**MEMORANDUM**

DATE: April 21, 2006
 TO: Montgomery County Planning Board
 Rose Krasnow, Chief *RK*
 Michael Ma, Supervisor *Ma*
 Development Review Division
 FROM: Robert Kronenberg
 Development Review Division
 (301) 495-2187



REVIEW TYPE: **Site Plan Review**
 CASE #: **820060280**
 PROJECT NAME: 1200 Blair Mill Road
 APPLYING FOR: Approval of a maximum of 96 multi-family dwelling units, of which 12 (or 12.5% of the total number of units) will be MPDUs, under the optional method of development, on 0.77 gross acres
 REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance
 ZONE: CBD-1
 LOCATION: Located in the western quadrant of the intersection of Blair Mill Road and Newell Street in Silver Spring
 MASTER PLAN: Silver Spring CBD Master Plan
 APPLICANT: 1200 BMR Associates, LLC
 FILING DATE: January 4, 2006
 HEARING DATE: May 4, 2006

STAFF RECOMMENDATION: Approval of Site Plan 820060280 for 96 multi-family dwelling units, including 12 MPDUs, on 0.77 gross acres. All site development elements as shown on 1200 Blair Mill Road plans stamped by the M-NCPPC on February 27, 2006, shall be required except as modified by the following conditions:

1. Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plan #20060060 as listed in the Planning Board opinion dated February 15, 2006[Appendix A].

2. Project Plan Conformance

The proposed development shall comply with the conditions of approval for Project Plan 920060010 as listed in the Planning Board opinion dated February 15, 2006 [Appendix B].

a. Public Use Space

The Applicant shall provide no less than 24.7 percent (4,387 sf) of on-site public use space and no less than 23.8 percent (4,235 sf) of off-site public use space.

The proposed public use space must be easily and readily accessible to the general public and used for public enjoyment.

b. Streetscape

The Applicant shall provide the full streetscape improvements along the Blair Mill Road and Newell Street frontages using the *Silver Spring Streetscape (April 1992)* Technical Manual. The following elements are proposed: brick pavers, street trees, lighting, and any other details that are necessary, including the undergrounding of utilities, to fulfill the Silver Spring streetscape standards.

c. Public Art

An art-inspired pergola that defines the space between the curvilinear walk and the eastern front of the building in the public use space shall be provided. The space defining art element shall visually link and integrate the path, landscaping and proposed building.

3. Landscaping

The street trees on east side of Blair Mill Road shall be aligned with the street trees on the west side of Blair Mill Road (site plan 820060140) starting from the intersection with East-West Highway.

4. Lighting

a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.

b. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting adjacent residential properties.

c. The up-lighting for the vertical art components shall be allowed lateral flexibility within a foot of the approved site plans to permit final movement, location and design of the art element.

5. Recreation Facilities

a. The Applicant shall provide (8) picnic/seating areas, a bike and pedestrian system in accordance with the M-NCPPC Recreation Guidelines.

b. The Applicant shall revise the Recreation Calculations to provide facilities and amenities within the building or take credit for immediately adjacent public facilities in Acorn Park.

6. Moderately Priced Dwelling Units

a. The Applicant shall provide 12 Moderately Priced Dwelling Units (12.5% of the total number of units) within the building, consistent with Chapter 25A.

b. The MPDU agreement shall be executed prior to the issuance of the first building permit.

7. Transportation

The applicant shall comply with the following condition of approval from M-NCPPC-Transportation Planning:

The Applicant shall enter into a Traffic Mitigation Agreement with the Montgomery County Planning Board and Montgomery County Department of Public Works and Transportation

(DPW&T) to participate in the Silver Spring Transportation Management District. The Traffic Mitigation Agreement shall be signed and executed prior to issuance of the building permit.

8. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated September 20, 2005 [Appendix C].

9. Maintenance Responsibility

Initially, the applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member and enter into an agreement with the Silver Spring Urban District for the purpose of maintaining the on-site public open spaces, including the public art, seating areas, landscaping and lighting and participating in community events.

10. 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 prior to issuance of the final use and occupancy permit that Applicant's recorded Condominium Association Documents incorporate by reference the Covenant. The final use and occupancy permit shall be provided to the M-NCPPC.

11. Development Program

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

- a. All site features associated with the proposed building as shown on the site plan dated February 27, 2006, shall be installed as construction of the proposed building is completed, but no later than six months after the issuance of the first use and occupancy permit. Applicant shall provide the use and occupancy permit to Site Plan Enforcement staff in order to inspect the site for streetscape within the street rights-of-way, including the street trees, street lights and pavers, as well as construction of the public art, on-site landscaping, lighting, recreation and paver materials.
- b. Street tree planting shall progress as street construction is completed, but no later than six months after the issuance of the first use and occupancy permit.
- c. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- d. Phasing of dedications, stormwater management, sediment/erosion control, public use space, streetscape, recreation, community paths, trip mitigation or other features.

12. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of the certified plans.

13. Certified Site Plan

Prior to signature set approval of certified site plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, revised recreation calculations and Site Plan Opinion.
- b. Limits of disturbance.
- c. Methods and locations of tree protection.
- d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.

PROJECT DESCRIPTION: Site Vicinity

The proposed development is located in the northwest quadrant of the intersection of Blair Mill Road and East-West Highway in south Silver Spring. The site is surrounded by CBD-2 properties to the north and east across East-West Highway and CBD-R2 to the north and west. The zoning pattern transitions to the CBD-1 Zone from Blair Mill Road to the south, including the subject property. The apartment complexes west of the subject site toward Eastern Avenue are zoned R-10.

The property is surrounded by residential properties, including the Barrington Towers, a 15-story apartment complex, and the 4-story Silverton/Canada Dry condominium project directly to the north across East-West Highway. The 15-story Blair Towers is located further north and west on East-West Highway. 1200 East-West Highway (820060140), a recently approved mixed-use project plan, is located across Blair Mill Road and includes the property adjacent to Blair Towers. Springwood Apartments, a 4-story mid-rise apartment complex, is located directly adjacent to and west of the site along Blair Mill Road. The Discovery Channel Communications building is situated southeast of the site at East-West Highway and Kennett Street. Acorn Park is nestled between the Discovery Channel building and the subject property, separated by Newell Street.

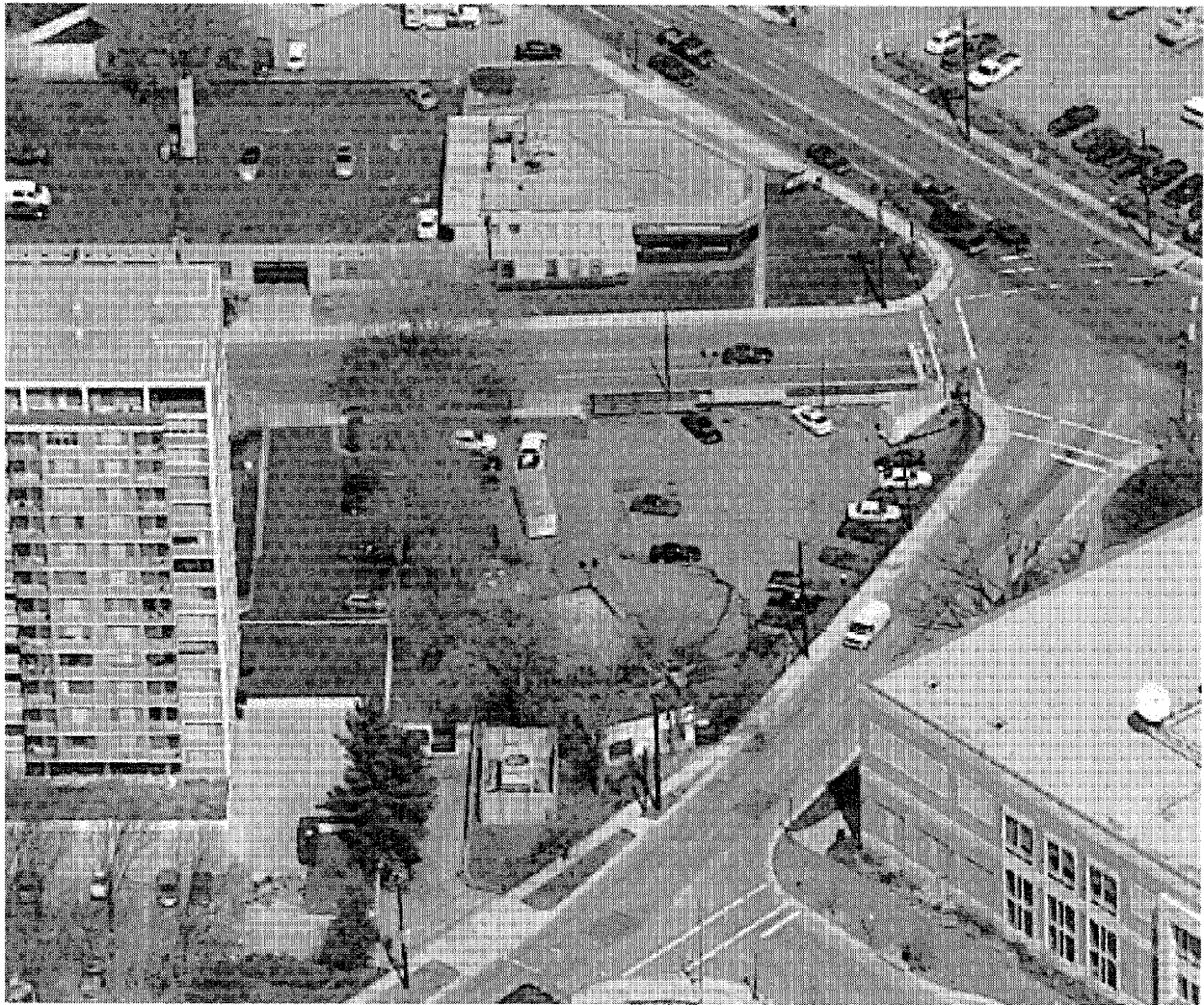


PROJECT DESCRIPTION: Site Description

The site is located at 1200 Blair Mill Road at the apex of Blair Mill Road, East-West Highway and Newell Street. The property was recently subdivided into one lot by preliminary plan 120060060. The property is currently improved with a vacant, one-story, auto-related building in the southwest corner with ancillary parking framing the remainder of the site up to the property lines. Access points to the site are located from Blair Mill Road and Newell Street.

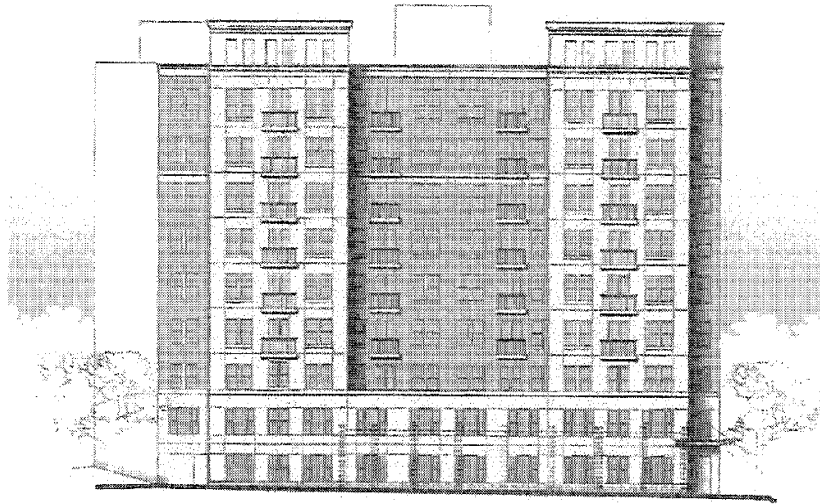
Overhead wires exist along the frontage of Newell Street and across Blair Mill Road. Overhead utilities connect from the streets to the existing building on the property. The intersections of Blair Mill Road, Newell Street and East-West Highway are signalized. The entire boundary contains a 6-foot chain-link fence.

The topography on the property slopes from east to west by approximately five feet. Existing vegetation is located on the western boundary from the building to Blair Mill Road and consists of a mix of minor deciduous trees and understory shrubs.



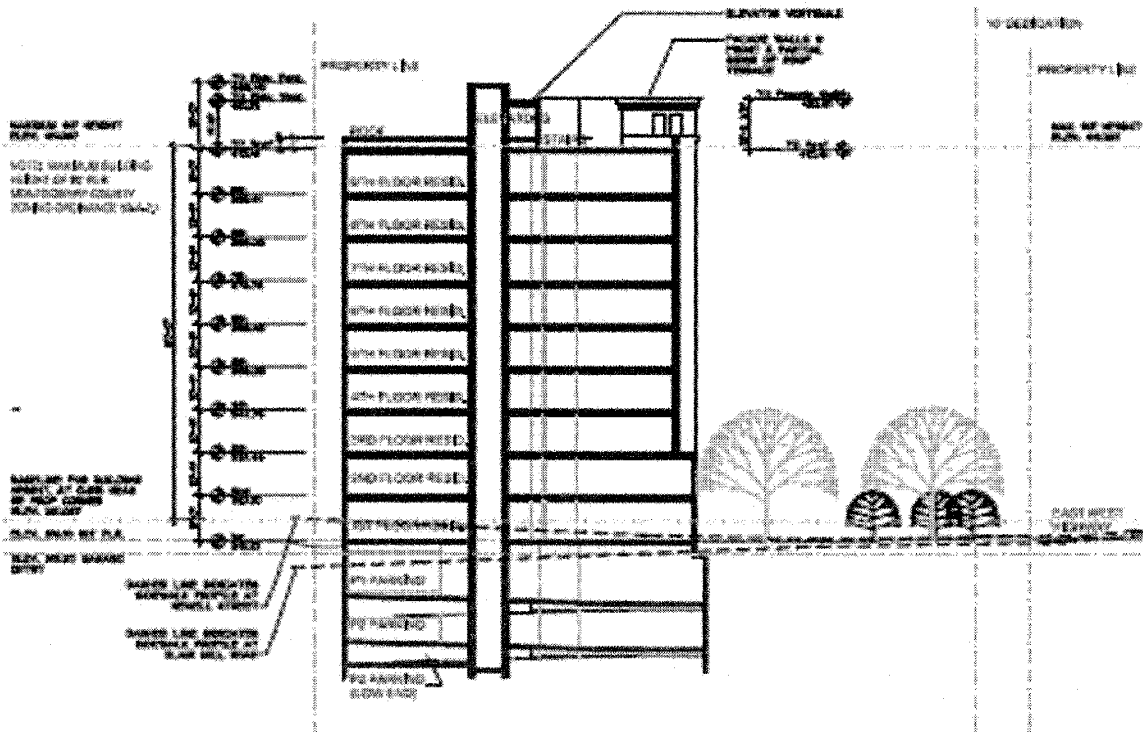
PROJECT DESCRIPTION: Proposal

The subject development proposes to replace the existing auto-related building with a nine-story residential building with 96 multi-family dwelling units, including 12 MPDUs, on 0.77 gross acres.



The proposed building is a rectangular-shaped structure, situated in the western section of the property, placing the mass of the building in the widest portion of the site. The building balances an architectural composition that addresses three major exposures, and will provide a dignified backdrop for the public use area facing East West Highway. The building is proposed to be 90 feet in height, with amenity space on the first floor. The residential lobby entrance to the building is on Blair Mill Road.

the first floor. The residential lobby entrance to the building is on Blair Mill Road.



Northern Section of proposed building