

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) was approved as a site plan by the Planning Board in 2002. The open space in this project's West Park, Central Plaza and Pocket Park will merge with the open space designs within the Silver Spring Square site plan. 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 #1-04039A will be presented concurrently with this Project Plan to the Planning Board.

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.

This does not apply.

- (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.

The project design creates open spaces that are convenient, well designed, and of adequate if not generous size to allow for public use.

- (c) Whether the vehicular circulation system, including access and off-street and loading, is designed to provide an efficient, safe and convenient transportation system.

The variable access points enhance site circulation and the loading dock is located for optimal access and links to adjacent streets.

- (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.

The pedestrian system is well designed and complete within the site and links to off -site pedestrian systems, notably the Art Walk and the Silver Spring Square site plan and streetscape on East West Highway.

- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.

The site design reflects standards consistent with development in Central Business Districts.

- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with Chapter 25A if that Chapter applies.

MPDUs are proposed for the subdivision.

- (g) The staging program and schedule of development.

Provided with site plan.

- (h) The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.

Provided with site plan.

- (i) The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.

Provided with site plan.

FINDINGS for Project Plan Review:

Section 59-D-2.42 of the Zoning Ordinance establishes the findings which 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 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.

The proposed 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 the Silver Spring CBD. The mix of uses will further compliment the extensive public and private efforts to support the creation of 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 complements the Canada Dry preserved facade and maintains a continuum of streetscape and pedestrian amenity areas along East-West Highway. Further, the Project design complements and accentuates the adjacent open spaces within the Silver Spring Square project, the Arts Alley and the acorn park on the other side of east west highway. 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 along Ease West Highway. It will provide a major connection to the Metro station and nearby bus stops on East West Highway and Georgia Avenue.

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, and the improvement of adjacent streetscapes 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:

a. 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. The project as a whole is a vital part of the overall revitalization of the County to create the Silver Spring CBD as a successful urban center.

b. 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.

- c. *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. It becomes a convenient center of employment and residential uses because of its relationship to transit systems and vehicular roadways.

Development Standards for the CBD-2 Zone

Zoning Classification:
Method of Development:

CBD-2 (Central Business District, 2.0)
Optional Method (Mixed-Use)

DEVELOPMENT STANDARD	Permitted/ Required	PROPOSED
Gross Tract Area:		
Minus Previous ROW along East West Highway		124,308.8 SF 2.85 Acres
Minus New ROW along East West Highway		6,707.5
Total Gross Tract Deductions:		6,335.9
Net Lot Area	22,000 SF (min)	13,043.4 SF 0.30 Acres
Gross Floor Area (SF)		
Non Residential: Office/Retail (4.0 far max. in mixed use)	497,235 SF	52,832 SF
Residential: (5.0 FAR. Max in mixed use)	621,544 SF	502,567 SF
Total: (5.0 FAR. Max in mixed use)	621,544 SF	555,399 SF
Floor Area Ratio (FAR)	5.0 FAR	4.47 FAR
Dwelling Units	571 units	477 units
MPDU's @12.5% of total units	71 units	60 units
Dwelling Units per Acre	200 units/acre	167 units/acre
Amenities & Facilities		
<i>Public Use Space:</i>		
Minimum Public Use Space (% of Net Lot)	20%	22.5%
Public Use Space Required	22,253 SF	
Public Use Space to be replaced from Innovation Center:	776 SF	
Total Public Use Space Required:	23,029 SF	
Public Use Space Provided:		
Transferred from Silver Spring Square:		0 SF
Provided On Site:		25,084 SF
		SF
Subtotal-Public Use Space Provided:		25,084 SF 0.58 Acres
<i>Amenity Space:</i>		
Amenity Provided Off Site		6,173 SF
Amenity Provided Off Site at Silver Spring Square		6,969 SF
Amenity Provided On Site:		5,228 SF
Total Amenities & Facilities (SF)		43,454 SF 1.00 Acres
Total Amenities & Facilities (% of Net Lot)		39.1%
Maximum Building Height		
CBD-2 Zone	143 FT	143 FT
Setbacks		
CBD-2 Zone	0 FT	

CBD Discount per Zoning Code 59-E-3.33(a)

Shared Parking Formulas	Ratio	Parking 100% req	Weekday	Weekday	Weekend	Weekend	Nighttime
			Daytime	Evening	Daytime	Evening	
Office/New	0.21/1000	0	0	0	0	0	0
Replace Scorecard		75	75	75	75	75	75
Innovation Center		48	48	5	5	3	3
Tennis Center Retail	47,785	0.005	239				
Specialty Retail Parking	5,047	0.005	25				
Total Retail Parking			265	159	239	265	14
Residential-total:	477						
Residential-MFDUs (12.5%)	60		52				
Residential-Market Rate	417		543				
Total Residential Parking			595				
Total Residential Parking w/ 10% Metro Discount			536	268	536	536	536
Totals			924	550	865	881	628

(Peak)

Residential Parking Requirements						
		Unit mix	Parking Req	Parking Ratio/unit		
Market Rate Units						
Total Market Rate Units	417					
Ss	54	13%	54	1 spaces/unit		
1's & 1Ds	225	54%	282	1.25 space/unit		
2s	138	33%	207	1.5 spaces/unit		
Total Parking for Market Rate Units		100%	543	spaces		
MFDUs						
Total MFDUs	60					
Ss	8	13%	4	0.5 spaces/unit		
1's & 1Ds	32	54%	33	0.625 spaces/unit		
2s	20	33%	15	0.75 spaces/unit		
Total Parking for MFDUs		100%	52	spaces		
Total Residential Parking Requirement			595	spaces		

The Project Plan conforms to the development standards of the CBD-2 Zone.

- 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 approved CBD Sector Plan recommends the CBD-2 zoning for this site, which was 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 477 residential units, office and retail space which are permitted uses under the CBD-2 Zone. The proposal will be implemented under the optional method of development. The project proposes 555,399 GSF (gross square feet) of development (502,567 GSF of residential and 52,832 GSF of non-residential) with a 4.30 FAR. The permitted maximum density for this site is 5.0 FAR or 645,800 gross square feet of mixed-use development.

The minimum required public use space for this project is 22,253 square feet (20% of the net lot). The applicant proposes to displace the previously 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 23,029 square feet.

The applicant is proposing 25,084 square feet of public use space and amenities provided on-site which equals 22.5% of the net lot. The applicant also proposes an additional 13,142 square feet of off-site streetscape improvements and improvements to the public space on the adjoining Silver Spring Square project. The project proposes a total of 43,454 square feet of off- and on-site public use space, amenities and off-site improvements or 39.1% of the net lot area. The total public space proposed also includes 5,228 square feet of existing Blair Mill Road streetscape improvements that has recently been implemented by the Montgomery County Department of Housing and Community Affairs (DHCA) as part of the Silver Spring Innovation Center and will be maintained by the applicant.

The proposal conforms to the CBD Optional method of development standards.

Sector Plan Themes

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 - 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 of the revitalization efforts. This project is

being developed under the optional method of development and proposes new opportunities for landscaped public open spaces and streetscape. 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 Silver Spring CBD. Staff is supportive of on-street parking for this proposal subject to review and approval by SHA.

Items related to the Sector Plan include:

- A. **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 may step back at a 2:1 (vertical to horizontal) setback envelope to a maximum of 143 feet after the initial 90 feet. The proposed office building facing East-West Highway as proposed is within the prescribed 2:1 setback envelope. The building adjacent to the Metrorail tracks is approximately 143'. Staff feels that the proposed development meets the intent of the Sector Plan in terms of building height and use.

- B. **Silver Spring Wayfinding System:** The Silver Spring Wayfinding Master Plan indicates 3 signs (#209- Type D; #208- Type D and #36-Type C2) proposed along East-West Highway and Blair Mill Road. Staff suggests that the applicant verify the location and type of proposed wayfinding signs with the Silver Spring Regional Center and locate these signs on the plans within the public right-of-way.
- C. **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.
- D. **Streetscape:** The applicant proposes to improve the East-West Highway streetscape including a promenade treatment consisting of a 10-foot wide brick sidewalk separated from the curb by a street tree panel. 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.

E. 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.

(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 not detrimental to existing or potential development in the area, but it is a major contributor to the continuing revitalization efforts for the Silver Spring CBD and South Silver Spring in particular. The overall project 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

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 Local Area Transportation Review Guidelines. Transportation Planning staff concurs with the overall conclusion of the study that all intersections will continue to operate within the congestion standard of 1800 Critical Lane Volume (CLV) for the Silver Spring Central Business District.

The generated site trips were added to the existing and background traffic (trips from approved but un-built 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 the intersection 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	620	849
MD 410 and Georgia Ave/Burlington Ave/13 th Street	1,387	1,432	1,422	1,442	1,528	1,459

MD 410 and US 29	1,085	1,186	1,129	1,243	1,207	1,360
MD 410 and 16 th Street	1,551	1,461	1,567	1,468	1,574	1,474
Burlington Ave/Philadelphia Ave/Fenton Street	777	1,178	786	1,183	797	1,195
Georgia Ave and Sligo Avenue	829	1,022	840	1,022	859	1,022
US 29 and Wayne Ave/2 nd Ave	844	661	851	667	864	690
MD 410 and Site Access	N/A	N/A	N/A	N/A	586	564

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 new “Mixed-Use” street. One right in/right out access is from Georgia Avenue (at former Blair Mill Road) and another is from MD 410. Blair Mill Road will be abandoned between Georgia Avenue and East West Highway (MD 410).

The applicant is coordinating with Department of Housing and Community Development’s pedestrian linkage program for the new South Silver Spring pathway that includes improvements along Photogroup Alley. The site plan should provide bicycle racks or lockers; at least 25 for the 477 residential units (partly in the garage), eight for the office area and eight for the retail area.

Traffic Mitigation

A draft traffic mitigation agreement has been submitted and is currently under review by Maryland National Capital Park and Planning Commission and Department of Public Works and Transportation staff. The agreement will be finalized prior to filing a record plat.

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 4,448 housing units, as of June 30, 2004.

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 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 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.*

The Project Plan utilizes this provision with the open space provided, in part, from the County's Silver Spring Innovation Center (a 20,000 sf high-tech incubator building being developed for the County adjacent to the property) that will be dedicated to this project with the abandonment of Blair Mill Road. Off site open space adjacent to the site will be utilized for off site open space.

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.

- (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. Artist Statement – Carolyn Braaksma
3. Memo from Transportation Planning Division, M-NCPPC, September 7, 2004
4. Memo from Community Based Planning Division, M-NCPPC September 3, 2004
5. Copy of Council Resolution for Abandonment of Blair Mill Road, April 8, 2003
6. Letter from Montgomery County Public Schools, January 9, 2004
7. Letter from Historic Preservation staff January 22, 2004
8. Art Panel Review - M,NCPPC staff – September 15, 2004
9. Letter from Montgomery Preservation, Inc., September 10, 2004
10. Four Letters of confirmation of maintenance, right-of- way and off site amity space authorization, September 3-17,2004

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