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Item #14

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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March 25, 2005

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Jeff Zyontz, Chief
Countywide Planning Division

FROM: Gwen Wright, Historic Preservation Supervisor
Countywide Planning Division

SUBJECT: Planning Board Continued Public Hearing on adding the entire Falklands Property, including the CBD Parcels and the West Parcel, to the *Locational Atlas and Index of Historic Sites*

STAFF RECOMMENDATION

Add the entire Falklands Property, including the CBD Parcels and the West Parcel, to the *Locational Atlas and Index of Historic Sites*.

BACKGROUND

In 2002, the Historic Preservation Section of the Montgomery County Department of Park and Planning contracted with a consulting firm to undertake a survey of the Silver Spring Central Business District (CBD) to ascertain which properties in the CBD—above and beyond those already designated on the *Master Plan for Historic Preservation*—may have historic or architectural significance. This project was done with a grant from the Silver Spring Regional Center and was part of required mitigation for demolition of the Silver Spring Armory in 1998. This study was completed in December of 2002 and a copy of the final report is attached. Two public meetings were held during the course of the study—one in April and one in November of 2002—and they were well attended by interested citizens and property owners. The Silver Spring Chamber of Commerce and the Silver Spring Regional Advisory Committee were also briefed on the project. As a result of the study, a number of individual properties and three thematic historic districts were identified by the consultant as being of potential historic and/or architectural significance.

One of the thematic historic districts discussed in the study was “Silver Spring Garden Apartments” and one of the apartments complexes that was noted as being historically and architecturally significant was the Falkland Chase Apartments (“Falkland Apartments”).

On May 28, 2003, the Historic Preservation Commission (“HPC”) held a public hearing on the study. On June 11, 2003, the HPC conducted a worksession and, subsequently, forwarded its recommendation to the Planning Board concerning placement of certain identified properties on the *Locational Atlas*. On June 16, 2003, the Planning Board held a Planning Board Briefing on the Silver Spring Central Business District (“CBD”) Historic Resources Survey and Public Hearing on Adding Silver Spring CBD Properties to the *Locational Atlas and Index of Historic Sites* (“Public Hearing”). On July 28, 2003, the Planning Board held a Worksession on Addition of Silver Spring Central Business District Historic Resources to the *Locational Atlas and Index of Historic Sites* (“Worksession”).

The notice for the Planning Board Public Hearing and Worksession had inadvertently specified that only a certain portion of the Falkland Apartments would be the subject of the Planning Board’s consideration during the Public Hearing and Worksession for placement on the *Locational Atlas*. (The Falkland Apartments includes two parcels located within the CBD (the “CBD Parcels”) and one parcel (the “West Parcel”) that is located outside of the defined boundaries of the CBD.¹) Following deliberations at the Worksession, the Planning Board voted in support of placing the entire Falkland Apartments, including the West Parcel, on the *Locational Atlas*.

On August 26, 2003, the owners of the Falkland Apartments filed, in Montgomery County Circuit Court, a Petition for Judicial Review of the Planning Board’s decision to place the Falkland Apartments property on the *Locational Atlas*. On December 17, 2003, Judge Louise Scrivener signed an order, which, in relevant part, granted the parties’ request that the case be remanded to the Planning Board “for the holding of a continued public hearing, for the receipt of any additional evidence, and for subsequent Planning Board action on the question of the placement of the entire Falkland Apartments property on the [*Locational Atlas*].”

Consistent with the Order of the Circuit Court, the Montgomery County Planning Board is holding a continued public hearing on March 31, 2005, for the purpose of receiving additional evidence and taking an action on the recommendation of the HPC that the entire Falklands Property, including the CBD Parcels and the West Parcel, be placed on the *Locational Atlas*.

HISTORY OF THE FALKLAND APARTMENTS

The history and significance of the Falkland Apartments is described both in the final report of the Silver Spring CBD Historic Sites Survey and in a National Register nomination form that was prepared subsequent to the Planning Board’s action in 2003, but which has not yet been evaluated by the Maryland Historical Trust or the National Park Service. Both of these

¹ The western boundary of the Silver Spring CBD between Spring Street and Colesville Road is defined by 16th Street. The West Parcel is located on the west side of 16th Street, while the other two parcels of the Falklands Apartments property are located on the east side of 16th Street.

documents are attached for the Board's information.

A brief synopsis of the historic and architectural significance of the Falkland Apartments is well articulated in a June 13, 2003 from Professor Richard Longstreth of George Washington University. He writes:

From a national perspective, the Falkland Apartments complex is one of the most historically significant properties in Montgomery County. It earns this stature because it was among the very first examples of transferring new ideas of reform in housing and community design from a handful of experiments by the legendary architect-planner team of Clarence Stein and Henry Wright into the mainstream of the marketplace...The first such complex was Colonial Village in Arlington, Virginia, which is now protected through that county's preservation ordinance. The Falkland complex was the second, and it was widely praised and published at that time. Together, these complexes afforded models nationally for middle-class apartments – models that had an enormous impact on building patterns coast to coast over the next generation. A major factor in the significance of this complex is its site planning – the extent of open space retained and the extent to which the irregular topography was respected and made a positive feature of the design..."

The Falkland Apartments complex was designed by architect Louis Justement, a Washington D.C. area architect who was active in the Washington D.C. chapter of the AIA. It is highly representative of the unique combination of architecture, landscape architecture, community planning, and conservation – all, important themes in the 1930s. It is the first example of a garden apartment complex in Montgomery County, and one of the earliest of its type in the United States. It qualified for one of the first ten large-scale housing projects Federal Housing Administration backed mortgages, and the first FHA backed mortgage in Maryland.

Falklands was built in two phases, the first 178 units being completed in 1936 and 1937, and 301 units from 1937 to 1938. In 1941, the *Architectural Record* called the complex "sound practice in the use of land and money, . . . a well known and highly regarded early FHA project . . . [and] an indicative example of the up-to-date architect's many sided initiative."²

On April 27th, 1938, the Washington Board of Trade recognized the significance of the new apartment complex in a letter to the Falkland Properties Inc. The letter stated:

"We feel that the selection of the Jury of Award in selecting the Multiple Family Residences at 16th Street and East-West Highway Silver Spring, Maryland, as worthy of a Washington Board of Trade CERTIFICATE OF MERIT will be of interest and a matter of gratification to you:

'A distinguished example of design in the multiple residence field for persons of moderate means in which buildings of great simplicity of design and with pleasing variation of treatment have been grouped in relationship on a sloping and

² "Planning is Related to Sound Land Use and Financing," *Architectural Record*, March 1941, p. 90 as cited in: Falklands Garden Apartments, Maryland Inventory of Historic Sites Form, 1981.

partly wooded site, and in which both the fronts and the more intimate rear areas have been arranged with great charm.”³

The letter was signed by Theodore Irwing, chairman of the multiple apartment committee. The apartments were also of great interest to the Roosevelt administration at a time of great economic difficulty when emphasis was placed upon economic living quarters with a good standard of amenities. This interest was strong enough to cause Eleanor Roosevelt to be speaker at the ribbon cutting ceremony for the opening of the new apartment complex in 1938.⁴

Based on all of the information that has been presented on the history and significance of the Falkland Apartments complex, staff recommends adding the entire Falklands Property, including the CBD Parcels and the West Parcel, to the *Locational Atlas and Index of Historic Sites*. Although addition of a property to the *Locational Atlas* does not require a formal finding by the Planning Board that the property meets the criteria listed in the Historic Preservation Ordinance for *Master Plan* designation, staff feels that it is likely that the Falkland Apartments complex would meet Criteria 24A-3(b)(1)a. and d., as well as 24A-3(b)(2)a.

DISCUSSION OF CONCERNS RAISED BY OWNER

1. Impact of designation on the *Locational Atlas*.

The owner asserts that placement on the *Locational Atlas* would require the owners to obtain a Historic Area Work Permit for any work on the property beyond ordinary maintenance. This is not correct.

Locational Atlas properties are subject to only one section of the Historic Preservation Ordinance – 24A-10, the Moratorium on Alteration and Demolition. Under this provision, the Falkland Apartment complex – which is being considered as an individual historic resource, not a historic district – would be protected from demolition and substantial alteration. If the owner files a permit for demolition or substantial alteration of the property (which is defined by DPS and historic preservation staff as work that so substantially changes the resource that future evaluation for designation on the *Master Plan for Historic Preservation* would be impossible), then a public hearing before the Planning Board would need to be scheduled within 60 days from the date the permit is filed. The Board would need to make a determination whether the resource would, in all likelihood, merit designation on the *Master Plan*. If it would not, then DPS would be directed to issue the permit. If the Board finds that it would merit designation, then the designation process would proceed and a decision by the County Council on designation would be required within 195 days from the date the original permit was filed.

2. The 1993 and 2000 Silver Spring CBD Sector Plans specifically rejected the expansion of historic designation beyond the Cupola Building.

Historic preservation staff was involved in the preparation of both the 1993 and 2000 Silver Spring CBD Sector Plans. Neither of those plans included historic preservation chapters that

³ Letter framed and in possession of Falkland Properties LTD.

⁴ Information on file at the leasing office of Falklands.

considered the designation of additional historic sites or districts. Nor did the chapters re-analyze already designated historic sites and districts. Indeed, all designation of historic sites and districts in the Silver Spring CBD has been done through individual amendments to the *Master Plan for Historic Preservation*, which also amend the Silver Spring CBD Sector Plan, rather than being incorporated into larger Sector Plan updates. The Sector Plans' historic preservation chapters have, therefore, simply noted and identified historic sites that had been previously evaluated and designated.

This has been a purposeful decision. The Silver Spring CBD Sector Plans have generally been complex and highly contentious in terms of land use discussions. The evaluation of historic sites and districts in the Silver Spring CBD has also been complex and highly contentious. It has been the Department of Park and Planning's decision to keep these elements on separate tracks so that they would each get sufficient attention.

3. There has been no new information since the Planning Board's 1983 evaluation of the Falkland Apartments Complex.

This is not correct. Since that time, two additional studies have been completed that fully assess the historic context of multi-family housing structures. The first was completed in 1987 by consultant Andrea Rebeck for the Montgomery County Historic Preservation Commission. The second is the Historic Sites Survey Report for the Silver Spring CBD, completed in December 2002 and referenced above.

These two documents provide important insights into how Silver Spring's garden apartments fit into the larger historic and architectural context. As explained in the Historic Sites Survey Report:

Silver Spring's garden apartments span the years from the early use of the Garden City ideals as articulated in garden apartment design during the 1930s, to the height of the movement in its most mature, if not somewhat distilled formulations of the 1950s. It exemplifies not only the significant ideals of architectural design, landscape architecture and community planning as they evolved within this concept, but it also presents a microcosm of the larger planning issues, unparalleled growth, and conflicts occurring in Silver Spring and Montgomery County during the first half of the twentieth century...

Garden apartments gained popularity in the United States during the Great Depression in response to the need for moderate-income housing. During World War II, its popularity continued as a way to house defense workers. Many of the first garden apartments in the United States were promoted and insured by the FHA. These included Colonial Village in Arlington Virginia – the first FHA backed garden apartments in the nation, Buckingham also in Arlington, and the Falklands in Silver Spring.⁵ Other garden apartments were funded by the federal Defense Homes Corporation (DHC), and privatized after the war ended. Fairlington, another Arlington County, VA garden apartment complex constructed between 1942 and 1944, was the first DHC funded project. It was a little more than two miles from the newly constructed Pentagon...

⁵ Gail Baker, "Garden Apartments: Three Preservation Case Studies in Virginia", in *CRM*, No. 5, Vol 22, 1999:23.

Early examples of the Garden Apartment in America date to the 1920s, and the movement began to take hold in Silver Spring with the construction of the relatively early Falkland Apartments. The Spring Gardens East complex, which arrived on the heels of the completion of the Falklands, was a truly bold departure from the Colonial Revival Style of Falklands with the use of the Art Deco styling.

Since 1983, extensive study into the issue of garden apartment history and significance has resulted in a much greater understanding of the importance of these resources. In 1983, Colonial Village in Arlington was not designated or acknowledged as historic; however, today it is clearly a regional landmark in 20th century development and design.

In addition to the studies mentioned above that have occurred subsequent to the Board's 1983 consideration of the Falkland Apartments complex, another important piece of information was obtained in 1999. As part of road improvements plans, the Maryland State Highway Administration was required to analyze the Falkland Apartments complex under Section 106 regulations. SHA's architectural historians evaluated the property and found it to be eligible for the National Register of Historic Places. This determination of eligibility was reviewed by the Maryland Historical Trust's National Register Program Manager, and he agreed that the property was eligible for the National Register.

CONCLUSION

As pointed out by the owner, the Falkland Apartments were reviewed for historic designation in the mid-1980s and only the Cupola Building was designated. In 1985 the Planning Board recommended to the County Council that the Falklands not be added to the *Master Plan for Historic Preservation*. The Board felt that "the marginal historic significance of the Falkland Apartments do not outweigh the importance of the property in implementing two major goals of the Silver Spring Sector Plan: 1) spurring economic development in the Silver Spring CBD, and 2) providing additional residential opportunities in close proximity of METRO." The County Council subsequently designated the "cupola building" on the *Master Plan for Historic Preservation* and added to the *Plan's* index a finding "that the balance of the Falkland Apartment complex has been reviewed and found not suitable for regulation under the Historic Preservation Ordinance."

Staff rarely recommends that sites which were previously considered and rejected be brought back up for consideration. However, staff believes that the Falkland Apartments have major historic significance and the decision not to designate them in the mid-1980s deserves to be revisited. It should also be noted that the buildings were not 50 years old when they were considered in the mid-1980s and they now do meet that age threshold. The 50 year threshold is a general rule-of-thumb for how old buildings should be before they are considered for historic designation. However, buildings that are less than 50 years old can and have been designated as historic, if they are of exceptional significance.

Staff is recommending that the entire complex be included on the *Atlas*, with the understanding that there is redevelopment potential on the portion of the site north of East-West Highway.

Pursuant to the 1993 Silver Spring CBD Sector Plan, the portion of the Falklands north of East-West Highway was rezoned to CBD-R1 to allow for future residential redevelopment. (The portion south of East-West Highway was zoned R-20.) The Council indicated that redevelopment of the northern portion would be appropriate for a mix of housing types. The zoning was reaffirmed in the February 2000 CBD Sector Plan. The current Sector Plan contains no other specific recommendations for the Falklands. If a redevelopment proposal is ever submitted, the Board could opt to remove that portion from the *Atlas* – based on the merits of the redevelopment proposal. Alternatively, the Board could find that preservation of the Falkland Apartments complex was preferable and could move to recommend designation of the entire complex on the *Master Plan for Historic Preservation*.

Attachments:

1. March 23, 2005 submission from Barbara Sears and Erin Girard of Linowes and Blocher
2. June 13, 2003 staff memo for Planning Board Briefing
3. July 25, 2003 staff packet for Planning Board Worksession
4. June 3, 2003 memo from Community Based Planning
5. Silver Spring CBD Historic Sites Survey Report
6. December 2003 National Register nomination form
7. 1999 Determination of Eligibility Review Form
8. 1987 Historic Context Report on Early Twentieth Century Multi-family Dwellings by Andrea Rebeck
9. April 29, 2004 letter from Eileen M. Casabianca