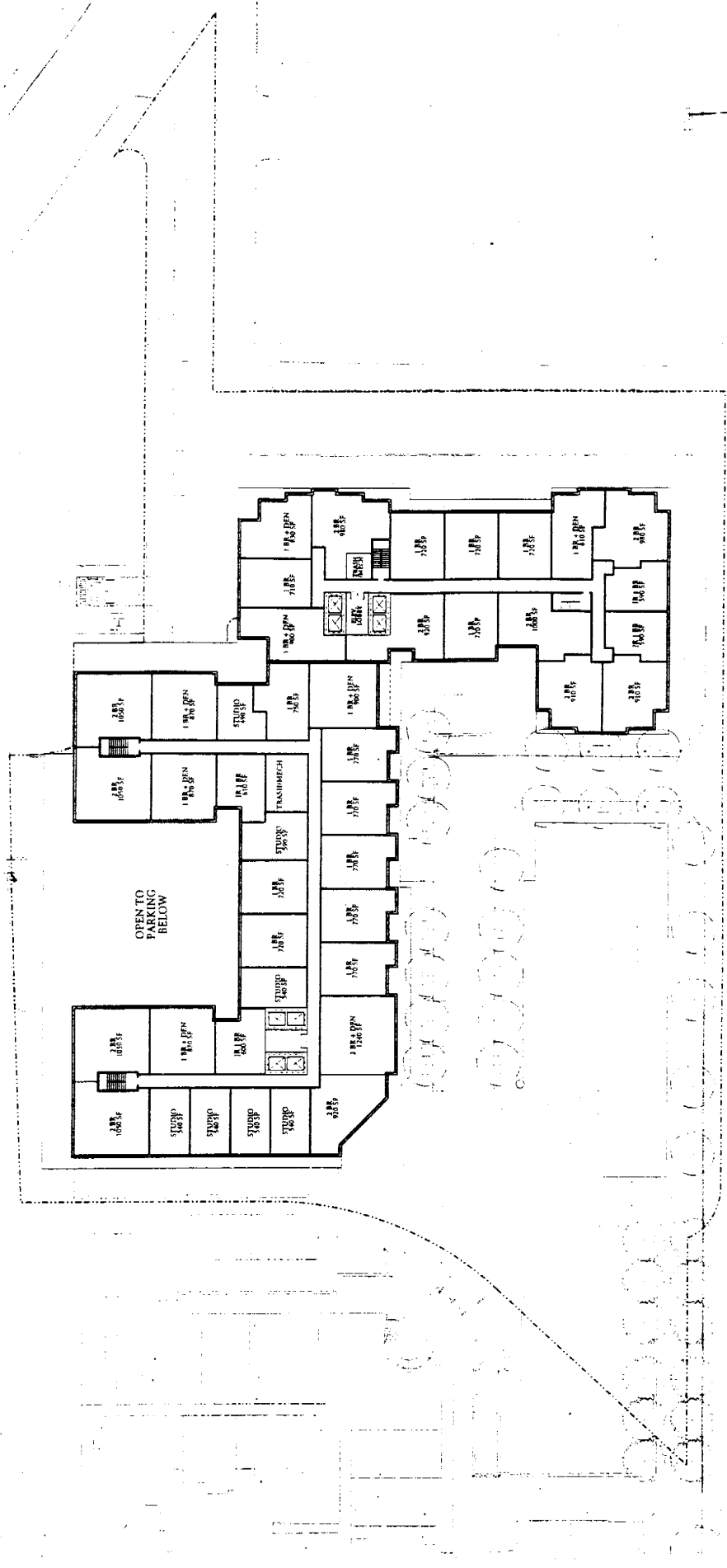


C S X



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TYPICAL FLOOR PLAN (8-14)

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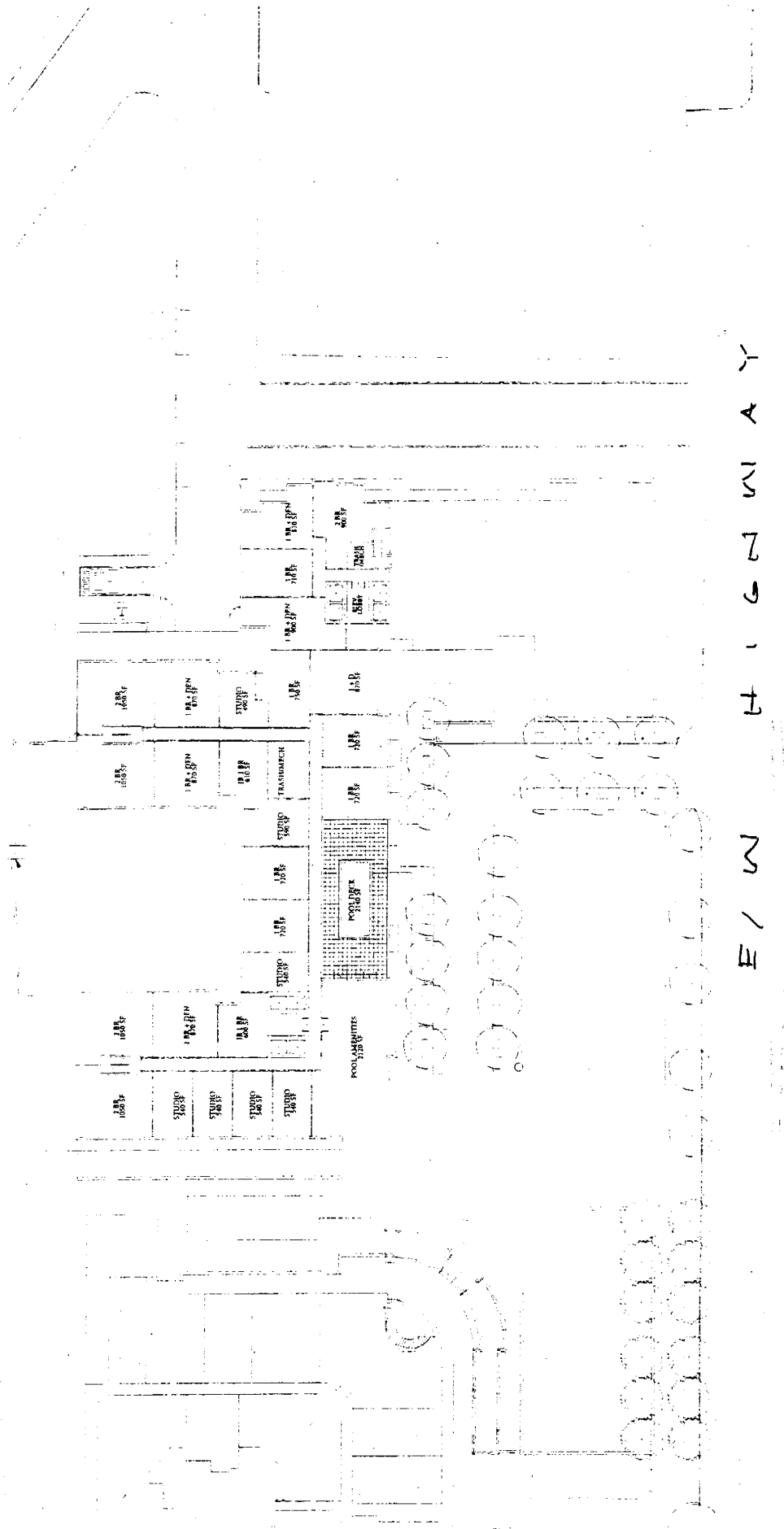
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A-06
JANUARY 17, 2004

SILVER SPRING GATEWAY

17 9

C S X



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15TH FLOOR PLAN

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A-07
JANUARY 19, 2004

SILVER SPRING GATEWAY

17 R

PLANNING AND REGULATORY FRAMEWORK: Master Plan

ZONING AND LAND USE:

The 129,159.9 square foot subject property is zoned CBD-2 (Central Business District, 2.0). The approved CBD Sector Plan recommends the CBD-2 zoning for this site as applied through the Sectional Map Amendment (SMA) adopted July 18, 2000 per County Council Resolution 14-600. The property is within the Ripley/South Silver Spring overlay zone that provides for flexibility of development standards to encourage innovative design solutions.

The proposed mixed-use development is comprised of 471 residential units, office and retail spaces that are permitted uses under the CBD-2 zone. The proposal will be implemented under the optional method of development. The project proposes 526,400 GSF (gross square feet) of development (466,400 GSF of residential and 60,000 GSF of non-residential) with an 4.08 FAR. The permitted maximum density for this site is 5.0 FAR or 645,800 gross square feet of mixed-use development per the CBD-2 zone.

The minimum required public use space for this project is 22,893 square feet (20% of the net lot). The applicant proposes to displace the approved public use area for the Silver Spring Innovation Center project (776 square feet) and will be replacing this requirement on-site as part of the Silver Spring Gateway proposal. The on-site public use space requirement is therefore a minimum of 23,669 square feet.

The applicant proposes to satisfy a portion of this requirement by using the provisions in the Ripley/South Silver Spring Overlay Zone [Sec. 59-C-18.202.(b)(3)] for the transfer of surplus public use space. The surplus space to be transferred (approximately 3,483 square feet) originates from the Silver Spring Square project located north of the proposed site and within the Overlay Zone area. The zoning ordinance allows this transfer pending Site Plan review and approval by the Planning Board for both the transferring and receiving properties.

An additional 24,591 square feet of public use space will be provided on-site. Including the area transferred from the Silver Spring Square site, the project proposes 28,074 square feet of on-site public use space project that equals to 24.5% of the net lot plus 15,799 square feet of off-site streetscape improvements. The applicant proposes a total of 43,873 square feet of public use space, amenities and off-site improvements or 38.3% of the net lot area.

PLANNING AND REGULATORY FRAMEWORK: Prior Approvals

Blair Mill Road Abandonment:

The Planning Board reviewed Abandonment Petition No. AB-652 for Blair Mill Road on January 10, 2002. The Planning Board recommended approval with the condition that the abandonment of Blair Mill Road would not be implemented until the Board approves the preliminary plans and site plans for parcels affected by the abandonment. The properties affected include the subject property assemblage, the Silver Spring Square (Canada Dry) and the Silver Spring Innovation Center project (the incubator).

Relationship To The South Silver Spring Pathways Plan:

The Montgomery County Department of Housing and Community Affairs (DHCA) has prepared a conceptual Pedestrian Pathways Plan for South Silver Spring. The Pedestrian Pathways Plan consists of a series of pedestrian-oriented linkages routed primarily through the larger blocks typical of South Silver Spring. The pathways most affected by this development proposal are identified as I-A and I-C in Phase 1 of the plan. A briefing was held on May 15, 2003 for the Planning Board on the DHCA Pedestrian Pathways Plan.

Pathway I-A is the proposed Art Alley located between several buildings owned by Blair Mill LLC. The Arts Alley is a private alley being implemented by DHCA that will provide a whimsical space for strolling and sitting as well as showcasing art. The proposed development will extend the notion of an arts-oriented space from the Arts Alley into the internal street within the project. The applicant, in coordination with DHCA, DPWT and the planning staff, has agreed to design and construct a private street (pathway I-C) located in the space between the proposed development and the existing buildings owned by Blair Mill LLC. The street improvements include a raise crosswalk leading to the Arts Alley (pathway I-A) special paving, ornamental lighting and street trees. Staff encourages an open dialog between the applicant, DHCA and other interested parties as the design of these spaces continues to evolve.

Relationship To Silver Spring Square Site Plan

The adjacent Silver Spring Square (the Canada Dry site) has been approved as a site plan by the Planning Board in 2002. The open space in this project's "Urban Green" will merge with the open space designs within the Silver Spring Square site plan. A portion of the Silver Spring Square's open space that exceeds required minimums will transfer to this site plan with a future site plan amendment. The result is that the open space will be continuous between the two projects and will serve the public in a better way than if they were developed separately.

Preliminary Plan #1-04039 will be presented concurrently with this Project Plan to the Planning Board.

DEVELOPMENT ISSUES

This fleshes out the discussion of outstanding issues

Issue: Historic Preservation

There are several historic preservation issues associated with this project. First, the project requires the demolition of the existing Southbound Waitingroom Building. This structure is not part of the county historic designation of the Silver Spring Train Station; however, it is part of the National Register designation of the site. As a way of commemorating and recalling the building which is to be demolished, historic preservation staff supports the applicant's current proposal to commission and install a piece of public art on the wall of the new parking garage that will face the CSX tracks. The art is intended to be a trompe l'oeil mural that will represent the demolished building and its function in the context of the train station. In addition, the applicant has agreed to provide a financial donation to Montgomery Preservation, Inc. to assist in the long-term maintenance of the recently-restored Silver Spring Train Station. The amount of that donation is being negotiated and additional information on it will be presented at the Project Plan public hearing.

A second historic preservation issue involves the tunnel underneath the CSX tracks that connects the Silver Spring Train Station to the project site. This tunnel is included in the county historic designation of the Silver Spring Train Station and in the National Register designation of the entire site. The tunnel had provided a pedestrian connection from the Train Station to the southbound tracks but since the train station has functionally moved, the tunnel is no longer needed.

Staff held a series of meetings to establish the position of Historic Preservation staff, the Urban District, The M-NCPPC Park Police, the developer and other Planning Staff. There was a great concern about the safety of pedestrians in such an out-of-the-way place – which would be even more isolated given the location of the parking garage. There was a desire by historic preservation staff to maintain the tunnel as part of the historic site and to keep the option open to utilize it for potential occasional historic/cultural events. The Urban District was concerned about issues of pedestrian safety if anyone used the tunnel for unintended purposes. They wanted the tunnel closed permanently.

The issue was resolved with the proposal to have the applicant install new gates at each end of the tunnel opening that were open bars but stronger than the currently installed chain link fence. It was felt this would not require Historic Preservation Commission approval under the Historic Area Work Permit process for this alteration. As part of this project, there will a small landing at the tunnel opening on the west side of the tracks, but no path or access to the public streets.

Issue: Amenity – Proposal for Artwork

The public art-work for the site has not yet been developed. The applicant has begun a dialog with the Public Art Review Panel and will establish the concepts and details with the site plan approval. The art concepts will be integral with the further development of the design details of the site. Possible concepts include: using the preserved Canada Dry building as a starting point for an “art deco” theme; the open spaces could also be enhanced by three-dimensional sculptural works – including functional pieces - to be integrated into the design of these spaces; and the connection with the Arts Alley could be developed creatively.

Staff and the Applicant agree that the details of the artwork will be worked out with during the Site Plan review.

BASIS FOR CONSIDERATION OF ISSUES

Per Sec. 59-D-2.43, in making its decision on an application for an optional method project plan, 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, and its consistency with an urban renewal plan approved under Chapter 56.*
- (b) *Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.*
- (c) *Whether the vehicular circulation system, including access and off-street and loading, is designed to provide an efficient, safe and convenient transportation system.*
- (d) *Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate 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 construction of moderately priced dwelling units in accordance with Chapter 25A if that Chapter applies.*
- (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.*

These issues have been addressed within this report.

FINDINGS for Project Plan Review:

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board and forms the basis for the Board's consideration of approval. In accordance herewith, the staff makes the following findings:

- (a) *As conditioned, the proposal complies with all of the intents and requirements of the zone.*

CBD-2 Zoning Purpose Clause:

Section 59-C-6.212 of the Zoning Ordinance outlines the purposes of the CBD zones. The following statements analyze how the proposed Project Plan conforms to these purposes:

- i. *To encourage development in accordance with an adopted and approved master or sector plan by permitting an increase in density and intensity where it is in conformity with the sector plan and the site plan is approved on review by the Planning Board.*

The Project Plan conforms to the Silver Spring CBD Sector Plan objective to obtain additional density in return for quality public amenities and will add to the accelerating revitalization of the Silver Spring CBD.

- ii. *To permit a flexible response of the 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.*

These mixed uses will add residents, employees, shoppers and visitors to South Silver Spring, which will contribute to the creation of the desired "18-hour" environment sought for all of the Silver Spring CBD. The mix of uses will further compliment the extensive public and private efforts to create a vibrant Arts and Entertainment District.

- iii. *To encourage designs which produce a desirable relationship between the individual buildings in the CBD, between the buildings and the circulation system, and between the CBD and adjacent areas.*

The Project design creates street interest, through a series of setbacks along East-West Highway. Further, the Project design complements and accentuates the adjacent open spaces within the Silver Spring Square project and the other streetscape and pedestrian connections within the area, including the Arts Alley. Combined with other public spaces of adjoining projects, the Project's public spaces provide visual interest and opportunities for interaction, relaxation, and recreation.

- iv. *To promote the effective use of transit facilities in the Central Business District and pedestrian access thereto.*

The Project will provide desired pedestrian connections to mass transit via sidewalk connections. The major connection to the Metro station and nearby bus shelters is along East-West Highway.

- v. *To promote improved pedestrian and vehicular circulation.*

As indicated, the internal and external pedestrian and vehicular circulation patterns, and the abandonment of Blair Mill Road and the addition of internal, private mixed streets, are intended to greatly improve the pedestrian and vehicular patterns on and around the Project.

- vi. *To assist in the development of adequate residential areas for people with a range of different incomes.*

The residential component of the Project will provide multi-family dwelling of varying sizes and unit types, including MPDUs.

- vii. *To encourage land assembly and the most desirable use of land in accordance with the Sector Plan.*

The assemblage of land and the public/private agreements that have led to the creation of the Property and the proposed Project, the development of the SSIC, and the abandonment of Blair Mill Road, exactly implement this stated purpose.

- viii. *In the CBD-2 zone, it is further the intent to:*

1. *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.*

As indicated throughout, this mixed-use Project will introduce residents, workers, shoppers and visitors to South Silver Spring, and the Project as a whole is a vital part of the overall revitalization of the County to create the Silver Spring CBD as a thriving, successful urban center.

2. *To provide a density and intensity of development which will permit an appropriate transition from the cores of central business districts to the less dense peripheral areas within and adjacent to the districts.*

The Project is appropriate in size, scale, use type and internal and external connectivity to provide the necessary links from South Silver Spring to the rest of the CBD and to the peripheral areas adjacent to the CBD.

3. *To provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment.*

This Project provides both residential and employment uses through the utilization of the optional method and certain other tools made available by the overlay zone.

b. CBD-2 Development Standards

DEVELOPMENT STANDARD	Permitted/ Required	PROPOSED
Gross Tract Area:		129,159.9 SF 2.97 Acres
Minus Previous ROW along East West Highway		7,693.6
Minus New ROW along East West Highway		6,999.6
Total Gross Tract Deductions:		14,693.2 0.34 Acres
Net Lot Area	22,000 SF (min)	114,466.7 SF 2.63 Acres
Gross Floor Area (SF)		
Non Residential: Office/Retail (4.0 far max. in mixed use)	516,640 SF	60,000 SF
Residential: (5.0 FAR. Max in mixed use)	645,800 SF	466,400 SF
Total: (5.0 FAR. Max in mixed use)	645,800 SF	526,400 SF
Floor Area Ratio (FAR)	5.0 FAR	4.08 FAR
Dwelling Units	593 units	471 units
Dwelling Units per Acre	200 units/acre	159 units/acre
Amenities & Facilities		
<i>Public Use Space:</i>		
Minimum Public Use Space (% of Net Lot)	20%	24.5%
Public Use Space Required	22,893 SF	
Public Use Space to be replaced from Innovation Center:	776 SF	
Total Public Use Space Required:	23,669 SF	
Public Use Space Provided:		
Transferred from Silver Spring Square:		3,483 SF
Provided On Site:		24,591 SF
		SF
Subtotal-Public Use Space Provided:		28,074 SF 0.64 Acres
<i>Amenity Space:</i>		
Amenity Provided Off Site		7,790 SF
Amenity Provided Off Site at Silver Spring Square		3,818 SF
Amenity Provided On Site:		4,191 SF
Total Amenities & Facilities (SF)		43,873 SF 1.01 Acres
Total Amenities & Facilities (% of Net Lot)		38.3%
Maximum Building Height		
CBD-2 Zone	143 FT	143 FT
Setbacks		
CBD-2 Zone	0 FT	

Parking Analysis:

Assumptions:

1. Project is 800'-1600' from Metro
2. Res. is eligible for 15% reduction for 800-1600' from Metro.
3. MPDU's are 12.5% of total program and the parking requirement is reduced by 50%.
4. Retail parks at 5/1000 and can utilize a 15% reduction for retail parking for 800'-1600' from Metro
5. Office parks at 2 1/1000 for 800-1600' from Metro

Shared Parking Formulas:			Parking	Weekday	Weekday	Weekend	Weekend	Nighttime
		Ratio:	100% req:	Daytime	Evening	Daytime	Evening	
Office/New:	40,000	2.1/1000	84					
Office/Replace Soorenko			75					
Office Innovation Center:			48					
Total Office Parking:			207	207	21	21	10	10
Total Retail Parking:	20,000	0.005	100					
Total Auxiliary Retail Parking w/15% Metro Discount:			85	51	77	85	60	4
Residential-total:	471							
Residential-MPDU's (12.5%)	59		41					
Residential-Market Rate	412		545					
Total Residential Parking			586					
Total Residential Parking 15% Metro discount:			498	249	498	498	498	498
Totals:			790	507	595	604	568	512

(Peak)

Residential Parking Requirements:						
		Unit mix	Parking Req	Parking		
Market Rate Units		mix		Ratio/unit		
Total Market Rate Units	412					
E's, 1's, & 1D's	294	71%	367.3	1.25	spaces/unit	
2's	118	29%	177.4	1.5	spaces/unit	
Total Parking for Market Rate Units		100%	545		spaces	
MPDU's						
Total MPDU's	59					
E's, 1's, & 1D's	42	71%	28.3	0.625	spaces/unit	
2's	17	29%	12.7	0.75	spaces/unit	
Total Parking for MPDU's		100%	41		spaces	
Total Residential Parking Requirement:			586		spaces	

593 Parking spaces are provided in the garage with 15 on site parallel parking spaces. This will cover the mixed use parking demand.

- (b) *As conditioned, the proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*

Sector Plan Conformance:

The Silver Spring Central Business District and Vicinity Sector Plan, approved by the County Council on February 1, 2000, outlines six themes which articulate the shared goals and vision for a revitalized Silver Spring. Four of these themes (i.e. a commercial downtown; a residential downtown; a green downtown; and a pedestrian-friendly downtown) apply to this proposed project. The Sector Plan does not specifically identify the proposed project site as a potential housing site. However, the Sector Plan does encourage housing as an important component to the revitalization efforts. This project is being developed under the optional method of development and proposes new opportunities for landscaped public open spaces and streetscapes. This project encourages the development of active urban streets by providing building entrances along the streets and easily accessible public spaces as activity generators. This improves the quality of the pedestrian environment by extending the East-West Highway promenade streetscape treatment and other amenities required for optional method projects.

The Applicant proposes off-peak, on-street parking spaces on East-West Highway. The Sector Plan specifically endorses the provision of on-street parking for major arterials within the CBD. Staff is supportive of on-street parking for this proposal subject to review and approval by SHA.

Compatibility:

The proposed mixed-use development is adjacent to the Silver Spring Square residential development to the north, the CSX/Metrorail lines to the east and the Blair Mill LLC buildings to the south. The Discovery Communications Creative Technology Center is located across East-West Highway from the proposed development.

The CBD-2 zone permits a maximum building height of 143 feet under the optional method of development. The Sector Plan recommends a maximum building height of 90' at the street along East-West Highway. The Sector Plan further suggests the building height step back at a 2:1 (vertical to horizontal) ratio after 90 feet. The proposed office building facing East-West Highway is approximately 65 feet in height and the building adjacent to the Metrorail tracks is approximately 143'. Staff feels that the proposed development satisfactorily meets the requirements of the Sector Plan in terms of building height and use.

Silver Spring Wayfinding System:

There are no wayfinding signs proposed in the vicinity of the existing street frontage.

Sector Plan Street Rights-of-Way:

The Sector Plan recommends a street right-of-way of 90 feet for East-West Highway. The applicant proposes to dedicate an additional 15 feet to meet the required right-of-way width.

Streetscape:

The applicant proposes to improve the East-West Highway streetscape includes a promenade treatment including a 10-foot wide brick sidewalk separated from the curb by an 8-foot grass panel/pedestrian access with street trees. The streetscape public amenities for the proposed project are in accordance with the standards of the *Silver Spring Streetscape* technical manual and are required of optional method projects.

Coordination with the Historic Preservation Commission:

There is no regulatory impediment to removing the former B&O waiting room located on the west side of the tracks across from the historic B&O train station. The pedestrian tunnel under the tracks is considered part of the historic site. Staff agrees with the applicant that closing access to the tunnel will improve pedestrian safety.

Community Outreach:

The applicant has met with various community and historic preservation groups regarding this proposal. These groups have been generally supportive of the proposal.

- (c) *As conditioned, because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

As described herein, the Project not only is compatible to existing or potential development in the area and is a major contributor to the continuing revitalization efforts for the Silver Spring CBD and South Silver Spring in particular. The overall Project location, size, design, mix of uses, public spaces and amenities, and circulation systems bring together the other improvements already made and in the process of being made to allow South Silver Spring to function in an organized and cohesive manner and to be a major urban center as designed by the Sector Plan and made possible through tremendous public/private efforts and resources.

- (d) *As conditioned, the proposal 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, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

Local Area Transportation Review (LATR)

A traffic study was submitted to assess the impact of this development on the local area transportation network and to meet the requirements of the LATR Guidelines. Transportation Planning Staff concurs with the overall conclusion of the study that all intersections operate within the congestion standard of 1800 Critical Lane Volume (CLV) for the Silver Spring CBD.

The generated site trips were added to the existing and background traffic (trips from approved but unbuilt projects) and assigned to seven intersections plus the site access to determine the impact of the total future traffic on the affected intersections. The results of that analysis are shown in the following table.

Intersections	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
MD 410 and Blair Mill/Newell	529	741	562	779	625	832
MD 410 and Georgia Ave/Burlington Ave/13 th Street	1,387	1,432	1,422	1,442	1,458	1,449
MD 410 and US 29	1,085	1,186	1,129	1,243	1,206	1,335
MD 410 and 16 th Street	1,551	1,461	1,567	1,468	1,574	1,473
Burlington Ave/Philadelphia Ave/Fenton Street	777	1,178	786	1,183	796	1,189
Georgia Ave and Sligo Avenue	829	1,022	840	1,022	861	1,022
US 29 and Wayne Ave/2 nd Ave	844	661	851	667	865	680
MD 410 and Site Access	N/A	N/A	N/A	N/A	684	739

Vehicular and Pedestrian Access and Circulation

The proposed development will be provided with safe and adequate vehicular and pedestrian access and circulation. There will be one full-movement access at the intersection of MD 410 and the “Mixed-Use” street. Other access points, from each end of Blair Mill Road, are provided to the site. One is gaining access from Georgia Avenue and the other is gaining access from MD 410. The middle section of Blair Mill Road will be abandoned. Marked crosswalks must be provided at the intersections with MD 410 along the site frontage. The applicant needs to coordinate with DHCD’s pedestrian linkage program for the new South Silver Spring pathway that includes improvements along Photogroup Alley. The applicant should also provide bicycle racks or storage areas - at least 25 - for the 500 residential units (partly in the garage), eight for the office area and eight for the retail area.

Traffic Mitigation

A trip mitigation agreement has been submitted and is currently under review by M-NCPPC and DPWT. The agreement will be finalized prior to issuing a building permit.

Policy Area Review/Staging Ceiling Analysis

The site is located within the Silver Spring Central Business District policy area, which has a remaining capacity of 2,860 jobs, and 5,054 housing units as of December 31, 2003.

School Capacity

Analysis by the MCPS indicates there is adequate capacity for the schools in this area. See attached memo.

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

As is described in this report, and made obvious from the application and supporting materials, the appropriate density for a property of this size and at this location, and the resulting public spaces and amenities and public art and other contributions to assist in the Historic preservation in the vicinity of this project are achieved by proceeding under the optional method, could not be achieved with a standard method project.

- (f) *The proposal will include moderately priced dwelling units (MPDUs) in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.*

MPDUs will be provided in accordance with Chapter 25 A (at 12.5% of total number of units, with the final number of units to be determined at the time of site plan).

- (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 one lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:*

- (1) *The project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or*
- (2) *The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
- (3) *The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*

Public open space will be transferred to the Project from the adjacent Silver Spring Square project, which involves the retention and restoration of a portion of the original Canada Dry building through collaborative efforts of the developer, historic planners and interest groups, government staffs and many others. As part of that approval process, the Site Plan specifically addressed the intention to transfer public space to this Project as this Project proceeded through the development process. Additionally the Project developers propose to fund local historic preservation groups to assist in the maintenance of the nearby Silver Spring Train Station.

Public space will also be incorporated along the frontage of the County's Silver Spring Innovation Center, a 20,000 sf high-tech incubator building being developed for the County adjacent to the Property by the Applicant as part of a public/private agreement more fully described earlier in this report.

Finally, the transfer of public open space is a tool specifically made available by the Ripley/South Silver Spring Overlay zone to allow coordinated development efforts such as this that has taken place in the redevelopment of this area of South Silver Spring. As such, all three of the criteria set forth above are satisfied with this Project.

- (h) *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

It is anticipated that the required Forest Conservation afforestation requirements will be met on-site through credits for proposed tree canopies and other plantings. In the event that insufficient credit is obtained from these proposed plantings, off-site credits will be obtained within the County in an approved location and in accordance with approved regulations and procedures.

- (i) *As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

The Stormwater Management Concept Plan has been filed with the Montgomery County Department of Permitting Services, Water Resources Section, and has been conditionally approved upon a comprehensive analysis on the use of green roofs. Whereas the site presently has no stormwater management controls in place, the proposed project will provide on-site quality controls. This plan meets the required water quality treatment needs through use of a structural water quality treatment filter.

APPENDIX

1. Draft Opinion
2. Letter from Downtown Silver Spring Urban District, November 20, 2003
3. Letter from Department of Housing and Community Affairs, January 16, 2004
4. Memo from Transportation Planning Division, M-NCPPC, January 21, 2004
5. Memo from Community Based Planning Division, M-NCPPC January 22, 2004
6. Copy of Council Resolution for Abandonment of Blair Mill Road, April 8, 2003
7. Letter from Montgomery County Public Schools, January 9, 2004
8. Letter from Historic Preservation staff January 22, 2004

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