

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

Item # 4
MCPB
3/17/2005

MEMORANDUM

TO: Montgomery County Planning Board
DATE: March 2, 2005
VIA: Rose Krasnow, Chief *RK*
Michael Ma, Supervisor
Development Review Division
FROM: Wynn E. Witthans, RLA, AICP *W*
Planning Department Staff
(301) 495-4584
REVIEW TYPE: Project Plan Review
APPLYING FOR: Approval of 53,027 sq. ft. of Retail (47,839 sq. ft. of grocery,
5,188 s.f. of other retail) and 468 multifamily units, inclusive of 59
MPDUs on 2.68 acres
PROJECT NAME: Silver Spring Gateway
CASE #: 9-04002A
REVIEW BASIS: Sec. 59-D-2, M. C. Zoning Ordinance
ZONE: CBD-2
LOCATION: South East of the intersection of Blair Mill Road and East West
Highway
MASTER PLAN: Silver Spring CBD Sector Plan, Approved and adopted February
2000
APPLICANT: Silver Spring Gateway Residential, L.L.C.
FILING DATE: June 1, 2004
HEARING DATE: March 17, 2005

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SUMMARY

The application proposes 53, 027 sq. ft. of retail (47,839 sq. ft. of grocery, 5,188 s.f. of other retail) and 468 multifamily units, inclusive of 59 MPDUs on 2.68 acres on land in the CBD-2 zone. The application amends a February 5, 2004 Project Plan approval for this site (March 8, 2004 Planning Board Opinion) - it decreases the number of dwelling units by 3 units, adds a grocery store and revises the building design and open space configuration. The applicant has also filed a Preliminary Plan, application #1-04039A, and Site Plan # 8-05001. They are being reviewed concurrently with the Project Plan and will be heard by the Planning Board on the same day. The Project Plan has had two extensions to the review period, both of which expire on March 17, 2005. During the first extension, the Planning Board asked the applicant to review the provision of the interim parking to local businesses during the construction process.

Amenities and facilities proposed include open space plazas and streets, original sculpture and on- and off-site streetscape improvements. The MPDU's are proposed to be located on site and will reflect a diversity of unit types. With the recordation of the plats, Blair Mill Road will be abandoned. Staff recommends the Planning Board approve the Project Plan with the conditions listed below.

ISSUES OF THE REVIEW:

Issue: The location of above ground transformers within the public use areas and on site streets.

Description: In later stages of this amended application, the applicant has added above ground transformers (6 feet tall, 15 feet in depth and 35 ft in length) with screen fencing to the public plazas and sidewalk areas. Although both of these areas are outside of the areas counted as public use spaces (one is located on the adjacent non-project plan site of Sliver Spring Square), one set is within the amenity area known as the New Mixed Street within the Silver Spring Gateway site. In this later location, they completely block the sidewalk and prevent any passage by pedestrians.

Applicant position: They are proposing the above ground transformer location within the sidewalk as described. They have cited cost concerns as the reason for not moving the transformers.

Staff Position: The transformers intrude into the public space in a number of undesirable ways for the New Mixed Street location:

- they are highly visible within the streetscape environment and reduce the amenity value of the area;
- they reduce pedestrian function within a private street that will be used as a public street;
- they prevent pedestrian use of the New Mixed Street when the other side of the street will be used for loading of the businesses utilizing the photogroup alley or Arts Walk area;
- they reduce visibility for views between cars exiting the parking garage and pedestrians on the New Mixed Street.
- This location prevents a street tree in an area where there are few trees.

Staff recommends the transformers be located below ground or located elsewhere on site in a less obtrusive location. Staff has worked with the developer to relocate transformers within the Silver Spring Square site - a plaza area that will blend into the public open spaces within this project plan. There, the transformers were located in a less intrusive location - they are proposed to be placed within a planting area where plant materials mask the bulk and size and they don't intrude within the public walkways.

Issue: Parking for Adjacent Businesses During and After Construction

Description: The site currently provides approximately 80 commercially available parking spaces and Blair Mill Road contains approximately 25 metered and un-metered parking spaces. The proposed project is of such expanse that all but 6-8 spaces will be removed during construction. In response to a local landowner's request during the earlier extension hearing, the Planning Board asked that a parking plan be developed for local merchants during and after construction. Of concern is that there are few other

spaces in the general area and that any potential parking spaces are remote and undesirable for self-parking in lunchtime and nighttime hours.

Applicant Position: The Applicant has talked at length with local merchants, specifically Myorga's and Crisfield's who both have sent letters of project support for the project, attached. The Applicant is willing to develop a parking plan but has none to date for review.

Staff Position: Staff feels there is a direct nexus for the developer to provide parking spaces because they are removing virtually all of the public and private parking spaces available to local merchants, seriously affecting parking for customers and the viability of the businesses. Staff recommends that a parking plan be developed that:

- a. Provides guaranteed parking for 50 spaces immediately adjacent/available to the local merchants that are available during all hours of business use that provides for safe and adequate pedestrian connections (i.e. well lit, open to views; stable walking surface); and
- b. Provides for adequate parking for construction workers that do not negatively affect parking spaces defined above for local merchants.
- c. The final site plan shall include commercially available parking spaces for local merchants within parking garage and;
- d. The parking plan shall be developed with consultation from local merchants and approved by staff prior to building permit release. Issues to include, but not be limited to, the number of spaces commercially available to local merchants, threshold for transition to valet parking during construction, etc. The Site Plan shall include internal parking spaces available to the public.

Issue: Cover for Parking Garage where adjacent to units

Description: The above ground parking garage is proposed to be six levels with a U-shaped unit courtyard beginning at the next level. An additional eight levels of units form the courtyard. As proposed, windows for 112 units that face the courtyard are un-screened or buffered from the parking garage -no landscaping or structural cover is proposed. At a minimum, 5% landscaping is required.

Applicant: The applicant reviewed several options to buffer the top level of the parking garage. They said it was too expensive to cover or landscape.

Staff: The top level is close to the lower units' windows and the U-shaped courtyard will contain the noise, fumes and lights from the parking garage operations below creating a compatibility problem. The applicant should screen or buffer the two discordant uses from each other. The site is a north facing parking garage that will be hard to establish shade trees at 5% - a structured cover is preferable.

Issue: Historic Preservation

East Bound Waiting Room Building

Description: This project has secured necessary approval to demolish the existing East Bound Waiting Room Building, located along the CSX tracks, east of the site. This structure is not part of the county historic designation of the Silver Spring Train Station; however, it is part of the National Register designation of the site. Historic Montgomery wanted to find a way of commemorating the building's place in Silver Spring history.

Applicant: Proposes a piece of public art on the wall of the new parking garage that will face the CSX tracks. It will be a trompe l'oeil mural that will represent the demolished building and its function in the context of the train station. Also, the applicant will provide a financial donation to Montgomery Preservation, Inc. to assist in the long-term maintenance of the recently restored Silver Spring Train Station.

Citizens/ Historic Montgomery: Letter outlining details of approvals, attached.

Staff: Concur with Historic Montgomery and Applicant's proposal. Conditions to approve included in staff reports.

Tunnel Underneath The CSX Tracks

Description: The tunnel is north of the site underneath the CSX tracks and it connects the Silver Spring Train Station to the project site. It is included in the county historic designation of the Silver Spring Train Station and in the National Register of Historic Places designation of the entire site. The tunnel had provided a pedestrian connection from the Train Station to the southbound tracks but since the train station has functionally moved, the tunnel is no longer needed. Initially there was a desire by historic preservation staff to maintain the tunnel as part of the historic site and to open it for occasional historic/cultural events. The Silver Spring Urban District was concerned about issues of pedestrian safety if anyone used the tunnel for unintended purposes. They wanted the tunnel closed permanently.

Staff Position: A series of meetings were held regarding the tunnel and a consensus was reached among Historic Preservation staff, the Urban District, the M-NCPPC Park Police, other Planning Staff and the developer. The proposed resolution is to have the applicant install new gates at each end of the tunnel opening with open bars that are stronger than the currently installed chain link fence. It was felt this would not require Historic Preservation Commission approval under the Historic Area Work Permit process for this alteration. There will be a small landing at the tunnel opening on the west side of the tracks, but with no defined path to it.

Applicant: The applicant will install new gates at each end of the tunnel opening with open bars that are stronger than the currently installed chain link fence.

Issue: Comments from Citizens At the time of this report publication, there have been no new comments from citizens groups or other interested groups. There were supportive comments from these groups for the initial Project Plan approval.

STAFF RECOMMENDATION

The staff recommends approval of Project Plan #9-04002A, which proposes 53, 027 sq. ft. of retail (47,839 sq. ft. of grocery, 5,188 sq. ft. of retail) and 468 multifamily units, inclusive of 59 MPDUs on 2.68 acres on land in the CBD-2 zone with the following conditions:

1. On and Off Site Amenities

The Site Plan shall include the following amenity areas on and off site as follows:

On-site Public Use Space and Amenities

- 1) **Central Plaza** along East-West Highway that serves as a central unifying element to link the Project with the adjacent Silver Spring Square project
- 2) **West Park** - an urban park that blends the open spaces of Silver Spring Square with the open spaces of this proposal
- 3) **Terraced Lawn** - sitting and dining areas in front of the grocery store
- 4) **Pocket Park** - between the two residential buildings and linked to Central Plaza
- 5) **Streetscape and lighting** along the former Blair Mill Road at **SSIC (Silver Spring Innovation Center) frontage** (implemented by others)
- 6) **Streetscape and lighting** along **New Mixed Street** - with special pavers, street trees, special lights and other street furniture
- 7) **Streetscape and lighting** along the **Internal Street** - with special pavers, street trees, special lights and other street furniture- with adequate headroom and treatment of overhead area to achieve generous and inviting public passage.
- 8) **Public Artwork** (two areas) - eleven pieces of outdoor "furniture" thematically linked to the Canada Dry façade placed within the public open space amenity areas.
- 9) **East Bound Waiting Room Commemorative** - on northeast façade per agreement with Montgomery Preservation
- 10) **Streetscape** and lighting along East-West Highway
- 11) All Public Streetscape improvements to conform to the *Silver Spring Streetscape* Technical Manual and shall include under-ground utilities along East-West Highway

Off-site Amenities

- 1) **Streetscape** and lighting along East-West Highway on project frontage.
- 2) **Paving and landscape improvements** along south side East-West Highway and in front of adjacent property to the east (the Blair Mill L.L.C. property).
- 3) **Paving and landscape and lighting** along the **east side of the New Mixed Street** (on Soorenko Property)
- 4) **Pocket Park** - on Silver Spring Square as detailed in site plan Site Plan (Canada Dry Building).
- 5) **Financial contribution** (train station maintenance) to Montgomery Preservation, Inc. prior to record plat
- 6) **Financial subsidy** for the construction of the Silver Spring Innovation Center

- 7) All Public Streetscape improvements to conform to the *Silver Spring Streetscape Technical Manual* and shall include under-ground utilities along East-West Highway

2. Staging of Amenities

The building will be built in one phase. All on and off site amenity areas shall be fully constructed prior to 25% occupancy of the building.

3. Historic Preservation

- a. A financial donation to Montgomery Preservation, Inc. for the long-term maintenance of the historic Silver Spring Train Station shall be made by the applicant prior to record plat.
- b. A 10 ft by 20 ft trompe l'oeil painting that is representative of and commemorates the East Bound Waiting Room Building (to be removed) shall be provided by this applicant and the design concept as reviewed by Montgomery Preservation, Inc.
- c. The applicant shall provide an wrought iron gate at both ends of the existing pedestrian tunnel, so as to maintain a secure closure with visibility to the tunnel. Details to be provided with the landscape plan.

4. Moderately Priced Dwelling Units

The site plan shall include a phasing and unit distribution plan for the MPDUs. All MPDUs shall be provided on site and the DHCA agreement, to be provided by site plan, shall reflect this.

5. Transportation Improvements

- a. Dedicate 15 feet to provide for 90 feet of right of way for MD 410 (East-West Highway)
- b. Complete the abandonment of Blair Mill Road with the site plan approval of Silver Spring Gateway. Create a full movement intersection at New Mixed Street and MD 410 and a second right-in, right-out intersection for the lower garage entry with East West Highway.
- c. Enter into a Transportation Management Agreement with the Planning Board and the Montgomery County Department of Public Works and Transportation (DPWT) to participate in the Silver Spring Transportation Management Organization prior to record plat.
- d. Provide bicycle racks or lockers: at least twenty-five for the residential units, eight for the office area, and eight for the retail area.

6. Authorization to use off site land for off-site public amenity area.

Applicant to provide authorization from adjacent property owners: SSIC/ Montgomery County, Mr. Soorenko (the parcels to the south) and Silver Spring Square, Ltd. to allow the Silver Spring Gateway project to utilize adjacent, off-site land for an off-site amenity area that will be counted and developed as an off-site amenity area proffered by this development application. This authorization will also allow the applicant the ability to access, construct and maintain these off-site amenity areas.

7. Maintenance Agreement

The applicant shall be responsible for maintaining the public amenity features on and off site. The Site Plan development program shall reference the artist statements about maintenance. The Silver Spring Urban District shall maintain the streetscape within the public right-of-way.

8. Site Plan Issues

The future site plan proposal shall address the following items:

- a. Re-site the above grade transformers within the New Mixed Street to be either below grade or in a less obtrusive location.
- b. Noise mitigation for the residential units adjacent to the train tracks.
- c. Parking garage façade treatment for frontages adjacent to residential uses (Silver Spring Square) and adjacent to the historic Train Station and views from Georgia Avenue;
- d. Applicant to submit a detailed parking plan as follows:
 1. Provides guaranteed parking for 50 spaces immediately adjacent/available to the local merchants that are available during all hours of business use that provides for safe and adequate pedestrian connections (i.e. well lit, open to views; stable walking surface); and
 2. Provides for adequate parking for construction workers that do not negatively affect parking spaces defined above for local merchants.
 3. The final site plan shall include commercially available parking spaces for local merchants; and
 4. The parking plan shall be developed with consultation from local merchants and approved by staff prior to building permit release. Issues to include, but not be limited to, the number of spaces commercially available to local merchants, threshold for transition to valet parking, etc. The Site Plan shall include internal parking spaces available to the public.
- e. Site Plan to include detailed information on:
 - i. Construction of streetscape and public open spaces;

- ii. the 10 ft by 20 ft waiting station trompe l'oeil painting;
 - iii. treatment of loading dock area as viewed from Georgia Avenue, Blair Mill Road (abandoned) and Silver Spring Innovation Center;
 - iv. details of the gate for the railroad tunnel;
 - v. south side of East-West Highway improvements to accommodate lane widening and crosswalk changes;
 - vi. cover for internal parking deck (within "U");
 - vii. treat façade of above grade parking garage to buffer light from impacting the adjacent Silver Spring Square project;
 - viii. along the north facing façade of the above grade parking garage use an appropriate building material and design to coordinate with the building material and create interesting fenestration;
 - ix. utilize spacious or transparent treatment of pedestrian passage over Internal Street;
 - x. extension of brick walk to gutter at intersections along East-West Highway.
-
- e. Development of grocery store portion of site plan to include: entry to store from Internal Street and from subsurface parking level; pedestrian circulation system within subsurface parking level; compatibility of illuminated entry store signage with adjacent residential land use
 - f. Coordination with MDSHA to allow on street parking on East West Highway
 - g. Lighting plan to reflect adequate light levels for public safety per IESNA guidelines and compatibility to adjacent residential uses.
 - h.
 - i. Applicant to submit a revision to the Silver Spring Square Site Plan to accommodate the changes to the shared open space plaza with Silver Spring Gateway. Plan to include consideration of construction access, interim condition during construction and final maintenance considerations.

PROJECT DESCRIPTION: Surrounding Area

Lot Description

The property is generally bordered by: the existing Blair Mill Road, East-West Highway, Georgia Avenue and the CSX/WMATA rail lines. The property is comprised of ten individual properties, a portion of the Silver Spring Innovation Center (SSIC) site, and portions of Blair Mill Road to be abandoned. Blair Mill Road, as it traverses the property, has been conditionally approved for abandonment by the Montgomery County Council and will revert to private ownership in conjunction with the development process.

As part of the abandonment of Blair Mill Road, the owner of the Silver Spring Square project will accept the ownership reversion from centerline of the adjoining Blair Mill Road right-of-way. However, the portion of the abandoned Blair Mill Road adjacent to the County-owned land developed with the SSIC will be sold and assigned to the Applicant and is included as part of the property, see attached authorizing letter.

Adjacent Land Uses

The property is adjoined to the north by the Silver Spring Square which has been developed as a multifamily development. It is adjoined further to the north by Foulger Pratt's residential high-rise, to the south by existing commercial uses, a proposed Arts Alley (discussed in more detail below) and Georgia Avenue; to the east by the WMATA/CSX rail lines; and to the west, across East-West Highway, by Discovery Communications and the M-NCPPC Acorn Park.

East West Highway has been improved using the Silver Spring Streetscape adjacent to new development to the north. The abandoned Blair Mill Road will be improved as an internal street adjacent to the southernmost retail properties and Silver Spring Innovation Center at Georgia Avenue. The East West Highway right-of-way, south, but adjacent to the project, is unimproved and not dedicated to the full width of the right-of-way.

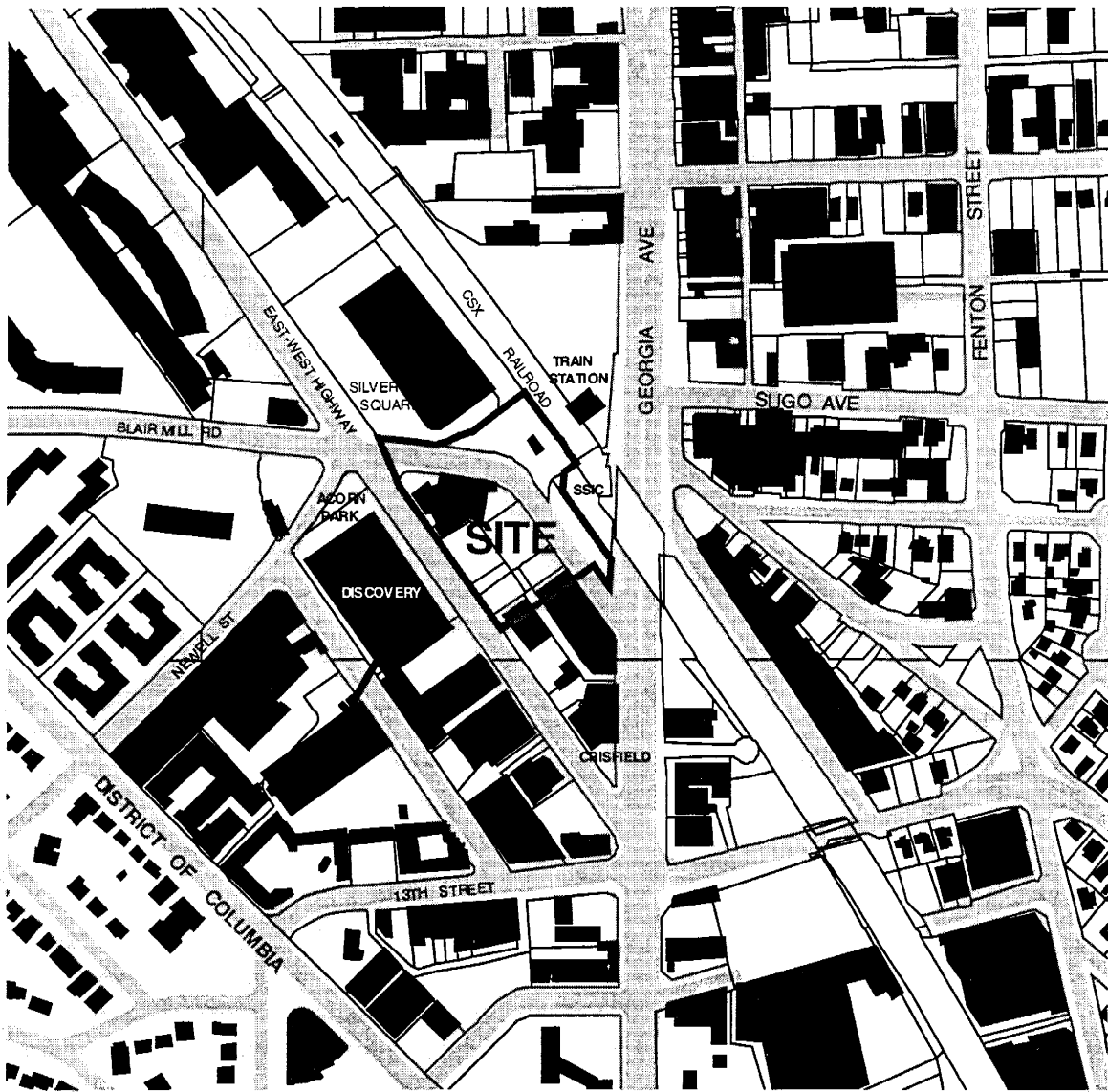
PROJECT DESCRIPTION: Site and immediate vicinity

The property is currently the site of several surface parking lots, a vacant former auto showroom, an auto repair shop, and the vacant eastbound train waiting station. The grade of the property generally slopes down from the southeast corner of site to the northwest corner of the site - a six-foot change in grade.

The property is located in the South Silver Spring District of the Silver Spring CBD, as designated within the Silver Spring CBD Sector Plan Approved and Adopted February 2000. The property is zoned CBD-2 (Central Business District), and it is overlaid by the Ripley/South Silver Spring Overlay Zone and lies within a State Enterprise Zone and is designated as an Arts and Entertainment District as established by state and local

legislation and regulations. The property is a true "gateway" to Silver Spring and to Montgomery County.

LOCAL VICINITY MAP - SILVER SPRING GATEWAY



These art pieces serve a dual purpose as ornamental art objects and functional park seating.

The seating reflects the architectural style of the adjacent Canada Dry building (Silver Spring Square). Both the form of the seating and the surfaces reference the Art Deco Period in art and architecture. The "upholstered" chairs bring the living room outside. Two chairs placed together create areas for a conversation. Add a table and you can "do" lunch, play chess or sip coffee. The seating is an emulation of actual Art Deco style chairs - biomorphic, streamlined and angular, but rendered in durable outdoor materials.

The materials palette for the objects includes pre-cast concrete, metal, glass-block w/ lighting incorporated. The surfaces will be decorated with colorful mosaic/terrazzo designs. Individual chairs may sit on a plinth of glass block that is lit from beneath.

These forms and materials will also influence the detailing of the central plaza paving design. Other site furnishings will be i.e. planters, benches, lights, etc. This will help "knit" the design together over a larger area.

Architecture

The project architecture will consist a "U"-shaped, 15-story residential high-rise building stacked over a multi-level parking garage and grocery store and linked to an "L"-shaped, 15-story residential high-rise building as follows:

1) 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 grocery store will be visible to the street and open space areas, as the storefront faces the Terraced Lawn and Central Plaza; visitors will be able to look down through the glass storefront at the main level of the grocery store one level below. Other ground floor spaces includes residential lobby space and, potentially, residential common areas such as leasing offices.

2) The "L"-shaped residential building is located along the southeast edge of the property, fronting on East-West Highway and the , the New Mixed Street. Its ground floor spaces consists of building lobby/residential common areas and/or ground floor retail. Additionally, the lower floor of this building creates the corridor for the Internal Street and Plaza, Terraced Lawn amenity areas to link to the Arts Alley.

The massing of the residential buildings steps back above the grocery store to create a "podium" to create a pedestrian scale and provide an architectural and programmatic variety at the lower levels. Consistent with the Master Plan urban design guidelines of South Silver Spring, the project provides tapered building heights at a 2:1 slope along East West Highway from 90 feet immediately adjacent to the right of way up to 143 feet

to contribute to the coherent and attractive streetscape and to allow abundant light and air.

The project will derive its character from the mid-twentieth century architectural styles of Silver Spring - Art Deco and Art Moderne - which are exemplified by such buildings as the Silver Theater and the Canada Dry Building, as well as from the "edgy" urban aesthetic suggested by the industrial history of the site. The diverse open spaces will have their own distinct architectural identity that will contribute to the diverse and rich neighborhood character.

Parking

The parking garage is designed with five levels above grade and two levels below grade to provide a maximum of 810 spaces. The spaces within the parking garage exceed the zoning requirements by 23 spaces based on the shared parking formulas for mixed-use development. The parking garage is proposed to allow 48 spaces for the Silver Spring Innovation Center. There will be 266 spaces for grocery store use. The applicant intends to make additional spaces available for commercial uses.

Vehicular access to the Project's parking structure is provided from two locations and is intended to be clearly identifiable and convenient for residents, employees and retail customers. Entrances are located from the abandoned Blair Mill Road near the SSIC and Georgia Avenue, from the entrance drive at East-West Highway and from the internal street adjacent to the grocery store entry.

Service and Loading I

The residential buildings, the office building, and the retail component will share a central off-street service area with five loading docks, located at the rear of the parking facility and adjacent to the SSIC service area.

Phasing

The building will be built in one phase with amenity areas to be complete prior to completion of the exterior finish or 25% of occupancy, whichever comes first.

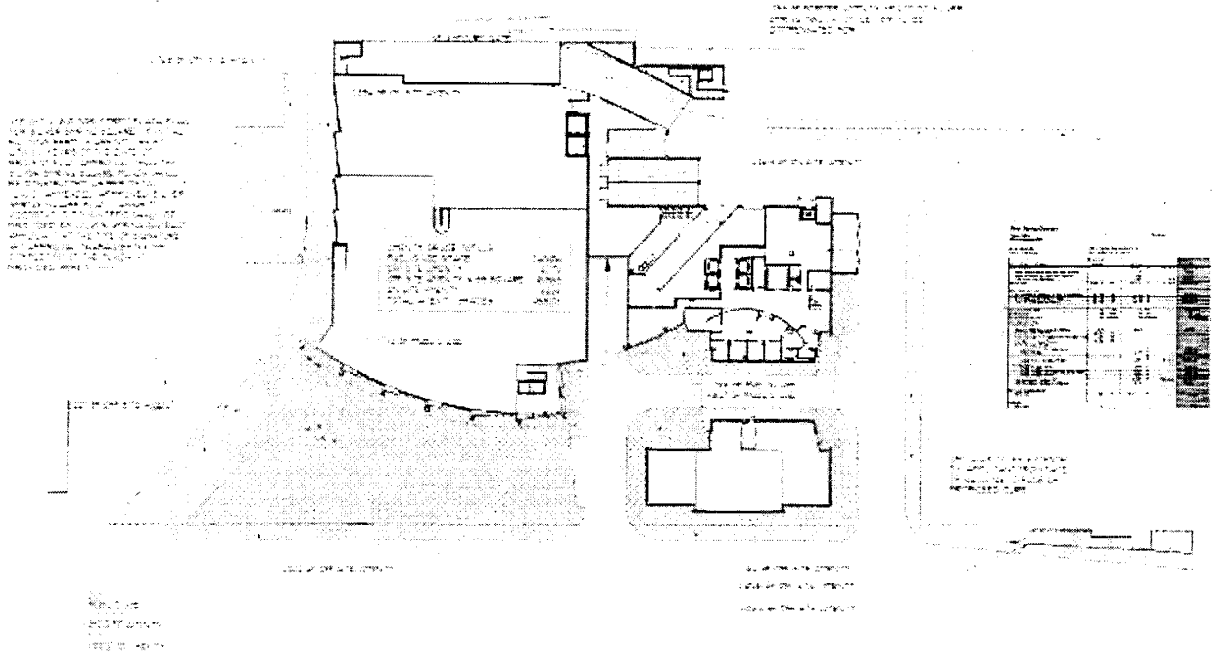
Historical Marker for the Train Station

The applicant will provide an interpretive historical marker, e.g., a 10 ft by 20 ft "trompe l'oeil" mural, to commemorate the (non-historic) eastbound train waiting station on the façade of the parking garage facing across the CSX tracks towards the Silver Spring Train Station.

Site Amenities

See amenities listed under Staff Recommendation, page 8.

Project Plan Exhibits



4800 Adelphi Road
 4400 Corporate Plaza, 2nd
 Floor
 Silver Spring, MD 20910
 Tel: 301-590-3000
 Fax: 301-590-3001
 www.wdc.com

SILVER SPRING GATEWAY
 SILVER SPRING, MD THE IRB COMPANY

Plot User:
 Public Agency
 Plot A-00A

On and Off Site Amenity Exhibit