

MEMORANDUM

DATE: May 4, 2006
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Michael Ma, Supervisor *Ma*
FROM: Robert Kronenberg *RK*
Planning Department Staff
(301) 495-2187



REVIEW TYPE: Project Plan Review
APPLYING FOR: Approval of 210 multi-family dwelling units, including 27 MPDUs on 1.88 gross acres
PROJECT NAME: 8021 Georgia Avenue
CASE #: 920060020
REVIEW BASIS: Sec. 59-D-2, M. C. Zoning Ordinance
ZONE: CBD-1 (Central Business District-1.0)
LOCATION: Located on the northwest quadrant of the intersection with Georgia Avenue (MD 97) and Burlington Road (MD 410)
MASTER PLAN: Silver Spring CBD
Ripley/South Silver Spring Overlay Zone
APPLICANT: Cypress Realty Investments, LLC
By Union Realty Partners, Inc.
FILING DATE: July 22, 2005
HEARING DATE: May 4, 2006

Attached is the staff report for the proposed 8021 Georgia Avenue Project Plan. The Planning Board public hearing for this application is scheduled for May 4, 2006. The Staff recommends **Approval** with conditions as delineated in the Staff Recommendation Section below.

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SUMMARY

The original application was submitted in July of 2005 and proposed approximately 196,000 square feet of residential development that consisted of 185 multi-family dwelling units, including 23 MPDUs. The dwelling unit yield for the original submittal was 98 dwelling units per acre. The revised application was renoticed in September of 2005 for 210 multi-family dwelling units, including 27 MDPUs on 1.88 gross acres. The subject application was extended twice for transportation related issues. The property is zoned CBD-1 and is located within the Ripley/South Silver Spring Overlay Zone. The Applicant filed a concurrent Preliminary Plan application #120060020, which will be heard by the Planning Board on the same day. The property is currently owned by WMATA and was formerly the location of the National Institute of Dyers and Cleaners.

Historic Preservation and Legacy Open Space

Arthur Heaton, a leading Washington architect, designed the National Institute of Dyers and Cleaners building. The original design of the building was completed in 1926 and is listed as a Local Atlas Historical Resource. The Silver Spring Historical Society is in support of the adaptive reuse of Buildings 'A' and 'B', located on Georgia Avenue and the integration of the proposed building with the historic structures. The proposal also satisfies the intent of the Legacy Open Space Program by preserving the building façade without using public funds.

Public Use Space and Amenities

Amenities and facilities proposed include expansion of the streetscape on the state roads, historic preservation, and on-site landscaping treatments. The proposal is meeting the 20 percent public use space requirement and extending off-site streetscape improvements on Georgia Avenue and Burlington Avenue. The proposal includes an art element incorporating documentation of the historic aspects of the site and buildings. The Applicant is also contributing funds toward the M-NCPPC Park Improvement fund to offset public use space requirements.

Community Outreach

The Applicant has presented the proposed development to various civic and community groups and adjacent property owners including: the Silver Spring Historical Society on April 12, 2005 and September 19, 2005; the Commercial and Economic Development (CED) Subcommittee of the Silver Spring Citizens Advisory Board on September 12, 2005, the Silver Spring Urban District Advisory Board on September 15, 2005, the Silver Spring Chamber of Commerce on November 15, 2005 and the East Silver Spring Citizens Association on December 19, 2005. Potential issues discussed during the presentation by the Applicant included concerns about the building program, preservation of the historic character of the building, adequate public facilities, traffic congestion and location and quality of the public use space.

Additional concerns have been voiced by adjacent property owners and tenants of the property on the north side of Stoddard Place, with respect to the loss of parking spaces as a result of the new development, access into the site from Stoddard Place, and parking for the business owners during the construction of the building. Recommendations were made to extend the hours and expand the range of the VanGo shuttle to serve areas of south Silver Spring and provide more dedicated parking areas for business owners of the surrounding area.

ISSUES PERTINENT TO STAFF REVIEW

Issues addressed during the project plan review included road improvements to Burlington Avenue, Georgia Avenue and Stoddard Place, as well as the RE-classification of Stoddard Place from a public right-of-way to a public alley. Other issues addressed during the review period included the streetscape improvements to the state roads and public alley, pedestrian circulation, and vehicular circulation in and out of the site.

The following issues were addressed during the Project Plan Review and need to be further addressed and/or resolved with Site Plan:

1. **Parking for local businesses directly impacted by the development during the construction of the project.**

The adjacent businesses have expressed concerns over the potential loss of parking during the construction of the site. Prior to the site plan hearing, the Applicant will be required to meet with the adjacent property owners to discuss and implement a plan for temporary parking, signage and access conflicts that will arise from patrons of the local merchants and construction vehicles.

2. **Coordination with the Department of Public Works and Transportation to consider expanding the existing routes for VanGo and extending the operating times during the week and weekends.**

The Applicant will need to make an effort to discuss alternate routes and extension of the existing VanGo shuttle service with the appropriate agencies with the primary purpose of providing service to other areas of South Silver Spring. Documentation of the Applicant's efforts needs to be provided for response in the site plan staff report.

3. **Ingress and egress for the site as it relates to access from Burlington Avenue.**

The Applicant is proposing a right-in (ingress only) driveway and deceleration lane from Burlington Avenue and a full service access driveway from Stoddard Place into the parking garage. A deceleration lane and raised diverter island is proposed for the access onto Burlington Avenue. The final design of this access must be reviewed and approved by the Maryland SHA. Staff is not in support of the deceleration lane on Burlington Avenue, primarily due to conflicts with pedestrian circulation and the loss of a consistent streetscape along Burlington Avenue.

The proposed point of access from Burlington would serve as an alternate entrance for the parking garage in addition to the full access proposed from Stoddard Place. SHA conceptually agreed to the alternative, provided certain design criteria were met, including safe sight distance, adequate lane widths and turning radii. The resulting design reconfigured the frontage along Burlington Avenue to provide for sidewalks, streetscape and access; however, the alternative was not completely compliant with SHA design standards nor the streetscape standards and pedestrian circulation. Staff

determined that based upon the proposed design, there would be a loss in the ultimate streetscape improvements, public use space and diminished levels of access for pedestrian and vehicular circulation. Elimination of the proposed ingress from Burlington Avenue would allow for improved pedestrian access and standard Silver Spring streetscape design elements.

4. Coordination with the Applicant and local businesses to consider a shared use parking arrangement within the proposed garage.

The adjacent businesses have expressed concerns over the potential loss of parking as a result of the impact of the proposed development and potential re-classification of Stoddard Place. Presently, the local merchants, workers and patrons park in spaces on Stoddard Place that may be removed with the Stoddard Place revisions and design revisions. Many of the business owners, tenants, workers and patrons also use metered spaces along Georgia Avenue.

STAFF RECOMMENDATION

The staff recommends approval of Project Plan 920060020 for 210 multi-family dwelling units, including 27 MPDUs, on 1.88 gross acres with the following conditions:

1. Development Ceiling

The proposed development shall be limited to a maximum of 210 multi-family dwelling units or 111 dwelling units per acre.

2. Building Height/Mass

The height of the proposed development shall not exceed 90 feet as measured from Burlington Avenue.

3. Transportation Improvements

- a. The proposed development shall dedicate additional right-of-way, 40 feet from the centerline for Burlington Avenue, as recommended in the Silver Spring CBD Sector Plan.
- b. Coordinate with the Montgomery County Departments of Public Works and Transportation (DPWT), Fire and Rescue Services/Office of Code Enforcement and Permitting Services to ensure an appropriate design results from the reclassification of Stoddard Place as an alleyway.
- c. Remove the proposed ingress driveway and deceleration lane on Burlington Avenue (MD 410) from plans for improved pedestrian access and in order to accommodate Silver Spring streetscape elements.
- d. Lengthen and improve the existing centerline median along Burlington Avenue (MD 410), inclusive of a pedestrian refuge within the median for improved pedestrian safety and access across MD 410 as required by State Highway Administration (SHA). This improvement shall be complete prior to issuance of any use and occupancy permit.
- e. Reconfigure and extend the southwestern corner of the site at the intersection of Burlington Avenue and Georgia Avenue for improved pedestrian circulation and access across both Georgia Avenue (US 29) to the west and Burlington Avenue (MD410) to the south, if permitted by SHA. This improvement shall be completed before any use an occupancy permit is issued.
- f. Enter into a traffic mitigation agreement (TMA) to participate in the Silver Spring Transportation Management District (TMD). The agreement must be signed and executed by all parties prior to approval of the certified site plan.
- g. Applicant shall satisfy any additional conditions established by SHA and Department of Public Works and Transportation (DPWT) prior to the Planning Board's public hearings on the site plan.

4. Moderately Priced Dwelling Units (MPDUs)

The applicant shall provide 27 MPDUs (or 12.5% of the total number of units) on-site, consistent with the requirements of Chapter 25A.

5. Public Use Space

- a. The proposed development shall provide at least 20 percent (10,227 square feet) of on-site public use space and 13 percent (6,648 square feet) of off-site public use space for a combined total of 33 percent or 16,875 square feet.
- b. In addition to the proposed on-site and off-site public use space and amenities, the Applicant shall make a contribution to the M-NCPPC toward parkland acquisitions or improvements in the Silver Spring CBD in the amount of \$140,000, prior to issuance of any permits. The amount of contribution may be modified at the time of site plan review if the total area of on-site and off-site public space is changed.
- c. The proposed public use space shall be easily and readily accessible to the general public and used for public enjoyment.

6. Streetscape

- a. The Applicant shall provide the full-width streetscape improvements along the Georgia Avenue (Type 'B') and Burlington Avenue (Type 'B') frontage using the *Silver Spring Streetscape Plan (April 1992)* Technical Manual. The following elements are proposed: stone, precast concrete, brick pavers, street trees, lighting, and any other details that are necessary, including the undergrounding of utilities along the frontage of the property, to fulfill the Silver Spring streetscape standards.
- b. The Applicant shall provide streetscape improvements along the south side of Stoddard Place, using a modified format of the Silver Spring Streetscape Plan.

7. Public Art

A public art program shall be developed to include opportunities at the entrance to the building on Georgia Avenue to reinforce the architectural features of the building, provide for pedestrian interaction and involve local artists to display artwork.

8. Historic Preservation

- a. A permanent, historical exhibit about the building and its architect, Arthur Heaton, shall be created and installed by the applicant in a portion of the lobby of the building. The Silver Spring Historical Society will assist in providing historical text and archival information for this exhibit.
- b. An early dry cleaning machine, currently in the building's basement, will be retrieved and restored and put to use in an exhibit at the building, or at another appropriate location to be reviewed by historic preservation planning staff and the community.

- c. Metal panels on the front (Georgia Avenue) facade of the northernmost building shall be retained. These panels were a clothing drop-off for the original dry cleaning function of the building.

9. Staging of Amenity Features

- a. The proposed project shall be developed in two or three phases.
- b. On-site landscaping shall be installed no later than the next growing season after completion of building and public plaza.
- c. Streetscape improvements shall be installed prior to occupancy of the building, in accordance with the phasing for the site.

10. Maintenance and Management Organization

Prior to issuance of the first building permit, the Applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member of and enter into an agreement with the Silver Spring Urban District for the purpose of maintaining public open spaces and participating in community events.

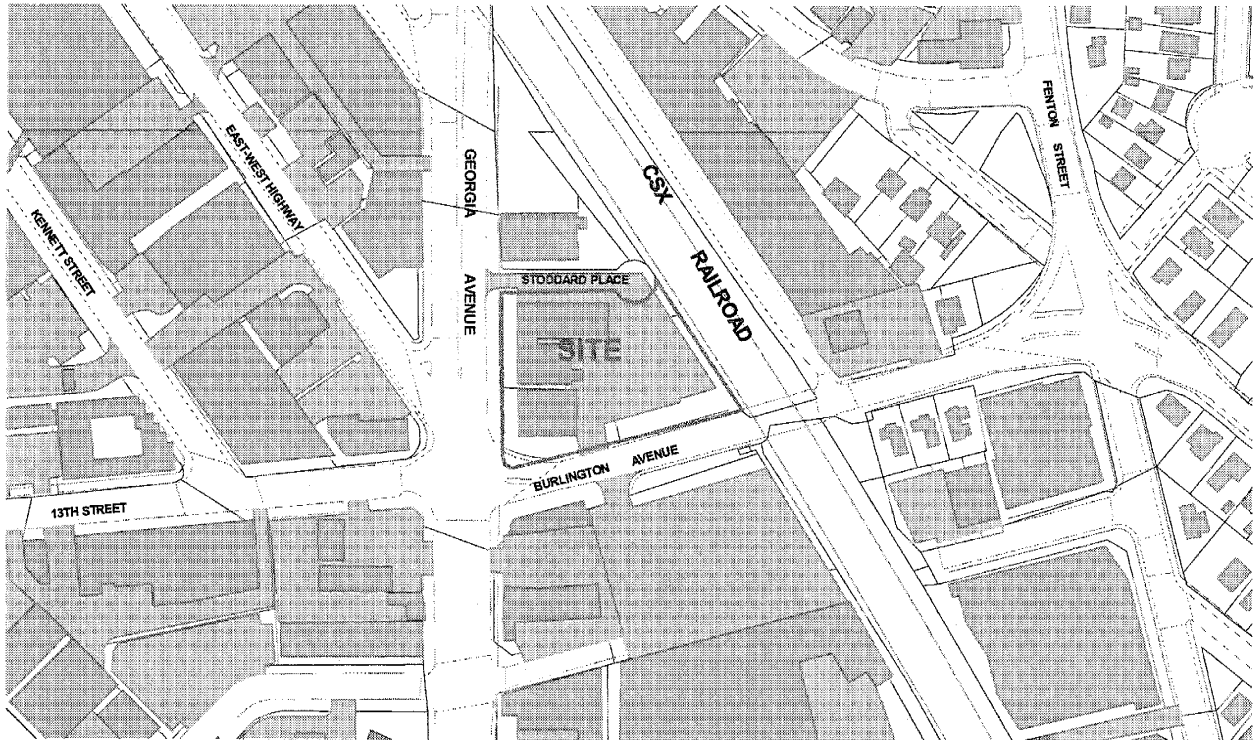
11. Coordination for Additional Approvals Required

The applicant shall secure the following additional approvals prior to Site Plan Review:

- a. Enter into a maintenance agreement with the Silver Spring Urban District for maintenance of all or some of the streetscape improvements.
- a. Present the public art components to the Art Review Panel for review and comment to be available to the Planning Board.
- b. The Applicant shall meet with the M-NCPPC staff and the Montgomery Department of Public Works and Transportation (MCDPWT) staff regarding the final design and extent of the non-standard elements as part of the proposed streetscape improvements.
- c. The Applicant shall request a waiver for all non-standard elements and non-standard streetscape improvements as well as a maintenance and liability agreement with the MCDPWT.
- d. The Applicant shall develop a temporary parking plan for adjacent businesses to address concerns for parking during construction of the proposed development.

PROJECT DESCRIPTION: Surrounding Area

The 1.88-acre site on the east side of Georgia Avenue (US 29) north of its intersection with Burlington Avenue/ East-West Highway (MD 410). The property is bounded by Georgia Avenue to the west, Burlington Avenue to the south and Stoddard Place to the north. The properties to the north of Stoddard Place consist of 1-story specialty retail shops including an alchemy store, hair salon and notary and office in the rear. The properties across Georgia Avenue consist of a mix of auto-related shops and commercial retail establishments, including Mayorga Coffee Factory, tire center and Crisfield Restaurant. Further to the west is a combination of recent residential and mixed-use developments along East-West Highway, Blair Mill Road, Newell Street and 13th Street. The properties are a mix of CBD-1 and CBD-2 properties; with the higher density projects located closer to the railroad tracks.

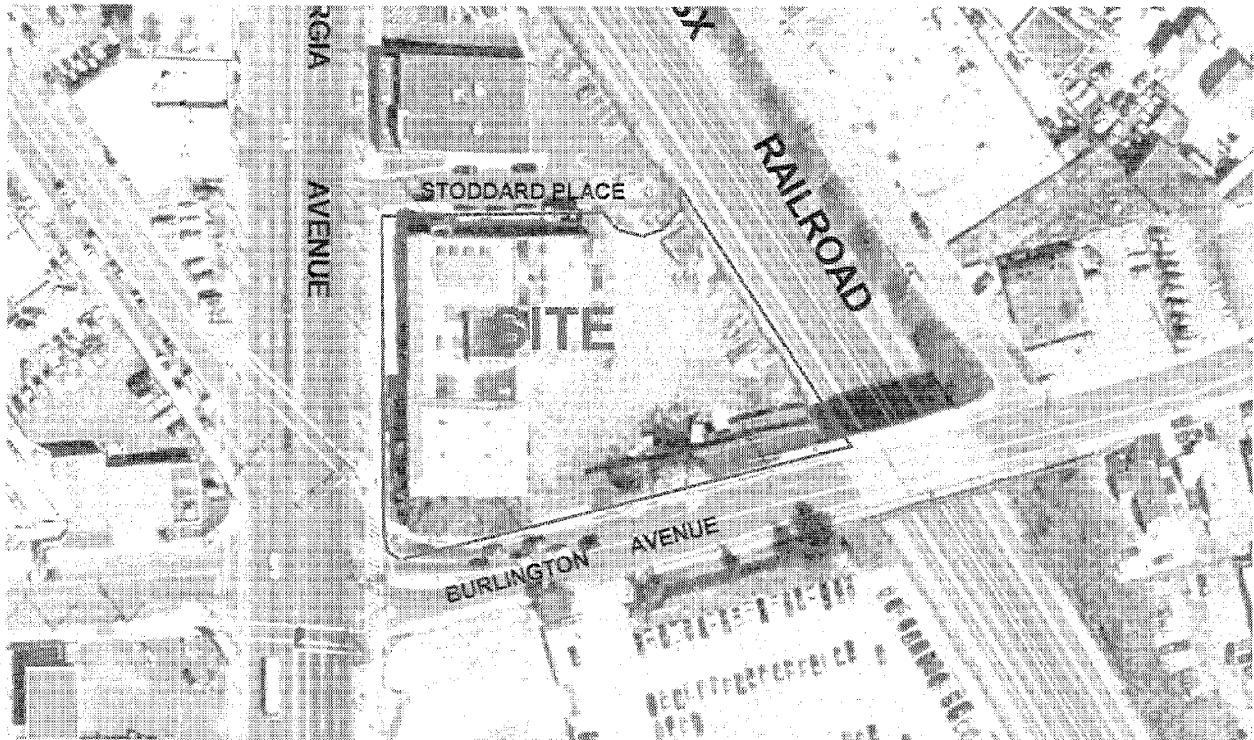


PROJECT DESCRIPTION: Site and immediate vicinity

The subject property is located at 8021 Georgia Avenue and is the former location of the National Institute of Dyers and Cleaners. The original buildings (Buildings 'A' and 'B') are situated along the Georgia Avenue frontage and at the intersection with Burlington Avenue. The buildings range in size from 1 to 2-stories and align with Stoddard Place to the north. The eastern rear of the site contains bituminous paving serving as a parking lot and staging area for WMATA. The parking lot has two entrances into the site: one from a concrete apron on Burlington Avenue; and the other at the terminus of Stoddard Place.

The site along Georgia Avenue contains a planted island that separates the northbound thru-lanes from metered parking area in front of the building. Stairs providing access into the 2-story building presently extend into the Georgia Avenue right-of-way. Transformers on platforms are situated at the intersection of Stoddard Place with Georgia Avenue near the 1-story building. Stoddard Place is a 28-foot-wide paved road with sidewalks and parallel parking on portions of both sides of the road.

Overhead wires exist along the northern portion of Burlington Avenue along with a mixture of trees and shrubs. A 10-foot-high chain link fence contains the entire perimeter of the site. A three-foot-high wall separates the parking lot and the railroad tracks on the eastern property line and the elevation change is approximately 25-30 feet from the parking area to the base of the tracks. The site falls in grade by approximately 22 feet from the southeast corner of Burlington Avenue to the intersection of Stoddard Place and Georgia Avenue.



Avenue (Buildings 'A' and 'B'), transitioning up to the proposed development for a maximum of 90 feet.



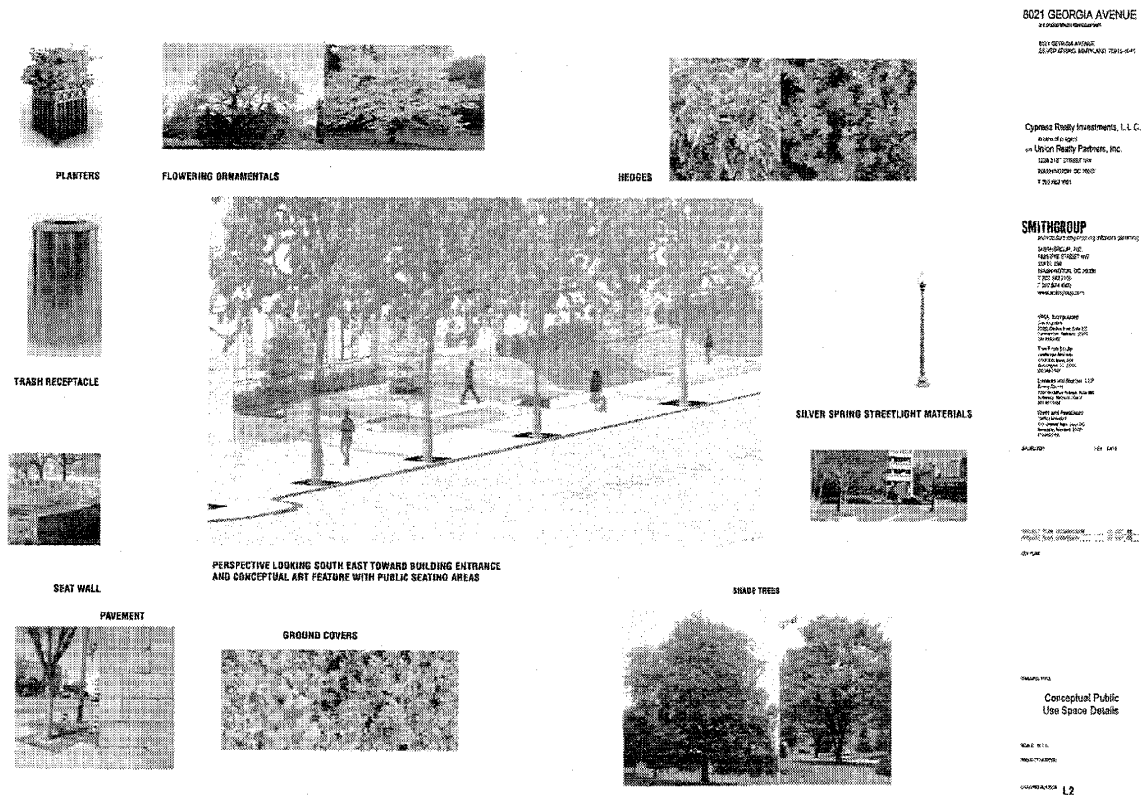
The Applicant is utilizing a number of techniques to respect the historic context of Arthur Heaton's design, including the same masonry materials on the base of the structure, color of materials to complement the existing materials on the building and a continuous horizontal plane that responds to the roofline of the existing buildings. All of the techniques integrate the history of the site to accent the architecture of the historic buildings.

Public Use Space

The on-site public use space consists of an expansion of the streetscape on Burlington and Georgia Avenues along the property boundaries. Stoddard Place will be improved with a modified streetscape consistent with the streetscape standards for Silver Spring. Additional public use space also incorporates areas in front of the existing and proposed building to highlight the preservation of the historic structures, integrated with seating areas for public enjoyment.

The project plan is proposing 10,227 square feet of public use space and amenities provided on-site which equals the minimum requirement of 20.0% of the net lot. The applicant is also proposing an additional 6,648 square feet of off-site streetscape improvements within the rights-of-way of Georgia Avenue and Burlington Avenue, as well as modified streetscape improvements within the Stoddard Place right-of-way. In total, the applicant proposes 16,875

square feet of on-site public use space and off-site improvements or 33.00% of the net lot area. In addition to the public use space, amenities and off-site improvements, the applicant proposes to make a contribution to the M-NCPPC toward park land acquisitions or improvements in the Silver Spring CBD in the amount of \$140,000. The contribution is proposed as a supplement to the minimum public use space provided on the site and in the fronting property rights-of-way. The contribution is based upon a percentage of public use space being provided for residential projects within the CBD utilizing the optional method of development. The contribution is calculated by taking a percentage of the net lot area that should be incorporated by this project and multiplying an amount per linear square foot that is applied to the cost of streetscape improvements.



Streetscape Improvements

Streetscape improvements to Burlington Avenue and Georgia Avenue will be in conformance with the Silver Spring Streetscape (April 1992) technical manual, and will consist of the standard street trees in tree pits, pavers for pedestrian connectivity and street lights. Stoddard Place will consist of a modified streetscape within the southern boundary of the right-of-way and consist of street trees, paving and lighting. The streetscape will be expanded outside the public right-of-way to allow for adequate pedestrian movement.

Parking and Access

Parking consists of 200 spaces included within a 1-level below-grade and 2-level above-grade parking garage accessed from Stoddard Place. The Applicant is proposing two points of access: a right-in driveway and deceleration lane from Burlington Avenue and a full service access

driveway onto Stoddard Place. Stoddard Place also incorporates access into the loading area for deliveries. A deceleration lane and raised diverter island is proposed for the access onto Burlington Avenue. Access must be reviewed and approved by the Maryland SHA since Burlington is a state road. Staff does not support the ingress and deceleration lane from Burlington because the movement interferes with pedestrian circulation, diminishes the visibility of the architecture for Building 'A', decreases the amount of public use space and is not conducive to the traffic patterns on Burlington Avenue.

PLANNING AND REGULATORY FRAMEWORK:

Master Plan

A description of the themes and goals for Silver Spring are outlined within the Sector Plan Conformance standards on page 27 of this report.

Prior Approvals

The proposed development is zoned CBD-1 (Central Business District-1) and within the Ripley/South Silver Spring Overlay Zone. This property consists of Lots 1-6, 8-11, 21-23 and part of Lot 7, Block M, Section 3, of the Blair Subdivision (Plat Book D, Page 69).

Preliminary Plan

A Preliminary Plan of subdivision (120060020) is being reviewed concurrently with the project plan.

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.
- (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.
- (c) Whether the vehicular circulation system, including access and off-street and loading, is designed to provide an efficient, safe and convenient transportation system.
- (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.
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with Chapter 25A if that Chapter applies.
- (g) The staging program and schedule of development.
- (h) The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.
- (i) The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.

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.*

Purpose Clause Section 59-C-6.212

The Montgomery County Zoning Ordinance states the purposes, which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

- (1) *"to encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board."*

The Project Plan is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan and the optional method of development standards for the CBD-1 Zone and Ripley/South Silver Spring Overlay Zone. The proposed development provides for renovation of two of the existing buildings and a high-rise condominium building as a backdrop to the existing building. High density residential is permitted in the CBD-1 Zone.

The building will vary in height from approximately 30 feet for the existing structures to 90 feet, which is in conformance with the Montgomery County Zoning Ordinance that permits a maximum height of 90 feet. The site is within the Ripley/South Silver Spring Overlay Zone, which places limitations on the height while allowing flexibility for preservation and innovative design. The project is proposing 210 dwelling units, including 27 or 12.5% Moderately Priced Dwelling Units (MPDUs) on-site. The proposal reflects a yield of 111 dwelling units per acre, which is near the maximum yield of 125 dwelling units per acre. All of the MPDUs are proposed to be located within the building.

The Project Plan will accomplish important Sector Plan objectives by providing a residential component within Ripley/South Silver Spring, including Moderately Priced Dwelling Units, promoting redevelopment, protecting nearby residential development, upgrading the physical environment and enhancing the pedestrian environment. The proposal improves the area by renovating a historic structure and replaces a series of dilapidated buildings and surface parking lot with a modern residential building. The proposed development provides an appropriate transition between surrounding adjacent residential and commercial retail uses on Georgia Avenue.