MEMORANDUM

DATE: March 10, 2005

TO: Montgomery County Planning Board
Rose Krasnow, Chief *RK*
Michael Ma, Supervisor

VIA: 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 53,027 sq. ft. of Retail (47,839 sq. ft. of grocery, 5,188 s.f. of other retail) and 468 multifamily units, inclusive of 59 MPDUs on 2.68 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: March 17, 2005

STAFF RECOMMENDATION: Approval of 53,027 sq. ft. of Retail (47,839 sq. ft. of grocery, 5,188 s.f. of other retail) and 468 multifamily units, inclusive of 59 MPDUs on 2.68 acres with the following conditions to be met prior to staff release of signature set, unless otherwise noted:

- d. The final parking facility within the site plan shall include sufficient spaces to satisfy required parking inclusive of an additional 40 spaces available to local merchants. A site plan amendment shall be required for any further parking facility changes.

The parking plan shall be developed with consultation from local merchants and approved by staff prior to building permit release. Issues to include, but not be limited to, the number of spaces commercially available to local merchants, threshold for transition to valet parking during construction, etc. The Site Plan data table shall reflect internal parking spaces available to the public prior to signature set approval. The allocation and number of parking spaces may change but will still affect required minimums.

6. Façade Treatment of the Parking Garage.

The above-grade parking garage shall include buffering or screening of the light and views of cars visible to the units within the Silver Spring Square site plan. The northern façade of the garage shall be treated with architectural materials and design that creates a view of the entire building that integrates the parking levels with the remainder of the building.

7. Site and Building Design

The Site Plan shall be revised to include the following:

- a. Determine status of retaining wall adjacent to west side of train station;
- b. For the grocery store: provide 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. 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 Arts Walk to the Terraced Lawn and grocery store entry area.

8. Wayfinding Signs

Coordinate with the Silver Spring Regional Center and verify the location and type of proposed wayfinding signs (#209-Type D; #208-Type D and #36Type C2) per the Silver Spring Wayfinding Master Plan. Locate these signs within the public right-of-way.

9. 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.
- c. A street tree shall be added to the area where the above grade transformers will be removed.

10. Lighting

- a. Provide a computer generated lighting distribution plan with foot-candles 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. Compatibility of light from retail frontage to first several levels of units to be specifically addressed in lighting design.
- e. Illumination levels shall not exceed 0.5 foot-candles (fc) at any property line abutting county roads.

11. 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.

12. 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).

13. 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.

14. Moderately Priced Dwelling Units (MPDUs)

The proposed development shall provide 12.5% of 468 units - 59 MPDUs on site with a range of unit types. The Applicant shall provide a letter from DHCA to staff confirming all MPDUs to be provided on site.

15. Transportation

- a. 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.

16. Environment

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.

17. 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.

18. Stormwater Management

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

19. 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.

20. Project Plan Conformance

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

21. 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 117th occupied unit that the Applicant's recorded Homeowners Association Documents, if applicable, incorporate by reference the Covenant.

22. Development Program

Applicant shall construct the proposed development in accordance with the 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:

19. 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.
20. Community-wide pedestrian pathways and internal recreation facilities shall be completed prior to occupancy of the building.
21. Landscaping associated with each parking lot and building shall be completed as construction of the building is completed.
22. All amenity areas associated with this approval shall be completed as construction of each facility is complete
23. A Site Plan Phasing Chart of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

23. 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.

24. Signature Set Documentation

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. The staff level approval for an amendment to Silver Spring Square Site Plan to provide for combined amenity plaza areas shall be completed prior to release of signature set.

ISSUES ADDRESSED DURING THE SITE PLAN REVIEW PROCESS

Issue: The location of above ground transformers within the public use areas and on site streets.

Description: In later stages of this amended application, the applicant has added above ground transformers (6 feet tall, 15 feet in depth and 35 ft in length) with screen fencing to the public plazas and sidewalk areas. Although both of these areas are outside of the areas counted as public use spaces (one is located on the adjacent non-project plan site of Silver Spring Square), one set is within the amenity area known as the New Mixed Street within the Silver Spring Gateway site. In this later location, they completely block the sidewalk and prevent any passage by pedestrians.

Applicant position: They are proposing the above ground transformer location within the sidewalk as described. They have cited cost concerns as the reason for not moving the transformers.

Staff Position: The transformers intrude into the public space in a number of undesirable ways for the New Mixed Street location:

- they are highly visible within the streetscape environment and reduce the amenity value of the area;
- they reduce pedestrian function within a private street that will be used as a public street;
- they prevent pedestrian use of the New Mixed Street when the other side of the street will be used for loading of the businesses utilizing the Photogroup alley or Arts Walk area;
- they reduce visibility for views between cars exiting the parking garage and pedestrians on the New Mixed Street.
- This location prevents a street tree in an area where there are few trees.

Staff recommends the transformers be located below ground or located elsewhere on site in a less obtrusive location. Staff has worked with the developer to relocate transformers within the Silver Spring Square site - a plaza area that will blend into the public open spaces within this project plan. There, the transformers were located in a less intrusive location - they are proposed to be placed within a planting area where plant materials mask the bulk and size and they don't intrude within the public walkways.

Issue: Parking for Adjacent Businesses During and After Construction

Description: The site currently provides approximately 80 commercially available parking spaces and Blair Mill Road contains approximately 25 metered and un-metered parking spaces. The proposed project is of such expanse that all but 6-8 spaces will be removed during construction. In response to a local landowner's request during the earlier extension hearing, the Planning Board asked that a parking plan be developed for local merchants during and after construction. Of concern is that there are few other spaces in the general area and that any potential parking spaces are remote and un-desirable for self-parking in lunchtime and nighttime hours.

Applicant Position: The Applicant has talked at length with local merchants, specifically Myorga's and Crisfield's who both have sent letters of project support for the project, attached. The Applicant is willing to develop a parking plan but has none to date for review.

Staff Position: Staff feels there is a direct nexus for the developer to provide parking spaces because they are removing virtually all of the public and private parking spaces available to local merchants, seriously affecting parking for customers and the viability of the businesses. Staff recommends that a parking plan be developed that:

- e. Provides guaranteed parking for 50 spaces immediately adjacent/available to the local merchants that are available during all hours of business use that provides for safe and adequate pedestrian connections (i.e. well lit, open to views; stable walking surface); and
- f. Provides for adequate parking for construction workers that do not negatively affect parking spaces defined above for local merchants.
- g. The final site plan shall include commercially available parking spaces for local merchants within parking garage and;
- h. The parking plan shall be developed with consultation from local merchants and approved by staff prior to building permit release. Issues to include, but not be limited to, the number of spaces commercially available to local merchants, threshold for transition to valet parking during construction, etc. The Site Plan shall include internal parking spaces available to the public.

Issue: Cover for Parking Garage where adjacent to units

Description: The above ground parking garage is proposed to be six levels with a U-shaped unit courtyard beginning at the next level. An additional eight levels of units form the courtyard. As proposed, windows for 112 units that face the courtyard are un-screened or buffered from the parking garage -no landscaping or structural cover is proposed. At a minimum, 5% landscaping is required.

Applicant: The applicant reviewed several options to buffer the top level of the parking garage. They said it was too expensive to cover or landscape.

Staff: The top level is close to the lower units' windows and the U-shaped courtyard will contain the noise, fumes and lights from the parking garage operations below creating a compatibility problem. The applicant should screen or buffer the two discordant uses from each other. The site is a north facing parking garage that will be hard to establish shade trees at 5% - a structured cover is preferable.

Issue: Modifications to Silver Spring Square Site Plan #8-02040 Minor Amendment by staff of earlier approval

Description: Per Section 59-D-2.6 of the Zoning Ordinance, staff proposes to review a Minor Amendment to the Silver Spring Square site plan to reconfigure its open space to combine with the Silver Spring Gateway Site Plan once the Blair Mill Road right-of-way is abandoned. The

amendment will include a plaza redesign to blend the two projects together and to relocate the above ground transformer within the plaza area (a screened location). No building permits to be released for Silver Spring Gateway until staff approves the Minor Amendment.

Staff and Applicant Position: Agreement

Issue: Development of Site Plan Design and Public Art

Description: The site plan review process included reviews of the lot creation and post Blair Mill Road abandonment, development of the public artwork and resolution of the plaza design given the new building design (as different from the original Project Plan approval).

Applicant and Staff Position: Agreement, site plan reflects agreement.

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 (SSIC) 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.

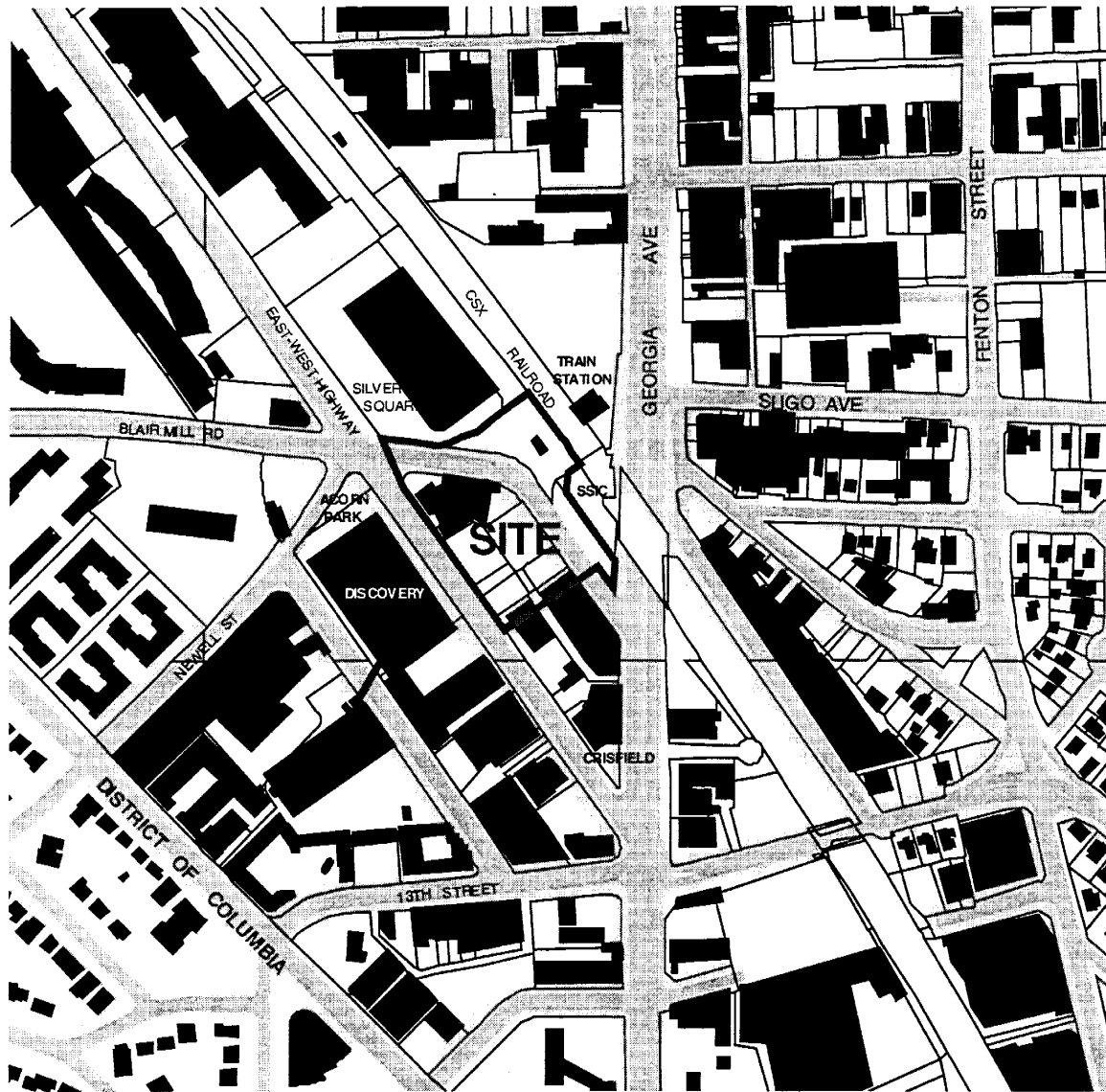
As part of the abandonment of Blair Mill Road, the owner of the Silver Spring Square site plan will accept the ownership reversion from centerline of the adjoining Blair Mill Road right-of-way. The portion of the abandoned Blair Mill Road adjacent to the County-owned land being developed with the SSIC 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 a portion of 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 and adjacent to the project, is unimproved and not dedicated to the full width of the right-of-way.

LOCAL VICINITY MAP - SILVER SPRING GATEWAY



DESCRIPTION: Proposal

The property will be developed with a mixed-use commercial and residential project, comprised of a total of 544,692 sf (4.66 FAR) residential and retail space. It will also include public use space and other on and off site amenities, streetscape and landscape, and parking on and off site sufficient to accommodate these uses, the SSIC and adjacent commercial uses. The project proposes 22.0 % on-site public use area, 4.7% on site amenity area and 14.1% off site amenity area for a total of 40.9% of the net lot for on and off site improvements.

Open spaces

The proposed project is organized around several significant front door public spaces:

Central Plaza - a circular terrace between this project and Silver Spring Square site plan featuring the Canada Dry building as a centerpiece,

Terraced Lawn - in front of the grocery store;

West Park - an urban park that blends the open spaces of Silver Spring Square with the open spaces of this proposal;

Pocket Park - a small park with a more private outdoor area.

The project is further organized around vehicular and pedestrian circulation systems for the site:
Internal Street - connects the above open space areas to the adjacent Arts Alley and the lower parking lot for the grocery store, and

New Mixed Street - a private mixed street that connects Georgia Avenue and the Arts Alley to East West Highway through the project; it provides sidewalks and street trees, a raised intersection and access to the loading/service area and access to the upper parking levels for residential and adjacent retail areas. This street will operate and appear as a public street with full pedestrian and vehicular movement in order to provide interconnection between several properties, its linkage between Georgia Avenue and East West Highway and its prominence to the Arts Alley.

Public Art

The artwork will include sculpture pieces that resemble Art Deco furniture. They will be placed throughout the open space areas adjacent to East-West Highway and the Silver Spring Square site plan (see attachment). Sculptor and artist Carolyn Braaksma will design and build the art objects. The Montgomery County Planning Board Art Panel has favorably reviewed the artwork. Their enthusiastic response to the design included comments on the size and placement of the pieces for the artist to resolve (see attached memo and sketches).

The art objects will include historical references of form and pattern in the design of over-sized art-deco furniture. Two (2) large couches, six (6) small "art deco" chairs, and three (3) large "upholstered" chairs for a total of eleven (11) art pieces are proposed. These art pieces serve a dual purpose as ornamental art objects and functional park seating.

The seating reflects the architectural style of the adjacent Canada Dry building (Silver Spring Square). Both the form of the seating and the surfaces reference the Art Deco Period in art and

architecture. The "upholstered" chairs bring the living room outside. Two chairs placed together create areas for a conversation. Add a table and you can "do" lunch, play chess or sip coffee. The seating is an emulation of actual Art Deco style chairs - biomorphic, streamlined and angular, but rendered in durable outdoor materials.

The materials palette for the objects includes pre-cast concrete, metal, glass-block w/ lighting incorporated. The surfaces will be decorated with colorful mosaic/terrazzo designs. Individual chairs may sit on a plinth of glass block that is lit from beneath.

These forms and materials will also influence the detailing of the central plaza paving design. Other site furnishings will be i.e. planters, benches, lights, etc. This will help "knit" the design together over a larger area.

Architecture

The project architecture will consist a "U"-shaped, 15-story residential high-rise building stacked over a multi-level parking garage and grocery store and linked to an "L"-shaped, 15-story residential high-rise building as follows:

1) The "U"-shaped residential building has frontage along East-West Highway and is located adjacent to the Canada Dry building near the rear of the property. Configured as a courtyard or "U"-shaped building, it "wraps" around two of the four sides of the parking garage to screen it from the Lawn Terrace and Central Plaza. The façade at the ground floor of the grocery store will be visible to the street and open space areas, as the storefront faces the Terraced Lawn and Central Plaza; visitors will be able to look down through the glass storefront at the main level of the grocery store one level below. Other ground floor spaces includes residential lobby space and, potentially, residential common areas such as leasing offices.

2) The "L"-shaped residential building is located along the southeast edge of the property, fronting on East-West Highway and the , the New Mixed Street. Its ground floor spaces consists of building lobby/residential common areas and/or ground floor retail. Additionally, the lower floor of this building creates the corridor for the Internal Street and Plaza, Terraced Lawn amenity areas to link to the Arts Alley.

The massing of the residential buildings steps back above the grocery store to create a "podium" to create a pedestrian scale and provide an architectural and programmatic variety at the lower levels. Consistent with the Master Plan urban design guidelines of South Silver Spring, the project provides tapered building heights at a 2:1 slope along East West Highway from 90 feet immediately adjacent to the right of way up to 143 feet to contribute to the coherent and attractive streetscape and to allow abundant light and air.

The project will derive its character from the mid-twentieth century architectural styles of Silver Spring - Art Deco and Art Moderne - which are exemplified by such buildings as the Silver Theater and the Canada Dry Building, as well as from the "edgy" urban aesthetic suggested by the industrial history of the site. The diverse open spaces will have their own distinct architectural identity that will contribute to the diverse and rich neighborhood character.

Parking

The parking garage is designed with five levels above grade and two levels below grade to provide a maximum of 810 spaces as submitted. The spaces within the parking garage exceed the zoning requirements by 23 spaces based on the shared parking formulas for mixed-use development. The parking garage is proposed to allow 48 spaces for the Silver Spring Innovation Center. There will be 266 spaces for grocery store use. The applicant intends to make 40 additional spaces available for commercial uses as necessary.

Vehicular access to the Project's parking structure is provided from two locations and is intended to be clearly identifiable and convenient for residents, employees and retail customers. Entrances are located from the abandoned Blair Mill Road near the SSIC and Georgia Avenue, from the entrance drive at East-West Highway and from the internal street adjacent to the grocery store entry.

Service and Loading

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The residential buildings, the office building, and the retail component will share a central off-street service area with five loading docks, located at the rear of the parking facility and adjacent to the SSIC service area.

Phasing

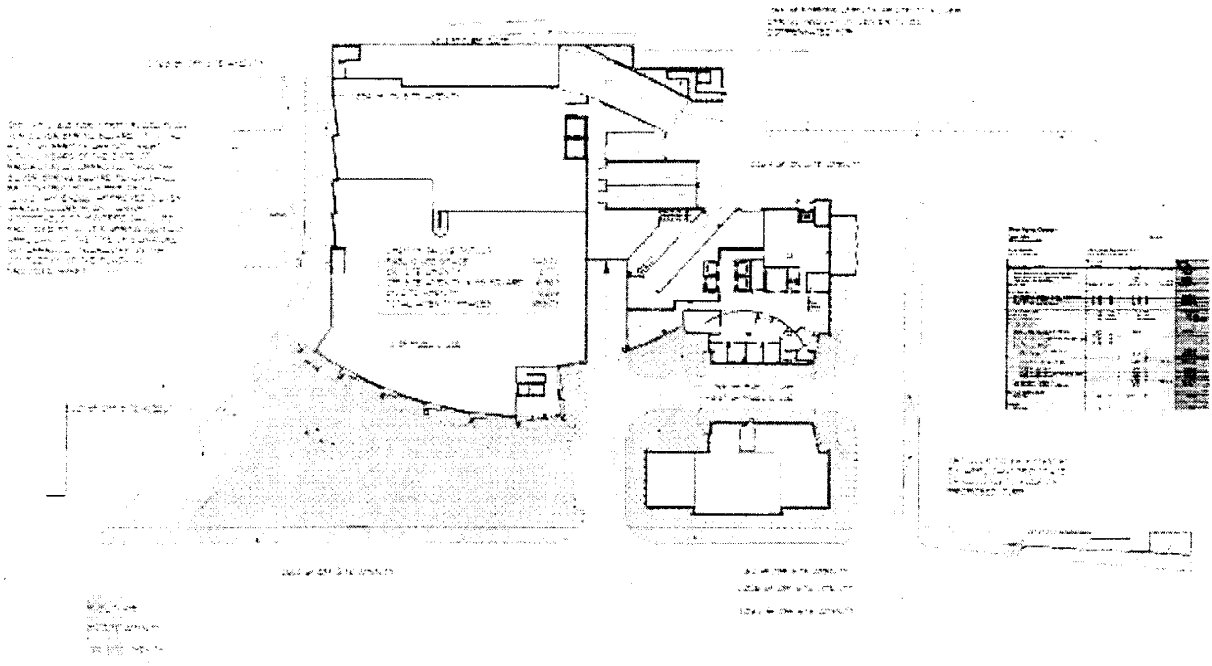
The building will be built in one phase. All on and off site amenity areas shall be fully constructed prior to 25% occupancy of the building.

Historical Marker for the Train Station

The applicant will provide an interpretive historical marker, e.g., a 10 ft by 20 ft "trompe l'oeil" mural, to commemorate the (non-historic) eastbound train waiting station on the façade of the parking garage facing across the CSX tracks towards the Silver Spring Train Station.

Site Amenities

See amenities listed under Staff Recommendation.



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Site Plan 8-05001