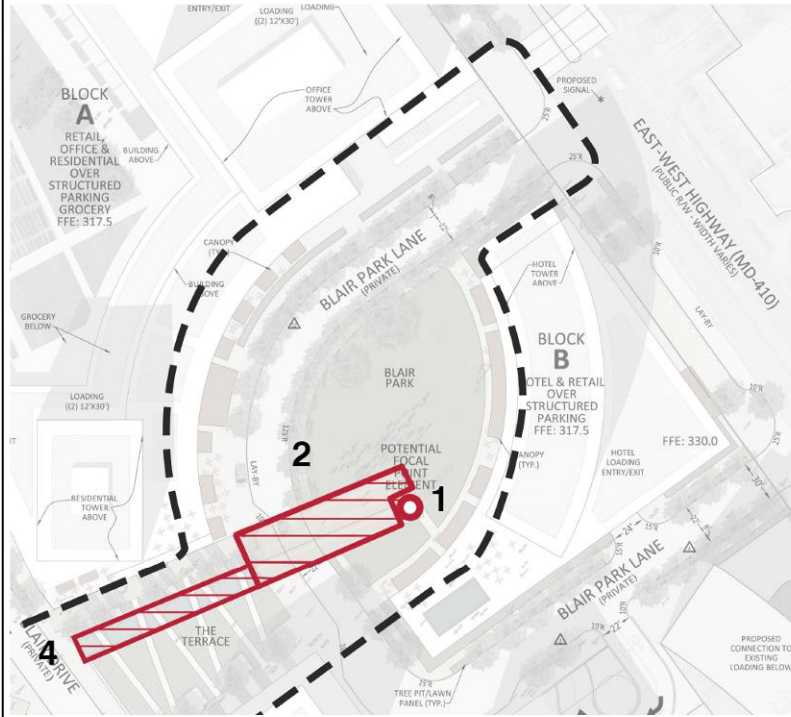


(Blair) Park

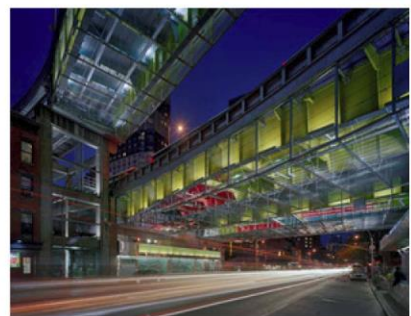
(1) Landmark with Useful Information as Art



(Blair) Park
(2) Public Art and Special Paving

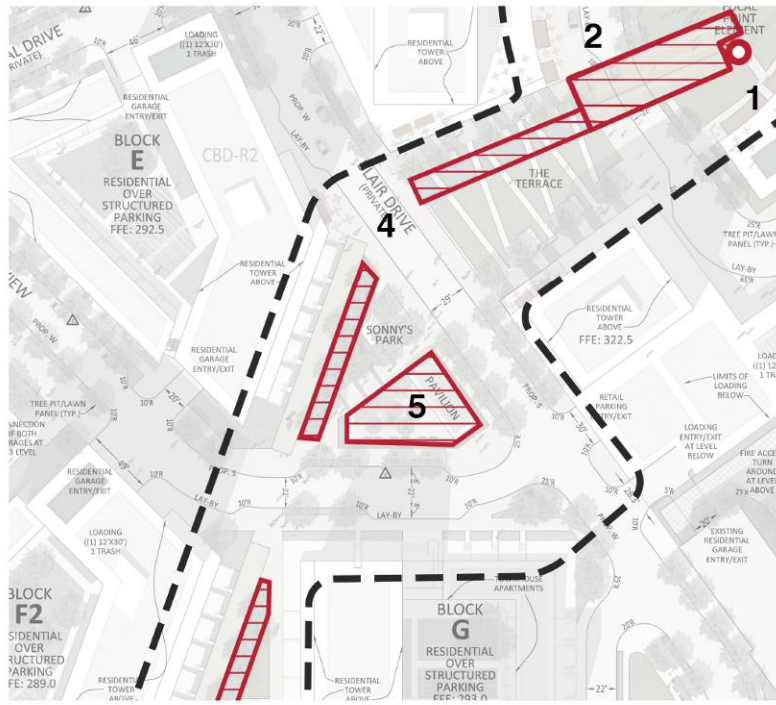


Structural Garage
(3) Garage As Potential Art



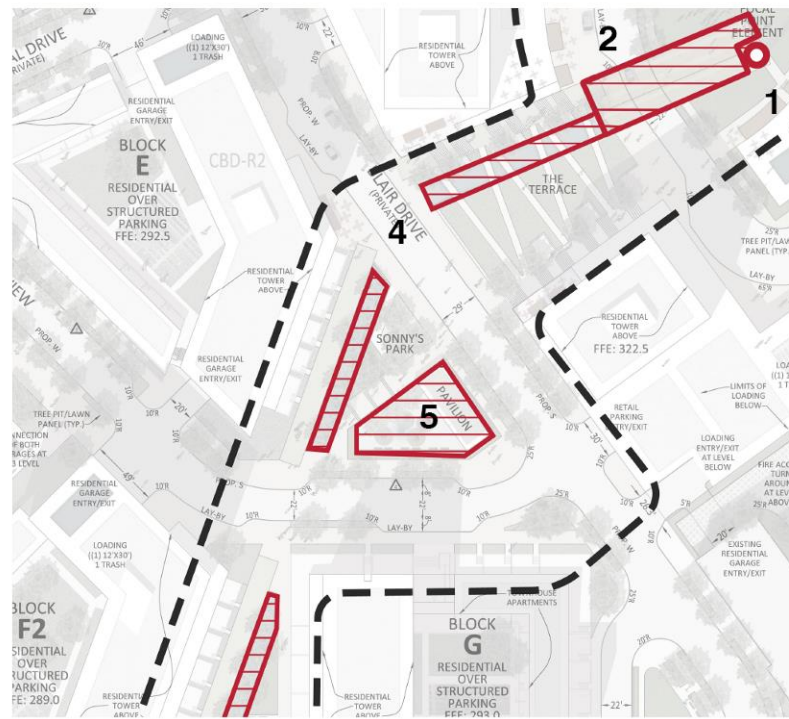
The Terrace And Sonny's Park

(4) The Green Ribbon and Water Runnel as an Expressive Element



The Terrace And Sonny's Park

(5) Playground As Potential Art



(Rachel Carson) Park
(6) Sculptural Bridge as an Art Element



Figure 8: Proposed Public Use Space Areas

The proposed plan does not include basketball courts. Parks Staff believes five basketball courts are needed in the Silver Spring planning area based upon their evaluation of the facilities in the area. There are none in this quadrant of Silver Spring. To access the nearest court, residents will have to cross Georgia Avenue. Staff recommends at least one basketball court be provided. As conditioned, the applicant must identify one basketball court prior to the first site plan submission for the development, and include it as part of the public use space area for the relevant site plan.

(f) The application would include moderately priced dwelling units in accordance with Chapter 25A, if the requirements of that chapter apply.

The applicant must provide a minimum of 12.5% of the total number of units as MPDUs. The project plan has been reviewed by DHCA. DHCA recommends approval at this stage with the condition that final MPDU locations, bedroom compositions and layouts be determined at certified site plan with review and approval by DHCA [Appendix A].

(g) When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from on lot to another or transfer densities, within a lot with two or more CBD zones, under 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Planning Board may approve the project plan only if:

The entire net tract area is owned by the applicant and in the CBD-R2 zone. The development does not propose any transfers of public open space or development density from one lot to another.

(h) Any applicable requirements for forest conservation under Chapter 22A.

Natural Resource Inventory/Forest Stand Delineation (NRI/FSD)

The NRI/FSD (420121540) for this Property was approved on June 27, 2012. The NRI/FSD identifies environmental features, conditions, constraints and forest resources on the Property and within 100-feet of its perimeter. The Property contains no forest, streams, buffers, or rare, threatened, or endangered species. There are 13 specimen trees with a diameter at breast height (dbh) of 30 inches or greater onsite with an additional six within a 50 foot perimeter. Twenty-one onsite trees are significant with a dbh of 24-30 inches, and an additional 12 significant trees on its perimeter.

Preliminary Forest Conservation Plan

The net tract area of 27.28 acres is subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code). A Preliminary Forest Conservation Plan was submitted on April 25, 2013 and revised on August 5 and August 12, 2013. With no existing forest onsite, meeting the Forest Conservation Law requires an afforestation threshold of 4.09 acres to be met through off-site mitigation.

Forest Conservation Variance

Section 22A-12(b) (3) of the Montgomery County Forest Conservation Law provides criteria to identify certain trees, shrubs, plants and specific areas as priority for retention and protection and further requires those features to be left in an undisturbed condition unless a variance is obtained in accordance with Chapter 22A-21 of the County code. The resources that have been identified on this Plan include trees with a DBH of 30 inches or greater.

The applicant submitted a variance request on July 22, 2013 with revisions on August 9, 2013 for impacts to and removal of specimen trees. Stately specimen trees align the property along East-West Highway, Blair Mill Road, and Eastern Avenue. The Applicant is requesting a variance to remove six specimen trees, five significant trees (24"-29" in diameter at breast height), with impacts to a significant portion of the critical root zones to an additional three specimen trees. Efforts to treat and protect the retained three specimen trees will be made; however, impacts to the critical root zones are above 30 percent and the trees may not survive as a result. The applicant proposes mitigation for specimen tree loss by planting twenty-four three-inch caliper trees onsite. The impacts and removal are described in the variance tree table below.

<i>Tree #</i>	<i>Scientific Name/ Common Name</i>	<i>D.B.H (inches)</i>	<i>Field Condition</i>	<i>Disposition</i>	<i>CRZ Impacts (%)</i>	<i>Justification</i>
ON-SITE SPECIMEN TREES PROPOSED FOR REMOVAL OR IMPACTED						
1*	<i>Quercus phellos / Willow oak</i>	32	<i>Good</i>	<i>Potential Removal</i>	35%	<i>Impact greater than 30% is required to allow for the future driveway connection to the existing loading / service area which will be inaccessible once Blair Park Lane and Blocks A & B are constructed.</i>
2	<i>Quercus phellos / Willow oak</i>	39	<i>Good</i>	<i>Impacted</i>	9%	<i>Slight impact is needed to allow for the construction of the future driveway connection to the loading area mentioned above.</i>
6	<i>Quercus phellos / Willow oak</i>	34	<i>Good</i>	<i>Potential Removal</i>	35%	<i>This tree is located within an existing tree island surrounded by sidewalk or pavement. The proposed activity will occur on the existing pavement and will include the installation of gas service within the road, mill and overlay, sidewalk extension and curb reconfiguration. Impact greater than 30% is required for these improvements.</i>
8	<i>Quercus phellos / Willow oak</i>	30	<i>Good</i>	<i>Remove</i>	100%	<i>The re-alignment of proposed Private Street B with associated sidewalk will require the tree's removal. No alternative alignments will minimize the disturbance, nor provide adequate</i>

						<i>CRZ protection for a successful preservation.</i>
12	<i>Quercus alba / White oak</i>	34	Good	Remove	100%	<i>The proposed F1 building is to have a similar ground floor elevation to the facing Eastern Avenue street level, similar to that which is across the street. This will require the current sloped transition and terrace to be graded, thus removing the tree. This tree is also within the proposed building's footprint. Retention of the tree would create accessibility issues for the proposed townhouse units and would be a detriment to the character envisioned for this frontage.</i>
13	<i>Quercus phellos / Willow oak</i>	30	Good	Remove	100%	<i>The proposed F1 building is to have a similar ground floor elevation to the facing Eastern Avenue street level, similar to that which is across the street. This will require the current sloped transition and terrace to be graded, thus removing the tree. This tree is also within the proposed building's footprint. Retention of the tree would create accessibility issues for the proposed townhouse units and would be a detriment to the character envisioned for this frontage.</i>
14	<i>Quercus phellos / Willow oak</i>	34	Good	Remove	100%	<i>The proposed F1 building is to have a similar ground floor elevation to the facing Eastern Avenue street level, similar to that which is across the street. This will require the current sloped transition and terrace to be graded, thus removing the tree. This tree is also within the proposed building's footprint. Retention of the tree would create accessibility issues for the proposed townhouse units and would be a detriment to the character envisioned for this frontage.</i>
15	<i>Quercus phellos / Willow oak</i>	±36	Good	Remove	100%	<i>The proposed building ground floor frontage of Block F1 is to be at the street level of proposed Portal Drive. The proposed grade will require removal of the existing retaining wall, sloped transition and terrace along with the reconfiguration of the existing dog park. The proposed activities will significantly impact the tree, thus requiring removal of the tree. This tree is also within the proposed building footprint.</i>
16*	<i>Cedrus atlantica / Atlas Cedar</i>	31	Good	Remove	48%	<i>Impact greater than 30% is required to allow for the widening and reconfiguration of Portal Drive, installation of storm drain, sanitary sewer and gas service lines.</i>
20	<i>Quercus phellos / Willow oak</i>	30	Good	Remove	100%	<i>The proposed building frontage of Block F2 is to be at the existing street level of Eastern Avenue. This will require the current sloped transition and terrace to be graded, thus removing the tree. This tree is also within the proposed building footprint. Retention of the tree would create accessibility issues for the proposed townhouse units.</i>

Unwarranted Hardship

As per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship. The existing specimen trees evaluated in this request are located throughout the lower escarpment of the Project within green areas surrounding the residential towers. Although the preservation and integration of specific

specimen trees along East-West Highway and Eastern Avenue was requested, the applicant’s vision for new building construction and road configuration challenged the request. A desire and need for building elevations to align with streets, future building footprint modifications, as well as infrastructure and driveway connections to existing service areas, would have made tree preservation inefficient and burdensome on the Project. Any other applicant redeveloping this portion of the site would likely affect the trees with site disturbance activity near the property line. Therefore, Staff concurs that the Applicant has made a sufficient argument for unwarranted hardship to consider a variance request.

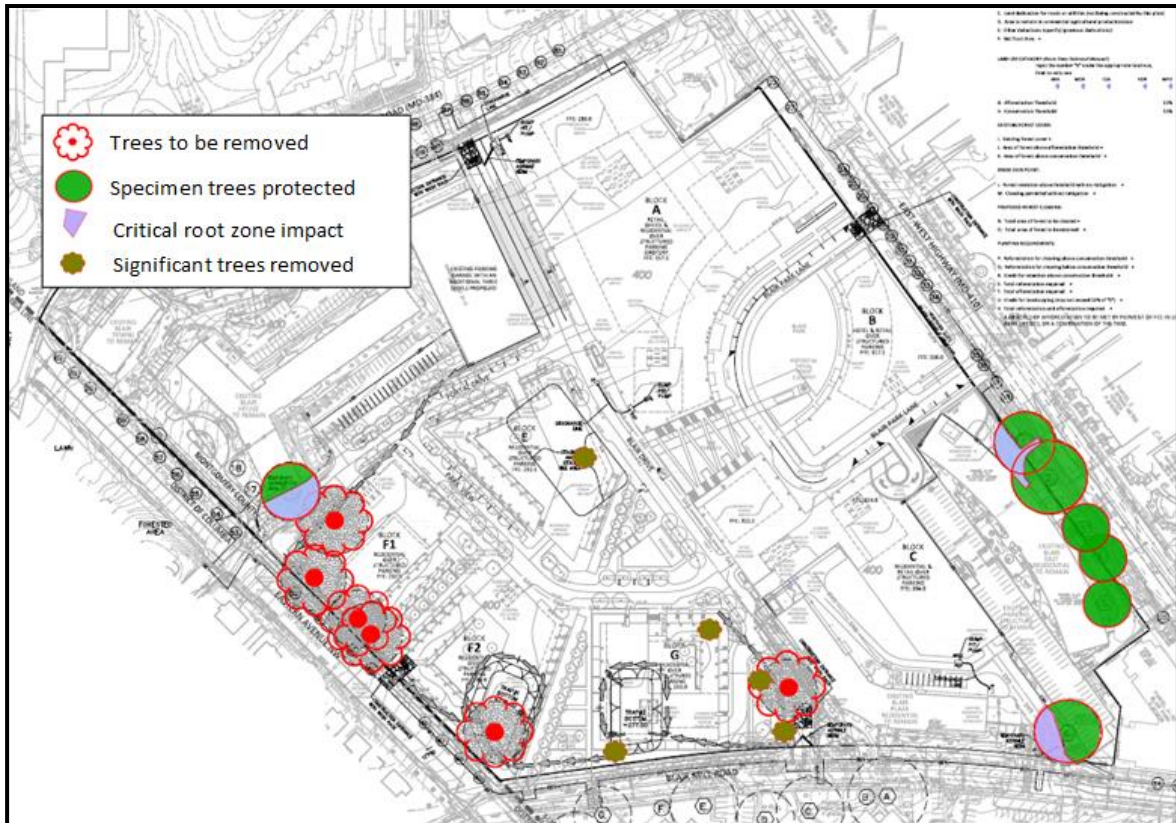


Figure 9: Trees proposed for removal, protection and impacts

Variance Findings

The Planning Board must make findings that the Applicant has met all requirements of this Chapter 22A-21 before granting the variance. Staff has made the following determination regarding approval of the variance:

1. *Will not confer on the Applicant a special privilege that would be denied to other applicants;*

Granting the variance will not confer a special privilege that on the applicant as this property is proposing a development consistent with the CBD-R2 zone. The trees and/or their critical root zones lie within the developable area of the Property. The proposed re-development of the parcels, including the reconfiguration of the vehicular circulation on the future road network, grading requirements, utility access, and proposed below grade service along East-West Highway will impact the existing specimen trees and/or their critical root zones. Due to the layout and use of the proposed development, it is Staff’s opinion, that granting the variance will

not confer a special privilege to the applicant.

2. *Is not based on conditions or circumstances which are the result of actions by the Applicant;*

Staff concurs that the requested variance is based upon proposed CBD optional method use of the site, access to the site, existing infrastructure, and a desire to build a modern, state of the art mixed use development, rather than on conditions or circumstances which are the result of actions by the applicant.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

Staff concurs that the requested variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The requested variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed are street and landscape trees. Although there will be an immediate loss from the stormwater filtration they provide, the overall project plan will improve water quality above existing levels through additional plantings, the use of green roofs, porous surfaces, and biofiltration systems.

Mitigation for Trees Subject to the tree Variance

The applicant proposes to disturb the critical root zones of three specimen trees and to remove six specimen trees; all are stately trees aligning the perimeter of the property. Mitigation for impacts and loss of the regal trees will occur at a rate that approximates the form and function of the trees removed. Staff recommends replacement occur at a ratio of approximately one inch dbh for every four four inches dbh proposed for removal. While these trees will not be as large as the trees lost, they will provide some immediate canopy cover and will help augment the canopy lost. Because these trees are mitigation for specimen trees lost or stressed, they do not count toward afforestation requirements.

The replacement trees must be a minimum caliper of three inches in dbh. For this site, the total caliper inches of specimen trees proposed for removal will be 291 inches requiring a minimum mitigation planting of 24 native canopy trees with a dbh of three inches or greater.

County Arborist's Recommendation on Variance

In accordance with Montgomery County Code, Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. On August 15, 2013, the County Arborist issued recommendations on the variance request and recommended the variance be approved with mitigation [Appendix B].

Variance Recommendation

Staff recommends the variance be granted.

Noise

The applicant will be required to provide a noise analysis at each site plan submittal, which must include exhibits of existing noise contours and 20 year projection, and certification from an engineer specialized in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.

Green Buildings

The Project must also comply with County Council green building legislation, by achieving LEED certification (26-32 points). LEED points can be achieved using diverse measures such as green roofs, green building materials, energy saving measures and waste reduction plans. If the applicant is unable to achieve a silver rating, they will have to provide information on what would need to be done to achieve that standard. This will be a requirement of the site plan.

Stormwater Management

The proposed stormwater management concept for the preliminary plan stage was deemed acceptable by the Department of Permitting Services on August 12, 2013. The concept meets the required stormwater management goals by the use of Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP) with the use of a green roof and micro-bioretenion/planter boxes. A waiver for the full quantity volume is granted since full treatment of ESD volume is not possible due to onsite constraints. The plan complies with Section 50-24(j) which requires that stormwater requirements be satisfied as part of preliminary plan review, however, the stormwater management concept must be resubmitted prior to site plan approval so additional details can be reviewed by the DPS. Staff finds that the plan complies with Section 50-24(j) which requires that stormwater requirements be satisfied as part of the Preliminary Plan review.

(i) Any applicable requirements for water quality resources protection under Chapter 19.

The Blairs Master Plan project is located in within the lower main Rock Creek watershed. The water quality condition for Lower Rock Creek is fair to poor and designated by the Montgomery County Department of Environmental Protection as a Watershed Restoration Area. The impaired biological stream conditions are due to heavy urbanization and dense populations occurring over many years prior to stormwater management, forest and stream buffer protection which led to unmitigated flows that have damaged Rock Creek and its tributaries.

The Montgomery County Department of Environmental Protection (MCDEP) developed a Countywide Stream Protection Strategy (CSPS) in 1998. The goal is to preserve, protect, and restore impaired watersheds. The Blairs Master Plan will contribute to MCDEP's lofty goals by implementing stormwater management treatment, where none exists today, reducing impervious cover, and increasing trees which help slow down and infiltrate stormwater runoff.

The proposed stormwater management concept for the preliminary plan stage was deemed acceptable by the Department of Permitting Services on August 12, 2013. The concept meets the required stormwater management goals by the use of Environmental Site Design (ESD) to the Maximum Extent Practicable (MEP) with the use of a green roof and micro-bioretenion/planter boxes. A waiver for the full quantity volume is granted since full treatment of ESD volume is not possible due to onsite constraints. The plan complies with Section 50-24(j) which requires that stormwater requirements be satisfied as part of preliminary plan review, however, the stormwater management concept must be resubmitted prior to any future site plan approvals so additional details can be reviewed by DPS.

- (j) Any public use space or public facility or amenity to be provided off-site is consistent with the goals of the applicable Master or Sector Plan and serves the public interest better than providing the public use space or public facilities and amenities on-site.*

The Application does not propose public use space and amenities to be provided off-site, other than the improvements to the property frontages within the right-of-way for East-West Highway, Blair Mill Road, Eastern Avenue, and Colesville Road. These improvements are consistent with the goals of the Sector Plan and serve the public interest by providing a consistent and aesthetically pleasing streetscape within the Silver Spring CBD.

SECTION 3: PRELIMINARY PLAN

RECOMMENDATION AND CONDITIONS

Staff recommends approval of Preliminary Plan No. 120130220, The Blairs Master Plan, including a waiver of an above ground parking garage that crosses lot lines pursuant to §50-38, subject to the following conditions:

1. This Preliminary Plan is limited to nine parcels for a maximum of the following:
 - a) 125,000 square feet of retail uses
 - b) 200,000 square feet of office uses
 - c) 125,000 square feet for 200 hotel rooms
 - d) 2,800 residential units (new and existing)
 - e) A total of 3,825,400 gross floor area, with a maximum 2.89 FAR
2. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”) – Water Resources Section in its stormwater management concept letter dated August 12, 2013, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated August 19, 2013, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements which are associated with each plat, as required by MCDOT.
5. Prior to recordation of the first plat for the upper escarpment (Parcels A, E, and F as shown on the preliminary plan lotting diagram), the applicant must coordinate with the Maryland State Highway Administration (“MDSHA”), to obtain final approval of access points on East-West Highway (MD 410).
6. Prior to issuance of MDSHA access permits for Street B, the Applicant must satisfy the provisions for access and improvements on Colesville Road (MD 384) as required by the MDSHA.
7. The Applicant must comply with the District of Columbia Department of Transportation (“DDOT”) Memorandum, dated June 11, 2013, from Ms. Anna Chamberlain, regarding coordination and improvements to DDOT roadways.
8. The Subject Property is located in the Montgomery Blair High School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the elementary, middle, and high school

levels at the multi-family unit rates for all net new residential units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

9. The Applicant must show on the applicable final record plat(s) the following right-of-way dedications, Public Improvement Easements, or Public Access Easements consistent with the 2000 Approved and Adopted *Silver Spring CBD Sector Plan* and Montgomery County Code Chapter 50 Subdivision Regulation requirements:
 - a) Colesville Road (MD 384): A dedication of 12.5 feet is required to provide 62.5 feet between the property line and right-of-way centerline to support a master planned future right-of-way of 125 feet.
 - b) East-West Highway (MD 410): A dedication of 25.6 feet is required to provide 55 feet between the property line and right-of-way centerline to support a master planned future right-of-way of 110 feet.
 - c) Private Street B/ Draper Lane: A Public Access Easement, measuring 60 feet wide, over the full extent of the proposed private roadway and sidewalk to support this master planned roadway, except in the following locations as shown on the preliminary plan:
 - i. Approximately 63 feet southeast of the intersection of Street C, where the parcel width will be 58 feet, and
 - ii. Approximately 286 feet northwest of the intersection of Street C, where the parcel width will be 58 feet.

10. Prior to approval of the first certified Site Plan associated with Preliminary Plan No. 120130220, Blairs Master Plan, the Applicant must provide for review by Staff, a public use and access easement to Montgomery County, in trust for the public, in a recordable form containing provisions to address the following for all private streets within the development:
 - a) The Applicant must determine the final extent, delineation and alignment of the Private Streets at the time of Site Plan
 - b) The Private Street must be located within its own parcel, separate from the proposed development, and must be shown on the record plat.
 - c) Entitlement for open and unobstructed public use of the easement for all customary vehicular, pedestrian and bicycle, and loading access. The easement granted to the public must be volumetric, in order to accommodate uses below and above the street easement area and must accommodate public utility easements;
 - d) Obligation for the Applicant to design and construct the streets pursuant to MCDOT Road Code Standard 2005.01 Modified: Two Lane Business District Street;
 - e) Obligation for the Applicant to construct the streets pursuant to comparable MCDOT structural construction standards, at the Applicant's expense;
 - f) Obligation to install traffic control devices within the easement area, based on prevailing standards, at the County's request, and at the Applicant's expense;
 - g) Obligation for the Applicant to maintain and repair the streets in acceptable conditions for all access and loading purposes, at its expense;
 - h) Obligation for the Applicant to keep the streets free of snow, litter and other obstructions and hazards at all reasonable times, at its expense;
 - i) Entitlement for the Applicant or its designee to close private streets for normal maintenance and repair at reasonable times and upon reasonable prior notice to the public. Closure for recreational purposes, i.e., Block Parties, Parades, Races, etc., must

follow MCDOT protocol to include, but not be limited to:

- i. Signage notifying public of road closures, lane restrictions, or parking restrictions to be in place at least one week prior to closure at locations in accordance with adopted MCDOT standards.
- ii. Maintain vehicular and pedestrian access to properties abutting closure if possible, and open to emergency vehicle passage at all times.
- iii. Traffic control devices to be placed in accordance with adopted MCDOT standards.
- iv. Written notice in accordance with adopted MCDOT standards.
- v. Coordination with affected civic associations, homeowners associations and businesses to be notified in writing two weeks prior to event.
- vi. Dimensions of signage in accordance with adopted MCDOT standards

11. The Applicant must ensure short term public bicycle parking is installed along the retail frontages and near public use space. Secure long term bicycle parking must be installed, internal to the proposed residential buildings or garages, for residents' use. Exact bicycle rack and private long term bicycle parking locations will be determined at the time of Site Plan for each parcel.
12. The Applicant must provide a detailed staging and phasing plan for the proposed development, including all frontage and internal roadway/ sidewalk improvements, at the time of each Site Plan. At a minimum, the proposed Draper Lane/ Private Street B must be fully constructed and open to traffic prior to the final use and occupancy permit issued for the last newly constructed building within Phase One (e.g. the entire lower escarpment).
13. The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Silver Spring Transportation Management District and must execute the TMAg prior to the release of any above grade building permit for development on the site exclusive of any sheeting and shoring permit. The TMAg must include trip mitigation measures recommended by MCDOT.
14. The Applicant, as part of the TMAg or separately, must coordinate with the MCDOT Chief of Commuter Services, to install a Capital Bikeshare station on the site at a location and at a time mutually agreed upon between the Applicant and the County. The location of the bikeshare station and any access and maintenance easement agreement that may be required for the station must be finalized, in writing by the MCDOT Chief of Commuter Services, prior to the release of the first building permit within Phase One for the lower escarpment.
15. The Applicant must provide a noise analysis at the time of the first site plan submittal, and all subsequent site plan submittals thereafter. The noise analysis must include exhibits showing existing and 20 year projected 60, 65 and 70 dba Ldn noise contours. If the noise analysis demonstrates an adverse noise impact to portions of residential buildings on the site plan, then prior to issuance of the building permits associated with each site plan an engineer specializing in acoustics must certify that the building shell for the affected portions of the residential building has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The builder must commit to construct the units in accordance with these design specifications, with any changes that may affect acoustical performance approved by the

acoustical engineer in advance of installation.

16. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for 145 months from the date of mailing of the Preliminary Plan Resolution.
17. No clearing, grading or recording of plats is permitted prior to certified site plan approval.
18. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan.
19. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width, or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the site plan.

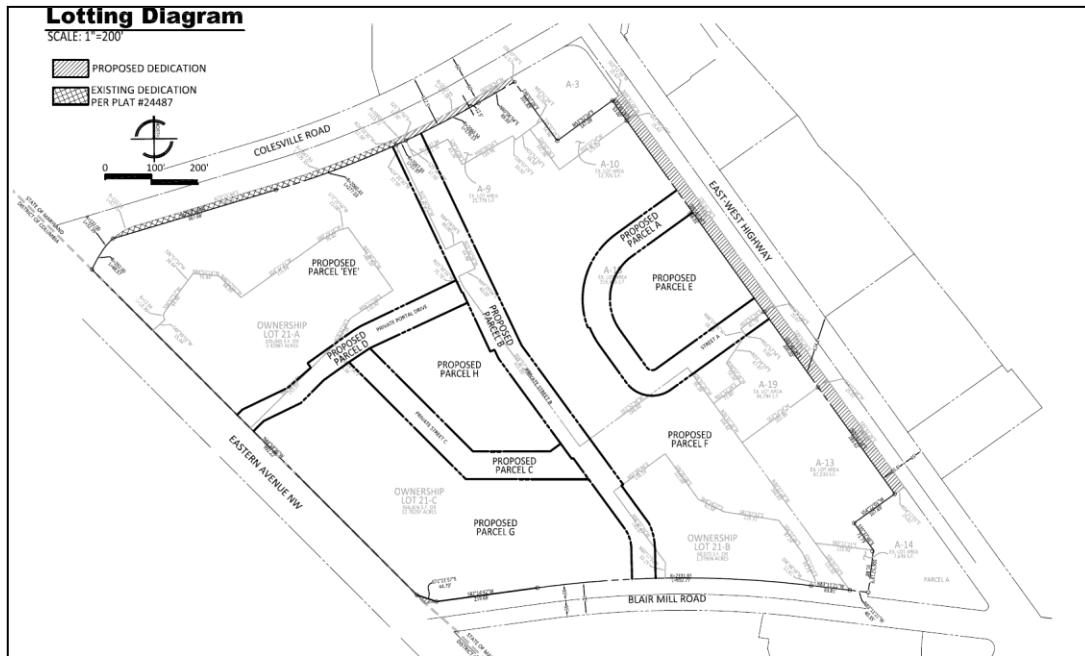


Figure 10: Lotting Diagram

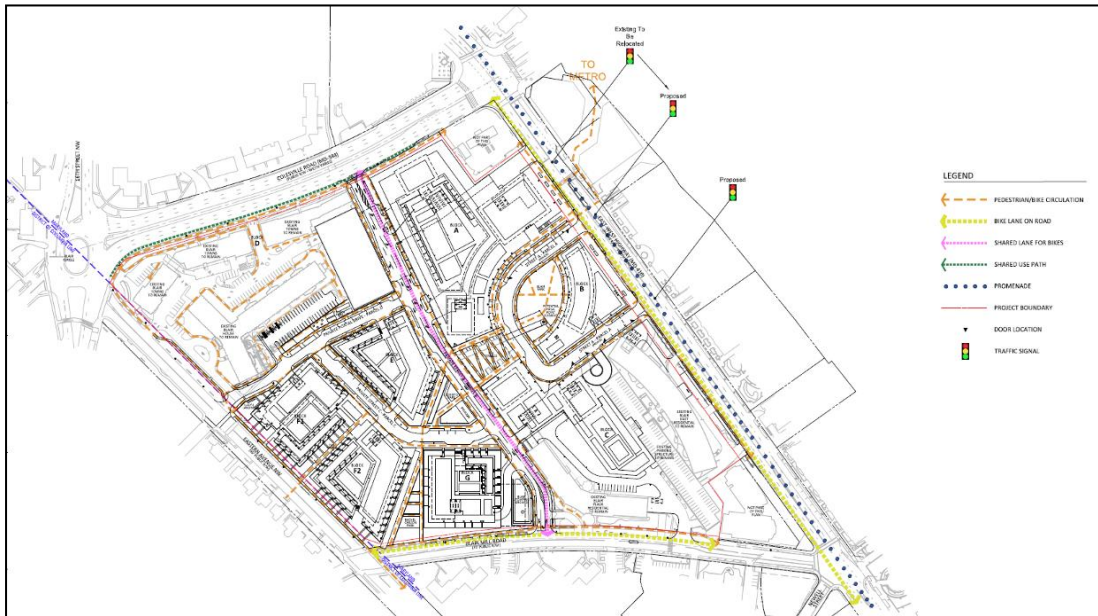


Figure 11: Circulation Exhibit

ANAYSIS AND FINDINGS

Master Plan Conformance

As discussed in the Project Plan section of this report, the application is consistent with and substantially conforms to the 2000 Approved and Adopted Silver Spring CBD Sector Plan. The application complies with the specific density recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Plan.

Adequate Public Facilities Review (APF)

Public Facilities

Access, Parking, and Public Transportation

The applicant's lotting diagram consists of large parcels for mixed use and residential development created by the necessary parcels for private roadways. The applicant seeks flexibility in the ultimate location of the road parcels and resulting mixed use parcels, particularly within the upper escarpment. As the applicant submits site plans for the new buildings within the development in the future, the exact location of access points could change in accordance with the Montgomery County Department of Transportation and Maryland State Highway Administration reviews at that time. The flexibility to plat these parcels in accordance with future County and State transportation requirements is warranted to streamline reviews and limit the number of extensive amendments in the future, and is consistent with other large multi-phased developments.

The site currently has multiple vehicular access points on Colesville Road, Blair Mill Road, East-West Highway, and Eastern Avenue. The applicant proposes to improve future vehicular access by realigning

specific site entrances and creating a new internal road network, comprised of private streets, that includes a master planned road connection (Draper Lane) from Colesville Road to Blair Mill Road. Pedestrian and bicycle access to the site will be provided on all frontage and internal roadways. Parking will be provided through a combination of structured garages and on-street spaces.

The immediate area is well served by transit that includes the Red Line Silver Spring Metrorail Station, Metrobus, RideOn, and the Silver Spring VanGo Circulator. Future transit in the area includes a proposed Purple Line station at the existing Metrorail Redline station. Specific transit routes near the Site include:

1. RideOn Bus Routes 1, 2, 3, 4, 5, 11, 12, 13, 18, and 28
2. WMATA Metrobus Routes J5, Q1, Q2, Q4, S2, S4, Y5, Y7, Y8, Y9, Z2, Z6, Z8, Z9, Z11, Z13

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2000 Approved and Adopted *Silver Spring CBD Sector Plan* and the 2005 *Countywide Bikeways Functional Master Plan* include the following nearby roadway/bikeway facilities:

1. Blair Mill Road: a Business District roadway with master planned on-road bicycle facilities located along the southern Site frontage, between Eastern Avenue, NW and East-West Highway, with a minimum master planned right-of-way of 70 feet.
2. Colesville Road: a Major Highway with master planned dual bicycle facilities located along the northern Site frontage, between Eastern Avenue, NW and East-West Highway, with a minimum master planned right-of-way of 125 feet.
3. East-West Highway: a Major Highway with master planned shared use path bicycle facilities located along the eastern Site frontage, between Colesville Road and Blair Mill Road, with a minimum master planned right-of-way of 110 feet.
4. Draper Lane/Private Street B: a proposed Business District roadway with master planned on-road bicycle facilities located through the Site, between Colesville Road and Blair Mill Road, with a master planned right-of-way of 60 feet.

The Preliminary Plan as shown satisfies the master plan roadways and pedestrian/bikeways recommendations. For Colesville Road, the applicant is required to dedicate 12.5 feet to provide 62.5 feet between the property line and right-of-way centerline to support a master planned future right-of-way of 125 feet. For East-West Highway, the applicant is required to dedicate 25.6 feet to provide 55 feet between the property line and right-of-way centerline to support a master planned future right-of-way of 110 feet. Because of the location of an existing building on the site, the Applicant is requesting a deviation from the master plan recommendation that all future right-of-way for East-West Highway come from the south side. The proposed right-of-way dedication is consistent with dedication previously approved for the 1200 East-West Highway development (#120050840). The proposed right-of-way dedication by the applicant allows for a consistent dedication line with all necessary roadway facilities. As previously mentioned in the Project Plan Section of this report, the 2000 Silver Spring CBD Sector Plan allows the proposed Private Street B roadway to be improved as a private street if the Board finds that private ownership is in the public interest. If the Board approves this road as a private street, this roadway will accommodate two-way vehicular access, on-street parking as well as pedestrian and bicycle facilities within a 60 foot wide parcel and public access easement. Roadway construction must be in accordance with MCDOT roadway standard 2005.01 Modified, a Two Lane Business District Street.

Sector-Planned Transportation Demand Management

As a commercial development within the Silver Spring Transportation Management District (TMD), the

Applicant is required to enter into a Traffic Mitigation Agreement to participate in the Silver Spring TMD.

Adequate Public Facilities Review

A traffic study (dated March 20, 2013 and revised with errata sheets on July 16, 2013) was submitted for the subject application per the *LATR/TPAR Guidelines* since the proposed development was estimated to generate more than **30** peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods.

- **Trip Generation**

A site trip generation summary for the proposed development, provided in Table 1, shows that the project will generate 894 peak-hour trips during the weekday morning peak period and 1,163 peak-hour trips during the weekday evening peak period. When compared to existing uses (less those identified for removal through this application), the proposed development will result in an increase of 582 peak-hour trips during the morning peak period and 701 peak-hour trips during the evening peak period.

- **Local Area Transportation Review**

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis for the weekday morning and evening peak-hour periods, presented in Table 2, shows that the total (Build) condition will remain within the policy area congestion standard of 1,800 CLV. Based on the analysis presented in the traffic study, it is concluded that the subject application will satisfy the LATR requirements of the APF test.

- **Transportation Policy Area Review**

Since the proposed development is within the Silver Spring CBD Policy Area, the project is exempt from both the roadway and transit tests set forth in the 2012-2016 Subdivision Staging Policy. As a result, the proposed development is not required to pay transportation impact tax to satisfy the TPAR requirement.

Conclusion

Staff concludes that the subject application for The Blairs Master Plan development satisfies the *LATR and TPAR requirements* of the APF review with the recommendations described in this memorandum.

**TABLE 1
SUMMARY OF SITE TRIP GENERATION
PROPOSED BLAIRS MASTER PLAN PROJECT**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Proposed High Rise Residential Development (Countywide Rates)	121	362	483	345	221	566
1,628 Proposed High-Rise Residential Apartments (HRDUs)	(22)	(66)	(88)	(62)	(40)	(102)
Less Existing HRDUs to be Removed (266)	99	296	395	283	181	464
Net Increase in HRDUs (1,362)						
Less 18% Trip Reduction	(18)	(53)	(71)	(51)	(33)	(84)
Sub-Total Increase in HRDUs	81	243	324	232	148	380
Proposed Development (CBD Rates)						
62 Proposed Townhouses	6	22	28	19	9	28
200 Room Hotel	24	16	40	22	18	40
125,000 SF Proposed Retail	32	31	63	125	125	250
Less Existing Retail to be Removed (83,153 SF)	(21)	(21)	(42)	(83)	(83)	(166)
Net Increase in Retail (41,847 SF)	11	10	21	42	42	84
200,000 SF Proposed Office	238	42	280	42	238	280
Less Existing Office to be Removed (72,562 SF)	(94)	(17)	(111)	(17)	(94)	(111)
Net Increase in Office (127,438 SF)	144	25	169	25	144	169
Total Net New Peak Hour Trips	266	316	582	340	361	701

Source: Wells and Associates, Inc. Traffic Study dated March 20, 2013 and Errata sheets, dated July 16, 2013.

**TABLE 2
SUMMARY OF CAPACITY CALCULATIONS
PROPOSED BLAIRS MASTER PLAN PROJECT**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
East-West Hwy (MD 410)/ Rosemary Hill Dr	829	746	876	811	892	811
16 th St/ Spring St	870	1141	973	1290	1008	1335
16 th St/ East-West Hwy (MD 410)	1368	1328	1420	1536	1454	1575
16 th St/ Colesville Rd (MD 384)/Eastern Ave, NW	1345	1412	1395	1469	1450	1489
16 th St/ Portal Dr, NW	1068	1105	1111	1155	1133	1155
16 th St/ Northgate Rd, NW	1055	855	1100	908	1136	964
2 nd Ave/ Cameron St/ Apple Ave	380	397	414	425	414	425
Wayne Ave/ Ramsey Ave	385	573	443	670	443	670
Georgia Ave (MD 97)/ Colesville Rd (US 29)	1100	963	1209	1125	1244	1174
Colesville Rd (US 29/ MD 384)/ 2 nd Ave/ Wayne Ave	715	842	839	1001	875	1039
Colesville Rd (MD 384)/ East-West Hwy (MD 410)	835	1020	1020	1166	1059	1305
Colesville Rd (MD 384)/ Draper Ln/ Site Driveway	466	304	489	321	571	432
Colesville Rd (MD 384)/ Site Driveway (East) ¹	150	260	170	277	--	--
East-West Hwy (MD 410)/ Retail Access (Future)	--	--	--	--	593	692
East-West Hwy (MD 410)/ Metro Ped. Access	505	603	542	674	513	623
East-West Hwy (MD 410)/ Blair Mill Rd/ Newell St	405	597	457	653	525	782
Georgia Ave (US 29)/ Burlington Ave/ 13 th St	1208	1239	1375	1373	1397	1400
Fenton St/ Philadelphia Ave/ Burlington Ave	960	1036	1028	1107	1036	1117
Georgia Ave (US 29)/ Sligo Ave	641	817	687	905	694	925
Eastern Ave, NW/ Blair Mill Rd/ Northgate Rd, NW	449	521	463	538	564	676
Eastern Ave, NW/ Newell St/ 14 th St, NW	363	420	397	449	443	493
Georgia Ave (US 29)/ Blair Rd/ Eastern Ave, NW	706	724	783	784	848	854
Colesville Rd (US 29)/ Site Driveway (West)	319	273	334	290	335	304
East-West Hwy(MD 410) / Blair Way/ NOAA Garage (North)	449	538	500	588	507	679
East-West Hwy(MD 410) / Blair Way/ NOAA Garage (South)	685	639	736	675	742	881
East-West Hwy(MD 410) / Site Driveway (North)	339	371	390	407	408	479
East-West Hwy(MD 410) / Site Driveway (Middle)	342	374	392	410	410	482
East-West Hwy(MD 410) / Site Driveway (South)	355	390	405	426	423	498
Blair Mill Rd/ Block C Site Garage Entrance	342	401	346	411	453	611
Blair Mill Rd/ Draper Ln	229	168	233	178	406	386
Eastern Ave, NW/ Site Driveway (South) ¹	448	356	457	366	--	--
Eastern Ave, NW/ Portal Dr, NW/ Site Driveway	485	438	494	448	604	550
Eastern Ave, NW/ Site Driveway(North)	421	290	430	300	478	337

¹ Existing driveway will be closed upon completion of the project

Source: Wells and Associates, Inc. Traffic Study dated March 20, 2013 and Errata sheets, dated July 16, 2013.

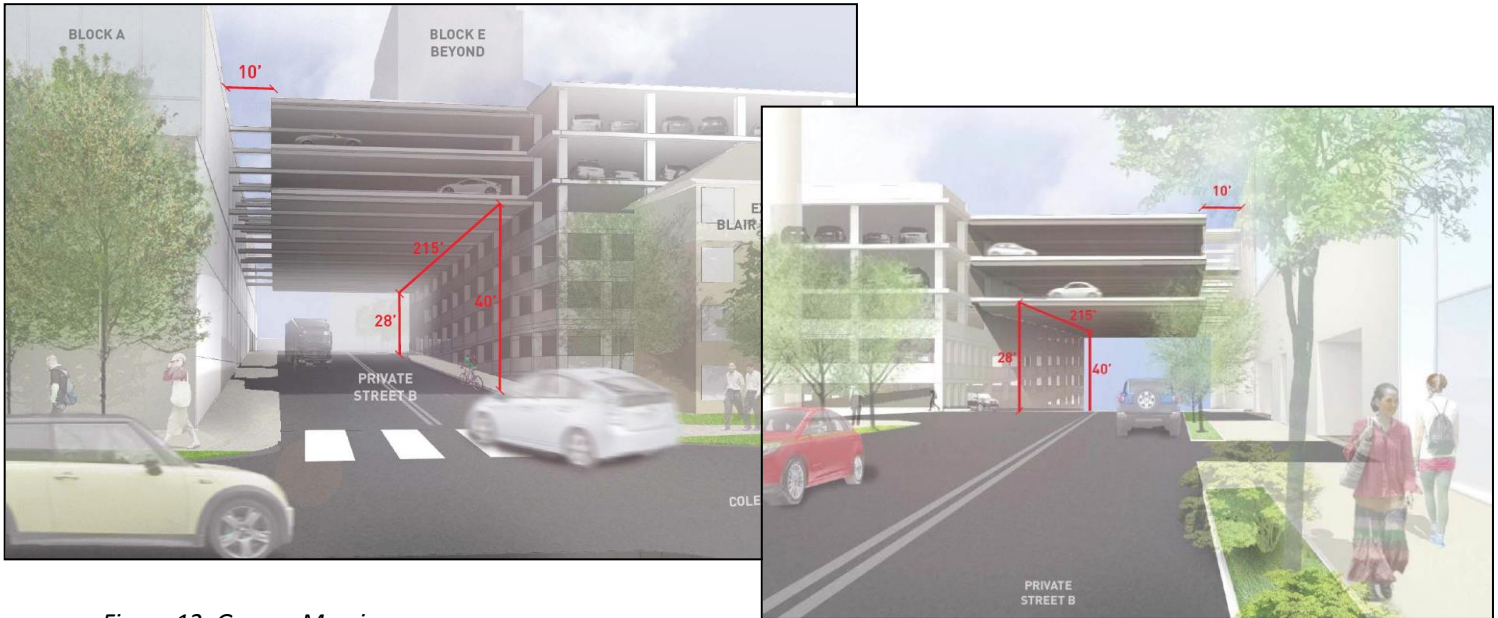


Figure 12: Garage Massing

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. The application has been reviewed by the Montgomery County Fire and Rescue Service (MCFRS), and emergency vehicle access has been deemed adequate. Electrical and telecommunications services are also available to serve the Property. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Subdivision Staging Policy.

The project is located in the Montgomery Blair High School Cluster. The proposed 1,690 new multi-family housing units are subject to the Annual School Test effective for FY14. The current Subdivision Staging Policy School Test for FY 2014 requires school facility payments for subdivision approval at the elementary, middle, and high school levels in the Blair Cluster. As conditioned, the applicant will be required to make school facilities payments, if applicable.

Compliance with the Subdivision Regulations

The application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The proposed lotting diagram creates parcels of a satisfactory size, width, shape and orientation that are appropriate for the location of the subdivision.

One waiver is necessary for the Board to approve an above grade parking garage that crosses lot or parcel lines. The applicant proposes to construct two additional levels to the existing parking garage located south of Private Street B that is proposed to extend over Private Street B. Section 50-20(b) of the Subdivision Regulations references underground parking facilities which extend under rights-of-way but makes no reference to above ground parking facilities that extend over lot lines. The applicant has submitted a waiver request pursuant to Chapter 50-38 of the Subdivision Regulations, which gives the Board the authority to grant a waiver “from the requirements of this Chapter upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest”.

The applicant wishes to create a cohesive mixed use project with logical connections between buildings and open spaces. The extension of the parking garage across Private Street B will be one way to connect the upper and lower escarpments in spite of the challenging gradient between these two areas of the plan.

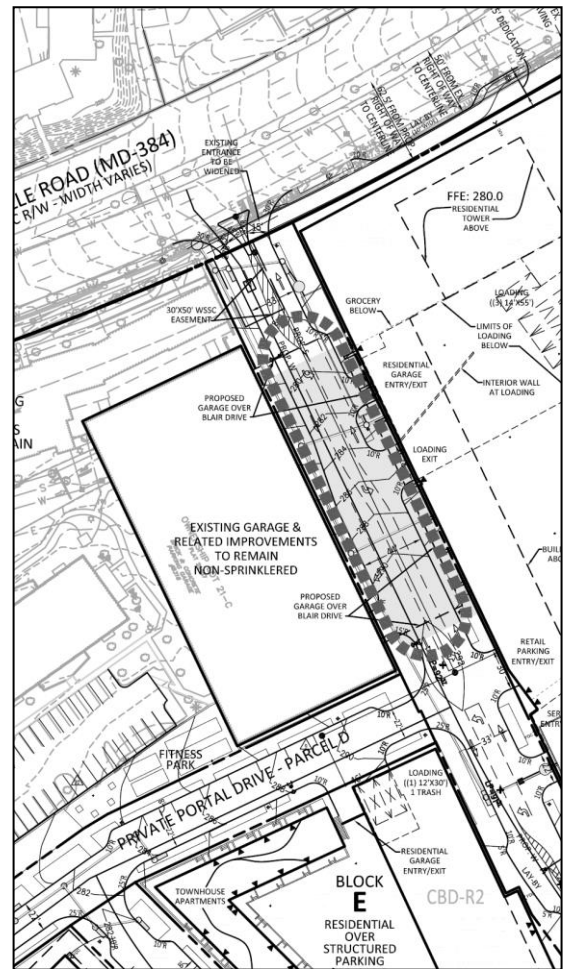


Figure 13: Garage Cantilever Location

The waiver is the minimum necessary to provide relief from the strict application of Section 50-20(b) of the Subdivision Regulations. The waiver is needed to supply an adequate number of parking spaces for the commercial development on the site and achieve a cohesive mixed use development. The waiver is not inconsistent with the purposes and objectives of the General Plan but will allow for greater compliance with the recommendations contained in the Silver Spring CBD Sector Plan, which calls for a commercial downtown that builds on the CBD’s existing base of business activity.

APPENDICES

- A. Reviewing Agency Approvals
- B. County Arborist Variance Letter
- C. Applicant East-West Hwy Dedication Justification
- D. Applicant 50-38 Waiver Justification
- E. Citizen Correspondence



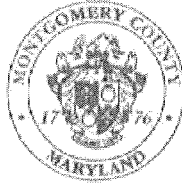
FIRE MARSHAL COMMENTS

DATE: 07-Aug-13
TO: Ian Duke
VIKA, Inc
FROM: Marie LaBaw
RE: The Blairs Master Plan
120130220

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **07-Aug-13**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** Parking restrictions to be approved at time of site plan *****



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

October 11, 2013

Mr. Mathew Folden, Planner Coordinator
Area 1 Planning Division
The Maryland-National Capital Park
and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120130220
The Blairs Master Plan
REVISED LATR / TPAR

Dear Mr. Folden:

We have completed our review of the September 25th, 2013 and October 8th, 2013 response letters prepared by Wells & Associates, Inc. regarding the Local Area Transportation Review comments from the Montgomery County Department of Transportation (MCDOT), dated September 20th, 2013. We offer the following comments:

Local Area Transportation Review (LATR)

1. The revised critical lane volume (CLV) computations address our previous concerns related to the methodology and lane use factors for the intersections of Georgia Avenue and Burlington Avenue/13th Street and Fenton Street & Philadelphia Avenue/Burlington Avenue. As a result, there were only modest increases in the CLV values for the "Total Future with Development" condition; and the threshold for the Silver Spring CBD was not exceeded.
2. The network pedestrian signal timings were appropriately reevaluated with the methodology recommended by MCDOT TMS staff related to the "net crossing time required".
3. The applicant will provide a scaled design for the reconstruction of the existing traffic calming feature (in conjunction with the bus stop) on Blair Mill Road.

Division of Traffic Engineering and Operations

100 Edison Park Drive, 4th Floor • Gaithersburg, Maryland 20878
Main Office 240-777-2190 • TTY 240-777-6013 • FAX 240-777-2080
trafficops@montgomerycountymd.gov

Pedestrian and Bicycle Impact Statement (PBIS)

1. The concerns related to the determination of ADA-compliance for the existing facilities have been addressed. The identification of detectable warning surfaces, accessible pedestrian signals (APS), and countdown pedestrian signals (CPS) around the perimeter of the site for signalized & unsignalized intersections and site access points has been provided.
2. The applicant has addressed the need for an inventory map of existing and proposed bicycle facilities by providing an excerpt from the Silver Spring Bikeways Network Plan. Additional details regarding proposed onsite & offsite bicycle amenities will be provided at the Site Plan stage.
3. Details regarding existing and proposed streetlighting are provided in the current plan set. Future PBIS's should include a brief statement regarding improvements to streetlighting and "pedestrian-scale" lighting that are proposed as part of the project.
4. Details regarding the location of the lead-in sidewalks and pedestrian access to the site are presented in the current plan set. Future PBIS's should include a brief statement related to pedestrian access to the site, as well as its safety and efficiency.
5. Information has been provided regarding the change in pedestrian access to the site based on the proposed relocation of traffic signals along MD 410.

SUMMARY

1. We concur with the findings of adequacy for the vehicular- and pedestrian-related facilities within the study network and the perimeter of the site, respectively. Previous comments related to the assessment of proposed conditions and CLV computations have been appropriately addressed.

Thank you for the opportunity to review the revised assessment and computations. If you have any questions or comments regarding this letter, please contact me, as the Development Review Area Engineer for this project, at william.haynes@montgomerycountymd.gov or (240) 777-2132.

Sincerely,

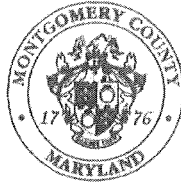


William L. Haynes, Engineer III
Development Review Team

Mr. Matthew Folden
Preliminary Plan No. 1-20130220
October 11, 2013
Page 3

cc: Edward Murn The Tower Companies
Nancy Randall Wells & Associates, Inc.
Mike Goodman VIKA, Inc.
Robert Brewer Lerch, Early & Brewer
William Kominers Lerch, Early & Brewer
Scott Newill MDSHA AMD
Robert Kronenberg M-NCPPC Area 1
Erin Banks M-NCPPC Area 1
Catherine Conlon M-NCPPC DARC
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Gary Erenrich MCDOT DO
Fred Lees MCDOT DTEO
Khursheed Bilgrami MCDOT DTEO
Will Haynes MCDOT DTEO
Bruce Mangum MCDOT DTEO
Kamal Hamud MCDOT DTEO
Andrew Bossi MCDOT DTEO



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

October 11, 2013

Ms. Erin Grayson-Banks, Senior Planner
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan No. 120130220
The Blairs Master Plan

**DESIGN EXCEPTION REQUEST
ADDENDUM LETTER**

Erin!
Dear Ms. Grayson-Banks:

We have completed our review of the addendum to the design exception request dated September 16, 2013. We provided comments related to the original design exception request, dated May 24, 2013, in our August 19, 2013 Preliminary Plan review letter.

After reviewing the additional documentation and supplemental analyses, we now support approval of Design Exception C (Reduction in the Number of Required Loading Spaces) and Design Exception D (Driveway Separation). We still do not support Design Exception B (Right-of-Way Truncation to 0 Feet). **The following Design Exception responses are limited to the County rights-of-way within and adjacent to the project.**

1. Design Exception C (Reduction in the Number of Required Loading Spaces): The design exception request for a reduction in the number of truck loading space consists of reductions for five of the eight development blocks. Our recommendations regarding this waiver are summarized below for the remaining blocks for which loading space reductions were previously not supported (Block A, Block F1, and Block F2):

Block A: We support approval of the reduction in truck loading spaces for Block A
The number of proposed SU-30 loading spaces has been increased from three to four spaces in the addendum, totaling four of the five required spaces for this vehicle type. Additionally, the required number of WB-50 spaces (four) is being provided. With "move-in" time and duration restrictions for residential uses, it is anticipated that some of the loading spaces may be underutilized.

Division of Traffic Engineering and Operations

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trafficops@montgomerycountymd.gov

Blocks F1 & F2: We support approval of the request for a reduction in the number of loading spaces for Blocks F1 and F2. Four of the six required SU-30 spaces are being provided between the two buildings (net: -1 per building). However, lay-by spaces will be provided near the entrances, off public right-of-way, with the purpose of accommodating “short duration” deliveries. There is also access from the loading spaces through the building to all ground-level dwelling units.

While the loading spaces may not be convenient for several of the townhouses, these units represent a small proportion of units (approximately 12 to 15 units). Additionally, the townhouse units are anticipated to have a lower turnover rate, limiting the occurrence of “move-in/out” loading.

2. Design Exception D (Driveway Separation): MCDOT has received additional information and analyses related to the impact of the lay-by configuration and the location of proposed Blair Drive on the driveway on the opposite side of Blair Mill Road. **As a result, we support approval of this intersection spacing.** The traffic volumes and capacity analysis indicate that there should be very little (if any) EB queuing from the site entrance at Blair Plaza. Conflicts will exist between vehicles exiting these offset driveways that are traveling in the same direction; however the low volumes should make this a relatively unlikely occurrence.

Thank you for the opportunity to review this design exception request addendum. These recommendations should not be considered to set a precedent. All design exception requests are evaluated on an individual basis and rely on adequate justification supporting documentation, and analyses. If you have any questions or comments regarding this letter, please contact Mr. William Haynes, our Development Review Area Engineer for this project, at william.haynes@montgomerycountymd.gov or (240) 777-2132.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

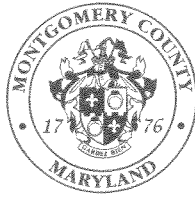
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cc:	Sri Velamati	The Tower Companies
	David Borchardt	The Tower Companies
	Ian Duke	VIKA, Inc.
	Mike Goodman	VIKA Maryland LLC
	Robert Brewer	Lerch, Early, & Brewer
	Bill Kominers	Lerch, Early, & Brewer
	Scott Newill	MDSHA AMD

Erin Grayson-Banks
Preliminary Plan No. 1- 20130220
October 11, 2013Page 3

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Preliminary Plan letters notebook

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Bruce Mangum MCDOT DTEO
Will Haynes MCDOT DTEO



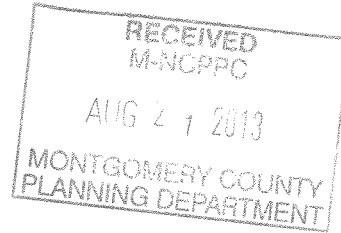
DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

August 19, 2013

Ms. Erin Grayson-Banks, Senior Planner
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760



RE: Preliminary Plan No. 120130220
The Blairs Master Plan

Dear Ms. Grayson-Banks:

We have completed our review of the revised preliminary plan dated August 2, 2013. An earlier version of this plan was reviewed by the Development Review Committee at its meeting on June 10, 2013. We recommend approval of the plan subject to the following comments:

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

Stormwater Management Concept Plan

The stormwater management concept plan does not appear to propose constructing any stormwater facilities within the rights-of-way of the perimeter public roads [East West Highway, Colesville Road, Eastern Avenue, Blair Mill Road].

Design Exception Package

The applicant's consultant submitted the Design Exception package on May 24, 2013, in response to previous MCDOT review comments on the original submission. **The following Design Exception responses are limited to the County rights-of-way within and adjacent to the project.**

1. Design Exception B (Right-of-Way Truncation to 0 Feet): The design exception request for the reduction of the right-of-way truncation to "zero" feet is not supported based on the lack of adequate justification provided. The concern for "any proposed building in this area [being] pulled back, resulting in a diminished architectural presence" is negated by the fact that the proposed building face (i.e., upper, ground, and lower levels) for

Office of the Director

Block F2 is shown in the Architectural Plans to have a significant proposed set-back from the right-of-way line. Additionally, the truncation should be maintained for potential future improvements to the intersection and to ensure adequate sight distance is perpetually provided.

2. Design Exception C (Reduction in the Number of Required Loading Spaces): The design exception request for a reduction in the number of truck loading space consists of reductions for five of the eight development blocks. Our recommendations regarding this waiver are summarized below based on an evaluation of each individual block:

Block A: We do NOT support approval of the reduction in truck loading spaces for Block A based on the significant total gross floor area (GFA) coupled with a combination of land-uses within the block that typically generate among the highest demands for commercial vehicles (i.e., retail, office, residential) [Source: USDOT]. Additionally, the diversity of land-uses for this block may also lead to a condition of overlapping truck trips, which would conceivably be more difficult to regulate, given the various land uses and facilities operators.

Lastly, the truck access for Block A is proposed to be an entrance on East West Highway in close proximity to the intersection at Colesville Road. Under circumstances when the number truck loading spaces is inadequate to address demand (even if this is only an occasional occurrence), truck loading operations may occur on East West Highway, which would introduce significant safety and operational concerns. East West Highway is a State-maintained roadway; however these potential operations may impact a County-controlled traffic signal.

Block B: The required number of loading spaces is provided.

Block C: We support approval of the request for a reduction in the number of loading spaces for Block C . The applicant requests a reduction in the required number of SU30 spaces from four to two spaces. Although no WB50 loading spaces are required, the applicant proposes to provide two WB50 loading spaces. The two additional WB50 spaces adequately compensate for this reduction.

Block D: No truck loading spaces are required for Block D.

Block E: We support approval of the request for a reduction in the number of loading spaces for Block E based on the land-use uniformity within the block. With a primarily residential land-use and possibly common facilities management, the regulation of truck trips may be easier to enforce, despite the reduction in loading spaces. Additionally, given that Block E is “internal” to the development (i.e., has no public street frontage), the impact of any potential overflow would be essentially relegated to the internal private streets.

Blocks F1 & F2: We do NOT support approval of the request for a reduction in the number of loading spaces for Block F1 and F2. The proposed locations of the loading spaces are not convenient to the majority of the four-level townhouses along the west and south faces of Block F1 and the west, north, and south faces of Block F2. Additionally, with both blocks having frontage on public street(s) with lead-in sidewalks to these dwelling units, Eastern Avenue and Blair Mill Road are potentially more convenient loading areas for access to the townhouse units. It is recognized that both blocks have a uniform residential land-use and likely common facilities management, which would support the regulation of truck trips. However, this would apply primarily to the 14-story apartment buildings. Eastern Avenue is maintained by the District of Columbia Department of Transportation (DDOT).

Block G: We support approval of the request for a reduction in the number of loading spaces for Block G. Access to the relatively small number of two-story townhouses within the block is primarily from private streets. Additionally, the fencing around Block G, as shown in the Architectural Plans, would limit the ability to load/unload on Blair Mill Road. The impact of any potential overflow of truck loading would most likely be relegated to the internal private streets.

3. Design Exception D (Driveway Separation): MCDOT requires additional information related to the impact of the lay-by configuration and the location of proposed Blair Drive on the driveway on the opposite side of Blair Mill Road. **As a result, we do NOT support approval of this intersection spacing at this time.** We are willing to revisit this issue at the Site Plan stage upon submission of additional documentation from the applicant.

In addressing the comments regarding the substandard alignment with the opposing driveway, the applicant responded that they were “unable to align driveways on the opposite side”. **This issue was not addressed in Design Exception D.** Any deviation from the design standard on a County-maintained roadway must be the subject of a design waiver request. Provide a design exception request related to the alignment of the opposite driveway, accompanied with supporting data and justification. In general, driveways and intersections are to be spaced opposite one another or located at least one hundred feet apart.

General Site Layout and Right-of-Way Review Comments

1. Dedicate right-of-way in accordance with the master plan along MD 384 (Colesville Road). We note this road is designated a major highway with a 125’ R/W and an off-road shared use path (Bikeway 6) along the south/east side.

2. Dedicate right-of-way in accordance with the master plan along MD 410 (East-West Highway). We note this road is designated a major highway with a 110' R/W and an off-road shared use path (Bikeway 5) along the south side.
3. Dedicate right-of-way in accordance with the master plan along Blair Mill Road, designated a business street with a 70' R/W.
4. We recommend the applicant be required to grant a perpetual Public Access Easement, for use by the general public as well as by public transit, along the entire length of proposed Blair Drive.
5. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
6. Recorded covenant for the operation and maintenance of private streets, storm drainage systems, and/or open space areas.
7. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan. We defer to the Montgomery County Planning Department and the Montgomery County Department of Permitting Services for approval of storm water management in right-of-ways for the proposed internal private streets. Montgomery County will not participate in traffic control or parking enforcement on the private streets of this site.
8. Provide Silver Spring streetscape standard improvements along the site frontage, and include the recommended conversion of overhead utility lines to underground locations. The applicant must continue coordinating with Reemberto Rodriguez of the Silver Spring Urban District (240-777-5307) with regards to streetscape requirements. The relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
9. Parking-related recommendations:
 - a. Take advantage of Parking Reduction provisions in the Zoning Ordinance and provide no more than the minimum number of parking spaces required.
 - b. Provide flexibility in design of parking areas to enable mixed uses (e.g., retail, office, residential in Block A) to share parking areas so as to make most efficient use of them.

- c. Provide adequate numbers of carpool and vanpool parking spaces in highly visible, preferentially-located spots for hotel, office and retail employees.
 - d. Provide adequate number of car sharing vehicle parking spaces in highly visible, preferentially-located spots in all parking facilities.
 - e. Plan to provide at least two electric vehicle (EV) charging stations in all parking facilities, in preferential, highly visible locations. Applicant will provide signage identifying the charging stations and contact information for inquiries, as well as “way finding” and other signage to facilitate and promote use of such EV charging stations within the Project. In the alternative, Applicant, at its option, may satisfy the foregoing requirements by any combination of (i) providing pre-wiring for a minimum of 5% EV-ready parking spaces in employee and residential parking facilities (based on total number of parking spaces to be provided in that facility), and/or (ii) offering financial incentives to tenants (employers), employees, and/or residents of the Project to encourage their installation of wiring and charging equipment in their designated spaces. The total expenditure by Applicant under this alternate method shall at least equal the cost that Applicant would incur for providing two Level 2 (240 Volt) EV charging stations at the Project.
 - f. The Applicant will not require that tenant leases include parking spaces as a precondition. Parking spaces will be leased independently from apartment or office leases (unbundling)
10. Pedestrians/Cyclists – onsite-related recommendations:
- a. Provide excellent pedestrian & bike circulation, amenities & accommodations throughout the development:
 - i. Circulation paths in locations w/ high activity to provide “eyes on the street” to enhance the experience of biking or walking and to enhance safety.
 - ii. Bike racks in weather-protected, highly visible/active locations.
 - iii. Bike lockers or bike storage facilities (cages) in residential buildings to encourage use for bicycles as a means of transportation.
 - iv. Provide showers and changing rooms/lockers in convenient locations in the office building.
 - v. Provide paths, benches, trash and recycling containers, lighting, attention to landscaping that enhances safety.

- b. Bike-sharing: Provide space in the Project for at least 2 bike-sharing docking stations (or similar provision required by the bike-sharing system) to enable this form of transportation to be used by residents, employees and visitors at the Project. The location of these docking stations will be coordinated between the Applicant and MCDOT, based upon the requirements of the bike-sharing system and in a highly-visible, convenient and well-lit location. One station should be at a location highly accessible to the retail and office uses. The other should be at a location highly accessible to the high density residential uses. The Applicant will pay the capital cost of such stations and twelve (12) years of operating expenses. Applicant will take other actions in concert with MCDOT to promote use of bike-sharing among residents, employees, and visitors at the Project, in order to accomplish the objectives of the TMD.
11. Traffic mitigation-related recommendations (Displays and Communication of TDM Information):
 - a. Provide electric and water connections in the pavilion on Blair Drive to enable outreach events to be staged more readily.
 - b. Provide kiosks in busy outdoor areas to provide opportunity for information displays, assistance
 - c. Incorporate permanent display space into lobbies and other high pedestrian activity areas and opportunity for information on each level of parking facilities
 - d. Provide connections for electronic (LCD) display screens and Real Time Transit Information Signs in lobbies, elevators, and parking facilities. This will enable outreach to building residential tenants, employees, visitors, etc. Provide space for Real Time Transit Information sign(s) at highly-used location(s) in the Project (along Colesville and East West Highway to assist employees, residents, and visitors with commuter information). Applicant will provide conduit, electrical and internet connections and will install their own equipment (monitor should be at least 30 inches measured diagonally). The Applicant will pay for five years of maintenance for the sign(s).
 - e. Provide concierge/reception desk in hotel or residential buildings with an area where transit information and pass sales can be transacted – e.g., obtaining transit information, loading of SmarTrip cards.
 12. Traffic Mitigation – related recommendations (onsite Design Guidelines):
 - a. Design streets in front of major buildings to accommodate transit buses.

- b. Design building frontages/lobbies to provide two-way visibility for shuttles and transit vehicles, as well as taxis
13. The draft Traffic Mitigation Agreement (TMAg) submitted with the preliminary/site plan application includes most of the elements identified above. Applicant's attorney should submit an electronic version, in MS Word format, to Ms. Sande Brecher, Chief of the MCDOT Commuter Services Section (sandra.brecher@montgomerycountymd.gov) to finalize the agreement with MCDOT and M-NCPPC. The TMAg must be executed prior to the issuance of the first building permit for the project.
14. A traffic signal warrant analysis for the proposed intersection of Blair Mill Road and Blair Drive must be performed and approved by MCDOT prior to record plat. Should a traffic signal be warranted, the applicant will be responsible for both cost and construction. If a traffic signal is warranted, MCDOT approval of the traffic signal plan and its construction will be a prerequisite to issuance of the permit to construct that intersection.
15. All bus stops and shelters must be maintained at their current location per County standards for design & orientation (i.e., comply with Americans with Disabilities Act guidelines). At or before the permit stage, please coordinate with Ms. Stacy Coletta of our Division of Transit Services to coordinate improvements to the RideOn bus facilities in the vicinity of this project. Ms. Coletta may be contacted at 240 777-5800.
16. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
17. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Dan Sanayi of our Traffic Engineering Design and Operations Section at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
18. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

19. Trees in the County rights of way – spacing and species to be in accordance with the applicable MCDOT standards (unless a Design Exception is granted). Tree planning within the public right of way must be coordinated with Brett Linkletter, Chief of the Division of Highway Services, Tree Maintenance Section at (240) 777-7651.
20. Geometrics for the County approaches at the intersection of Blair Drive at Blair Mill Road will be reviewed by the Department of Permitting Services as part of their review of the building permit application. Included in that review will be the design of any necessary left turn storage lanes and/or acceleration/deceleration lanes. We advise the applicant to submit their traffic volume data to the DPS Right-of-Way Plan Review Section (in advance of their building permit applications) to verify their intersection improvement requirements and the acceptability of their design.
21. Access and improvements along Colesville Road (US 29) and East-West Highway (MD 410) as required by the Maryland State Highway Administration.
22. Access and improvements along Eastern Avenue as required by the District of Columbia.
23. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - a. Across the Blair Mill Road site frontage, construct Silver Spring Central Business District Streetscaping improvements, if required as a condition of approval by the Planning Board.
 - b. Show the resurfacing and restriping of Blair Mill Road to include (from the south curb face to the north curb face) an 8' parking lane (including C&G), 11' northbound travel lane with sharrow pavement markings, 11' southbound travel lane, and a 6' bike lane (including C&G) within the 36' pavement width from Eastern Avenue to the eastern limit of the project (i.e., the Blair Mill Road frontage of 1200 East West Highway). Show the necessary modifications (i.e., narrowing) to the mid-block crossing along Blair Mill Road to accommodate the proposed cross-section).
 - c. Construct 8'-wide shared use path.
 - d. Enclosed storm drainage and/or engineered channel (in accordance with the MCDOT Storm Drain Design Criteria) within the County rights-of-way and all drainage easements.
 - e. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.

Erin Grayson-Banks
Preliminary Plan No. 1- 20130220
August 19, 2013
Page 9

- f. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- g. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the MCDOT Division of Traffic Engineering and Operations.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. William Haynes, our Development Review Area Engineer for this project, at william.haynes@montgomerycountymd.gov or (240) 777-2132.

Sincerely,



Gregory M. Leck, Manager
Development Review Team

m:\subdivision\haynew01\developments\blairs master plan (120130220)\letters\2013 08 19 blairs master plan - prelim plan review ltr (final).doc

Enclosures (2)

cc: Sri Velamati The Tower Companies
David Borchardt The Tower Companies
Ian Duke VIKA, Inc.
Mike Goodman VIKA Maryland LLC
Robert Brewer Lerch, Early, & Brewer
Bill Kominers Lerch, Early, & Brewer
Scott Newill MDSHA AMD
Robert Kronenberg M-NCPPC Area 1
Matthew Folden M-NCPPC Area 1
Elza Hisel-McCoy M-NCPPC Area 1
Catherine Conlon M-NCPPC DARC
Preliminary Plan folder
Preliminary Plan letters notebook

Erin Grayson-Banks
Preliminary Plan No. 1- 20130220
August 19, 2013
Page 10

cc-e: Amy Butler Stevens MCDPS SWFMP
Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Mark Etheridge MCDPS WRM
Bill Campbell MCDPS WRM
Marie LaBaw MCFRS
Reemberto Rodriguez MCCEC RSC-SSUD
Yvette Freeman MCCEC RSC-SSUD
Andrew Bossi MCDOT DO
Patricia Shepherd MCDOT DTE
Stacy Coletta MCDOT DTS
Deanna Archey MCDOT DTS
Sande Brecher MCDOT DTS
Beth Dennard MCDOT DTS
Jeremy Souders MCDOT DPM
Joseph Madison MCDOT DPM
Brett Linkletter MCDOT DHS
Dan Sanayi MCDOT DTEO
Fred Lees MCDOT DTEO
Will Haynes MCDOT DTEO
Khursheed Bilgrami MCDOT DTEO
Bruce Mangum MCDOT DTEO



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

October 4, 2013

Mr. Mark G. Morelock, P.E.
VIKA
20251 Century Boulevard
Suite 400
Germantown, Maryland 20874

RE: Montgomery County
MD 384 & MD 410
The Blairs
SHA tracking No.: 12APMO040XX
County Tracking No.: 120130220
Mile Post: 0.25 (MD 384) & 3.71 (MD 410)

Dear Mr. Morelock:

Thank you for the opportunity to review the Preliminary Plan submittal, received on August 15, 2013, for the proposed Blairs development in Montgomery County. The State Highway Administration (SHA) offers the following comments:

Before the SHA can accept the conditions specified in your letter, the comments in the letter from SHA to Mr. Matthew Folden, dated September 24, 2013 (attached), must be addressed in your design plan submittal. Once these comments have been addressed, the SHA will be in a better position to reconsider the conditions in your letter as part of the access permit.

The following resources will help in your plan submission:
Please utilize the SHA Access Management Manual -
<http://www.roads.maryland.gov/Index.aspx?PageId=393>;
May 2013 Bicycle Policy and Design Guidelines -
http://www.roads.maryland.gov/OHD2/Bike_Policy_and_Design_Guide.pdf;
SHA's Accessibility Guidelines for Pedestrian Facilities along State Highways -
<http://www.roads.maryland.gov/Index.aspx?PageId=26>;
SHA Access Management Division Plan submission checklist -
<http://www.roads.maryland.gov/ohd2/Plan-check-list.pdf>

As stated in the September 24, 2013 letter, please submit 7 sets of revised design plans, a CD containing the plans and supporting documentation in PDF format and 2 copies of any hydraulic reports, as well as a point by point response, to reflect the comments in the September 24, 2013 letter, directly to Mr. Steven Foster, to the attention of Mr. Kwesi Woodroffe. Please reference the SHA tracking number on future submissions. Please keep in mind that you can view the reviewer and project status via SHA Access Management Division web page at <http://www.roads.maryland.gov/pages/amd.aspx>.

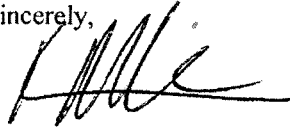
My telephone number/toll-free number is 410-545-5600
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

Mr. Mark G. Morelock, P.E.
Tracking No.: 12APMO040
Page 2
October 4, 2013

If you have any questions, or require additional information, please contact Mr. Woodroffe at 410-545-8771, by using our toll free number in Maryland only at 1-800-876-4742 (x8771) or via email at KWoodroffe@sha.state.md.us.

Sincerely,

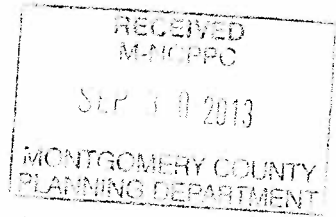


for Steven D. Foster, Chief/ Development Manager
Access Management Division

SDF/JWR/KSW

Attachment - September 24, 2013 letter to Mr. Matthew Folden

cc: Blair Towers, LLC, c/o Mr. David Borchardt (David.Borchardt@towercompanies.com)
Ms. Catherine Conlon, M-NCPPC (catherine.conlon@montgomeryplanning.org)
Mr. Nick Driban, SHA – Access Management Division
Mr. Ian Duke, VIKA (Duke@vika.com)
Mr. Matthew Folden, M-NCPPC
Mr. Mark McKenzie, SHA – Access Management Division
Mr. Scott Newill, SHA – Access management Division



Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*

James T. Smith, Jr., *Secretary*
Melinda B. Peters, *Administrator*

Maryland Department of Transportation

September 24, 2013

RE: Montgomery County
MD 410 – Mile Point 3.80
The Blairs Master Plan
SHA Tracking No. 12APMO040XX
Comment Response

Mr. Matthew Folden
Area 1 Transportation Coordinator
M-NCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910

Dear Mr. Folden,

Thank you for the opportunity to review the Comment Response Letter, dated July 29, 2013, prepared by Wells and Associates, Inc., and the Response to Meeting Letter, dated August 15, 2013, prepared by VIKA Maryland, LLC. for The Blairs Master Plan Development in Montgomery County, Maryland. The major report findings and the Maryland State Highway Administration (SHA) comments and conclusions are as follows:

- The site is currently occupied with 1,376 apartments, 72,562 s.f. of office space, and 83,153 s.f. of retail space, which includes a grocery store. The redevelopment plan will raze and replace all existing office space, all existing retail space, and 266 of the 1,376 existing apartments. The proposed redevelopment will contain 1,628 new apartment units, 62 new townhomes, 200 hotel rooms, 125,000 s.f. of retail space, and 200,000 s.f. of retail space. The total number of residential units, including existing and proposed, will be 2,800 when the project is completed.
- Access to the site is proposed via multiple driveways along MD 384 (Colesville Road), MD 410 (East-West Highway), Blair Mill Road (not an SHA road), and Eastern Avenue, NW (not an SHA road).
- The study analyzed the following SHA intersections under existing, background and future conditions:
 - MD 384 (Colesville Road) & US 29 (Georgia Avenue)
 - MD 384 (Colesville Road) & Second Avenue/Wayne Avenue
 - MD 384 (Colesville Road) & MD 410 (East-West Highway)
 - MD 384 (Colesville Road) & Draper Lane
 - MD 384 (Colesville Road) & Eastern Avenue, NW/North Portal Drive, NW/16th Street
 - MD 390 (16th Street) & Spring Street
 - MD 390 (16th Street) & MD 410 (East-West Highway)
 - MD 410 (East-West Highway) & Rosemary Hills Drive

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- MD 410 (East-West Highway) & NOAA Garage Driveway/Shopping Center Driveway
 - MD 410 (East-West Highway) & Blair Mill Road/Newill Street
 - MD 410 (East-West Highway) & US 29 (Georgia Avenue)/Burlington Avenue/13th Street
 - US 29 (Georgia Avenue) & Sligo Avenue
 - US 29 (Georgia Avenue) & Eastern Avenue, NW/Blair Road
- The report concludes that the study intersections will continue to operate at acceptable levels of service under future conditions.

Based on the information provided, the SHA offers the following comments:

1. The number of driveways proposed along MD 410 (East-West Highway) is too numerous and their close proximity is likely to impact traffic safety and operations along MD 410. Therefore, as part of the Access Permitting process, the SHA will require that the two access points currently labeled Blair Park Lane (currently proposed as a short loop driveway) be reduced to a single point of access to MD 410. This point of access should be as far from the intersection of MD 410 & MD 384 as feasible in order to maintain safety and traffic operations at that intersection.
2. The previously submitted Preliminary Site Plan shows traffic signals at the two intersections with MD 410 & Proposed Blair Park Lane. As noted above, the SHA will not support having the two Blair Park Lane access points in such close proximity to each other and to the intersection of MD 410 & MD 384, and will require that the two access points be consolidated to one point. If a traffic signal is proposed, a traffic signal warrant analysis will be required.
3. The previously submitted Preliminary Site Plan shows two lay-bys along SHA roadways, one along MD 410 between the proposed Blair Park Road intersections and one along MD 384 between proposed Blair Drive and the intersection of MD 384 and MD 410. SHA will not support either of these lay-bys. The lay-by along MD 410 is proposed to be located between two signalized intersections which could lead to driver expectancy and safety issues in an area with many different traffic movements occurring. The proximity of the lay-by along MD 384 is too close to the intersection of MD 384 & MD 410 which could lead to weaving issues, as well as driver expectancy issues. In addition, it appears that there is adequate space within the site, off of SHA roadways, to accommodate both lay-bys.

The SHA concurs with the report findings for this project as currently proposed and will not require the submission of any additional traffic analyses. The above comments should be addressed at the time of plan submittal. An access permit will be required for all construction within the SHA right of way. Please submit seven (7) hard copies and one (1) electronic copy of design plans and a point-by-point response addressing the above comments to the SHA Access Management Division addressed to Mr. Steven D. Foster to the attention of Mr. Kwesi Woodroffe. This plan submittal must include a signing and pavement marking plan along with traffic signal plans (if applicable based on the signal warrant analysis). Please reference the SHA Tracking Number on future submissions. Unless specifically indicated in the SHA

Mr. Matthew Folden
September 24, 2013
Page 3
12APMO040XX

response on this report, the comments contained herewith do not supersede previous comments made on this development. If you have any questions regarding the plan review process, please contact Mr. Woodroffe at 410-545-8771 or kwoodroffe@sha.state.md.us. If you have questions or comments regarding the enclosed traffic review, please contact Mr. Nick Driban at 410-545-0398 or via email at cdriban@sha.state.md.us.

Sincerely,



Steven D. Foster, Chief/Development Manager
Access Management Division

SDF/cnd

cc: Blair Towers, LLC, c/o Mr. David Borchardt (David.Borchardt@towercompanies.com)
Ms. Rola Daher, SHA DSED
Ms. Mary Deitz, SHA RIPD
Mr. Nick Driban, SHA AMD
Mr. Ian P. Duke (duke@vika.com), VIKA Maryland, LLC
Mr. Bob French, SHA CPD
Ms. Nancy Randall, (amrandall@mjwells.com), Wells + Associates, Inc.
Mr. Keith Kucharek, SHA RIPD
Mr. Greg Leck, MCDOT
Mr. Subrat Mahapatra, SHA DSED
Mr. Mark McKenzie, SHA AMD
Ms. Anyesha Mookherjee, SHA District 3
Mr. Scott Newill, SHA AMD
Mr. Johnson Owusu-Amoako, SHA CPD
Mr. Saed Rahwanji, SHA TDSD
Ms. Erica Rigby, SHA AMD
Mr. Errol Stoute, SHA TDSD
Mr. Morteza Tadayon, SHA DSED
Mr. John Thomas, SHA RIPD
Mr. Kwesi Woodroffe, SHA AMD



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

August 13, 2013

Mr. Ian P. Duke
VIKA Maryland, LLC
20251 Century Boulevard, Suite 400
Germantown, MD 20874

Re: The Blairs Master Plan
Project Plan No. 920130050
Preliminary Plan No. 120130220

Dear Mr. Duke:

The Department of Housing and Community Affairs (DHCA) has reviewed your responses to DHCA's Development Review Committee (DRC) comments and the revisions to the above Preliminary and Site Plans, and has the following comments:

- While DHCA has allowed developers of multi-phase projects to provide more than the required percentage of MPDUs in initial phases and fewer in subsequent phases, we are uncomfortable with the language in General Note 10 pertaining to the percentage of MPDUs in each phase. This language could be interpreted to mean that fewer than 12.5% MPDUs would be allowed in initial phases, which would be a violation of the MPDU staging requirements of Chapter 25A.
- DHCA also notes that the final bedroom distributions will be determined with each phase at Site Plan.

In order to clarify these points, please revise General Note #10 on the Project and Preliminary Plans as follows:

10. The Certified Preliminary Plan must contain the following note: "Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, unit count and type, MPDU locations and bedroom distributions, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape and final locations and bedroom distributions of MPDUs will be determined at the time of site plan review for each particular phase. ~~MPDUs in each site plan phase may be higher or lower than 12.5%, but overall project will satisfy full requirement.~~ Please refer to the Zoning Data Table for development standards such

Office of the Director

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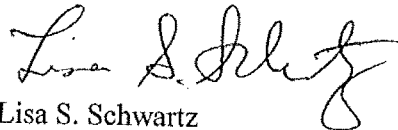
Mr. Ian P. Duke
August 13, 2013
Page 2 of 2

as setbacks, building restriction lines, building height, and lot coverage for this lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval."

DHCA recommends Approval of the Project and Preliminary Plans, with the changes noted above and with the following condition:

- Final MPDU locations, bedroom compositions and layouts will be determined at certified site plan with review and approval by DHCA.

Sincerely,



Lisa S. Schwartz
Senior Planning Specialist

cc: Robert Kronenberg, Area 1, M-NCPPC
Erin Grayson, Area 1, M-NCPPC
Sri Velamati, The Tower Companies



DEPARTMENT OF PERMITTING SERVICES

Isiah Leggett
County Executive

Diane R. Schwartz Jones
Director

August 12, 2013

Shannon Woodrow
Vika Maryland, LLC
20251 Century Boulevard, Suite 400
Germantown, MD 20874

Re: Stormwater Management **CONCEPT** Request
for Blairs Park
Preliminary Plan #: 120130220
SM File #: 252153
Tract Size/Zone: 24.44 Ac./CBD-R2
Total Concept Area: 24.4 Ac.
Parcel(s): N/614,616,784,838,739,681,731
Watershed: Lower Rock Creek

Dear Ms Woodrow:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable for the preliminary plan stage only**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP by the use of green roof and micro-biofiltration/planter boxes. Additional treatment will be provided via proprietary under ground structural volume based filter. Due to site restraints the full quantity volume can not be treated so a waiver is granted.

The following **items** will need to be addressed **during/prior to** the detailed sediment control/stormwater management plan stage:

1. **Prior to site plan going to the Planning Board this concept must be resubmitted for revised approval. Please show more details of how areas are to be conveyed to micro-biofiltration structures and to proprietary filters. Also work with architect to see if additional volume can be treated via ESD or structural methods.**
2. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
3. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
4. An engineered sediment control plan must be submitted for this development.
5. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
6. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services, Water Resources Section.

255 Rockville Pike, 2nd Floor • Rockville, Maryland 20850 • 240-777-6300 • 240-777-6256 TTY
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montgomerycountymd.gov/311



240-773-3556 TTY

Shannon Woodrow
Page 2
August 12, 2013

7. Easements and covenants must be provided for all ESD and structural stormwater management practices.
8. Green roofs to be designed by a professional with green roof experience.
9. All green roof is to be 8 inches thick.
10. Use the latest MCDPS design standards at time of plan submittal for the stormwater structures.
11. Provide pretreatment for the underground volume based structures treating non-rooftop area.
12. Provide flow splitters to structural stormwater treatment per MCDPS design requirements.


This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 **is required**.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: jb CN252153 Blairs Park.DWK

cc: C. Conlon
SM File # 252153

ESD Acres:	24.4
STRUCTURAL Acres:	5.5
WAIVED Acres:	24.4

Banks, Erin

From: Crispell, Bruce <Bruce_Crispell@mcpsmd.org>
Sent: Thursday, August 15, 2013 3:55 PM
To: Grayson, Erin
Cc: Duke@vika.com
Subject: The Blairs Master Plan
Attachments: MP14CH4_DCC.pdf

Erin,

I made an error in my previous email. The project is in the Blair cluster, not Northwood cluster. The corrected statement is shown below. Thanks

Bruce

Erin,

This email is sent to provide comment on the preliminary plan known as "The Blairs Master Plan," File Number 1-20130220.

The Blairs Master Plan is located in the area bounded by Eastern Avenue, Colesville Road, Blair Mill Road, and East West Highway in Silver Spring, Maryland. The schools that serve this location include Sligo Creek Elementary School and Silver Spring International Middle School. At the high school level this property is in the Downcounty High Schools Consortium where students may choose to attend one of five high schools: Blair, Einstein, Kennedy, Northwood, and Wheaton high schools. The property is in the "base area" for Blair High School which means students residing at this location are guaranteed they may attend Blair High School if it is their first choice. For purposes of this review, Blair High School is the high school.

The plan proposes redevelopment of a portion of the current apartment complex. I understand that at the completion of the project there will be 1,690 new multi-family high rise units and 1,110 existing high rise units will remain, for a total of 2,800 units.

The 1,690 new multi-family housing units are estimated to generate approximately 71 elementary school students, 66 middle school students, and 56 high school students. Enrollment is within capacity at Sligo Creek Elementary School for all six years of the projection period. At Silver Spring International Middle School enrollment begins to exceed capacity in the 2017-18 school year. At the high school level, Blair High School enrollment begins to exceed capacity beginning in the 2016-17 school year.

Due to enrollment growth school capacities are exceeded in many Blair Cluster schools. The currently in effect *Subdivision Staging Policy School Test*, for FY 2014, requires school facility payments for subdivision approval at elementary, middle, and high school levels in the Blair Cluster. I am attaching pages from the *Amended FY 2013-2018 CIP* for your reference. You can find facility, enrollment and utilization information in this document. Please let me know if you have any questions.

Bruce Crispell

Director, Division of Long-range Planning
Montgomery County Public Schools
45 West Gude Drive, Suite 4100

Rockville, Maryland 20850


(240) 314-4702 (office)

(301) 279-3062 (fax)



MEMORANDUM

TO: Erin Grayson, Area 1

FROM: Tina Schneider, Senior Planner, Area 1 

DATE: August 8, 2013

SUBJECT: The Blairs
Preliminary Forest Conservation Plan: 120130220

Conditions

- The Applicant must obtain approval of a Final Forest Conservation Plan from the Planning Department prior to issuance of a Sediment Control Permit from the Department of Permitting Services. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.
- The Applicant must plant twenty-two (22) three-inch caliper native canopy trees as mitigation for the removal of specimen trees. The species and location of plantings must be identified on the Final Forest Conservation Plan.
- An International Society of Arboriculture certified arborist must certify tree protection measures on Final Forest Conservation Plan.
- The Applicant must obtain approval of a Final Forest Conservation Plan from the Planning Department prior to issuance of a Sediment Control Permit from the Department of Permitting Services. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.
- The Applicant must achieve a LEED Certified rating certification at a minimum, or energy and environmental design standards that the Department of Permitting Services identifies as equivalent to a certified-level rating in the appropriate LEED rating system. The applicant must make good faith efforts to achieve a LEED Silver rating, or energy and environmental design standards that the Department of Permitting Services identifies as equivalent to a silver-level rating in the appropriate LEED rating system. Before issuance of the final use and occupancy certificate, the Applicant must inform MNCPPC staff of the LEED Certification Level that they are applying for. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to staff a written report for the public record purposes only from the Applicant's LEED consultant, analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

Environmental Overview

The Blairs Master Plan project is located in within the lower main Rock Creek watershed. Water quality condition for Lower Rock Creek are fair to poor and designated by the Montgomery County Department of Environmental Protection as a Watershed Restoration Area. The impaired biological stream conditions are due to heavy urbanization and dense populations occurring over many years prior to stormwater management, forest and stream buffer protection which led to unmitigated flows that have damaged Rock Creek and its tributaries.

The Montgomery County Department of Environmental Protection (MCDEP) developed a Countywide Stream Protection Strategy (CSPS) in 1998. The goal is to preserve, protect, and restore impaired watersheds. The Blairs Master Plan will contribute to MCDEP's lofty goals by implementing stormwater management treatment, reducing impervious cover, and increasing trees which help slow down and infiltrate stormwater runoff.

Environmental Requirements

Natural Resource Inventory/Forest Stand Delineation (NRI/FSD)

The NRI/FSD (420121540) for this Property was approved on June 27th, 2012. The NRI/FSD identifies environmental features, conditions, constraints and forest resources on the Property and within 100-feet of its perimeter. The Property contains no forest, streams, buffers, or rare, threatened, or endangered species. There are thirteen (13) specimen trees with a diameter at breast height (dbh) of 30- inches or greater onsite with an additional six (6) within a 50' perimeter. Twenty one (21) onsite trees are significant with a dbh of 24-30 inches, and an additional twelve (12) significant trees on its perimeter.

Preliminary Forest Conservation Plan

The property is subject to the Montgomery county Forest Conservation Law (Chapter 22A of the County Code) and a Preliminary Forest Conservation Plan (PFCP) was submitted on April 25, 2013 and revised on August 5th and August 12th, 2013. The net tract area is 27.28 acres. With no existing forest onsite meeting the Forest Conservation Law requires an afforestation threshold of 4.09 acres to be met by through offsite mitigation.

Forest Conservation Variance

Section 22A-12(b) (3) of the Montgomery County Forest Conservation Law provides criteria that identify certain trees, shrubs, plants and specific areas as priority for retention and protection and further requires those features to be left in an undisturbed condition unless a variance is obtained in accordance with Chapter 22A-21 of the County code. The resources that have been identified on this Plan include trees with a DBH of 30 inches or greater.

The applicant submitted a variance request on July 22, 2013 for impacts to and removal of specimen trees. The stately specimen trees align the property along East-West Highway, Blair Mill Road, and Eastern Avenue. The Applicant is requesting a variance to remove six (6) specimen trees, five (5) significant trees (24"-29" in diameter at breast height), with impacts to a significant portion of the critical root zones to an additional three (3) specimen trees. Efforts to treat and protect the retained (3) specimen trees will be made however impacts to the critical

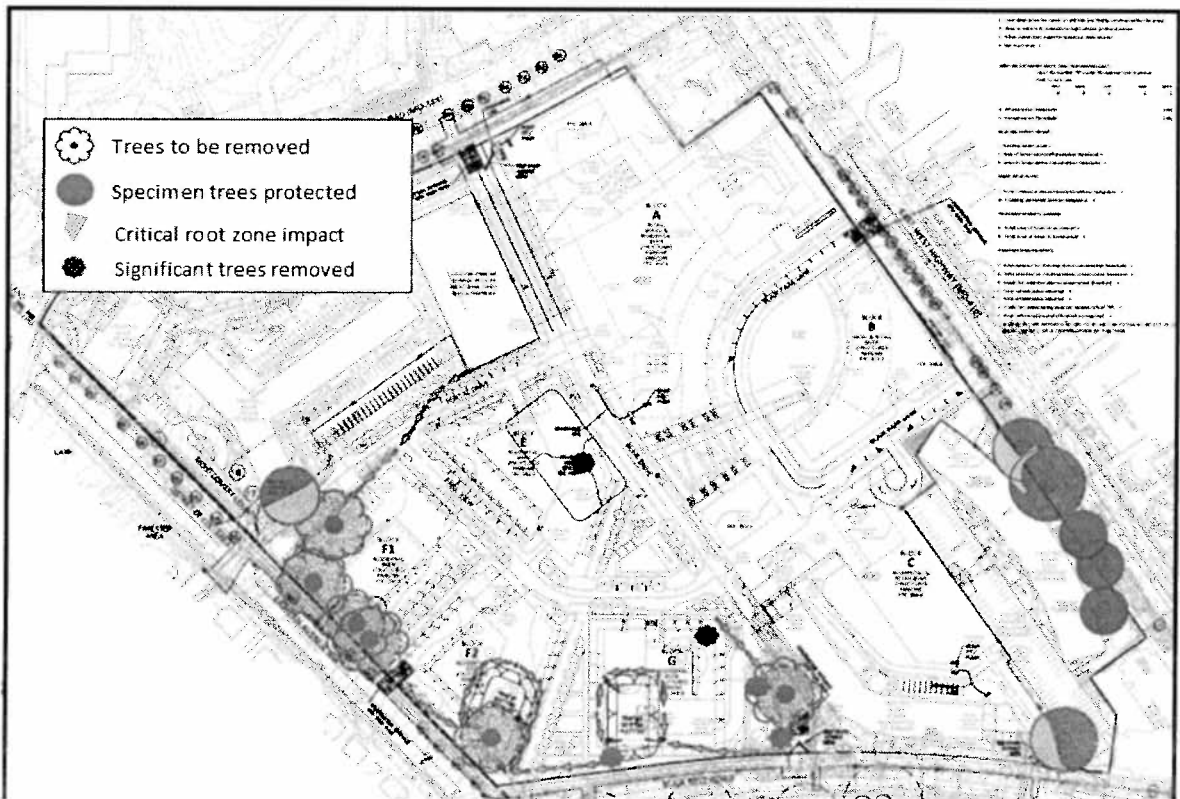
root zones are above 30 percent and mortality is possible. The applicant proposes to mitigation for specimen tree loss by planting twenty-two (22) 3" caliper trees onsite. The impacts and removal are described in the variance tree table below.

Tree #	Scientific Name/ Common Name	D.B.H (inches)	Field Condition	Disposition	CRZ Impacts (%)	Justification
ON-SITE SPECIMEN TREES PROPOSED FOR REMOVAL OR IMPACTED						
1*	<i>Quercus phellos</i> / <i>Willow oak</i>	32	Good	Potential Removal	35%	Impact greater than 30% is required to allow for the future driveway connection to the existing loading / service area which will be inaccessible once Blair Park Lane and Blocks A & B are constructed.
2	<i>Quercus phellos</i> / <i>Willow oak</i>	39	Good	Impacted	9%	Slight impact is needed to allow for the construction of the future driveway connection to the loading area mentioned above.
6	<i>Quercus phellos</i> / <i>Willow oak</i>	34	Good	Potential Removal	35%	This tree is located within an existing tree island surrounded by sidewalk or pavement. The proposed activity will occur on the existing pavement and will include the installation of gas service within the road, mill and overlay, sidewalk extension and curb reconfiguration. Impact greater than 30% is required for these improvements.
8	<i>Quercus phellos</i> / <i>Willow oak</i>	30	Good	Remove	100%	The re-alignment of proposed Blair Drive with associated sidewalk will require the tree's removal. No alternative alignments will minimize the disturbance, nor provide adequate CRZ protection for a successful preservation.
12	<i>Quercus alba</i> / <i>White oak</i>	34	Good	Remove	100%	The proposed F1 building is to have a similar ground floor elevation to the facing Eastern Avenue street level, similar to that which is across the street. This will require the current sloped transition and terrace to be graded, thus removing the tree. This tree is also within the proposed building's footprint. Retention of the tree would create accessibility issues for the proposed townhouse units and would be a detriment to the character envisioned for this frontage.
13	<i>Quercus phellos</i> / <i>Willow oak</i>	30	Good	Remove	100%	The proposed F1 building is to have a similar ground floor elevation to the facing Eastern Avenue street level, similar to that which is across the street. This will require the current sloped transition and terrace to be graded, thus removing the tree. This tree is also within the proposed building's footprint. Retention of the tree would create accessibility issues for the proposed townhouse units and would be a detriment to the character envisioned for this frontage.
14	<i>Quercus phellos</i> / <i>Willow oak</i>	34	Good	Remove	100%	The proposed F1 building is to have a similar ground floor elevation to the facing Eastern Avenue street level, similar to that which is across the street. This will require the current sloped transition and terrace to be graded, thus removing the tree. This tree is also within the proposed building's footprint. Retention of the tree would create accessibility issues for the proposed townhouse units and would be a detriment to the character envisioned for this frontage.
15	<i>Quercus phellos</i> /	±36	Good	Remove	100%	The proposed building ground floor frontage of

	<i>Willow oak</i>					Block F1 is to be at the street level of proposed Portal Drive. The proposed grade will require removal of the existing retaining wall, sloped transition and terrace along with the reconfiguration of the existing dog park. The proposed activities will significantly impact the tree, thus requiring removal of the tree. This tree is also within the proposed building footprint.
16*	<i>Cedrus atlantica / Atlas Cedar</i>	31	Good	Remove	48%	Impact greater than 30% is required to allow for the widening and reconfiguration of Portal Drive, installation of storm drain, sanitary sewer and gas service lines.
20	<i>Quercus phellos / Willow oak</i>	30	Good	Remove	100%	The proposed building frontage of Block F2 is to be at the existing street level of Eastern Avenue. This will require the current sloped transition and terrace to be graded, thus removing the tree. This tree is also within the proposed building footprint. Retention of the tree would create accessibility issues for the proposed townhouse units.

Unwarranted Hardship

As per Section 22A-21, a variance may only be granted if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship. The existing specimen trees evaluated in this request are located throughout the lower escarpment of the Project within green areas surrounding the residential towers. Although the preservation and integration of specific specimen trees along East-West Highway and Eastern Avenue was requested, the applicant’s vision for new building construction and road configuration challenged the request. A desire and need for building elevations to align with streets, future building footprint modifications, as well as infrastructure and driveway connections to existing service areas, would have made tree preservation inefficient and burdensome on the Project. Any other applicant redeveloping this portion of the site would likely affect the trees with site disturbance activity near the property line. Therefore, Staff concurs that the Applicant has made a sufficient argument for unwarranted hardship to consider a variance request.



Trees proposed for removal, protection and impacts

Variance Findings

The Planning Board must make findings that the Applicant has met all requirements of this Chapter 22A-21 before granting the variance. Staff has made the following determination regarding approval of the variance:

1. Will not confer on the Applicant a special privilege that would be denied to other applicants;

Granting the variance will not confer a special privilege that on the applicant as this property is proposing a development consistent with the CBD-R2 zone. The trees and/or their critical root zones lie within the developable area of the Property. The proposed re-development of the parcels, including the reconfiguration of the vehicular circulation on the future road network, grading requirements, utility access, and proposed below grade service along East-West Highway will impact the existing specimen trees and/or their critical root zones. Due to the layout and use of the proposed development, it is Staff's opinion, that granting the variance will not confer a special privilege to the applicant.

2. Is not based on conditions or circumstances which are the result of actions by the Applicant;

Staff concurs that the requested variance is based on proposed CBD use of the site, access to the site, existing infrastructure, and a desire to build a modern, state of the art mixed use development, rather than on conditions or circumstances which are the result of actions by the applicant.

3. Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

Staff concurs that the requested variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

4. Will not violate State water quality standards or cause measurable degradation in water quality.

The requested variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen trees being removed are street and landscape trees. Although there will be an immediate loss from the stormwater filtration they provide, the overall project plan will improve water quality above existing levels through additional plantings, the use of green roofs, porous surfaces, and biofiltration systems.

Mitigation for Trees Subject to the tree Variance

The applicant proposes disturb the critical root zones of three (3) specimen trees and to remove

six (6) specimen trees; all are stately trees aligning the perimeter of the property. Mitigation for impacts and loss of the regal trees will occur at a rate that approximates the form and function of the trees removed. Staff recommends a replacement occur at a ratio of approximately one (1)-inch dbh for every four (4)-inches dbh proposed for removal. While these trees will not be as large as the trees lost, they will provide some immediate canopy cover and will help augment the canopy lost. Because these trees are mitigation for specimen trees lost or stressed, they do not count toward afforestation requirements.

The replacement trees must be a minimum caliper of three (3)-inches in dbh. For this site, the total caliper inches of specimen trees proposed for removal will be 257 inches requiring a minimum mitigation planting of 22 native canopy trees with a dbh of three (3)-inches or greater.

County Arborist's Recommendation on Variance

In accordance with Montgomery County Code, Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. On August 15, 2013, the County Arborist issued recommendations on the variance request and recommended the variance be approved with mitigation (attachment XX).

Variance Recommendation - Staff recommends the variance be granted.

Stormwater Management Concept

The MCDPS Stormwater Management Section conditionally approved the Stormwater Management Concept for the Application on XXXX, 2013. Environmental Site Design has been integrated on-site using techniques via pervious pavement, green roofs, biofiltration systems, and stormfilters.

Attachment

1. Preliminary Forest Conservation Plan
2. Variance application
3. Letter from County Arborist
4. DPS Stormwater Management Preliminary Approval letter



5a

SILVER SPRING
TRANSPORTATION MANAGEMENT DISTRICT
ADVISORY COMMITTEE

September 4, 2013

Mr. Arthur Holmes, Jr., Director
Montgomery County Department of Transportation
101 Monroe Street, 10th Floor
Rockville, Maryland 20850

SUBJECT: The Blairs Master Plan / Project Plan 920130050

Dear Mr. Holmes:

I am writing on behalf of the Silver Spring Transportation Management District (TMD) Advisory Committee regarding The Blairs redevelopment Project Plan, currently under review by the Planning Board, and its potential impact on pedestrian movement and safety in downtown Silver Spring.

The Advisory Committee received a briefing on The Blairs Master Plan during its May meeting. The project, in the Committee's view, supports the mission of the TMD as well as the broader goals of the County by enhancing pedestrian movement, providing improved access to transit facilities, and creating an attractive street environment that provides for the safety of residents, businesses, and visitors to Silver Spring. The Project Plan provides for the following elements relevant to TMD goals:

- Improvements to the streetscape, with plantings and improved lighting along Colesville and Blair Mill Roads, providing a more pleasant environment for pedestrians and cyclists
- Lower profile building heights for residential complexes facing Eastern Avenue, with higher buildings set back to maintain a human scale street front, adding to the sense of safety for pedestrians on the street
- Direct pedestrian and bicycle access to the Silver Spring Transit Center through the development from Eastern Avenue and Blair Mill Road at the southern end of the property
- Ample green space and civic open space to attract urban residents, while reducing parking and other vehicular space
- Street level retail, allowing residents to meet needs without relying on a vehicle

The integrated public spaces envisioned within The Blairs development and the ease of access to transit provide for the possibility of a future bikeshare station, which would also facilitate movement within the development for residents and visitors.

Request

Since the new development will provide multiple access points for pedestrians and thus be a magnet for increased pedestrian traffic, the Committee requests that the Department of Transportation, in coordination with the State Highway Administration, provide further study of the existing crosswalks and signalized intersections surrounding the development. Specifically, we would like MCDOT and SHA to explore the possibility of a High-intensity Activated Crosswalk ("HAWK") across Colesville Road between 16th Street and East West Highway, at Draper Lane (there is currently no crosswalk at this location). Draper Lane will likely be a major access point for pedestrians once the development is



MONTGOMERY COUNTY DEPARTMENT OF PARKS
MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

MEMORANDUM

DATE: September 27, 2013

TO: Erin Grayson Banks, Senior Planner, Planning Department
FROM: Brooke Farquhar, Master Planner/Supervisor, Park Planning & Stewardship
SUBJECT: Blairs Project Plan # 920130050

This area of the Silver Spring CBD today has the highest density of units per acre of the entire Silver Spring/Takoma Park PROS Service Area. There are no public parks accessible by walking in this neighborhood (defined by East West Highway, 16th St, Eastern Ave, Georgia Avenue, and the Metro Tracks). Many residents of downtown Silver Spring have testified on the need for parks in this area of Silver Spring. Georgia Avenue is a barrier to safe and convenient access to Jesup Blair Park. The Silver Spring Green Space Plan also supports a large, contiguous lawn space here. All other neighborhoods in Silver Spring have walkable access to parks.

The applicant is opposed to dedicating any of its open space to M-NCPPC Montgomery Parks. Parks is concerned that the facilities provided by this applicant be publicly accessible in perpetuity, to meet the needs of this area of Silver Spring. If the Board decides to accept the facilities under private ownership and operation, the site plan agreements should include assurance that these facilities will be operated to public park standards in perpetuity.

The following park and open space unmet needs were identified in the 2012 Parks Recreation and Open Space (PROS) Plan:

- **Community Open Space:** Flat grassy areas are needed in our urban centers to provide relief from the hardscaped environment and to accommodate for pickup sports, picnics, events, etc. The Project Plan provides a community open space that will function well as a flexible space for a variety of community functions, as long as it contains a large lawn area, uninterrupted by plazas and pathways. Because of the high density and concentration of uses in this location we recommend a size of approximately 1/2 acre.
- **Dog parks:** The service delivery strategy recommended in the PROS Plan suggests that approximately 4 ½ acres of dog parks are needed in the Silver Spring/Takoma Park PROS Service Area by the year 2022. At least one of these should be located in the area of highest density of the Silver Spring CBD, at this site. The Project Plan provides a 7,000 square-foot publicly accessible dog park. In our research on urban dog parks we have found that 10,000 – 15,000 square feet is a preferable minimum size to allow for multiple dogs and their owners, but this plan has two dog parks – one public and one private, which may be adequate for the needs in the area. The site plan agreements should include details for design, operations and management that insure its performance as a public dog park.
- **Community Gardens:** The service delivery strategy recommended in the PROS Plan suggests that approximately 18 additional community gardens are needed Countywide by the year 2022. We currently have one in the Silver Spring CBD at the Fenton Gateway Urban Park. The Project Plan proposes a garden for the exclusive use of residents on top of buildings. Staff finds this to be appropriate, as meeting those residents' needs on-site will meet needs that would otherwise create a demand on parkland.

- Playgrounds: These are always needed close to home, and this will be close to home for 5,000+ residents in this project alone. The Project Plan proposes two playgrounds with an appropriate amount of shade and seating, to be available to the public. The site plan should include details for design that insure they will meet the needs of various age groups.
- Basketball Courts: Five basketball courts are needed in the Silver Spring planning area. The Plan does not include basketball courts. There are none in this quadrant of Silver Spring. To access the nearest court, residents will have to cross Georgia Avenue. Staff recommends at least one basketball court be provided.

Cc:

Mary Bradford, Director of Parks

Mike Riley, Deputy Director of Parks

John Nissel, Deputy Director of Parks

John Hench, Chief, Park Planning and Stewardship

Bill Tyler, Chief, Southern Region

Antonio DeVaul, Chief, Park Police



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Isiah Leggett
County Executive

Robert G. Hoyt
Director

August 15, 2013

Françoise Carrier, Chair
Montgomery County Planning Board
Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

RE: Blairs Master Plan, DAIC 920130220, NRI/FSD application accepted 4/10/2012

Dear Ms. Carrier:

The County Attorney's Office has advised that Montgomery County Code Section 22A-12(b)(3) applies to any application required under Chapter 22A submitted after October 1, 2009. Accordingly, given that the application for the above referenced request was submitted after that date and must comply with Chapter 22A, and the Montgomery County Planning Department ("Planning Department") has completed all review required under applicable law, I am providing the following recommendation pertaining to this request for a variance.

Section 22A-21(d) of the Forest Conservation Law states that a variance must not be granted if granting the request:

1. Will confer on the applicant a special privilege that would be denied to other applicants;
2. Is based on conditions or circumstances which are the result of the actions by the applicant;
3. Arises from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; or
4. Will violate State water quality standards or cause measurable degradation in water quality.

Applying the above conditions to the plan submitted by the applicant, I make the following findings as the result of my review:

1. The granting of a variance in this case would not confer a special privilege on this applicant that would be denied other applicants as long as the same criteria are applied in each case. Therefore, the variance can be granted under this criterion.
2. Based on a discussion on March 19, 2010 between representatives of the County, the Planning Department, and the Maryland Department of Natural Resources Forest Service, the disturbance of trees, or other vegetation, as a result of development activity is not, in and of itself, interpreted as a condition or circumstance that is the result of the actions by the applicant. Therefore, the variance can be granted under this criterion, as long as appropriate mitigation is provided for the resources disturbed.

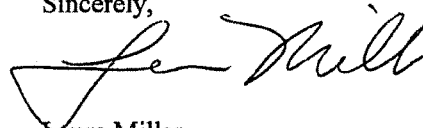
3. The disturbance of trees, or other vegetation, by the applicant does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property. Therefore, the variance can be granted under this criterion.
4. The disturbance of trees, or other vegetation, by the applicant will not result in a violation of State water quality standards or cause measurable degradation in water quality. Therefore, the variance can be granted under this criterion.

Therefore, I recommend a finding by the Planning Board that this applicant qualifies for a variance conditioned upon the applicant mitigating for the loss of resources due to removal or disturbance to trees, and other vegetation, subject to the law based on the limits of disturbance (LOD) recommended during the review by the Planning Department. In the case of removal, the entire area of the critical root zone (CRZ) should be included in mitigation calculations regardless of the location of the CRZ (i.e., even that portion of the CRZ located on an adjacent property). When trees are disturbed, any area within the CRZ where the roots are severed, compacted, etc., such that the roots are not functioning as they were before the disturbance must be mitigated. Exceptions should not be allowed for trees in poor or hazardous condition because the loss of CRZ eliminates the future potential of the area to support a tree or provide stormwater management. Tree protection techniques implemented according to industry standards, such as trimming branches or installing temporary mulch mats to limit soil compaction during construction without permanently reducing the critical root zone, are acceptable mitigation to limit disturbance. Techniques such as root pruning should be used to improve survival rates of impacted trees but they should not be considered mitigation for the permanent loss of critical root zone. I recommend requiring mitigation based on the number of square feet of the critical root zone lost or disturbed. The mitigation can be met using any currently acceptable method under Chapter 22A of the Montgomery County Code.

In the event that revisions to the LOD are approved by the Planning Department, the mitigation requirements outlined above should apply to the removal or disturbance to the CRZ of all trees subject to the law as a result of the revised LOD.

If you have any questions, please do not hesitate to contact me directly.

Sincerely,



Laura Miller
County Arborist

cc: Robert Hoyt, Director
Walter Wilson, Associate County Attorney
Mark Pfefferle, Chief



ideas that work

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August 22, 2013

Mr. Robert Kronenberg
Ms. Erin Grayson-Banks
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20901

Re: The Blairs Master Plan; Preliminary Plan # 120130220
Waiver Request for Full East-West Highway Dedication

Dear Mr. Kronenberg and Ms. Grayson-Banks,

As you know, we represent the applicant in the referenced case. The submitted preliminary plan of subdivision proposes dedication along The Blairs property frontage up to a right-of-way width of 100.6'. This dedication matches the current dedication required for a newly constructed apartment condominium project, 1200 East-West Highway. This proposed dedication is less than the Silver Spring Sector Plan's recommendation for 110' of dedication.

This letter formally requests that the Montgomery County Planning Board grant a waiver pursuant to Section 50-38 of the Montgomery County Code to the requirements of Sections 50-25(a) and 50-30(c)(1) to permit the applicant to dedicate East-West Highway to a maximum width of 100.6' in lieu of 110', for the reasons set forth below.

On October 4, 2005, in Preliminary Plan 1-05084 for the 1200 East-West Highway project, the Planning Board approved a waiver identical to the present request. In that project (which immediately adjoins The Blairs to the south, along East-West Highway), the Planning Board said as follows in its Resolution:

"The Applicant has requested a waiver of Section 50-26(a) [sic] pursuant to Section 50-38 to permit reduced-width road rights-of-way along the Blair Mill Road and East-West Highway frontages of the property. The Sector Plan stipulates right-of-way widths of 70 feet and 100 feet, respectively. The plan proposes a right-of-way width of 63 feet for Blair Mill Road and 100 feet for East-West Highway.

Staff, in collaboration with the State Highway Administration, has agreed that an additional 25 feet of right-of-way dedication along East-West Highway, for a total right-of-way of 100 feet is acceptable. Standard vehicular travel ways, bikeway, sidewalk, and streetscape recommended in the Sector Plan will be provided. There was also consensus that East-West Highway is not planned for widening so the additional right-of-way is not required in the foreseeable future."

The reasons that the applicant requests a waiver from the Silver Spring Sector Plan's recommendation of 110' dedication are as follows:

1. The adjoining property—1200 East-West Highway—dedicated to a width of 100' (see above) and the proposed waiver would achieve consistency with the adjoining property.
2. The proposed dedication of 100.6' will enable standard vehicle travel ways, bikeway, sidewalk and streetscape recommended by the Sector Plan, just as in the case of the adjoining 1200 East-West Highway project.
3. If the applicant dedicated to the full Sector Plan width of 110', a small portion of the applicant's Blair East apartment building's existing improvements would be in the right-of-way. The remainder of the improvements would be very close to the right-of-way line. This building is not being removed or relocated, but will remain in place with the redevelopment of The Blairs.
4. The request for a waiver of 9.4' from the 110' dedication requirement is the minimum necessary to achieve the applicant's objectives.
5. The requested waiver of 9.4' is in the public interest, since it will achieve a consistent dedication and alignment of East-West Highway from Colesville Road on the north to Blair Mill Road on the south. Also, as noted above, the proposed dedication to 100.6' still enables standard vehicle travel ways, bikeway, sidewalk, and the streetscape recommended by the Sector Plan, and an additional 9.4' dedication is not necessary to achieve those objectives.
6. The proposed waiver is not inconsistent with the purposes or objectives of the General Plan, since the transportation and pedestrian mobility objectives of the General Plan are fully satisfied with the proposed dedication of 100.6'.

Thank you very much for your (and the Planning Board's) consideration of this waiver request.

Very truly yours,



Robert G. Brewer, Jr.



ideas that work

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October 3, 2013

Francoise Carrier, Chair
Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Request for Waiver from Requirements of Subdivision Regulations
Blairs Master Plan: Preliminary Plan of Subdivision

Dear Chair Carrier:

The purpose of this letter is to request, on behalf of the Tower Companies (“Tower”), a waiver, pursuant to Section 50-38 of the Subdivision Regulations, to permit the construction of a portion of the redevelopment of The Blairs (a parking garage extension) to cross the lot line boundary of a lot within the Project. The Blairs redevelopment will involve parts of the existing Blairs complex, located in the 30+ acre area generally surrounded by East-West Highway, Colesville Road, Blair Mill Road, and Eastern Avenue (the “Property”), in the Silver Spring Central Business District (“CBD”).

A preliminary plan of subdivision (“Preliminary Plan”) and a project plan application under the optional method of development (“Project Plan”) have been submitted in advance of this waiver request and are under review by Planning Board Staff and other government agencies. The need for this waiver has arisen during the review process, as a result of changes in the applications that have been requested by Planning Board Staff. Without the proposed waiver, the development as proposed under the Project Plan and Preliminary Plan could not meet the unique needs of this mixed use project and its phased development implementation.

The Site

The Property consists of 30.37 acres in the CBD-R2 (Central Business District, Residential, 2.0) Zone. The Property is currently improved with a mix of uses, including rental residential units (in seven mid to high-rise residential buildings—Blair House, Blair East, Blair Plaza, and the Blair Towers—and a low rise building, Blair Towns), an

October 3, 2013

Page 2 of 8

office building and miscellaneous office spaces, and retail/restaurant space. The retail space includes a grocery store, a drug store, and various other smaller shops.

The Proposed Project

The Project, as more fully described in the Project Plan Application and as defined below, will consist of a variety of new uses which, in combination with uses retained, will result in a total of 2,800 residential units and 450,000 square feet of commercial uses, including retail, office and hotel uses. Of the current uses, the Application proposes to retain four residential buildings (Blair East, Blair Plaza, Blair House, and Blair Towns), and to demolish four residential buildings known as Blair Towers containing 266 residential units, the existing office building and retail/restaurant uses. In their place, on a phased basis, the Applicant proposes to develop eight new residential buildings containing 1,690 (1,424 net new) residential units, an office building containing approximately 200,000 square feet, a hotel containing approximately 125,000 square feet (200 rooms), and various retail uses containing approximately 121,955 square feet (including a grocery store). The Application also proposes the development of numerous public use spaces, expansive private open spaces, below grade and above grade parking structures, and four private roads (Portal Drive; Private Street A, Private Street B, and Private Street C) (collectively, the "Project").

The Project proposes development in two distinct regions of the Property, known as the Upper Escarpment and the Lower Escarpment. The line of division between the two escarpments is Private Street B, and it generally follows a topographical break point within the Property, which has a slope from east to west (approximate elevation 325 feet along East-West Highway to approximate elevation 292 feet along Private Street B, a drop of 33 feet within the Upper Escarpment itself). This topographical decline in elevation continues more modestly through the Lower Escarpment to a lowest approximate elevation of 285 feet along Eastern Avenue, a drop of seven (7) feet within the Lower Escarpment.

The Upper Escarpment is primarily a commercial use area (office, retail, hotel, with some high-rise multi-family residential buildings). The Lower Escarpment is a unique mixture of mid-rise/high-rise multi-family and 2/4 story townhouse residential uses. The Project is divided into smaller building footprints to promote greater permeability through the Property with a network of private streets, public green spaces, and pedestrian walkways tied into the surrounding neighborhood.

The Project proposes a connected network of public use and amenity spaces which link the Upper Escarpment and the Lower Escarpment. These landscape spaces connect each block of the mixed-use redevelopment. The organizing design element for public

use and amenity spaces within the Project is a linear sequence of green open spaces, which begin on the northeastern edge of the Property along East-West Highway diagonally across from METRO and the Silver Spring Transit Center, and descend southwesterly from the Upper Escarpment through the Lower Escarpment to Blair Mill Road near its intersection with Eastern Avenue. Four other public use and amenity spaces complement this linear progression.

Elements Necessitating the Waiver

An expansion of the existing multi-level garage near Blair House and Blair Towns is planned as a part of the construction. (See Exhibit "A" attached.) This expansion will add three (3) additional levels to the existing parking structure. As a part of allowing this additional parking to serve multiple uses in the Project, and to ease the connection of the parking to the retail and office uses on Block A, the new parking levels will extend across Private Street B to almost touch the Block A structure. The actual parking area of the deck is set back from the face of Block A by approximately ten (10) feet on all three levels. Only the necessary structural supports and a pedestrian connector walk actually cross this gap and physically tie into Block A. The gap created by this setback area operates as a light well to allow natural light to penetrate to Private Street B. The pedestrian connection allows the parking to serve the Block A uses without adding to the mass of that area. Also, by being connected to the commercial uses in Block A, as well as the residential uses in the existing Blair House, Blair Towns and the new residential buildings, the garage helps reduce vehicular movements within the Project, as parking patrons can access both areas without relocating.

A waiver of the subdivision standards is necessary to address each of two different conditions:

1. In order to exist in the air space over Private Street B, the new parking garage levels must physically cross the western/southern boundary line of the parcel that will contain Private Street B. (See Exhibit B, attached.)
2. In order to connect the structure of the parking garage levels and the pedestrian walks into the structure of Block A, both must physically cross the eastern/northern boundary line of the parcel that will contain Private Street B. (See Exhibit C, attached.)

The Waiver Request

This letter requests that the Planning Board grant a waiver of one element of the Subdivision Regulations, pursuant to its authority under Section 50-38(a)(1) of the

Montgomery County Code. This waiver is needed in order to allow the approvals necessary for the construction of the proposed additions to the garage at The Blairs, as described above.

Tower respectfully requests that the Planning Board grant a waiver from the requirement that prevents a building permit being approved for a proposed structure that will be located across lot lines. Specifically, Tower seeks a waiver from the following provision of the Subdivision Regulations:

“Sec. 50-20. Limitations on issuance of building permits.

(b) A building permit may not be approved for the construction of a dwelling or other structure...which crosses a lot line...”

As more fully set forth below, this waiver request is necessitated by the unusual circumstances of the Property and the practical difficulties associated with the requirement of Planning Board Staff that the area to be used for Private Street B be placed in a separate lot of record. In order to be above and connect across the Private Street B, the garage must, of necessity, cross the boundary lines of the lot within which the private road is located.

Standards for Waiver Under Section 50-38

Under the standards of Section 50-38, the Planning Board may grant waivers that meet the following criteria:

“(a) Authority of Board

“The Board may grant a waiver from the requirements of this Chapter [50] upon a determination that practical difficulties or unusual circumstances exist that prevent full compliance with the requirements from being achieved, and that the waiver is: 1) the minimum necessary to provide relief from the requirements; 2) not inconsistent with the purposes and objectives of the General Plan; and 3) not adverse to the public interest.”

In order for The Blairs Project to be built as proposed in the Project Plan and as described above—across lot lines—a waiver must be obtained. Accordingly, The Blairs requests that the Planning Board waive the requirements of Section 50-20(b) of the Subdivision Regulations. As described below, this waiver is the minimum necessary to overcome the unusual circumstances of the Property and the practical difficulties involved in the efforts to develop a unified, integrated mixed use project.

A. Practical Difficulties or Unusual Circumstances.

As described above, the Project was originally planned and proposed as a single record lot that would be separated into individual ownership parcels for buildings, green spaces, and private roads. As a result of comments from public agencies, Private Street B may have to be placed in a separate record lot, thus dividing the proposed 30+ acre single lot into at least three parts, each comprised of a single recorded parcel: (1) the Upper Escarpment and (2) the Lower Escarpment, with (3) Private Street B in between.

The Blairs redevelopment seeks to create a mixed-use development that is highly integrated and thoroughly connected to facilitate pedestrian movement. From the major green spaces forming the pedestrian spine from D.C. neighborhoods to the Silver Spring Metro Station, to the myriad pedestrian connections that fan out through the site, the connectivity internally and externally is a defining design element. At the same time, making positive use of the substantial grade change between the Upper and Lower Escarpments is exemplified by adding on top of the existing parking garage, thus rising toward the Upper Escarpment elevation to connect across Private Street B. Covering part of Private Street B with the garage also serves to help hide the service connections to Private Street B from the underground garage below Block A. By keeping these functions close to the access to Colesville Road, (and below the garage extension) they allow the majority of Private Street B to be a more pedestrian and bicycle-friendly environment, fully open to the sky.

The Blairs is intended to be developed over an extended period of time. The Project will also retain and incorporate significant existing high-rise residential structures. Other commercial elements must be integrated into the design and function, even though they eventually will be replaced. Thus, the Project must accommodate a variety of changing physical configurations of uses and connections and keep them functional during all phases of development. This is a unique and ever-changing environment until the full buildout is achieved. But as a result, to achieve an integrated whole, the focus of the Project is on the functions of the spaces and buildings, thereby creating the relationships of the uses, rather than the lot lines. The ownership lot structure for the buildings and green spaces is used to allow those buildings and uses to flow seamlessly across the site, freed from the shackles of an artificial record lot layout. To allow the garage structure and its pedestrian connection to follow this integrated model, the waiver is needed.

This necessity of building on two lots separated by a third lot containing the Private Street B presents a practical difficulty and a unique circumstance of hardship, particularly as The Blairs seek to become a more fully mixed use community.

B. Minimum Necessary to Provide Relief from the Requirements.

The proposed waiver is the minimum necessary to provide relief from the strict application of the Subdivision Regulations. The waiver is needed to allow the construction of the garage structure and pedestrian connector in the area above Private Street B, and necessarily, across the lot lines forming both sides of the parcel that contains that road. There will be no adverse effect by allowing this waiver.

C. Not Inconsistent with the Purposes and Objectives of the General Plan.

The waiver requested will allow The Blairs Project to be developed in Silver Spring and will thereby advance the purposes and objectives of the General Plan as to residential and business expansion/revitalization in Silver Spring. The Project will allow The Blairs to be transformed over time into an exemplar of a transit-oriented and environmentally conscious urban community.

The General Plan Refinement foresees continued growth and intensification in centers in the Urban Ring. The vision for the Urban Ring is characterized by:

1. Well-established, lively centers with job and housing opportunities;
2. Strong residential neighborhoods;
3. Varied transportation options;
4. Relatively dense development;
5. Active public and private reinvestment; and
6. Commercial revitalization.

The Blairs redevelopment, which this waiver helps facilitate, presents or supports all these vision elements. The Project is the evolution of a well-established center of jobs and housing, that will be made more lively for its residents and neighbors by the redevelopment. The plan strengthens The Blairs as a neighborhood itself, but also enhances its ties to its surrounding neighborhoods and links them more closely to the transit hub of Silver Spring. This helps provide varied transportation options for a broader spectrum of residents and workers. The redevelopment adds some density, but is softened by open green spaces and views in many directions from the new buildings. The commercial areas of the Project are also updated and expanded under the proposal, fostering revitalization and commercial growth. All of this occurs with the substantial reinvestment by the private owner (Tower) that allows leveraging of the public investment in transit and other infrastructure.

Silver Spring should offer opportunities for new construction and renovation of existing space, supported by business services and regional transportation links.” (CBD Plan, p. 18.) The proposed Project represents just such an opportunity.

The proposed Project will also satisfy recommendations contained in the CBD Plan. The CBD Plan recognizes that a “commercial downtown” should build on the CBD’s existing base of business activity. The Blairs is an existing community seeking to update from an inward looking 1950s complex to an inviting and integrated mixed use community of 2014.

D. Not Adverse to the Public Interest.

In revitalizing and re-energizing an aging complex, The Blairs renews its commitment to transit-oriented, environmentally conscious design and living. The Project provides more living, working, shopping and recreating close to transit, and does so in a way that provides these benefits not only to those inside the site, but also those in surrounding areas. The Property becomes a resource to the community as well as to its residents and employees.

All the ways that the Project supports the visions of the General Plan Refinement and the CBD Plan demonstrate that it supports and furthers the public interest. There is no adverse effect on the adequacy of public facilities. In fact, access to public facilities is enhanced through the ease of connectivity through the Project. New public spaces are made available to the general public in an area that perceives a shortage of such opportunities.

For all the foregoing reasons, as well as those stated in other sections of this letter, the Project, and the related waiver, are not adverse to the public interest, but are instead supportive of the public interest.

Summary

The proposed waiver will allow an existing community to open itself to the surrounding area, expand living opportunities for more residents close to transit resources, and to do so in a mixed use, interconnected environment. For the foregoing reasons, Tower requests that the waiver be granted.

October 3, 2013
Page 8 of 8

Thank you for your consideration of this request.

Very truly yours,

LERCH, EARLY & BREWER, CHARTERED



Robert G. Brewer, Jr.



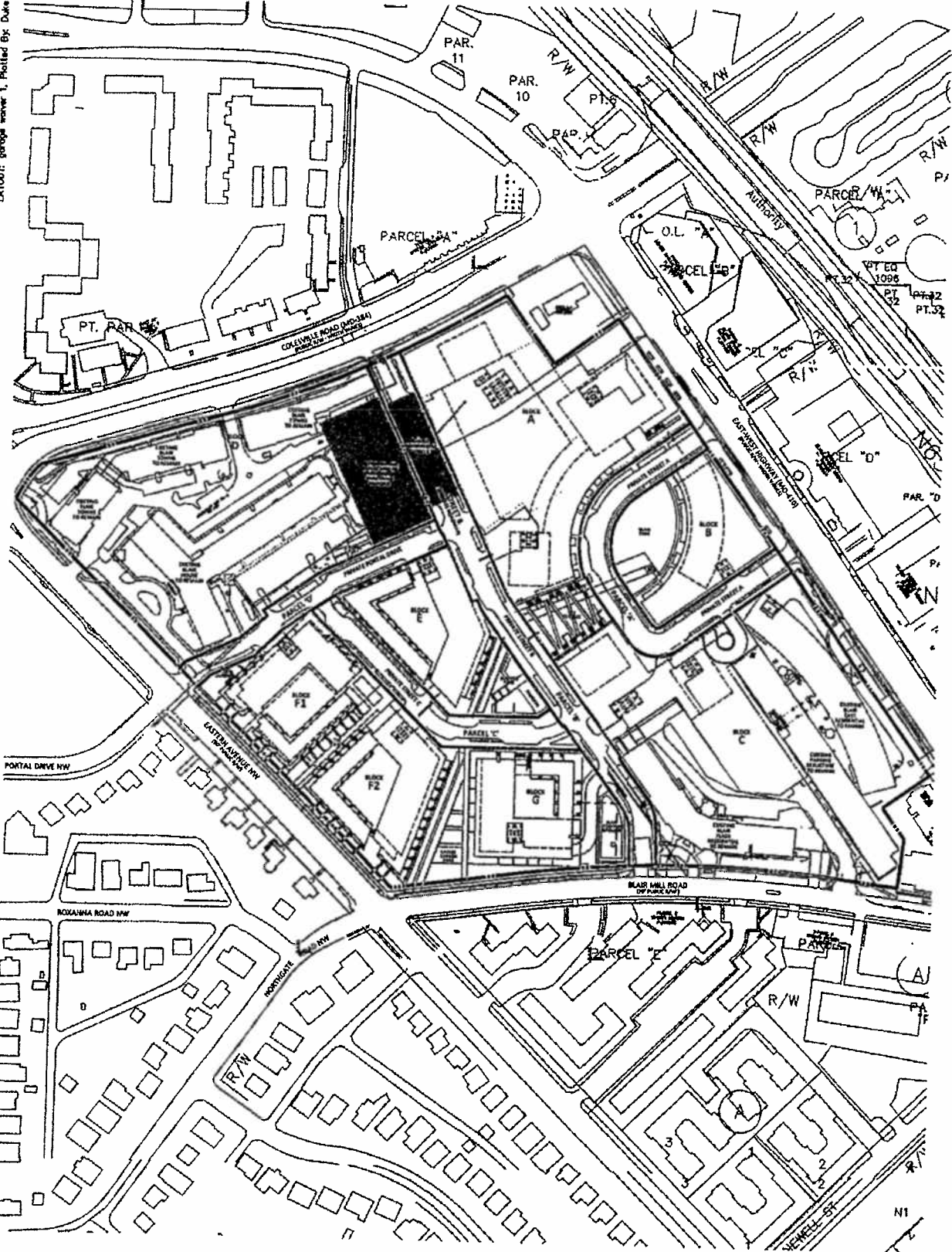
William Kominers

WK/paj

cc: Mr. Sri Velamati
Mr. Robert Kronenberg
Ms. Erin Banks

LAYOUT: garage waiver 1, Plotted By: Dale

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**SUBDIVISION WAIVER FOR GARAGE
THE BLAIRS MASTER PLAN**

OCTOBER 2, 2013 1/2

Vika
VIKA MARYLAND, LLC
20251 CENTURY BOULEVARD, SUITE 400
GERMANTOWN, MD 20874
P301.916.4100 • F301.916.2282 • www.vika.com
GERMANTOWN, MD • TYSONS CORNER, VA
ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS • SURVEYORS • SUSTAINABLE DESIGN

SILVER SPRING
MONTGOMERY COUNTY, MD

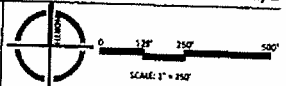


EXHIBIT "A"

LAYOUT: garage waiver 2. Plotted By: Duke

COLESVILLE ROAD (MD-384)
(PUBLIC R/W - WIDTH VARIES)

EXISTING
BLAIR
TOWNS
TO REMAIN

GARAGE
PROPOSED OVER
STREET B

EXISTING PARKING
GARAGE WITH AN
ADDITIONAL
THREE LEVELS
PROPOSED

STREET B
(PRIVATE ROADWAY)

FITNESS
PARK

PRIVATE PORTAL DRIVE

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SUBDIVISION WAIVER FOR GARAGE
THE BLAIRS MASTER PLAN

OCTOBER 2, 2013

2/2



VIKA MARYLAND, LLC
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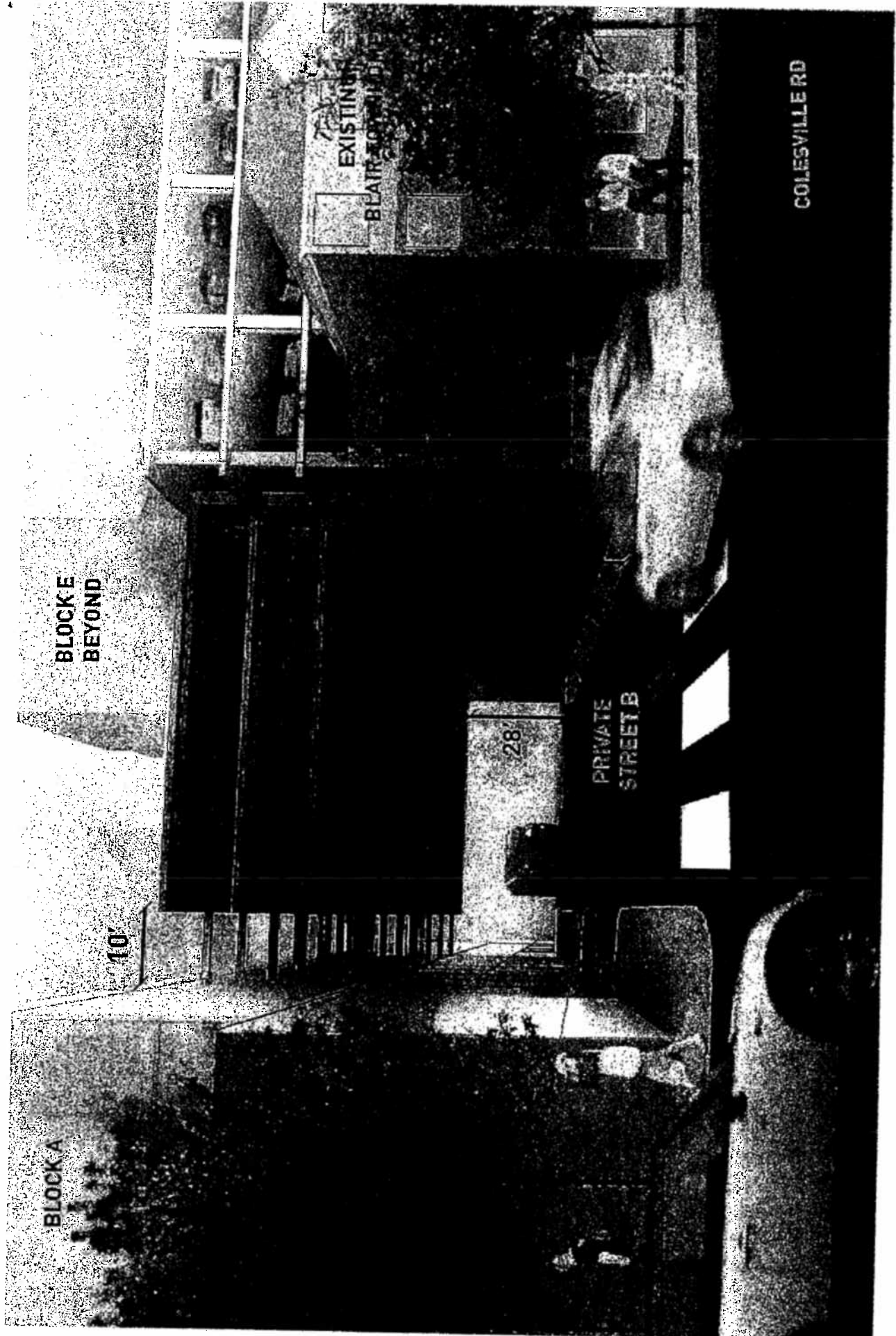
ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS • SURVEYORS • SUSTAINABLE DESIGN

SILVER SPRING
MONTGOMERY COUNTY, MD



0 30' 60' 120'
SCALE: 1" = 60'

EXHIBIT "B"



BLOCK E
BEYOND

10'

BLOCK A

EXISTING
BLAIR TOWN HOME

7

PRIVATE
STREET B

28

COLESVILLE RD

EXHIBIT "C"

8220 Eastern Avenue Northwest
Washington, DC 20012
May 6, 2013

To ERIN GRAYSON
From E.K. Hobson
Date 7/10/13

Mark Etheridge, Manager
Montgomery County Department of Permitting Services
Water Resources Section
255 Rockville Pike, 2nd Floor
Rockville, MD 20850-4186

Re: Stormwater Management Concept Plan for the Blairs Towers Project

Dear Mr. Etheridge:

This is in response to your letter dated March 29, 2013 which was received on April 17, 2013 concerning the referenced project.

This project will have a negative effect on the citizens who live in the 8200 block of Eastern Avenue Northwest. The water runoff may have a negative effect on the people who live on Eastern Avenue Northwest across from the Blair Towers Project ("BTP"). This runoff may cause flooding which will affect the quiet enjoyment of your neighbors across the street from BTP..

The storm water runoffs and trucks will create mud puddles that will have a negative effect on the egress and ingress of the citizens who live across the street from the Blair Towers Project.

Since many of the neighbors are senior citizens, the dust, noise and mud that shall be created by such a development shall affect the quiet enjoyment of the citizens in the 8200 block of Eastern Avenue Northwest Washington, DC.

There may be other health problems created by the dust that will be created from such a project. Also, this project may have a negative effect on the foundation of the homes across the street from the BTP.

There should be some guarantees by the BTP that the construction of the BTP will not have any negative effect to the neighbors' health nor homes from BTP.

Thank you kindly.

Sincerely,



Everett K. Hobson
202-487-0651

cc: Development Application and Regulatory Coordination Division (DARC) MNCPPC
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Shannon N. Woodrow, Project Manager
VIKA Maryland, LLC
20251 Century Boulevard, Suite 400
Germantown, MD 20874