

MANDATORY REFERRAL NO. MR2024018

SILVER SPRING FIBER HUB

Description

The Montgomery County Department of General Services proposes to relocate the County's existing fiber hub from its public parking garage at 8700 Cameron Street to a new location at 8904 Fairview Road in Silver Spring.

No. MR2024018

Completed: 7-15-2024

MCPB

Item No. 8

7-25-2024

2425 Reddie Drive

Floor 13

Wheaton, MD 20902

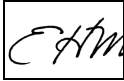
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LOCATION

8904 Fairview Road; N quadrant, intersection of Spring Street and Fairview Road

MASTER PLAN, ZONE

2000 North & West Silver Spring Master Plan, R-60 Zone

PROPERTY SIZE

0.35 acres

APPLICANT

Montgomery County Department of General Services (MCDGS)

ACCEPTANCE DATE

June 10, 2024

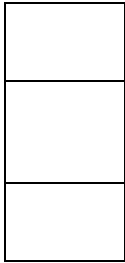
REVIEW BASIS

Md. Land Use Article, Section 20-301, et seq.

Summary:

- Staff recommends approval of the Mandatory Referral with recommendations and transmittal of comments to Montgomery County Department of General Services.
- The Proposal is to relocate the County's existing fiber hub from County Parking Garage 2, currently located at 8700 Cameron Street, to a new location at 8904 Fairview Road in Silver Spring.
- No community correspondence has been received for this Application.
- The Planning Board review of a Mandatory Referral is pursuant to the Land Use Article of the Maryland Annotated Code, Sections 20-301 et seq.

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SECTION 1 - RECOMMENDATIONS

Mandatory Referral No. MR2024018

Staff recommends approval and the transmittal of the following comments to the Montgomery County Department of General Services:

1. 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 12, 2024 and incorporates them as conditions of approval. The Applicant should comply with each of the recommendations in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Mandatory Referral Plan approval.
2. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated June 18, 2023 and incorporates them as conditions of the Administrative Subdivision Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MCDOT if the amendment does not conflict with any other conditions of the Mandatory Referral Plan approval.
3. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section in its letter dated May 10, 2024 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of the Mandatory Referral Plan approval.

ENVIRONMENT

4. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations as applicable.
5. The Applicant must comply with all tree protection and tree save measures shown on the approved Tree Save Plan. Tree-save measures not specified on the Tree Save Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
6. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Tree-Save Plan.

TRANSPORTATION

7. In conformance with the 2024 *Complete Streets Design Guide*, the Applicant is encouraged to improve Fairview Road, a Neighborhood Street, with a six-foot-wide (6 ft) sidewalk and a six-foot-wide (6 ft) street buffer along the Site frontage. The Applicant is strongly encouraged to extend the sidewalk to connect with the existing sidewalk on Spring Street, approximately 95 feet to the south.
8. In conformance with Chapter 49 of the County Code, the Applicant is encouraged to dedicate an additional five feet (5 ft) of right-of-way along the Site's frontage on Fairview Road to achieve the standard total width of sixty feet (60 ft).

PARKS

9. The Applicant should coordinate with Parks staff on potential impacts to trees on parkland including those with Critical Root Zones (CRZs) that extend onto the Site and may be impacted by the proposed security fence along the property boundary with parkland.
10. Parks supports Planning Staff's recommendation for an improved sidewalk and street buffer. Parks further recommends that the Applicant consider expanding the project scope to include a 12-foot-wide curb cut and drive apron on Fairview Road to allow for the future repositioning of maintenance access and potential provision of ADA parking for park users to Fairview Road Urban Park from Fairview Road instead of the current locations along Spring Street.
11. Parks recommends that the Applicant coordinate any work along the Fairview Road right-of-way with Parks staff; such coordination would support Parks' goal of moving the existing maintenance access points on Spring Street to Fairview Road and potentially providing future ADA-compliant parking via the same new access point.

SECTION 2 - INTRODUCTION

Review Process

The subject Mandatory Referral Application was accepted for review on June 10, 2024 and scheduled for a public hearing with the Planning Board on July 25, 2024. The Planning Department mailed notices to adjoining and adjacent property owners as well as area civic, homeowners, and renters associations registered with the Department and located within one half-mile of the Site. The review process followed the protocols and timeline defined in the current Montgomery Planning Mandatory Referral Review Uniform Standards (updated December 2022).

The Applicant team mailed notices to adjacent property owners on May 9, 2024 and conducted community engagement sessions on May 22, 2024 to collect input, answer questions, and have discussions to inform the redevelopment scenario now proposed for the fiber hub. The required pre-

submission meeting with the Applicant team and staff from the Planning Department and Parks Department was held on January 9, 2024.

SECTION 3 – PROJECT DESCRIPTION

Background

GENERAL DEVELOPMENT AGREEMENT (“GDA”)

The County has entered into an agreement with United Therapeutics for the redevelopment of County Owned Garage No. 2, located off Cameron Street between Georgia Avenue and Spring Street (shown in Figure 1 below). The GDA requires United Therapeutics to construct and convey land and facilities to the County for the replacement of the existing County owned Garage No. 2 and in return the County will convey the County Land (current location of Garage No. 2) to United Therapeutics. To satisfy these obligations, United Therapeutics has entered into a purchase and sale agreement with LDG, Inc, the current property owner for the Subject Property.

County Parking Garage No. 2 also contains the County’s Fiber Hub, which provides connectivity for critical County communications and internal systems. Per the GDA, United Therapeutics will construct a replacement Fiber Hub and convey the land to the County, which will be located on Fairview Road. The replacement of County Garage No. 2 is being reviewed under a separate Mandatory Referral (MR2024011) submitted by the Department of Transportation and shown in Figure 1 below in the yellow dashed boundary.

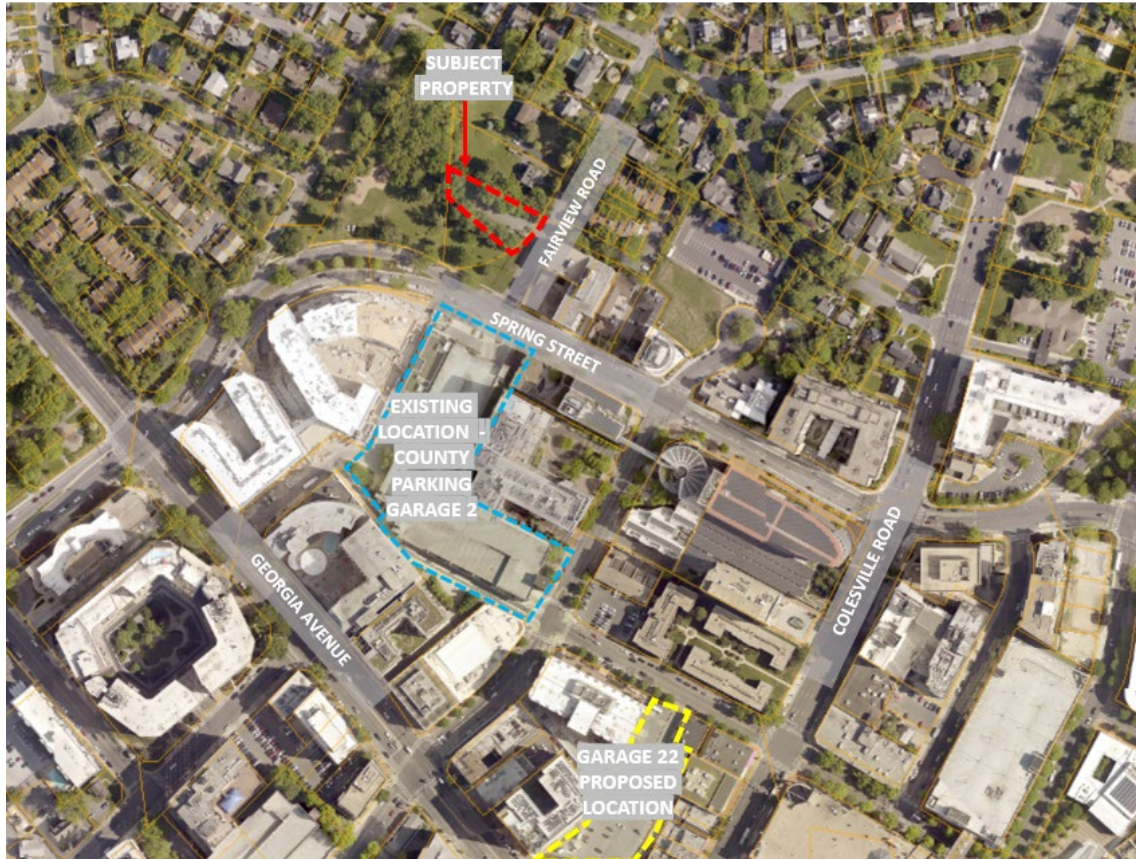


Figure 1 – Vicinity Map

Surrounding Neighborhood

The Project is located just outside of downtown Silver Spring, north of the intersection of Spring Street and Fairview Road. This area is within the 2000 *North and West Silver Spring Master Plan* (“Master Plan”). The Site is directly adjacent to Fairview Road Urban Park. Surrounding the Property to the north, west, and northeast is the R-60 zoned neighborhood of Fairview/Woodside Park which consists of single-family dwellings. Directly across from the Subject Property is a townhouse development in the Residential Townhouse (RT-12.5) zone, which abuts existing commercial buildings in the CR 3.0 zone.

Site Description

The Subject Property (“Subject Property” or “Property” or “Site”) is approximately 0.35 acres in size and is comprised of Lot 8, a re-subdivision of Lot 5, Block A-2, Section 4, Woodside Park as recorded in Plat No. 947 of the Land Records of Montgomery County, Maryland. The Property is zoned R-60 and is currently improved with a small surface parking lot containing 22 parking spaces.



Figure 2 – Aerial of Subject Property

Project Description

The Montgomery County Department of General Services (DGS) proposes to develop the Subject Property with a new fiber hub which will provide connectivity for critical County communications and services including internal access to County data systems, down-county telephone systems, public Wi-Fi, and traffic signals. The facility proposed will be adequate for the County’s technological needs today and provides the ability to add additional servers and other anticipated upgrades.

BUILDING/ARCHITECTURE

The Site is included in the 2000 *North and West Silver Spring Master Plan* which states that “new development, infill development, and special exception uses should be compatible with the existing residential character” (page 21). As proposed, the Project is a one-story fiber hub and will include design elements that allow it to blend in with the surrounding neighborhood. In addition to robust landscaping that will help screen the building, the prefab structure is being designed in a way which mirrors the single-family residential character existing in the area. The fiber hub building includes a brick-like façade and decorative windows with trim and shutters added to the front. With the low-profile roof included, the total height of the building is 13 feet and 4 inches at the roof peak. The building will have a metal standing seam roof to allow for proper drainage. The proposed iron fence will be 8 feet tall and buffered by extensive landscaping. As this building provides critical infrastructure for the County, a security gate is required for the use. The security gate will be 12 feet

wide and 8 feet tall and provide protected access to the facility. Of note, the fiber hub building will require low voltage power, 120/208 service, the same as is required for a house.



Figure 3 – Illustrative rendering of the fiber hub with buffer plantings

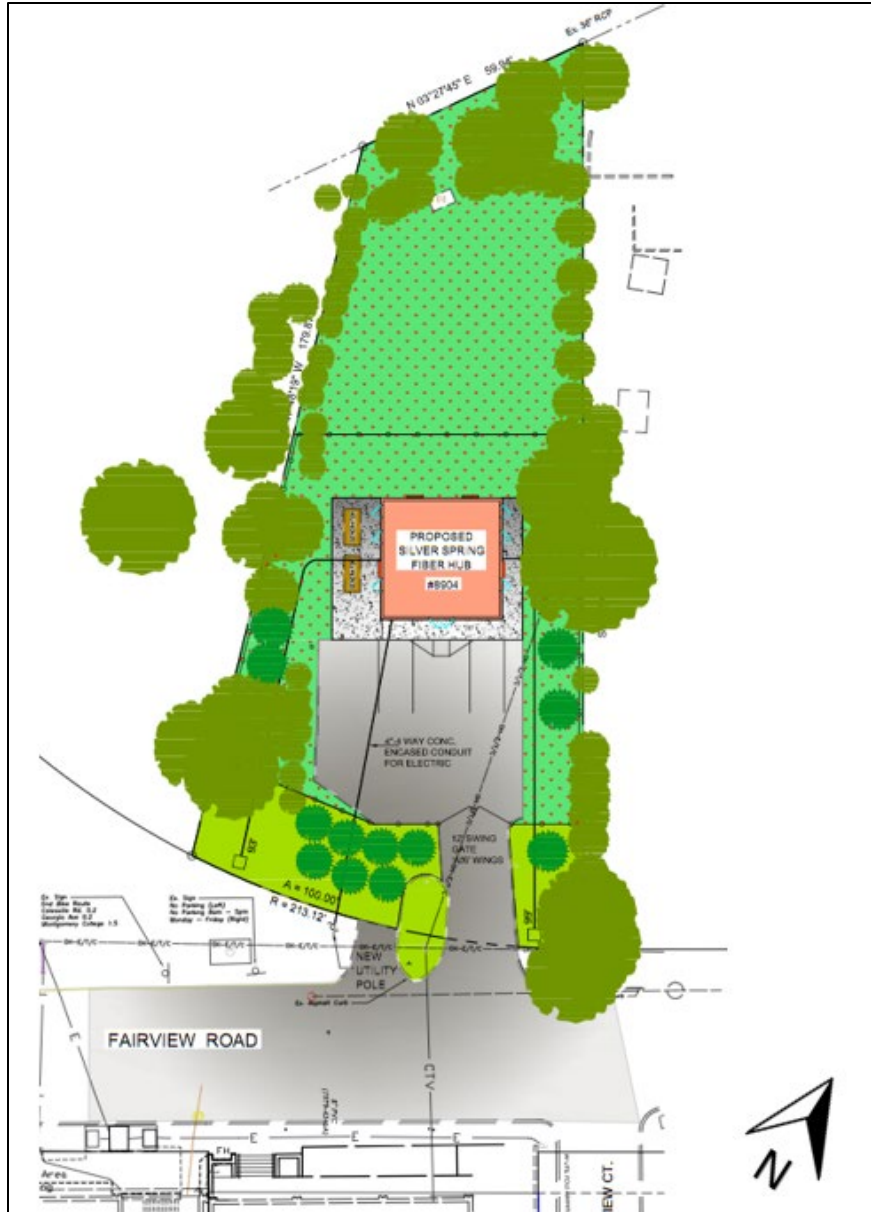


Figure 4 - Illustrative site plan

LANDSCAPING

The Project will add twelve (12) Arborvitae trees in addition to native ground cover and canopy trees to complement the existing vegetation at the borders of the adjacent park and single-family neighborhood. No park impacts are anticipated with this proposal.

The project lighting will be dark-skies-compliant and includes wall-mounted lights on the fiber hub building, as well as 15-foot pole mounted lights. All lighting fixtures are full cutoff in order to minimize impacts to neighbors and adhere to the lighting requirements of the zoning ordinance. Additionally,

the lighting will be further buffered by the landscaping as trees at the edges of the property will filter any light.

TRANSPORTATION

Vehicular access will be provided from Fairview Road. The two curb cuts will be consolidated into one, full-movement driveway. The pavement that makes up the existing outbound driveway (southern driveway) will be removed and replaced with vegetation. The fiber hub itself will be located behind a 12-foot gate to ensure that only authorized employees and contractors have access. Inside the gate will also be two parking spaces. The existing 22 parking spaces will be removed.

As stated in the recommendations section of this report, the Applicant is to construct a 6-foot-wide sidewalk and a six-foot-wide street buffer along the Site frontage, consistent with the 2024 *Complete Streets Design Guide*. To improve connections to the established sidewalk network, the Applicant is also encouraged to extend that sidewalk approximately 95 feet to meet the existing concrete sidewalks on Spring Street.

ENVIRONMENT

Forest Conservation

The Site is within the Sligo Creek Watershed which is a Use I-P watershed and contains several environmentally sensitive resources. The project vicinity is generally populated by both young and mature canopy trees and slopes downward toward the rear (north) of the property. The Site itself does not contain any significant or specimen trees, areas of steep slope, stream buffers, or areas of 100-year flood plain.

This Application is subject to Chapter 22A Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan; a Forest Conservation Exemption (Plan No. 42024241E), accompanied by a tree save plan, was included with the Application and approved on June 27, 2024. Forest Conservation Exemption No. 42024241E was confirmed under Section 22A-5(S)(2) for an activity that is conducted on a single tract of land that is less than 1 acre, is not located within the CR zone, would not result in clearing more than 20,000 square feet of forest or any specimen or champion tree, would not result in a reforestation requirement that exceeds 10,000 square feet, is not located within an environmental buffer, and does not remove forest within a floodplain/stream buffer/steep slopes or other priority areas.

The plan included tree-protection measures for trees within the property, and generally along the property line, as well as the proposed removal of eight (8) young trees. With the approval of the Exemption, and recommendations included in this report, all Chapter 22A Forest Conservation requirements have been met.

Stormwater Management

There are no known stormwater management facilities located on the Property, therefore the Project must incorporate practices in order to comply with the requirements of Chapter 19 of the Montgomery County Code. As described in the Stormwater Concept Approval letter from the Montgomery County Department of Permitting services, dated April 12, 2024, the Project will address stormwater management goals via the use of offsetting environmental improvements; as the project proposes to remove an equivalent or greater amount of impervious area than that which currently exists, no further site design features or waivers are required.

PARKS

The Montgomery County Parks Department was included in the review of the Mandatory Referral Application and has provided comments which have been incorporated into recommendations identified within this report. The Parks Department provided feedback on the proposed landscape plantings to ensure appropriate native species are used, Parks identified the need to continue coordination on any potential tree impacts to the adjacent Fairview Road Urban Park, and expressed the desire to coordinate on site access and frontage improvements given the nearby access points to Fairview Road Urban Park.

SECTION 4 – MANDATORY REFERRAL ANALYSIS

Mandatory Referral review is guided by the Montgomery Planning Mandatory Referral Review Uniform Standards (December 2022), and the authority granted through the Maryland Land Use Article, Section 20-301, et. seq. As set forth in Sections 20-301 and 302, the Montgomery County Planning Board has jurisdiction over mandatory referral projects presented by Montgomery County government and Montgomery County Board of Education/Montgomery County Public Schools, for (i) acquiring or selling land; (ii) locating, constructing or authorizing a road, park, public way or ground, public building or structure, or public utility; or (iii) changing the use of or widening, narrowing, extending, relocating, vacating or abandoning any of the previously mentioned facilities. The Planning Board must review such projects and transmit comments on the proposed location, character, grade and extent of the activity.

As described in the Uniform Standards, the Planning Board considers all relevant land use and planning aspects of the proposal including, but not limited to, the following:

- 1. whether the proposal is consistent with the County's General Plan, functional plans such as the master plan of highways, environmental guidelines, the approved and adopted area master plan or sector plan, and other public plans, guidance documents, or programs for the area;***

The Project is located within the 2000 *North and West Silver Spring Master Plan*, within the North Silver Spring area of the Plan boundary. In line with the recommendations of the plan,

which states that “new development, infill development, and special exception uses should be compatible with the existing residential character”, the Project is being designed as a one-story fiber hub and includes design elements that allow it to blend in with the surrounding neighborhood.

The Project is consistent with key countywide plans and policies and aligns with the County’s equity and resilience goals. Thrive Montgomery 2050, the County’s General Plan, includes a policy to “Develop and extend advanced communications networks” (page 114). The Project helps implement Thrive’s recommendation to “facilitate construction of high-speed fiber optic and wireless infrastructure and other information and communication technology to supplement transportation links with improved virtual connections” (page 114). Thrive also notes the importance of this infrastructure to the County’s economic competitiveness, stating that the “County should continue to prioritize advancing new technologies and making deployment of high-speed wireless networks and fiber optic cable – or other new communication systems – an important part of infrastructure planning” (page 115).

2. *whether the proposal is consistent with the intent and the requirements of the zone in which it is located;*

The site is zoned R-60, a Residential Detached zone. The Project is consistent with the intent and requirements of the R-60 zone. While a Public Utility Structure is a Conditional Use in the R-60 zone (Section 3.6.7.E), this Project is submitted for review as a Mandatory Referral and not as a Conditional Use application because this will be a County facility on County-owned land.

Table 1: MR2024018 Data Table for R-60 Zone, Standard Method, Section 59.4.4.9

R-60 Zone	Required by the Zone	Proposed
Minimum Lot Area	6,000 square feet	15,400 square feet
Minimum Lot Width at BRL	60 feet	≥ 60 feet
Minimum Lot Width at Front Lot Line	25 feet	≥ 25 feet
Maximum Lot Coverage	35%	< 35%
Front Setbacks, min.	25 feet or Established Building Line	25 feet or Established Building Line
Side Setbacks, abutting Residential, min.	8 feet min./ 18 feet total	8 feet / 18 feet min.
Rear Setbacks, min.	20 feet	20 feet
Maximum Building Height	35 feet	14 feet

3. whether the nature of the proposed site and development, including its size, shape, scale, height, arrangement, design of structure, massing, setback(s), site layout, and location(s) of parking is compatible with the surrounding neighborhood and properties;

The Proposal’s development scheme is compatible with the surrounding neighborhood and properties. In both design and height, the fiber hub is proposed to resemble the character of the existing single family dwellings in the vicinity. The building height is currently proposed to be under 14’ tall which is well under the maximum for the zone which includes 2-story homes that exceed the height of the fiber hub. In terms of lot layout, landscape design, and the building facade itself, the Applicant has provided a structure which is very compatible with the surrounding area.

4. whether the locations of buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;

As designed, the Proposal will be safe, adequate, and efficient. As indicated by the Montgomery County Department of Transportation in their approval letter dated June 18 2024, the Applicant will provide right-of-way dedication consistent with the 2024 *Complete*

Street Design Guidelines, complete frontage improvements consistent with current standards, and ensure the site access is adequate, safe and efficient.

The open space on the site is located towards the rear of the Property, which provides a linear buffered transition between the Subject Property and the surrounding neighborhood. Further, the landscape design provides evergreen and native canopy trees onsite which complement the existing trees adjacent to the site and cumulatively provide a dense and diverse planted buffer.

TRANSPORTATION VEHICULAR ACCESS

Vehicular access will be provided from Fairview Road. The two curb cuts will be consolidated into one, full movement driveway. The pavement that makes up the existing outbound driveway (southern driveway) will be removed and replaced with vegetation. The fiber hub itself will be located behind a 12-foot gate to ensure that only authorized employees and contractors have access. Inside the gate will also be two parking spaces, reducing the number of onsite parking spaces from 22 down to two.

It is noted that the segment of Fairview Road located northeast of the Site functions one-way southbound towards the Site. Contractors and employees servicing the Site are expected to arrive on Site from the Beltway by way of either Georgia Avenue or Colesville Road. Therefore, it is anticipated that most of the site-generated traffic will make use of Spring Street and other Downtown Streets and will avoid the Neighborhood Streets north of the Site.

LOCAL AREA TRANSPORTATION REVIEW

All trips made to the Site will be made by contractors or employees and they will arrive at the Site by personal or corporate vehicle. The Site will only be serviced by up to two vehicles at one time, as the Site is reducing the number of onsite parking spaces as noted above. The Applicant anticipates routine maintenance visits occurring two to three times per week, but it may be more in the case of an emergency network outage or other unplanned event. The Project is estimated to generate fewer than 50 net new person trips in the peak travel hour. Therefore, no additional analysis is required per the 2020-2024 *Growth and Infrastructure Policy* (GIP), and the transportation infrastructure is determined to be adequate.

PEDESTRIAN AND BICYCLE FACILITIES

While the Applicant does not anticipate generating significant pedestrian traffic, the Applicant is encouraged to contribute to the established sidewalk network in the vicinity of the Site. As recommended, the Applicant should construct a 6-foot-wide sidewalk and a six-foot-wide street buffer along the Site frontage. To improve connections to the established

sidewalk network, the Applicant is encouraged to extend that sidewalk approximately 95 feet to meet the existing concrete sidewalks on Spring Street.

There are no planned, designated bicycle facilities along this segment of Fairview Road.

PUBLIC TRANSIT SERVICE

There are bus stops located within approximately 350 feet of the Site. Stop 2000214, located at Spring Street and Georgia Avenue is serviced by WMATA Bus Q and Y lines. Stop 2000209, located at Spring Street and Colesville Road, is serviced by several Ride On Routes, including the Flash BRT services, and WMATA Bus Z lines.

PARKING

The Subject Application indicates the need to provide a secure Site for service and maintenance. The existing asphalt surface lot which has 22 vehicular spaces will be replaced with a much smaller facility with spaces for only two vehicles. The fiber hub and the parking facility will be enclosed by a 12-foot-tall gate around the perimeter of the Site. The Applicant has indicated that trips to the Site will be infrequent and will not require more than two vehicles worth of personnel to be present. Therefore, there is no expectation that additional parking will be needed.

- 5. whether the proposal has an approved NRI/FSD and a preliminary SWM concept plan, and meets the requirements of the Forest Conservation Law (Chapter 22A of the County Code). Forest Conservation Plan, if applicable, must be approved by the Planning Board, either before or at the time of the Board's mandatory referral review and action on the project. Unlike the mandatory referral review by the Board, the conditions of the Forest Conservation Plan are binding on all county projects and require a Resolution of Approval.***

As described in the proposal section above, this Application is subject to Chapter 22A Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan. This was confirmed through a Forest Conservation Exemption approved on June 27, 2024. The plan included tree protection measures for trees on neighboring properties as well as the proposed removal of eight (8) young trees. With the approval of the Exemption, and recommendations included in this report, all Chapter 22A Forest Conservation requirements have been met.

Stormwater Management

In compliance with Chapter 19, the project will address stormwater management goals via the use of offsetting environmental improvements. The project proposes to remove an equivalent or greater amount of impervious area than that which currently exists; therefore no further site design features or waivers are required.

6. ***whether a Preliminary or a Final Water Quality Plan has been reviewed by the Planning Board if the project is located in a Special Protection Area. In addition, for a Water Quality Plan for a project on public property, the Board must determine if the plan meets the standards of Article V. WATER QUALITY REVIEW IN SPECIAL PROTECTION AREAS, of the County Code (pursuant to Section 19-65(d)(4));***

The Project is not located within a Special Protection Area and does not require a Water Quality Plan.

7. ***whether or not the site would be needed for park use if the proposal is for disposition of a surplus school.***

The Site is not identified as a future master planned park or surplus school in the 2020 *North and West Silver Spring Master Plan*.

8. ***whether alternatives or mitigation measures have been considered for the project if the proposal is inconsistent with the General Plan or other plans and policies for the area, or has discernible negative impacts on the surrounding properties or neighborhood, the transportation network, the environment, historic resources (including burial sites) or other resources.***

As described in the findings above, the proposal is consistent with Montgomery County's *Thrive 2050 General Plan* as well as the 2000 *North and West Silver Spring Master Plan*. The Applicant has provided a site and landscape design that will ensure the proposed development is compatible with the surrounding properties. No historic or park impacts are expected, and the Applicant has received approval of a Chapter 22A Forest Conservation Exemption, no. 42024241E.

SECTION 5 - COMMUNITY OUTREACH

After Staff accepted the Mandatory Referral for review, the Montgomery County Department of General Services notified local civic and homeowners' associations and other interested parties of this proposal. As of the date of this report, no written correspondence has been received.

The Applicant held a virtual community meeting to solicit public feedback from neighbors on May 22, 2024. The Applicant communicated that the site design would be focused on compatibility of the proposed structure and that the proposed landscaping would provide adequate screening of the site.

SECTION 6 - CONCLUSION

Staff recommends approval and the transmittal of comments to the Montgomery County Department of General Services.

ATTACHMENTS

Attachment A – Mandatory Referral Plan

Attachment B – Forest Conservation Exemption

Attachment C – Agency Letters