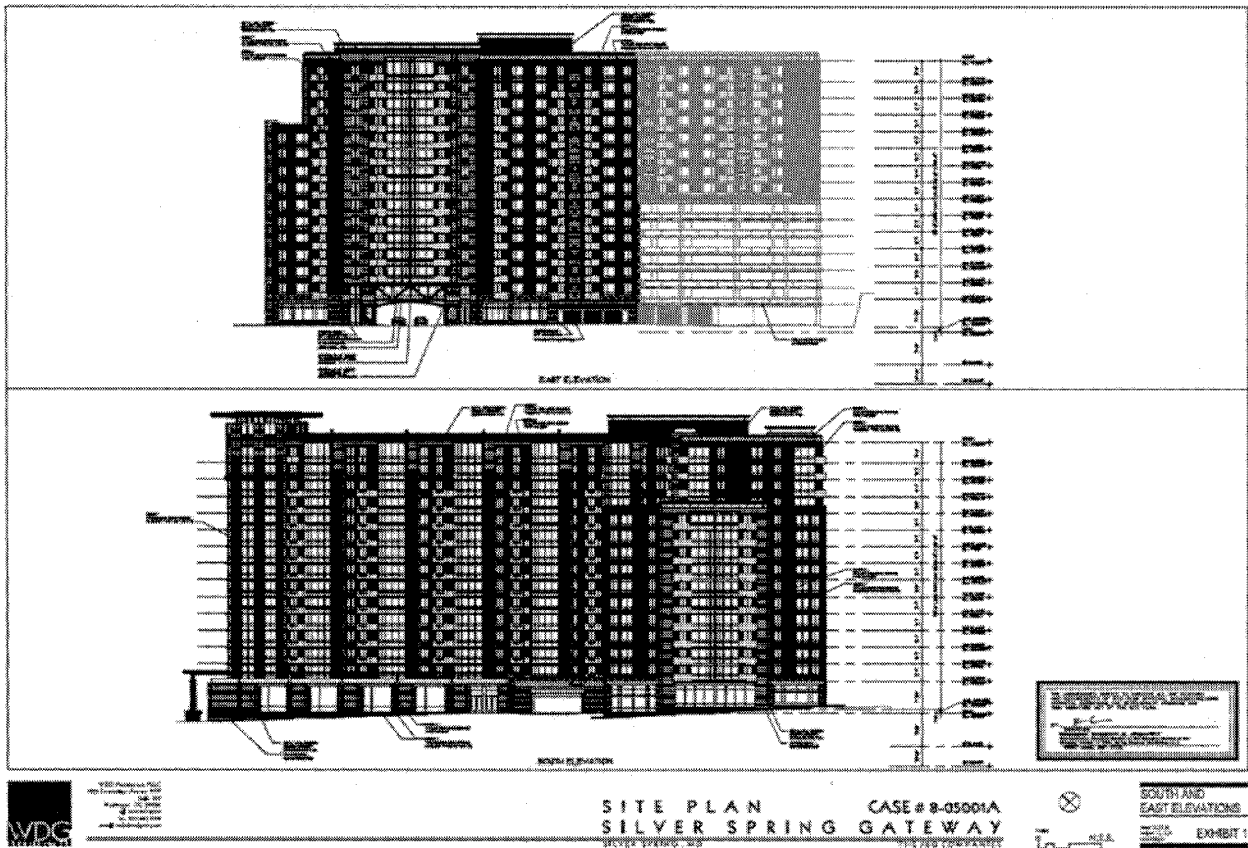


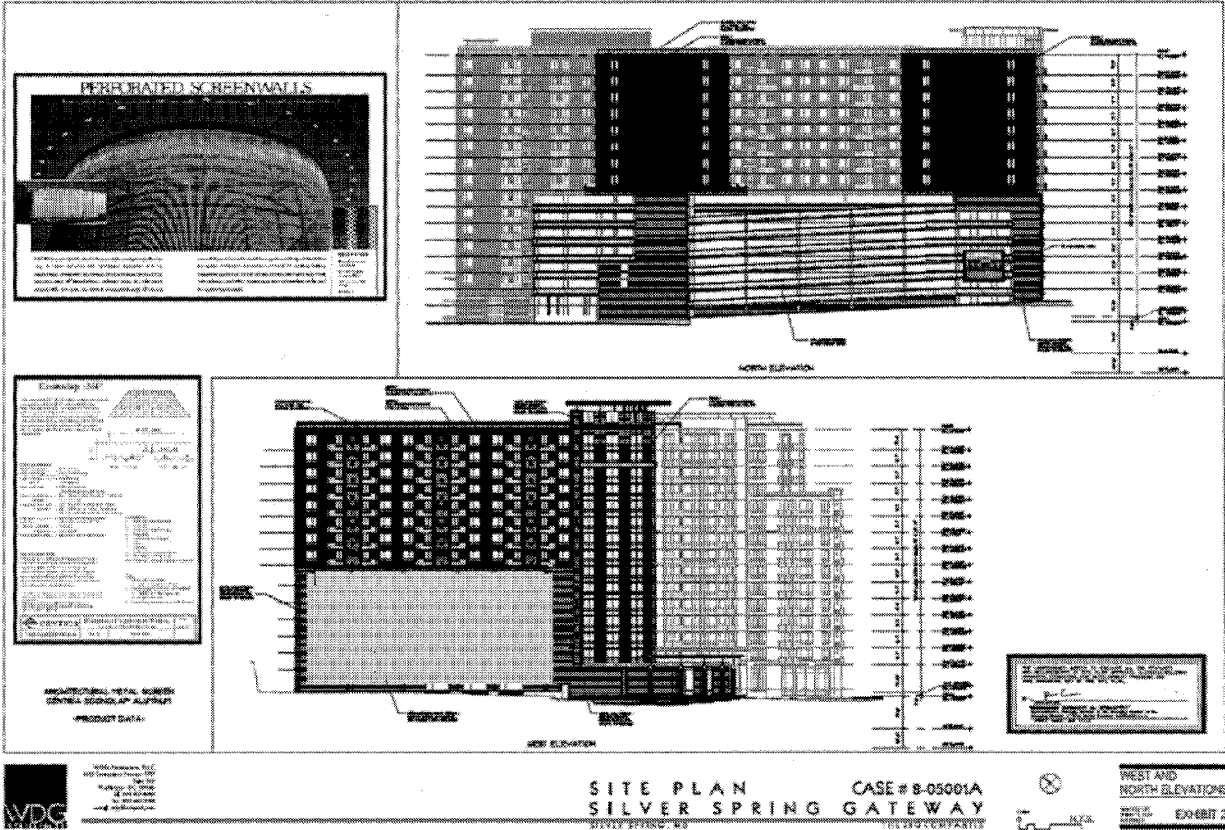
Architecture

The project architecture will consist of a "U"-shaped, 15-story residential high-rise building stacked over a multi-level parking garage and retail space and linked to an "L"-shaped, 15-story (143-foot) residential high-rise building. The maximum height of the building and number of stories has not changed with this amendment. The grocery store originally approved with the site plan has been replaced with 14,080 square feet of general retail area at grade.

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 retail space will be visible to the street and open space areas, as the storefront faces the Terraced Lawn and Central Plaza.



South and East Elevations of the proposed building. The East Elevation (top) shows the pedestrian connection between the two buildings with vehicular circulation underneath, as well as the variation in height from East-West Highway to the east of the site.



North and West Elevations of the proposed building. The shaded area on the West Elevation (bottom) shows the architectural metal screen to buffer the proposed parking levels from adjacent residents in the Silver Spring Square site.

PROJECT DESCRIPTION: Prior Approvals

Project Plan

Project Plan (920040020) was approved by the Planning Board on February 5, 2004 for 471 multi-family dwelling units, 40,000 square feet of office, 20,000 square feet of incubator space and 25,000 square feet of retail. The plan was amended (92004002A) on March 17, 2005, concurrently with the Preliminary Plan amendment (12004039A) and Site Plan (820050010) to reduce the number of dwelling units from 471 to 468, eliminate the office component, provide 53,027 square feet of retail, including grocery, and incorporate a portion of the adjacent property, currently improved with the SSIC (Silver Spring Incubator Center).

Preliminary Plan

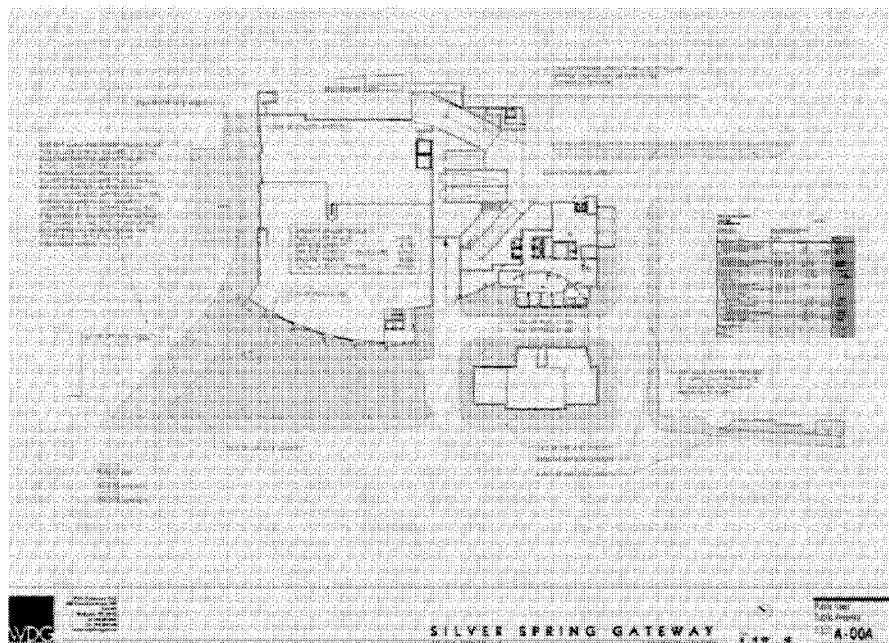
Project Plan (120040390) was approved by the Planning Board on February 5, 2004 for 471 multi-family dwelling units, 40,000 square feet of office, 20,000 square feet of incubator space and 25,000 square feet of retail. The plan was amended (12004039A) on March 17, 2005, concurrently with the Project Plan amendment (92004002A) and the Site Plan (820050010) to reduce the number of dwelling units from 471 to 468, eliminate the office component, provide 53,027 square feet of retail, including grocery, and incorporate a portion of the adjacent property, currently improved with the SSIC (Silver Spring Incubator Center).

Road Abandonment

Abandonment of a portion of Blair Mill Road (AB-652) was granted by County Council Resolution No. 15-115 on April 8, 2003.

Site Plan

The site plan (820050010) was reviewed concurrently with the Project Plan amendment (92004002A) and Preliminary Plan (12004039A) on March 17, 2005.



**Original Site Plan
Approval for
8-050010 (82005001)**

ANALYSIS: Conformance to Master Plan

SECTOR PLAN CONFORMANCE:

The 116,837 gross 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, 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.

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 street with 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 for this amendment include:

A. Silver Spring Wayfinding System:

The Silver Spring Regional Center has advised staff that the Silver Spring Wayfinding Master Plan cannot be implemented as designed due to funding opportunities that have expired (See attachment with Community-Based Planning Memo in Appendix E). Staff has placed a condition in the Staff Recommendation section to remove the reference to the Silver Spring Wayfinding Master Plan from this proposal.

B. 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.

Community Outreach:

The applicant has contacted the Silver Spring Urban District, the Gateway Coalition and the Silver Spring Citizens Advisory Board for comments regarding this proposal. The Applicant presented an update to the Urban District Advisory Board as well as the Commercial and Economic Development (CED) Subcommittee of the Silver Spring Citizens Regional Advisory Board. The Applicant has also contacted the owners and tenants representing Mayorga Coffee Factory, Crisfield's Restaurant and Blair Mill LLC regarding the 40 parking spaces provided for patron use in the proposed garage. Community-Based Planning staff has not received written or verbal comments from the public regarding this amendment.

Relationship to the South Silver Spring Pathways Plan:

Montgomery County Department of Housing and Community Affairs 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, the Montgomery County Department of Public Works and Transportation (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 raised crosswalk leading to the Arts Alley (pathway I-A) special paving, ornamental lighting and street trees.

ANALYSIS: Conformance to Development Standards

Zoning Classification:
Method of Development:

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

	Zoning Ordinance Develop. Standards	Proposed for Approval
Gross Tract Area:		116,837.0 SF 2.68 Acres
Minus Previous ROW along East West Highway		0.0
Minus New ROW along East West Highway		5,563.0
Total Gross Tract Deductions:		5,563.0 0.13 Acres
Net Lot Area	22,000 SF (min)	111,274.0 SF 2.55 Acres
Gross Floor Area (SF)		
Non Residential: Retail (3.0 far max. in mixed use)	350,511 SF	14,080 SF
Residential: (5.0 FAR. Max in mixed use)	584,185 SF	509,358 SF
Total: (5.0 FAR. Max in mixed use)	584,185 SF	523,438 SF
Floor Area Ratio (FAR)	5.0 FAR	4.48 FAR
Total Dwelling Units	536 units	457 units
MPDU's (12.5% of total units)	67 units	58 units
Max. Dwelling Units per Acre	200 units/acre	170 units/acre
Amenities & Facilities		
<i>Public Use Space:</i>		
Minimum Public Use Space (% of Net Lot)	20%	22.0%
Public Use Space Required	22,255 SF	24,506
Public Use Space to be replaced from Innovation Center:	1,255 SF	
Total Public Use Space Required:	23,510 SF	
Public Use Space Provided:		
Transferred from Silver Spring Square:		0 SF
Provided On Site:		24,506 SF
Subtotal-Public Use Space Provided:		24,506 SF 0.56 Acres
<i>Amenity Space:</i>		
Amenity Provided Off Site		8,775 SF
Amenity Provided Off Site at Silver Spring Square		6,969 SF
Off Site Amenity Space (% of Net Lot)		14.1%
Amenity Provided On Site:		5,258 SF 4.7%
Total Amenities & Facilities (SF)		45,508 SF 1.04 Acres
Total Amenities & Facilities (% of Net Lot)		40.9%
Maximum Building Height		
CBD-2 Zone	143 FT	143 FT as measured from East-West Hwy
Setbacks		
CBD-2 Zone	0 FT	setbacks vary, see building envelope plan, sheet 1 of 1

Shared Parking Analysis:

Shared Parking Requirement Worksheet

Montgomery County Zoning Requirements

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

Shared Parking Formulas:		Ratio:	Parking 100% req:	Weekday Daytime	Weekday Evening	Weekend Daytime	Weekend Evening	Nighttime
Office/New:	0	2.4/1000	0	0	0	0	0	0
Innovation Center:			50	50	5	5	3	3
Specialty Retail Parking:	14,080	0.005	70					
Total Retail Parking			70	42	64	71	71	4
Residential-total:	468							
Residential-MPDU's (12.5%)	59		40					
Residential-Market Rate	409		519					
Total Residential Parking:			559					
Total Residential Parking w/ 10% Metro Discount			504	252	504	504	504	504
Totals:			624	344	573	580	578	511

(Peak)

TOTAL PARKING REQUIRED	580 SPACES
TOTAL PARKING PROVIDED	655 SPACES
SURPLUS PARKING	75 SPACES
REQUIRED PARKING FOR LOCAL MERCHANTS	40 SPACES
TOTAL SURPLUS PARKING	35 SPACES

Residential Parking Requirements:						
		Unit mix	Parking Req.	Parking Ratio/unit		
Market Rate Units						
Total Market Rate Units	399					
S's	44	11%	44	1 spaces/unit		
1's & 1D's	235	59%	295	1.25 space/unit		
2's	120	30%	180	1.5 spaces/unit		
Total Parking for Market Rate Units		100%	519	spaces		
MPDU's						
Total MPDU's	58					
S's	6	11%	4	0.5 spaces/unit		
1's & 1D's	34	59%	22	0.625 spaces/unit		
2's	18	30%	14	0.75 spaces/unit		
Total Parking for MPDU's		100%	40	spaces		

655 parking spaces will be provided, 580 are required with the mixed use parking facility calculations.

Parking Provided

Level	Full Size	Tandem	HD	DCP	Van	Total
B1	55	0	0	0	0	55
L1	59	0	2	1	62	
F2	82	11	0	0	93	
F3	78	11	2	1	92	
F4	81	11	2	1	95	
F5	82	11	2	0	95	
F6	82	9	2	0	93	
F7	60	9	1	0	70	
Total	524	62	11	3	655	

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

RECREATION CALCULATIONS:

Recreation Requirements:

	D1 Tots 0-4	D2 Children 5-11	D3 Teens 12-17	D4 Adults 18-64	D5 Seniors 65+	
	4	4	4	77	46	per 100 units
Demand	18.28	18.28	18.28	351.89	210.22	per 457 units
demand minus 10%	16.5	16.5	16.5	316.7	189.2	
Supply						
Swimming Pool	1.0054	3.7474	3.7474	87.9725	31.533	
Fitness Facility	0	1.828	1.828	70.378	31.533	
Tot Lot (indoor)	9	2	0	4	1	
Community Space	1.828	2.742	5.484	105.567	84.088	
Pedestrian System	1.828	3.656	3.656	158.351	94.599	
Picnic /Sitting (off site - Jesup Blair Park)	1	1	1.5	5	2	
Open Plan Area II (off site - Jesup Blair Park)	3	4	4	10	1	
	17.6614	18.9734	20.2154	441.268	245.753	
Off-site Amenity points	4	5	5.5	15	3	
% of off-site amenity points (35% maximum)	22.6%	26.4%	27.2%	3.4%	1.2%	

Off site amenities must be within 1 mile of the site boundary.

Jesup Blair Park is approx. 1500 ft. from the site boundary.

Notes:

1. Swimming pool will include 2 lap lanes and an area for recreational use. A pool deck will surround the pool.
2. The fitness facility will be approximately 1400 SF (approximately 500 SF is required) and provide aerobic and weight training areas.
3. The indoor "tot lot" will be approx. 750 SF (1,00 sf is required outdoors). Due to the urban nature and projected demographics of this project, this should be sufficient area for this use.
4. The community space will be approximately 2000 SF and is sized for an urban environment. 2,700 square feet is typically provided; however, the indoor fitness facility nearly 3 times the typically required size to accommodate the smaller sized community room. The Recreation Guidelines (pg. 4) allows the size of the community space to be determined for each development independently based on population and other facilities. The community room will contain a Conference /dining room, a large multi-purpose room and a catering kitchen.

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with Project Plan 92004002A (formerly #9-04002A) for the optional method of development as required for this zone.*

The amended Project Plan 92004002A was approved for 53,027 square feet of retail (47,839 square feet of grocery, 5,188 square feet of other retail) and 468 multi-family units, inclusive of 59 MPDUs on 2.68 acres in the CBD-2 Zone. The amendment to the site plan changes the total retail 53,027 square feet to 14,080 square feet, eliminating the grocery component. Staff finds that the elimination of the grocery is in conformance with the original approval of the project plan amendment and original site plan in terms of density, transportation, height and compatibility.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

See project Data Table above.

3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

- a. Buildings

The arrangement of the interconnected buildings provides a large front open space area adjacent to a major street. This configuration enhances the definition of the open spaces and their place within the improved East-West Highway streetscape. The placement of the open spaces opposite M-NCPPC's Acorn Park and the building placement are aligned with the Discovery Channel Communications building, further accentuating the open space created along East West Highway. The building placement also enhances the preserved façade of the Canada Dry bottling plant. The building materials and design are reminiscent of the adjacent historic façade.

A Building Envelope Plan has been submitted with the amended application indicating the minimum setbacks associated with the proposed building. Since the lot and building is irregularly shaped, the plan provides an envelope that corresponds to the overall site from the property boundaries. The Montgomery County Zoning Ordinance Development Standards for CBD-2 Zoned properties do not require a minimum setback to allow flexibility for design within the CBD. The building setbacks from East-West Highway vary from 3 to 95 feet and 0 to 43 feet along the rear property line. The side setbacks vary from 10 to 40 feet from the property line to the building.

The "hidden" parking garage, both under the useable space and integrated into the upper levels of the building, creates a high level of efficiency for the building and convenience for commercial and residential users.

The building creates a simple separation of commercial and residential uses at the front plaza, by stepping back the residential floors immediately above the entry to the at-grade retail component. Massing the parking garage along the railroad tracks to the east places a “noise insensitive use” adjacent to a “noise generator” and reduces the noise impacts to project residents. Placing the building over the Internal Street still allows an efficient circulation system and creates a compelling pedestrian “bridge.” Additionally, the location of the building, the alignment of the Internal Street and the walks in the amenity areas enhance the presence of the Arts Walk.

The parking garage is designed to screen and buffer the existing adjacent Silver Spring Square condominiums and the proposed units above the parking garage. The façade of the parking deck has been integrated into the design of the building as a whole through the use of color and type of building material. The internal green space has been planted to ensure screening of the parking deck for the adjacent units.

b. Open Spaces

The open spaces consist of open lawn areas, outdoor dining rooms and urban pocket parks that include landscaping, paving and sculptural art elements. The open spaces are enhanced with sculptural pieces reminiscent of art-deco living room furniture. The sculpture is designed with motifs and forms that are evocative of the preserved Canada Dry façade and its era.

The open spaces are well sized for pedestrian movement, interaction and congregation.

Storm water management is provided with on-site channel protection measures via underground storage and on-site water quality control using green roof technology and /or “Storm Filters.”

Significant noise impacts affecting residents adjacent to the railroad tracks will be mitigated to acceptable levels by acoustical treatment of the windows and building façade. After construction the applicant will present a noise study to staff verifying compliance with the requirements.

c. Landscaping and Lighting

The landscaping on site will provide a variety of treatments for the open space areas including shade, accent, definition of the open spaces and screening. The lawn panels and the high quality paving materials and design will accentuate the ground plane of the outdoor amenity areas, highlighting the spatial definition of each outdoor “room.” The depth of soil in the outdoor areas over the subsurface

parking garage is approximately three feet, ensuring adequate room for development of the root system.

d. Recreation

The amended site plan conforms to the recreation guidelines. The project proposes a smaller community space and a larger indoor fitness area than typically required. The Recreation Guidelines permit the size of the community space to be determined for each development independently based on population and other facilities. This is an adequate tradeoff for the provision of community area and public use space on site.

e. Vehicular and Pedestrian Circulation

The internal street pattern and the three intersections with adjacent streets are in accordance with the approved Preliminary Plan and original site plan. The layout provides for an efficient interconnected on-site vehicular and pedestrian system. Residential and retail parking are accessed from separate internal streets. The New Mixed Street with its highly detailed paving, street trees, street lights and raised intersection at the connection to the Arts Walk and the Internal Street provide an attractive inter-block connection and welcoming entry to SSIC as well. The building materials for the pedestrian “bridge” at the Internal Street achieve the optimal pedestrian experience with light, glass and metal materials to accentuate the overhead bridge.

The pedestrian system is continuous within the project and has highly desirable linkages to adjacent properties. A total of six on-street parking spaces are being removed with the amended application to allow for a more fluid and accessible pedestrian system on the new mixed street and to prevent obstacles for vehicular circulation surrounding the loading area. The streetscape along East-West Highway will link to adjacent streetscapes to create a continuous and safe pedestrian path.

The applicant shall enter into a Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Public Works and Transportation (MCDPWT) to participate in the Silver Spring Transportation Management Organization.

4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*

The design, massing and density of the building are compatible with similar adjacent CBD development. The placement of the parking garage adjacent to the train tracks is compatible with the adjacent development as described above. The façade treatment has

been developed to create a more finished façade that will be viewed from surrounding and adjacent developments.

The proposed north side façade of the parking garage will provide planting, security and accent lighting and screening for the adjacent Silver Spring Square condominiums. The building materials and the light fixtures have been identified as a mix of metal and brick treatments to complement the overall building material. The loading dock area includes a similar treatment to be compatible with area businesses and their entry.

The activity associated with the proposed retail, residential use and amenity will not cause any negative effect on adjacent retail, residential and amenity uses.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The Forest Conservation Plan was approved on September 2, 2004. Forest conservation requirements are met on site through the use of 1.14 acres of proposed street tree canopy.

APPENDICES

- A. Project Plan Opinion (92004002A)
- B. Preliminary Plan Opinions (12004039A)
- C. Site Plan Opinion (820050010)
- D. Letter of Explanation from Applicant dated August 18, 2005
- E. Memoranda from various agencies
- F. Development Review Checklist