



MONTGOMERY COUNTY PLANNING BOARD
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 17-100
 Site Plan No. 82014017B
 The Blairs
 Date of Hearing: November 30, 2017

FEB 22 2018

CORRECTED RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on November 20, 2014, the Planning Board, by Resolution MCPB No. 14-108, approved Site Plan No. 820140170 for a multi-family building including up to 605,000 square feet of residential uses consisting of a maximum of 507 units on 3.79 acres of CBD-R2 zoned-land, located at located at Eastern Avenue in the northwest quadrant of the intersection with Blair Mill Road, encompassing the F1 & F2 Blocks ("Subject Property"), in the Silver Spring CBD Policy Area and *Silver Spring CBD Sector Plan* ("Sector Plan") area; and

WHEREAS, on July 22, 2016, the Planning Board approved an amendment to the previously approved site plan, designated Site Plan No. 82014017A (MCPB No. 16-054), for the construction of a private temporary green on future Block E, including associated landscape and hardscape modifications on the Subject Property; and

WHEREAS, on August 4, 2017, The Blair Towers, LLC c/o The Tower Companies ("Applicant") filed an application for approval of an amendment to the previously approved site plan(s) for the construction of a 5,400-square foot interim retail/restaurant building, including associated landscape and hardscape modifications on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82014017B, The Blairs ("Site Plan," "Amendment," or "Application"); and

Approved as to
 Legal Sufficiency:


 Georgia Avenue, Silver Spring, Maryland 20910
 M-NCPPC Legal Department
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WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 17, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on November 30, 2017, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82014017B for the construction of a 5,400-square foot interim retail/restaurant building, including associated landscape and hardscape modifications by adding the following conditions:¹

1. Project Plan Conformance

The development must comply with the conditions of approval for Project Plan No. 920130050, as listed in MCPB Resolution No. 13-109 dated December 23, 2013, as amended, except that as an intended interim use, this Site Plan Amendment does not trigger compliance with conditions applicable to the Blairs Master Plan development of the upper escarpment, and upon such development, the improvements approved by Site Plan No. 82014017B as an interim use must be removed.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120130220, as listed in MCPB Resolution No. 13-110 dated December 23, 2013, as amended except that as an intended interim use, this Site Plan Amendment does not trigger compliance with conditions applicable to the Blairs Master Plan development of the upper escarpment, and upon such development, the improvements approved by Site Plan No. 82014017B as an interim use must be removed.

3. Density

This development is limited to the approved 605,000 square feet of residential uses associated with Site Plan 82014017B and in addition to the existing 7,615

¹ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

square feet of non-residential uses, up to an additional 5,400 square feet of non-residential uses for a retail/restaurant building.

4. Forest Conservation

- a. Prior to Certified Site Plan approval and prior to clearing, grading or demolition, the Applicant must obtain approval of a revised Final Forest Conservation Plan (FFCP) from the Planning Department. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan and must also provide corrected scales and address any associated changes to the net tract area, worksheet and FCP requirements as applicable.
- b. Prior to Certified Site Plan approval, the Applicant will coordinate with Staff on any necessary minor plan revisions, clarifications and corrections within the Final Forest Conservation Plan signature set.
- c. The Final Forest Conservation Plan approved with this Site Plan, is limited to the portion of the larger Blairs Master Plan site covered by this Site Plan, and does not cover the remainder of Preliminary Forest Conservation Plan 120130220. Future Site Plan approvals for implementation of subsequent phases of the larger site will address the remaining forest conservation requirements associated with future phases and will include a Final Forest Conservation Plan for those phases.
- d. The Applicant must include three (3) additional 3" caliper native canopy tree plantings in the Final Forest Conservation Plan(s) of the future phase(s).
- e. Prior to any clearing, grading or demolition within the project area, the Applicant must submit a fee-in-lieu payment or certificate of compliance which satisfies the equivalent credits of 0.37 acres or as established with the Final Forest Conservation Plan. If a certificate of compliance is used, the approved document must be recorded in the Land Records of Montgomery County prior to any clearing, grading, or demolition.

5. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated April 3, 2017, and hereby incorporates them as conditions of approval for this Site Plan. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of the Site Plan approval. MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

6. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 2 long-term and 8 short-term bicycle parking spaces.

- b. The long-term spaces must be in a secured bicycle locker (or Staff approved equal), and the short-term spaces must be inverted-U racks (or Staff approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- c. The Applicant must provide 5-foot wide sidewalks around the retail/restaurant pad site as shown on the Certified Site Plan.

7. Certified Site Plan

Prior to approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to M-NCPPC Staff review and approval:

- a. Prior to approval of the Certified Site Plan & Final Forest Conservation Plan, the Applicant must coordinate with Staff on necessary corrections/clarifications to plan notes, details, figures and graphics.
- b. Revise the development program table to reflect the applicable forest conservation triggers such as recordation of the certificate of compliance/ payment of the fee-in-lieu prior to clearing and grading, or demolition.
- c. Include the Final Forest Conservation Plan approval letter, stormwater management concept approval letter, development program, and the Project, Preliminary, and Site Plan and subsequent amendment resolutions on the approval or cover sheet(s).
- d. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading".
- e. Modify data table to reflect development standards as approved by the Planning Board.
- f. Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged and in full force and effect;

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 82014017B, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board **FINDS**, with the conditions of approval, that:

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments, and all findings not specifically addressed remain in effect.*
2. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

The Planning Board previously determined that the Site Plan is consistent with the approved Project Plan for The Blairs Master Plan Property in terms of setbacks, development density, MPDUs, public use and recreation spaces, landscaping, and street improvements. With the Amendment and the addition of interim retail development, the Site Plan will continue to be consistent with the approved Project Plan. The Project Plan provides for a total maximum commercial density of 450,000 square feet for commercial uses (including retail, office, and hotel), which will be provided in the future when the interim retail development provided with the Amendment and other existing commercial development in the Upper Escarpment is removed. The Amendment seeks to enhance the existing retail center during the interim period before its eventual redevelopment, by facilitating a modest increase in the amount of interim retail floor area provided in the Upper Escarpment until that time.

3. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Amendment complies with the requirements of the 2004 Zoning Ordinance, as amended, including the development standards of the CBD-R2 Zone. The Blairs Master Plan Property is not subject to an urban renewal plan.

Development Standard	Zoning Ordinance Permitted/ Required	Approved by Project Plan and Preliminary Plan (entire Blairs site)	F1 & F2 Development 820140170	Approved Development for 82014017B
Site Area (square feet)¹				
Existing Net Lot Area		1,188,115	161,559	563,457

Existing Gross Tract Area		1,322,792	164,897	587,856
Net Lot Area Total	18,000	1,157,500	161,310	
New Net Lot Area Total				559,731
Density				
Maximum Total FAR	5.0	2.89	3.66	1.051
Maximum Floor Area (GFA)	2,939,280	3,825,400	605,000	618,015
GFA, Max. Non-Residential (per Sector Plan)	NA	450,000 sf	NA	NA
GFA, Min. Retail/Service (%/sf)	NA	3.27/125,091	NA	2.11/13,015 ²
GFA, Residential (sf)	NA	3,375,400	605,000	NA
Maximum Total Dwelling Units	NA	1,690 ³	507	NA
Maximum Building Height				
	143'/200'	140'-200'	180'	30'
Min. Public Use Space percent of net lot area				
On-Site Public Use Space (%/sf)	20/32,334	20/232,000	29.7/48,000	41.3/231,000
Off-Site Amenity Space (%/sf)	NA	4/46,000	9/14,500	2.626/14,500
Vehicle Parking⁴				
Number of spaces	3,268	NA	342	398
Bicycle Parking⁵				
Number of spaces		NA	17	8

¹The Site Plan Amendment is part of the entire Blairs Master Plan.

²13,015 Square feet includes 7,615 square feet of existing commercial (restaurant use on Parcel A-10) and the 5,400 square foot interim retail building.

³The total number of units is 2,800, with 1,690 new units and 1,110 to remain.

⁴The Project is located within the Silver Spring Parking Lot District and will be subject to the parking district tax regulations in lieu of providing the full minimum parking.

⁵The number of bicycle parking spaces is determined for each phase of the Blairs Master Plan at the time of each Site Plan.

- The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

The Planning Board previously determined that the locations of the buildings and structures, open spaces, landscaping, recreation facilities, and vehicular circulation systems that will be developed with the Site Plan are adequate, safe, and efficient. The Amendment maintains all of the previously reviewed elements of the Site Plan, but adds additional interim improvements for the Upper Escarpment. These additional improvements have also been designed to ensure that adequate, safe and efficient development conditions are maintained. The retail pad building will be located internally within the Upper Escarpment, behind the existing retail buildings that front on East West Highway. The areas surrounding the retail pad building will be upgraded with landscaping and sidewalks to maintain and enhance pedestrian access, and the existing parking

spaces and drive aisles will be slightly reconfigured to maximize the safety and efficiency of vehicle and pedestrian circulation in the retail area.

5. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

The Amendment does not introduce any new use types to the Upper Escarpment, but rather provides space for an interim retail commercial use that will be consistent and compatible with other existing uses on-site and in the immediate vicinity. With respect to appearance and functionality, the new retail pad site building has been designed to ensure that a maximum of physical and visual compatibility with the existing development will be achieved. The Applicant is undertaking separate façade improvements for portions of the existing retail buildings in the Upper Escarpment that will result in a refreshed, coherent aesthetic. The interim retail uses will continue this aesthetic approach. Landscaping and sidewalks will be provided to integrate the new building with the existing retail center, and portions of the existing drive aisles and parking spaces will be reconfigured to ensure that operational functionality is maintained.

6. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The plan is in compliance with the M-NCPPC's Environmental Guidelines and Forest Conservation Law.

A Stormwater Concept Plan was accepted by the Montgomery County Department of Permitting Services (DPS) on April 3, 2017.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is FEB 22 2018 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Fani-González, seconded by Commissioner Patterson, with Chair Anderson, Commissioners Fani-González and Patterson voting in favor, and Vice Chair Dreyfuss and Cichy absent at its regular meeting held on Thursday, February 15, 2018, in Silver Spring, Maryland.



Casey Anderson, Chairman
Montgomery County Planning Board