

## MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

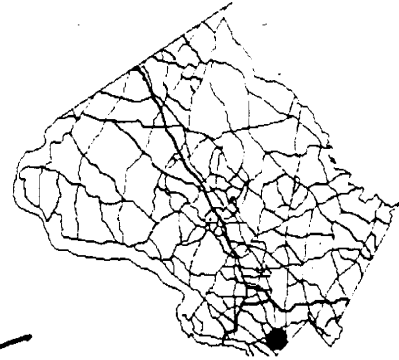
Item # 5  
MCPB  
September 23, 2004

MEMORANDUM

**DATE:** September 15, 2004  
**TO:** Montgomery County Planning Board  
**VIA:** Richard Hawthorne, Acting Chief *RCH*  
 Michael Ma, Supervisor *Ma*  
 Development Review Division  
**FROM:** Wynn E. Witthans, RLA, AICP *WW*  
 Planning Department Staff  
 (301) 495-4584

**REVIEW TYPE:** Site Plan Review  
**APPLYING FOR:** Approval of 52,832 sq. ft. of Retail and 477 Multifamily units, inclusive of 60 MPDUs on 2.85 acres  
**PROJECT NAME:** Silver Spring Gateway  
**CASE #:** 8-05001  
**REVIEW BASIS:** Sec. 59-D-3, M. C. Zoning Ordinance

**ZONE:** CBD-2  
**LOCATION:** South East of the intersection of Blair Mill Road and East West Highway  
**MASTER PLAN:** Silver Spring CBD Sector Plan, Approved and adopted February 2000  
**APPLICANT:** Silver Spring Gateway Residential, L.L.C.  
**FILING DATE:** June 21, 2004  
**HEARING DATE:** September 23, 2004




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**STAFF RECOMMENDATION:** Approval of 52,832 sq. ft. of Retail and 477 multifamily units, inclusive of 60 MPDUs (12.5% of 477 total) on 2.85 acres with the following conditions to be met prior to staff release of signature set, unless otherwise noted:

## 1. Abandonment of Blair Mill Road

- a. Concurrent with the approval of Preliminary Plan #1 -04039A and Site Plan #8-05001 and with the subsequent recordation of a plat for the above, Blair Mill Road shall be abandoned in accordance the County Council Resolution 15-115 introduced and adopted April 8, 2003. The right- of way shall be distributed to adjacent property owners with the exception of the parcel adjacent to the SSIC, which shall be combined with the Silver Spring Gateway parcels.

## 2. Site and Building Design

The Site Plan shall be revised to include the following:

- a. Status of retaining wall adjacent to west side of train station;
- b. For the grocery store: detail of pedestrian entry from plaza level to ground floor of store and from lower parking lot into the store main floor; a pedestrian system plan for the lower level parking garages for access to the grocery store, adjust turning radius as needed;
- c. Treatment of north facing façade of parking garage along the Pocket Park to screen lighting and cars from the immediately adjacent residential units within the Silver Spring Square site plan. The façade shall also include sufficient architectural detail to indicate color and surface treatment of the concrete parapet to insure a finish that blends the parking garage with the design for the building façade;
- d. Treatment of the east facing façade of the parking deck (towards the train tracks) with sufficient architectural detail to indicate color and surface treatment of the concrete parapet to insure a finish that blends the parking garage with the design for the building façade;
- e. Vehicular circulation patterns utilizing typical dimensions for vehicles typical to service the building; ie moving vans and grocery delivery trucks. The circulation patterns shall also include control provisions for the crossing vehicular traffic from the upper garage. Loading dock area building materials and design to be detailed so to provide a compatible view from Georgia Avenue and the adjacent SSIC and retail stores;
- f. Screening or a ceiling for the top of garage within the "U" of the eastern side of the building so to buffer and screen adjacent units from lights, noise and exhaust from the parking garages;
- g. The building materials and headroom elevation for the Internal Street "bridge." The materials shall create a sense of lightness and invitation to the pedestrian trip from the ArtWalk to the Terraced Lawn and grocery store entry area.

## 3. Landscaping

- a. Landscape plan to include all site grades, depth of soil for street tree planting on top of each plaza.
- b. Final planting plan to be subject to staff review for adequacy and compatibility.

#### 4. Lighting

- a. Provide a computer generated lighting distribution plan with footcandles in a photometric computer plotted grid with a summary report and tabulations to conform to IESNA standards for outdoor plaza and parking garage development.
- b. All external light fixtures shall be full cut-off fixtures.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.

#### 5. Pedestrian and Vehicular Circulation

- a. The applicant shall improve the streetscape on the west side of East West Highway with rebuilt handicapped ramps adjacent to the Acorn Park and relocation of sidewalks and street tree adjacent to the lane widening.
- b. The applicant shall continue to coordinate with Montgomery County Department of Housing and Community Affairs regarding the construction of streetscape improvements on the New Mixed Street.
- c. The site plan shall include the signs required in the Silver Spring Wayfinding Master Plan per the Silver Spring Regional Center and to be located within the public right-of-way.
- d. Streetscape paving to extend from driveway crosswalk to gutter line in street. Crosswalks to maintain even grade over driveways.
- e. Coordination with MDSHA to allow on street parking on East West Highway.

#### 6. Recreation Facilities

The Applicant shall provide a detailed plan of the interior fitness facility and tot lot (with equipment layout and equipment list that achieves the similar play functions as an outdoor tot lot).

#### 7. Maintenance Responsibility

The applicant shall be responsible for maintaining the public amenity features on and off site. The development program shall reference the artist statements about maintenance. The Silver Spring Urban District shall maintain the streetscape within the public right-of-way.

#### 8. Moderately Priced Dwelling Units (MPDUs)

The proposed development shall provide 12.5% of 477 units (or 60 MPDUs) on site and with a range of unit types.

9. Transportation

- a. Total development under the subject site plan is limited to 50,000 square feet of grocery store and 10,000 square feet of Retail, and 477 High-rise multi-family residential units. The applicant shall enter into a Traffic mitigation Agreement with the Planning Board and the MCDPWT to participate in the Silver Spring Transportation Management Organization.
- b. The site plan shall include 25 bike racks or lockers for residential units, eight for office areas and eight for retail areas.

10. Transportation

The proposed development shall comply with the conditions of the final forest conservation plan. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.

11. Noise Attenuation

- a. Certification from an acoustical engineer that the building shell for residential dwelling units are designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. Any subsequent changes in building shell materials or coverage that may affect acoustical performance shall be approved by an acoustical engineer prior to implementation.
- b. The builder shall commit to construct the residential structure to the acoustical specifications identified by the acoustical engineer.
- c. For all residential dwelling units to be constructed within the 65 dBA Ldn unmitigated noise contour, the applicant/developer/builder shall disclose in writing to all prospective purchasers that those homes will be impacted by highway noise, and shall identify all measures designed to mitigate such impacts. Such notification will be accomplished by inclusion of this information in all sales contracts, brochures and promotional documents, including the Illustrative Site Plan(s) on display within any sales related office(s), as well as in Homeowner Association Documents, and by inclusion on all subdivision and site plans, and with all Deeds of Conveyance. Notification language shall be provided to M-NCPPC staff prior to issuance of any building permit.

12. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated June 14, 2004.

### 13. Historic Preservation

- a. A financial donation to Montgomery Preservation, Inc. for the long-term maintenance of the historic Silver Spring Train Station shall be made by the applicant prior to record plat.
- b. A trompe l'oeil painting that is representative of and commemorates the East Bound Waiting Room Building (to be removed) shall be provided by this applicant and the design concept as reviewed by Montgomery Preservation, Inc.
- c. The applicant shall provide an open iron gate at both ends of the existing pedestrian tunnel, so as to maintain a secure closure of the tunnel. Details to be provided with the landscape plan.

### 14. Project Plan Conformance

The proposed development shall comply with the final conditions of approval for Project Plan 9-04002A.

### 15. Preliminary Plan Conformance

The proposed development shall comply with the final conditions of approval for Preliminary Plan #1-04039A.

### 16. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff immediately after the occupancy of 25% of the units or by the 120<sup>th</sup> occupied unit that the Applicant's recorded Homeowners Association Documents, if applicable, incorporate by reference the Covenant.

### 17. Development Program

Applicant shall construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. Development Program shall include a phasing schedule as follows:

- a. Streets tree planting shall progress as street construction is completed but no later than six months after completion of the building adjacent to those streets.
- b. Community-wide pedestrian pathways and recreation facilities shall be completed prior to occupancy of the building.
- c. Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
- d. Pedestrian pathways and seating areas associated with each building shall be completed as construction of each facility is complete

- e. A Site Plan Phasing Chart of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

#### 18. Clearing and Grading

The Applicant may begin clearing and grading prior to M-NCPPC staff approval of signature set of plans only after the final Forest Conservation Plan by MNCPPC staff and Sediment Control Plans by MCDPS have been approved and documented. Signature set of plans shall be approved by M-NCPPC staff prior to issuance of any building permit or recording of plats.

#### 19. Signature Set

Prior to signature set approval of site and landscape/lighting plans, the Development Program, Inspection Schedule, and Site Plan Opinion shall be provided to staff for review and sign-off.

### **ISSUES RESOLVED DURING THE SITE PLAN REVIEW PROCESS**

#### **1. Modifications to Silver Spring Square Site Plan #8-02040**

Initially, it was believed that Silver Spring Square would have to be amended by the Planning Board in order to utilize some of the open space on that site plan for the Silver Spring Gateway project and site plan. Later, when the lot definition became finalized, the SSG project didn't require the open space to meet the minimum standards. Per Section 59-D-2.6 of the zoning Ordinance, staff will review a minor amendment to Silver Spring Square to convert the design of the open space to be reconfigured differently. The plaza design will link to the open space within Silver Spring Gateway and Blair Mill Road right-of-way will be removed.

#### **2. Development of Site Plan Design and Public Art**

The site plan review process included reviews of the lot creation and post Blair Mill Road abandonment, development of the public art work and resolution of the plaza design given the new building design (as different from the original Project Plan approval). Staff believes there are no significant issue between the applicant and staff at the time of this report.

**PROJECT DESCRIPTION:** Surrounding Vicinity

The property is generally bordered by: the existing Blair Mill Road, East-West Highway, Georgia Avenue and the CSX/WMATA rail lines. The property is comprised of ten individual properties, a portion of the Silver Spring Innovation Center site, and the portions of Blair Mill Road to be abandoned. Blair Mill Road, as it traverses the property, has been conditionally approved for abandonment by the Montgomery County Council and will revert to private ownership in conjunction with the development process.

As part of the abandonment of Blair Mill Road, the owner of the Silver Spring Square project, will accept the ownership reversion from centerline of the adjoining Blair Mill Road right-of-way. However, the portion of the abandoned Blair Mill Road adjacent to the County-owned land being developed with the SSIC will be assigned to the Applicant and is included as part of the property, see attached authorizing letter.

**PROJECT DESCRIPTION:** Site Description

The property is adjoined to the north by the Silver Spring Square multifamily site plan. Further to the north by Foulger Pratt's residential high-rise, Metro Center Phase V; to the south by existing commercial uses, a proposed Arts Alley (discussed in more detail below) and Georgia Avenue; to the east by the WMATA/CSX rail lines; and to the west, across East-West Highway, by Discovery Communications and the M-NCPPC Acorn Park.

East-West Highway has been improved with the Silver Spring Streetscape adjacent to new development to the north. The abandoned Blair Mill Road will be improved as an internal street adjacent to the southernmost retail properties and Silver Spring Innovation Center (SSIC) at Georgia Avenue. The East West Highway right-of-way, south, but adjacent to the project, is unimproved and not dedicated to the full width of the right-of-way.