



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

MCPB No. 13-109

Project Plan No. 920130050

The Blairs Master Plan

Date of Hearing: October 24, 2013

DEC 23 2013

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-2, the Montgomery County Planning Board is authorized to review project plan applications; and

WHEREAS, on April 25, 2013; Blair Towers, LLC, Blair Office Building, LLC, Blair Shopping Center, LLC, Blair Stores, LLC ("Applicant") filed an application for approval of Project Plan No. 920130050 for a mixed-use development of 3,825,400 gross square feet, including 450,000 square feet of commercial uses and 3,375,400 square feet of residential uses, located in the Eastern quadrant of the intersection of Colesville Road (MD 384) and Eastern Avenue ("Subject Property") on 30.36 acres of land comprised of seven CBD-R2 zoned lots located in the 2000 Silver Spring ("CBD") Sector Plan ("Sector Plan") area; and

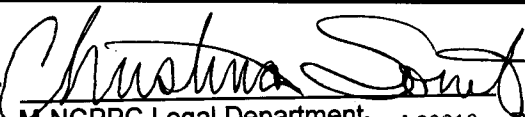
WHEREAS, Applicant's project plan application was designated Project Plan No. 920130050, The Blairs Master Plan ("Application" or "Project Plan"); and

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 October 11, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 24, 2013, the Planning Board held a public hearing on the Application, and at the hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 24, 2013, the Planning Board voted to approve the Application subject to conditions on motion of Commissioner Anderson, seconded by Commissioner Wells-Harley, with a vote of 4-0; Commissioners Anderson, Carrier, Dreyfuss, and Wells-Harley voting in favor and Commissioner Presley abstaining.

Approved as to
Legal Sufficiency

 12/5/13

M-NCPPC Legal Department
8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
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NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board APPROVES Project Plan No. 920130050, The Blairs Master Plan, for a mixed-use development consisting of no more than 3,825,400 square feet of gross floor area, including 450,000 square feet of commercial uses and 3,375,400 square feet of residential uses with a maximum of 2,800 dwelling units, including 12.5% MPDU's, and a waiver of the gross floor area devoted to retail or personal service commercial uses pursuant to Section 59-C-6.234, subject to the following conditions:¹

1. Development Ceiling

The development is limited to a maximum 2.89 FAR, and a maximum 3,825,400 gross floor area consisting of a maximum 450,000 square feet of commercial uses and a maximum of 2,800 residential units (new and existing).

2. Housing

The Applicant must provide a minimum of 12.5% of the total number of newly constructed units as Moderately Priced Dwelling Units on-site, consistent with the requirements of Chapter 25A, in accordance with the Department of Housing and Community Affairs ("DHCA") letter dated August 13, 2013.

3. Architecture, Building Height, and Mass

- a) The buildings within the upper escarpment (Parcels A, E, and F) and lower escarpment, Parcel H, are limited to a maximum building height of 200 feet as determined by the Department of Permitting Services applicable building height measurement point.
- b) The buildings within the lower escarpment, Parcel G, are limited to a maximum building height of 180 feet as measured from their respective fronts as determined by the Department of Permitting Services applicable building height measurement point.
- c) Buildings in Block G of Parcel G must maintain a minimum setback from the current northerly right-of-way line of Blair Mill Road of 16 feet (townhouse building face; 0 feet to courtyards). The maximum height for

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.

these buildings will be further reviewed at the site plan stage for compatibility. Maximum building height permitted will be based upon building step backs, materials, massing, and architecture.

- d) Buildings in blocks F1 and F2 of Parcel G must maintain a minimum setback from the current northerly right-of-way line of Eastern Avenue of 18 feet for townhouse building face (as to F-1), and 16 feet for townhouse building face (as to F-2). The maximum height for these buildings will be further reviewed at the site plan stage for compatibility. Maximum building height permitted will be based upon building step backs, materials, massing, and architecture.

4. Public Use Space, Facilities, and Amenities

- a) With the submittal of the final site plan for the development, the Applicant must demonstrate a minimum of 20% of the net lot area as public use space on-site. A variable amount of public use space is permitted with each phase and will be approved with each site plan.
- b) The Applicant must provide public art on-site, integrated into the overall site design. The public art components must be commensurate with the size of the public use space in which the art will be located.
 - i) The Applicant must present final public art concepts to the Art Review Panel for review and comment that will be available to the Planning Board prior to scheduling the Planning Board hearing for the site plan application which contains the public art associated with each building or public use space area to be completed in the same phase.
 - ii) Final detail and design of the public art must be determined by the applicable Certified Site Plan.
- c) As a public amenity, the Applicant must provide streetscape improvements per the Silver Spring CBD Streetscape Standards, or as amended (or as approved by Staff), including the undergrounding of public utilities along the property's frontage on Blair Mill Road, Colesville Road, and East-West Highway, with the phasing of the streetscape improvements determined at the time of the applicable site plan which adjoins the particular frontages.

- d) All record plats that include public use space must include a note that all public use spaces as illustrated on the Certified Site Plan(s) must be maintained in perpetuity by the property owners and access must be provided to the general public.

5. Parks and Recreation

- a) The site plans that include construction and completion of the public dog park must include details for signage, design, operations, and management that insure performance as a public dog park.
- b) The site plans that include construction and completion of the playgrounds must include details for design to insure the playgrounds (collectively) meet the needs of various age groups.
- c) At a minimum, a multi-use court for residents that accommodates a variety of uses, including half-court basketball, must be identified prior to the first site plan submission for the development and included as part of the public use space area for the relevant site plan.

6. Staging of Amenity Features

- a) The development must be completed in accordance with the preliminary phasing plan and development program dated September 17, 2013 unless modified at the time of each site plan.
- b) The Applicant must complete the on-site public use space improvements associated with each phase prior to issuance of the final use and occupancy permit for that phase.
- c) The Applicant must install the landscaping associated with each phase no later than the next growing season after completion of the building and site work.

7. Environment

The Applicant must achieve a LEED Certified rating certification at a minimum, or energy and environmental design standards that the Department of Permitting Services identifies as equivalent to a certified-level rating in the appropriate LEED rating system. The Applicant must make good faith efforts to achieve a LEED Silver rating, or energy and environmental design standards that the Department

of Permitting Services identifies as equivalent to a Silver-level rating in the appropriate LEED rating system. Before issuance of the final use and occupancy certificate, the Applicant must inform MNCPPC Staff of the LEED Certification Level that they are qualified for. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to Staff a written report for the public record purposes only from the Applicant's LEED consultant, analyzing the feasibility of achieving a LEED-Silver rating (or equivalent), to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating (or equivalent), including their associated extra cost. Submission of this report constitutes compliance with this condition.

8. The Applicant must obtain approval of a Final Forest Conservation Plan from the Planning Department prior to issuance of a Sediment Control Permit from the Department of Permitting Services for new construction. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.
9. The Applicant must plant twenty-four (24) three-inch caliper native canopy trees as mitigation for the removal of specimen trees. The species and location of plantings must be identified on the Final Forest Conservation Plan.
10. An International Society of Arboriculture certified arborist must certify tree protection measures on Final Forest Conservation Plan.

BE IT FURTHER RESOLVED that all elements of Project Plan No. 920130050, The Blairs Master Plan, received by The M-NCPPC on September 17, 2013, 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 as set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein) and having considered the entire record, all applicable elements of Section 59-D-2.42, and the relevant provisions of Section 59-D-2.43, the Planning Board, with the conditions of approval, FINDS:

- (a) The development complies with all of the intents and requirements of the CBD-R2 zone as applied comprehensively to the Project.**

The Subject Property is zoned CBD-R2. Section 59-C-6.212 of the Montgomery County Zoning Ordinance establishes the CBD-R2 Zone and outlines the description,



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

MCPB No. 13-110
 Preliminary Plan No. 120130220
 The Blairs Master Plan
 Date of Hearing: October 24, 2013

DEC 23 2013

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review preliminary plan applications; and

WHEREAS, on April 25, 2013, Blair Towers, LLC; Blair Office Building, LLC; Blair Shopping Center, LLC; Blair Stores, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create nine recorded parcels on 0.52 acres of land in the CBD-R2 zone, located in the northeast quadrant of the intersection of Fairmont Avenue and Old Georgetown Road ("Subject Property") in the 2000 Silver Spring Central Business District ("CBD") Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120130220, The Blairs Master Plan ("Preliminary Plan" or "Application"); and

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 October 11, 2013, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 24, 2013, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on October 24, 2013, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Anderson, seconded by Commissioner Wells-Harley, with a vote of 4-0; Commissioners Anderson, Carrier, Dreyfuss, and Wells-Harley voting in favor, and Commissioner Presley abstaining.

NOW, THEREFORE, BE IT RESOLVED THAT, the Planning Board approves Preliminary Plan No. 120130220 to create nine recorded parcels on the Subject Property, including a waiver of an above ground parking garage that crosses parcel

Approved as to
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lines pursuant to Section 50-38, subject to the following conditions:¹

1. This Preliminary Plan is limited to nine parcels for a maximum of the following:
 - a) 125,000 square feet of retail uses
 - b) 200,000 square feet of office uses
 - c) 125,000 square feet for 200 hotel rooms
 - d) 2,800 residential units (new and existing)
 - e) A total of 3,825,400 gross floor area, with a maximum 2.89 FAR
2. The Planning Board has accepted the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated August 12, 2013, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. The Planning Board has accepted the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated August 19, 2013 and two letters dated October 11, 2013, and does hereby incorporate them as conditions of the Preliminary Plan approval. Therefore, the Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements which are associated with each plat, as required by MCDOT.
5. Prior to recordation of the first plat for the upper escarpment (Parcels A, E, and F as shown on the Preliminary Plan lotting diagram), the Applicant must coordinate with the Maryland State Highway Administration ("MDSHA"), to obtain final approval of access points on East-West Highway (MD 410).
6. Prior to issuance of MDSHA access permits for Street B, the Applicant must satisfy the provisions for access and improvements on Colesville Road (MD 384) as required by the MDSHA.
7. The Applicant must comply with the District of Columbia Department of Transportation ("DDOT") Memorandum, dated June 11, 2013, from Ms. Anna

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.

Chamberlain, regarding coordination and improvements to DDOT roadways.

8. The Subject Property is located in the Montgomery Blair High School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the elementary, middle, and high school levels at the multi-family unit rates for all net new residential units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
9. The Applicant must show on the applicable final record plat(s) the following right-of-way dedications, Public Improvement Easements, or Public Access Easements consistent with the 2000 Approved and Adopted *Silver Spring CBD Sector Plan* and Montgomery County Code Chapter 50 Subdivision Regulation requirements:
 - a) Colesville Road (MD 384): A dedication of 12.5 feet is required to provide 62.5 feet between the property line and right-of-way centerline to support a master planned future right-of-way of 125 feet.
 - b) East-West Highway (MD 410): A dedication of 25.6 feet is required to provide 55 feet between the property line and right-of-way centerline to support a master planned future right-of-way of 110 feet.
 - c) Private Street B/ Draper Lane: A Public Access Easement, measuring 60 feet wide, over the full extent of the proposed private roadway and sidewalk to support this master planned roadway, except in the following locations as shown on the Preliminary Plan:
 - i. Approximately 63 feet southeast of the intersection of Street C, where the parcel width will be 58 feet, and
 - ii. Approximately 286 feet northwest of the intersection of Street C, where the parcel width will be 58 feet.
10. Prior to approval of the first certified Site Plan associated with Preliminary Plan No. 120130220, Blairs Master Plan, the Applicant must provide for review by Staff a public use and access easement to Montgomery County, in trust for the public, in a recordable form containing provisions to address the following for all private streets within the development:
 - a) The Applicant must determine the final extent, delineation, and alignment of the Private Streets at the time of Site Plan.
 - b) The Private Street must be located within its own parcel, separate from the proposed development, and must be shown on the record plat.
 - c) Entitlement for open and unobstructed public use of the easement for all customary vehicular, pedestrian and bicycle, and loading access. The easement granted to the public must be volumetric, in order to accommodate uses below and above the street easement area, and must accommodate public utility easements.

- d) Obligation for the Applicant to design and construct the streets pursuant to MCDOT Road Code Standard 2005.01 Modified: Two Lane Business District Street;
 - e) Obligation for the Applicant to construct the streets pursuant to comparable MCDOT structural construction standards, at the Applicant's expense;
 - f) Obligation to install traffic control devices within the easement area, based on prevailing standards, at the County's request, and at the Applicant's expense;
 - g) Obligation for the Applicant to maintain and repair the streets in acceptable conditions for all access and loading purposes, at its expense;
 - h) Obligation for the Applicant to keep the streets free of snow, litter, and other obstructions and hazards at all reasonable times, at its expense;
 - i) Entitlement for the Applicant or its designee to close private streets for normal maintenance and repair at reasonable times and upon reasonable prior notice to the public. Closure for recreational purposes, i.e., block parties, parades, races, etc., must follow MCDOT protocol to include, but not be limited to:
 - i. Signage notifying public of road closures, lane restrictions, or parking restrictions to be in place at least one week prior to closure at locations in accordance with adopted MCDOT standards.
 - ii. Maintain vehicular and pedestrian access to properties abutting closure if possible, and open to emergency vehicle passage at all times.
 - iii. Traffic control devices to be placed in accordance with adopted MCDOT standards.
 - iv. Written notice in accordance with adopted MCDOT standards.
 - v. Coordination with affected civic associations, homeowners associations and businesses to be notified in writing two weeks prior to event.
 - vi. Dimensions of signage in accordance with adopted MCDOT standards.
11. The Applicant must ensure short term public bicycle parking is installed along the retail frontages and near public use space. Secure long term bicycle parking must be installed, internal to the proposed residential buildings or garages, for residents' use. Exact bicycle rack and private long term bicycle parking locations will be determined at the time of Site Plan for each parcel.
12. The Applicant must provide a detailed staging and phasing plan for the proposed development, including all frontage and internal roadway/ sidewalk improvements, at the time of each Site Plan. At a minimum, the proposed

Draper Lane/ Private Street B must be fully constructed and open to traffic prior to the final use and occupancy permit issued for the last newly constructed building within Phase One (i.e. the entire lower escarpment).

13. The Applicant must enter into a Traffic Mitigation Agreement ("TMAg") with the Planning Board and MCDOT to participate in the Silver Spring Transportation Management District and must execute the TMAg prior to the release of any above grade building permit for development on the site exclusive of any sheeting and shoring permit. The TMAg must include trip mitigation measures recommended by MCDOT.
14. The Applicant, as part of the TMAg or separately, must coordinate with the MCDOT Chief of Commuter Services to install a Capital Bikeshare station on the site at a location and at a time mutually agreed upon between the Applicant and the County. The location of the bikeshare station must be finalized, in writing by the MCDOT Chief of Commuter Services, prior to the release of the first building permit within Phase One for the lower escarpment. The access and maintenance agreement for the bikeshare station must be finalized as part of the certified site plan for the project phase which includes a bikeshare station.
15. The Applicant must provide a noise analysis at the time of the first site plan submittal, and all subsequent site plan submittals thereafter. The noise analysis must include exhibits showing existing and 20 year projected 60, 65, and 70 dba Ldn noise contours. If the noise analysis demonstrates an adverse noise impact to portions of residential buildings on the site plan, then prior to issuance of the building permits associated with each site plan an engineer specializing in acoustics must certify that the building shell for the affected portions of the residential building has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The builder must commit to construct the units in accordance with these design specifications, with any changes that may affect acoustical performance approved by the acoustical engineer in advance of installation.
16. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for 145 months from the date of mailing of the Preliminary Plan Resolution.
17. No grading or recording of plats before certified site plan approval unless permitted by the Planning Board at site plan. The Applicant may apply for and obtain demolition and associated rough grading permits at any time.
18. Final approval of the number, location, and height of buildings will be decided at site plan.

19. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration or location or right-of-way width or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the site plan.

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the Hearing and as set forth in the Staff Report, which the 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. *The Preliminary Plan substantially conforms to the Master Plan.*

The Preliminary Plan Application is consistent with the Sector Plan. Generally, the Sector Plan's vision for Silver Spring's future is "to create a development environment that invites revitalization." The Sector Plan outlines themes of a transit oriented downtown, residential downtown, commercial downtown, green downtown, civic downtown, and pedestrian friendly downtown to achieve this vision. The Application is consistent with all six themes.

The Sector Plan seeks to create a transit oriented downtown—it strives to balance the needs of pedestrians and vehicles as well as commuter and local traffic, and at the same time, maximize the investment in Silver Spring's transit infrastructure. The Subject Property offers improved and direct pedestrian linkages to the Metrorail station and Silver Spring Transit Center from the southern end of the site and points beyond. Vehicular access points to the various garages within the site are located towards the periphery of the Subject Property to minimize conflicting pedestrian and vehicular movements. The Application also includes bus stops on the periphery to directly link residents and visitors of the site to bus transit infrastructure within Montgomery County and the District of Columbia.

With a net new 1,690 residential units, bringing the total number of units on the Subject Property to 2,800, the theme of a residential downtown is supported. With regards to a commercial downtown, the Application includes the maximum amount of commercial development allowed by the Sector Plan and Zoning Ordinance for this site. The commercial development is located on the upper escarpment of the site, off of East-West Highway. This location is closest to the Metrorail station and more established high-rise commercial buildings in the Silver Spring Core. The commercial development is oriented in such a way to draw pedestrians into the site, where vehicular traffic will be less disruptive than on a major thoroughfare. The majority of retail activity on the site



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

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MCPB No. 14-108
Site Plan No. 820140170
The Blairs, Phase F1-F2
Date of Hearing: November 13, 2014

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on May 29, 2014, The Tower Companies ("Applicant"), filed an application for approval of a site plan for construction of a multi-family building including up to 605,000 square feet of residential uses consisting of a maximum of 507 units on 3.79 gross tract acres of CBD-R2 zoned-land, located at Eastern Avenue in the northwest quadrant of the intersection with Blair Mill Road, encompassing the F1 & F2 Blocks ("Subject Property"), in the 2000 Silver Spring Central Business District ("CBD") Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820140170, The Blairs, Phase F1-F2 ("Site Plan" or "Application"); and

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 October 31, 2014, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on November 13, 2014, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board 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 as certified below.

Approved as to
Legal Sufficiency:


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NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820140170 for construction of a multi-family building including up to 605,000 square feet of residential uses consisting of a maximum of 507 units, the Subject Property, subject to the following conditions:¹

Conformance with Previous Approvals

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.

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.

Environment

3. Forest Conservation

- a) The Final Forest Conservation Plan approved with this Site Plan, as conditioned below, 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 No. 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.
- b) Before 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 Applicant must include three (3) additional 3" caliper native canopy tree plantings in the Final Forest Conservation Plan(s) of the future phase(s).
- d) Before issuance of an associated Sediment Control Permit, the Applicant must receive approval from the M-NCPPC Office of the General Counsel for a Certificate of Compliance for an off-site forest mitigation bank, to satisfy the equivalent credits of 1.17 acres or as established with the Final Forest Conservation Plan for this Site Plan.

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.

4. 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 September 10, 2014, 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.

Public Use Space, Facilities and Amenities

5. Public Use Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 48,000 square feet of public use space (29.6% of the 3.71 acres-net lot area of this Site Plan) on-site. This represents 20.6% of the entire 232,000 square feet of public use space required on the Blairs Master Plan site.
- b) Before the issuance of the final use and occupancy certificate for the residential development for each phase of this Site Plan, public use space areas associated with each phase of the must be completed.

6. Recreation Facilities

- a) Before the issuance of the final use and occupancy certificate for the residential development for each phase of this Site Plan, the Applicant must provide the recreational elements associated with each phase in accordance with the approved *Montgomery County Planning Board Recreation Guidelines*, as described below.
- b) The Applicant must provide the following minimum recreation facilities for this Site Plan:
 - i. 16 Picnic/Sitting Areas;
 - ii. Pedestrian System;
 - iii. 1 Swimming Pool;
 - iv. 1 Indoor Community Space for Residents; and
 - v. 1 Indoor Fitness Facility.

7. M-NCPPC Department of Parks

- a) The Applicant must provide clear signage that the Dog Run is available to the public and not just residents of The Blairs.
- b) In conjunction with the next site plan submittal, the Applicant shall provide a survey to the Department of Parks of how the Dog Run patrons are arriving and where they are parking.

8. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to, pedestrian pathways, landscaping, hardscape, recreation facilities, and public use space.

Transportation & Circulation

9. Transportation

- a) The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and the Montgomery County Department of Transportation (MCDOT) to participate in the Silver Spring Transportation Management District (TMD). The Applicant must execute the TMAg before the release of any above grade building permit for the development.
- b) The Applicant, as part of the TMAg or separately, must coordinate with the MCDOT Chief of Commuter Services to install a Capital Bikeshare station on the Blairs Master Plan site at a location and at a time mutually agreed upon between the Applicant and the County. The location of the bikeshare station must be finalized in writing by the MCDOT Chief of Commuter Services before the release of any above grade building permit for development on the site within this Site Plan. The access and maintenance agreement for the bikeshare station must be finalized as part of the certified site plan for the project phase that includes a bikeshare station.
- c) The Applicant must construct the private internal street(s) within this Site Plan to applicable Montgomery County MCDOT Road Code Standard 2005.01 Modified: Two Lane Business District Street structural standards and must construct all sidewalks, on the Subject Property within this Site Plan, to applicable ADA standards. Before the release of bond or surety, the Applicant must provide MCDPS Zoning & Site Plan Enforcement (Z&SPE) Staff with certification from a licensed engineer that all streets and sidewalks have been built to the above structural standards and ADA standards.
- d) Before issuance of the first above grade building permit, the Applicant must receive a District of Columbia (DC) Department of Transportation (DDOT) Public Space Permit and DC Public Space Committee approval for all DC right-of-way improvements within Eastern Avenue, NW. A copy of the permit must be provided to M-NCPPC Staff and MCDPS.

10. Pedestrian and Bicycle Circulation

- a) The Applicant must provide a minimum of 136 private and 17 public bicycle parking spaces.
- b) The secure private long-term bicycle parking spaces must be installed internal to the residential building or garage for the residents' use. The public bicycle spaces must be inverted-U racks, or similar approved by M-NCPPC Staff at Certified Site Plan and installed in a location convenient to the main entrance.

The specific locations of the public bicycle racks must be identified on the Certified Site Plan.

- c) The Applicant must provide minimum 5-foot wide sidewalks along the private streets.
- d) The Applicant must provide improvements as approved by the DC Public Space Committee along the frontage of public street Eastern Avenue, NW.

11. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (MCFRS) Fire Code Enforcement Section in its letter dated August 6, 2014, 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 MCFRS Fire Code Enforcement Section may amend provided that the amendments do not conflict with other conditions of Site Plan approval.

Density and Housing

12. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board accepts the recommendations of the Department of Housing and Community Affairs (DHCA) in its letter dated October 10, 2014, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of Site Plan approval.
- b) Before issuance of any above grade building permit for residential units, the MPDU agreement to build between the Applicant and DHCA must be executed.

Site Plan

13. Building Height

The maximum height for the F1-F2 building is 180 feet, as measured from the building height measuring point located on the eastern corner of the Site along Street C.

14. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the latest approved architectural drawings included in the Certified Site Plan, as determined by M-NCPPC Staff.

15. Landscaping

- a) Before issuance of the final residential use and occupancy certificate for the first phase of the Site Plan, all on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities (including the swimming pool and indoor community space for the residents, pedestrian system and picnic/seating areas), and public use space amenities within the phase must be installed.
- b) Before issuance of the final residential use and occupancy certificate for the second phase of the Site Plan, all on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities (including the indoor community space for the residents, pedestrian system and picnic/seating areas), and public use space amenities within the phase must be installed.
- c) The Applicant must install the landscaping associated with each phase no later than the next growing season after completion of each phase and site work.

16. On-Site Lighting

- a) Before issuance of any above-grade building permit, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011).
- b) Deflectors must be installed on all up-lighting fixtures to prevent excess illumination and glare.
- c) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- d) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- e) On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

17. Site Plan Surety and Maintenance Agreement

Before issuance of any above grade building permit within each relevant phase of this Site Plan, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board. The Agreement must include a performance bond(s) or other form of surety as required by Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a) A cost estimate of the materials and facilities, which, upon M-NCPPC Staff approval, will establish the surety amount.
- b) The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, private roads, paths and associated improvements within the relevant phase of development.
- c) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by inspection and potential reduction of the surety.
- d) The bond or surety for each phase shall be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of each phase.

18. Development Program

Before approval of the Certified Site Plan, the Applicant will provide a development program that will be reviewed and approved by M-NCPPC Staff. The development program must include the following items in the phasing schedule:

- a) The Applicant may apply for and obtain demolition and associated rough grading permits at any time; however, no clearing or grading may occur prior to completion of the requirements in condition 18.c below.
- b) Demolition of the existing buildings prior to approval of the Final Forest Conservation Plan may only occur if a Sediment Control Permit is not needed. The Applicant will coordinate tree protection measures with Staff for tree #17 prior to demolition.
- c) Clearing and grading must correspond to the construction phasing to minimize soil erosion and must not occur before approval of the Final Forest Conservation Plan, Sediment Control Plan, and Staff inspection and approval of all applicable environmental protection devices.
- d) Providing on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, private internal streets, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and public use space amenities located within each phase of the Site Plan.
- e) Installation of on-site landscaping and lighting located within each phase of the Site Plan.
- f) Dedications, stormwater management, sediment and erosion control, afforestation, and other features, as applicable, located within each phase of the Site Plan.

19. Certified Site Plan

Before 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) Include the Final Forest Conservation Plan approval letter, stormwater management concept approval letter, development program, and the Project, Preliminary, and Site Plan Resolutions on the approval or cover sheet(s).
- b) 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".
- c) Modify data table to reflect development standards as approved by the Planning Board.
- d) Ensure consistency of all details and layout between Site and Landscape plans.

20. Permit Filing and Processing

- a) The Applicant may file the application for record plat approval at any time after filing the Certified Site Plan Application for approval with M-NCPPC Staff.
- b) The Applicant may apply for foundation-to-grade and sheeting and shoring permits with MCDPS at any time after both the Certified Site Plan application and record plat application have been filed with M-NCPPC Staff.
- c) DPS is authorized by the Planning Board to issue foundation-to-grade and sheeting and shoring permits at any time after the Applicant obtains Certified Site Plan approval and the new record plat application has been filed, regardless of whether the new record plat application has been approved or the plat recorded. The Applicant may commence work under those permits once they are issued.
- d) Any above grade building permit may not be issued until after the record plat has been approved and recorded.
- e) The Applicant shall pay the full building permit fee for each phase as part of the foundation-to-grade permit for that phase.

BE IT FURTHER RESOLVED, that all site development elements as shown on the latest electronic version for The Blairs, Phase F1-F2, as of the date of the Staff Report submitted via ePlans to the M-NCPPC shall be 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 as set forth in the Staff Report, which the 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. *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*



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:

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: