

M E M O R A N D U M

July 25, 2013

TO: Planning, Housing, and Economic Development (PHED) Committee
FROM: ^{MM} Marlene Michaelson, Senior Legislative Analyst
SUBJECT: Long Branch Sector Plan

This is the Planning, Housing, and Economic Development (PHED) Committee's second worksession on the Long Branch Sector Plan. The topics to be covered at this meeting are moderately priced dwelling unit (MPDU) requirements, staging, the Flower Theater, the property specific zoning, sustainability, and community facilities. Attached on © 1 is a new map zoning all Sector Plan areas, highlighted to show those areas that are no longer recommended to be rezoned (areas marked proposed changes). Circle 2 has a new zoning map which corrects several technical errors and © 3-10 lists errata.

Councilmembers should bring their copy of the Plan to the meeting.

MPDU Requirements

At the last worksession the Committee agreed with the Staff recommendation to defer the rezoning of most of the properties with existing multi-family housing until the Council had the opportunity to address broad policy questions raised by the Sector Plan's recommendations related to affordable housing policy. **The one issue that the Committee should address at this time is whether you want to support the Sector Plan recommendation to strongly encourage 15 percent moderately priced dwelling units (MPDUs) as the public benefit under the Commercial Residential Town (CRT) zone.** The Council received testimony from several property owners objecting to this element and from others asking why this should be Long Branch specific¹.

As noted at the last meeting, Staff is troubled by the recommendation to strongly encourage 15 percent in Long Branch, but not elsewhere in the County and believes the merits of this idea should be

¹ Although some described this as a requirement, Staff does not believe the Planning Board has the ability to require additional MPDUs but can strongly encourage it as the public benefit under the CRT zone.

examined on a countywide basis, rather than in this Sector Plan. One of the main objections in the past to increasing the requirements for MPDUs has been that it increases the cost of development (or redevelopment), making it harder for a project to be financially viable. Given the challenges associated with redevelopment in Long Branch, Staff questions whether the Council would want to create a financial disadvantage to redevelop in Long Branch relative to other areas in the County.

STAGING

The Plan recommends two Sectional Map Amendments (SMAs), similar to the original recommendations in the Chevy Chase Lake Sector Plan. Since the Committee agreed with the Staff recommendation to defer making zoning recommendations for the most of the proposed second stage rezoning, it will not be necessary to include staging or a recommendation for two SMAs in the Sector Plan. Planning Department Staff recommended that three commercial properties included among those properties identified for Long Term Development (the second SMA) be included in the Sector Plan and as well as Montgomery Housing Partnership (MHP) property and they are addressed below. The remaining properties in the Long Term Development section of the Draft Sector Plan will not have rezoning recommendations, but Staff believes it would be appropriate for the Sector Plan to indicate additional recommendations so these properties could be developed in the future.

On a somewhat related issue, a few property owners asked that Sector Plan language be clarified to allow limited interim development to occur, similar to what the Council added to the Takoma-Langley Sector Plan. The language added to the Takoma-Langley Plan by the Council that would be appropriate for this Sector Plan as well is as follows:

- The CRT zone specifically allows for the phasing of public benefits, and the Planning Board should consider options for phasing public benefits and/or amenities commensurate with the size and scale of development so that the cost of providing public benefits does not make interim development financially infeasible.
- Property owners will not be expected to relocate existing buildings to conform to the Sector Plan for limited interim development.

FLOWER THEATER

Page 29 of the Sector Plan addresses the Flower Theater and Shopping Center and finds that, while it meets the criteria for designation of the Historic Preservation Ordinance, “the public interest in revitalization outweighs the benefits of their designation in the Master Plan for Historic Preservation. As such, the Flower Theater, limited to the theater façade, two adjoining shoulders and second wall plane to a depth of 40 feet from the theater building line, are to be placed on the Locational Atlas and the Index of Historic Sites.”

The Council received significant testimony on this recommendation. While the property owner and a few individuals supported the Plan’s recommendation, most of the testimony asked the Council to designate the entire theater and shopping center historic.

Attached on © 11 to 17 is a memorandum from Council Legislative Attorney Jeff Zyontz addressing the two primary issues the Planning Board recommendation raises: whether the entire theater and

shopping center should be designated and whether it is appropriate to place the resource (however it is defined) on the Locational Atlas or designate it as historic. Mr. Zyontz agrees with the Planning Board recommendation to limit designation to the theater façade and adjoining shoulders and wall as defined in the Sector Plan. He does not, however, agree with the recommendation to place it on the Locational Atlas and instead recommends designation on the Master Plan for Historic Preservation with the provision of very specific guidelines for the approval of future historic area work permits and redevelopment of the full shopping center.

PROPERTY SPECIFIC RECOMMENDATIONS

This section identifies each of the 4 properties recommended for Interim Development and 4 additional properties originally recommended for Long Term Development since they address commercial properties and a property that includes Montgomery Housing Partnership (MHP) housing. Staff notes that there are several discrepancies between the zoning map in the Sector Plan and the text describing each property. Planning Staff has prepared a new zoning map attached on © 2.

Staff notes that there is one property not addressed in this memorandum that may require Committee attention. **Area 2** is shown on page 52 and Staff understands that the Housing Opportunities Commission may be preparing to ask for a change in zoning in conjunction with the adjacent church. If this information becomes available before the Committee meeting, Staff will circulate it in an addendum packet.

Area 1 – Long Branch Town Center

Description in Sector Plan: Page 53

Map on page 52; zoning map on © 2

Existing zoning: C-1

Recommended Zoning: CRT 2.5, C 0.5, R 2.0, H60² (area 4 on page 39)
CRT 3.0, C 0.5, R 3.0, H70 (area 13 on page 39)
CRT 3.0, C 1.0, R 3.0, H85 (area 12 on page 39)
CRT 3.0, C 0.5, R 3.0, H100 (area 14 on zoning map)
CRT 3.0, C 0.5, R 3.0, H120 (area 15 on zoning map)

Sector Plan Recommendation: The Sector Plan recommends that this property (referred to as the “Super Block”), which is adjacent to a proposed Purple Line station, and is currently the site of the Giant supermarket and Flower Theater, be the site of the greatest heights and densities. (Similar heights and densities recommended for area 9 will no longer be considered since they were recommended for Long Term Development). The Plan recommends floor area ratios (FAR) of 3 and 2.5 and heights that range from 60 feet to 120 feet.

Testimony: The Council received testimony from two owners and numerous groups and individuals regarding this area. The Flower Avenue Shopping Center Limited Partnership supported the Sector Plan zoning recommendations. The Washington Real Estate Investment Trust (WRIT), owner of the portion of this area with the Giant supermarket and ancillary retail, asked for an increase in potential height from 120 feet to 150 feet and increase in FAR from 3.0 to 4.0. They noted that a significant

² CRT stands for Commercial Residential Town, C for commercial, R for residential and H for height.

portion of their property would be taken for the Purple Line and additional land would be used as a staging area during construction. The Council also received testimony from several individuals and civic groups concerned that 120 feet is too high for this location.

Staff Recommendation: Staff supports the Sector Plan total FARs and height recommendations for this site. It is the one site that presents the greatest opportunity for redevelopment and the height and FAR should be sufficient to create the incentive for redevelopment. Should the surrounding areas fail to redevelop, a 120 foot building could be out of scale with the rest of the development, but Staff believes this would be preferable to not providing enough density to create the necessary incentives for redevelopment. Staff recommends that the commercial zoning on zoning areas 14 and 15 be increased from 0.5 FAR to 1.0 FAR to provide additional flexibility for these critical sites and further recommends decreasing the residential FAR on areas 12, 14 and 15 from 3.0 to 2.75 to ensure that at least some ground floor retail is provided, even if the rest of the site develops with residential.

Staff believes that the property owner's request for a 4.0 FAR and 150 feet should **not** be granted given the existing heights and densities in Long Branch and Council decisions at other Purple Line stations.

Area 3 – Piney Branch Road/Flower Avenue (Northwest)

Description in Sector Plan: Page 56

Map on page 52; zoning map on © 2

Existing zoning: C-1 and R-10

Recommended Zoning: CRT 2.5, C .25, R 2.5, H 70 (Area 6 on page 39 - HOC)

CRT 1.5, C.25, R 1.5, H 60 (Western most area 1 - 8736-8472 Flower Avenue)

Sector Plan Recommendation: This area is the location of a Housing Opportunities Commission (HOC) housing project and commercial development. The Sector Plan recommends a rezoning to CRT zone with a very limited amount of commercial development. (There are a few errors in the information presented on page 56 of the Plan that have been corrected in the errata attached at © 4, most notably that the existing heights are up to 60 feet, not 45 feet and the estimate of proposed residential units is 293, not the 132 in the plan.)

Testimony: The Council received testimony from HOC and William Kominers on behalf of the owner of the commercial shopping center at 8472 Piney Branch Road. HOC supported the Sector Plan zoning, but asked that it be extended to 3 homes zoned R-60 to the northwest of their property since they are considering purchasing those properties.

Mr. Kominers asked for an increase in FAR, noting that a 2005 Urban Land Institute Report indicating that density within the commercial core of Long Branch should be a 3.0 FAR. His testimony did not request a specific increase. He also requested an increase in the commercial FAR from 0.25 to 0.5 since the existing commercial development is 0.36 FAR. Finally he objected to the requirement for 15 percent affordable housing and asked for language that would allow interim development (both discussed earlier in this memorandum).

The Council also received testimony from the owners of single family home along Geren Road objecting the heights proposed for this area.

Staff Recommendation: Staff supports the Sector Plan recommended zoning on the HOC property, but does not support their request to further expand CRT zoning to the adjacent single family homes. HOC could still purchase these homes for either open space or to use the single family homes as they proposed, but Staff believes it would be inappropriate to extend the CRT zoning to the other homes in this area.

On the commercial end of this property the Council received requests both to decrease the height (from the adjacent property owners) and increase the FAR (from the property owner). Staff has asked Planning Department staff to determine whether both are possible – to increase the FAR slightly (to 2.0 or 2.5) to allow for additional development, while also reducing the height to minimize impact on adjoining single family homes (e.g., from 60 feet to 50 feet). They will be prepared to respond at the worksession.

Area 4 – Piney Branch Road/ Flower Avenue (Southwest)

Description in Sector Plan: Page 57

Map on page 52; zoning map on © 2

Existing zoning: C-1, R-10, and R-40

Recommended Zoning: CRT 1.5, C 0.5, R 1.5, H 60

Sector Plan Recommendation: The Sector Plan proposes rezoning this existing commercial area at the southwest corner of Piney Branch Road and Flower Avenue to the CRT zone at an overall density of 1.5 FAR. (Errata are corrected on © 4.)

Testimony: None

Staff Recommendation: Staff supports the over density and FAR for this property but questions why the commercial development at this corner is limited to a 0.5 FAR. Given its location and size, Staff believes it would be appropriate to allow most of the density to be achieved either through residential or commercial development and recommends increasing the commercial FAR to 1.0.

Area 8 - South Pine Branch Road (Flower Avenue to Glenview Avenue)

Description in Sector Plan: Page 83

Map on page 79; zoning on © 2

Existing zoning: C-1 and R-60

Recommended Zoning: CRT 1.5, C .25, R 1.5, H 50 (8605-8617 Greenwood Avenue and abutting Domer Avenue properties)

CRT 2.5, C .25, R 2.5, H 85 (8801-8547 Piney Branch Road)

Sector Plan Recommendation: The Sector Plan proposes rezoning this property from almost exclusively commercial to mixed-use, (primarily residential) at a overall FAR of 2.5. Transition properties are recommended for a lower FAR of 1.5. (The Sector Plan incorrectly indicates that some portion of the area is recommended for CRT 2.5, C 0.25, R 2.25, H 60-see errata on © 5.)

Testimony: The Council received testimony from Chris Ruhlen on behalf of Finmarc Management. They requested increasing the overall density to 3.0 FAR and the commercial density from 0.25 to 0.5 FAR since the existing center has a 0.49 commercial FAR and because that amount would be necessary to allow for ground floor retail.

Staff Recommendation: Staff supports the property owner request for a 3.0 total FAR and a 0.5 commercial FAR on this area directly across from the Purple Line station and the area recommended for the highest density (also 3.0 FAR). Staff also recommends rezoning the two R-60 properties directly south of area 8, west of Greenwood. These 2 lots are surrounded on 4 sides by higher density zoning and the setback and height requirements for a CRT property adjacent to an R-60 property would limit development on area 8. Staff recommends that these properties either be rezoned to R-10 (as are the properties to the south) or the transition CRT zone used for the properties directly east.

Area 13 –Piney Branch Road/University Boulevard

Description in Sector Plan: Page 88

Map on page 79; zoning on © 2

Existing zoning: C-1 and R-10

Recommended Zoning: CRT 2.5, C 0.25, R 2.5, H 60 (area 8 near Glenville Road)
CRT 1.5, C 0.25, R 1.5, H 60 (transition north of area 8)

Sector Plan Recommendation: The Sector Plan recommends rezoning this property from commercial use along University Boulevard and Piney Branch Road and residential on the interior of the site to mixed-use at a 2.5 FAR with transition zoning at the northern edge of the property. Although this property was recommended for Long Term Development, Staff recommends that it be included in the Sector Plan for rezoning since it includes commercial properties and also includes MHP housing and they have indicated an interest in redeveloping their existing buildings.

Testimony: None

Staff Recommendation: Staff supports the Sector Plan recommended zoning for the area that is currently zoned R-10, but questions whether the C 0.25 recommendation will be sufficient to allow redevelopment of the existing commercial uses. Staff recommends increasing the commercial FAR on the portion of the site currently zoned C-1 to from C 0.25 to C 0.5.

Area 14 – Forston Street and University Boulevard East

Description in Sector Plan: Page 90 (see errata on © 6)

Map on page 79; zoning on © 2

Existing zoning: C-O

Recommended Zoning: CRT 1.5, C 0.25, R 1.5, H 60

Sector Plan Recommendation: The Sector Plan recommends changing this existing commercial property (with an existing office building) from commercial office to mixed-use.

Testimony: None

Staff Recommendation: Staff supports the zoning recommendation but notes that given the existing office building and the recommended zoning, near term redevelopment is not likely.

Area 15 – Carroll Avenue and Piney Branch Road

Description in Sector Plan: Page 91 (see errata sheet on © 6-7)

Map on page 79; zoning on © 2

Existing zoning: C-1

Recommended Zoning: CRT 1.5, C .25, R 1.5, H 60

Sector Plan Recommendation: The errata sheet corrects the areas to be rezoned indicating that only the existing C-1 zoning will be changed to CRT and surrounding R-60 zoning will be reconfirmed.

Testimony: None

Staff Recommendation: Support the Sector Plan as revised on the errata sheet.

SUSTAINABILITY

Sustainability issues are discussed on pages 40 – 42 of the Sector Plan. While some of the issues addressed in this section are unique to Long Branch and appropriate for a Sector Plan, other comments address issues that are of countywide concern and not unique to Long Branch. Staff supports retaining comments about tree canopy targets specific to Long Branch or protected forested areas within Long Branch, but does not support most of the energy section which appears to specify higher standards for energy efficiency in Long Branch than other areas in the County with no rationale for this disparate treatment. If higher energy efficiency standards or requirements for features such as reflective roofs are appropriate, they should be put in County law or regulations and applied to all new construction. Otherwise, the Sector Plan will be increasing the cost of development in Long Branch relative to other areas, making it a less attractive target for redevelopment. Similarly, requirements for LEED certification should be removed from the Sector Plan.

The Council received testimony from former Councilmember Rose Crenca who was concerned that the Sector Plan did not include any site specific recommendations to reduce imperviousness or increase tree canopy. In particular she notes that area 1 (the “Superblock”) is 100 percent impervious and directly connected to the Long Branch Stream but there are no recommendations for environmental improvements on this site related to impervious surfaces, stormwater runoff or tree canopy. Staff agrees that the Plan would be strengthened by highlighting the properties with the greatest opportunities to address the Sector Plan’s goals related to impervious surfaces, stormwater runoff and tree canopy.

PARKS AND COMMUNITY FACILITIES

Park and Community facilities are described on pages 30 – 36 of the Sector Plan. The discussion on parks on pages 30 to 31.

Civic Green

On pages 30 and 34 in the Sector Plan and elsewhere, the Sector Plan recommends establishing a

“central Civic Green Urban Park at least one half acre, to be located on an Interim Development (Phase One) site within the area of highest density. The park should be located near the planned Arliss Street Station, have a visible connection to nearby activating uses, and contain a mixture of hard and soft surfaces, including an event space. It should also be owned and operated by MNCPPC Montgomery Parks.”

Although Area 1 appears to be the only property to fit this definition (it is the only high density property recommended for Phase 1), the floating symbol for a Civic Green on the map on page 31 is on Area 9, which will no longer be recommended for rezoning in this Sector Plan. If the Department of Parks believes that a civic green is a critical element in this Plan, then Staff believes it should identify an alternative location that is viable in the life of the Sector Plan. Staff asked Department of Parks and Planning Department to reconsider this recommendation and Staff understands that they will be recommending locating the civic green at the northwest corner of Piney Branch Road and Arliss at the location of a current gas station that will be purchased by Maryland Transit Authority (MTA) to allow the construction of the Purple Line. Staff believes that this is a far better location than area 9 (and one likely to allow a more near term construction of the civic green) and asked M-NCPPC to prepare new language to describe this change.

Recreation Center and Pool

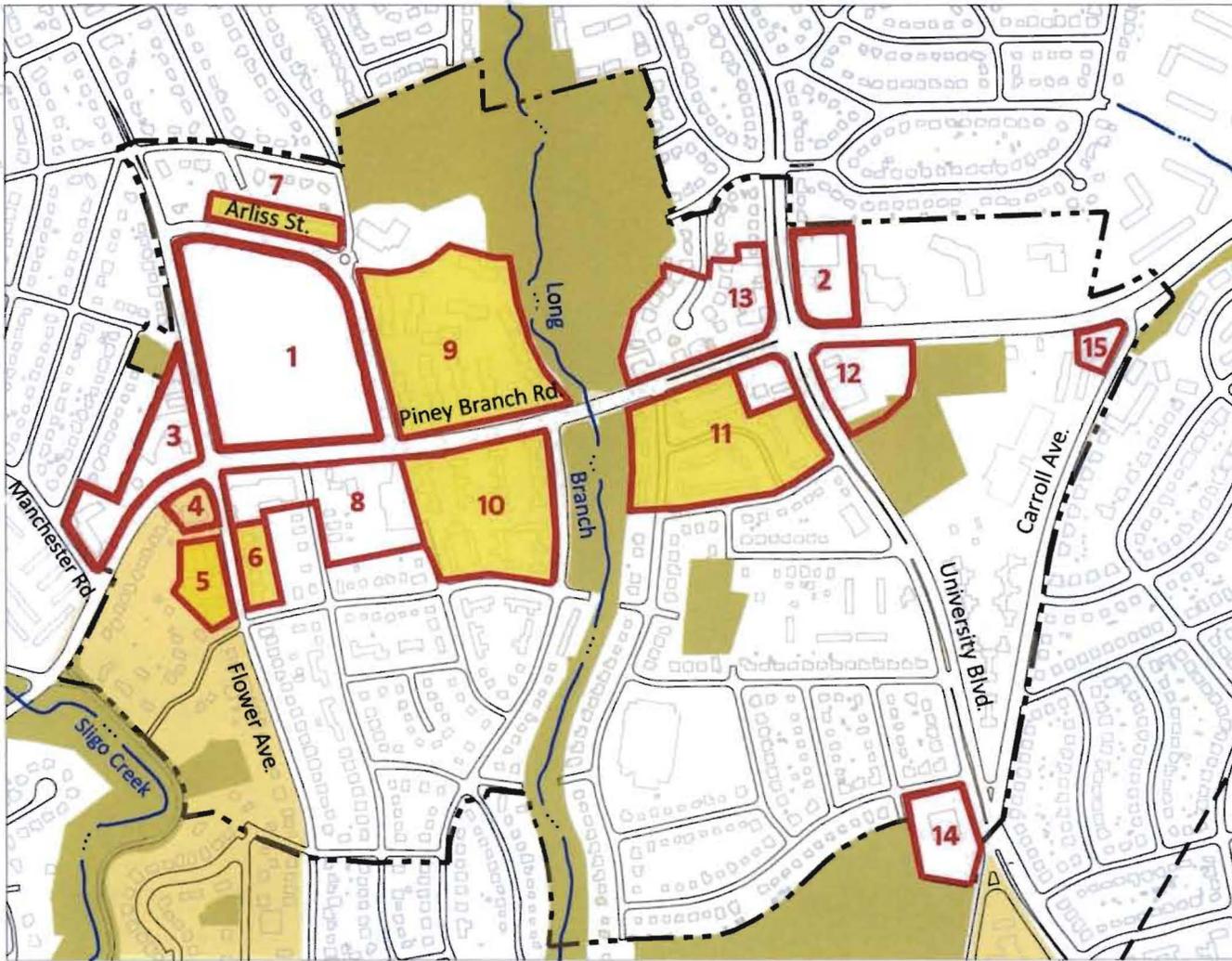
On page 33, the Sector Plan includes the following recommendation:

As part of the life-cycle upgrades and replacement during the life of the Plan, consider relocating the Long Branch Pool and Recreation Center outside the stream buffer and closer to the library - the area of highest density and a future nearby Purple Line Station

Although the Council received testimony objecting to this recommendation, Staff believes it would be appropriate to consider an alternative location for these facilities, if at some future time it is necessary to rebuild or significantly expand them due to increased population or the condition of the facilities. Staff believes this is not likely to happen in the life of this Sector Plan but believes the language should be retained to prevent consideration of new construction in the stream valley.

Police Substation

On page 36 and page 53, the Sector Plan recommends establishing a permanent police substation with the Long Branch Town Center, using the CRT Zone Optional Method Density Incentive. The Committee may want to ask the Executive to clarify whether he supports a police substation. In FY13, the Council approved the Executive's recommendation to eliminate funding for the Piney Branch Satellite which was in leased space on Piney Branch Road. The Executive had recommended elimination of this satellite facility in FY11 and FY12 as they were not budget priorities for the Police Department (however Council had maintained funding). The Police Department said that the elimination of the Piney Branch Satellite Facility (and two other satellite facilities) would not have any impact on the complement of police staff serving the community.

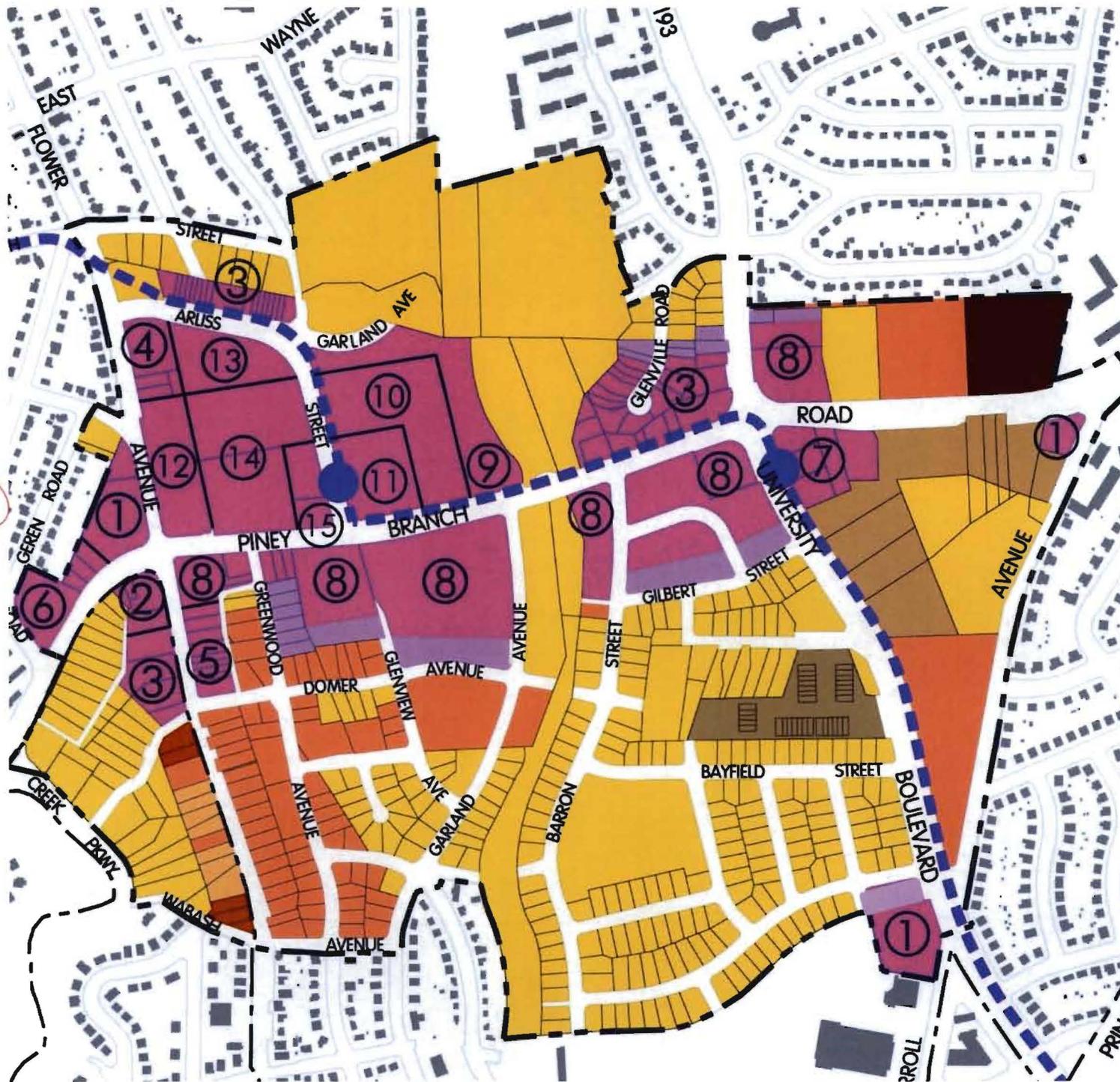


- Long Branch Sector Plan
- .-.- County boundary
- City of Takoma Park
- Parks
- Redevelopment Area
- Proposed changes

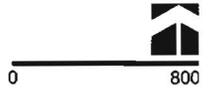
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Long Branch Sector Plan



- Long Branch Sector Plan
- - - City of Takoma Park
- - - Purple Line (Planned)
- Purple Line Stations
- RT-8
- R-10
- R-20
- R-30
- R-40
- R-60
- R-H
- ① CRT 1.5, C-0.25, R-1.5, H-50
- ② CRT 1.5, C-0.5, R-1.5, H-60
- ③ CRT 2.5, C-0.25, R-2.5, H-60
- ④ CRT 2.5, C-0.5, R-2.5, H-60
- ⑤ CRT 3.0, C-0.25, R-3.0, H-60
- ⑥ CRT 2.5, C-0.25, R-2.5, H-70
- ⑦ CRT 2.5, C-0.5, R-2.5, H-85
- ⑧ CRT 2.5, C-0.25, R-2.5, H-85
- ⑨ CRT 2.5, C-0.5, R-2.5, H-85
- ⑩ CRT 2.5, C-0.5, R-2.5, H-100
- ⑪ CRT 2.5, C-0.5, R-2.5, H-120
- ⑫ CRT 3.0, C-1.0, R-3.0, H-85
- ⑬ CRT 3.0, C-0.5, R-3.0, H-75
- ⑭ CRT 3.0, C-0.5, R-3.0, H-100
- ⑮ CRT 3.0, C-0.5, R-3.0, H-120



Updated Errata Sheet – Long Branch Sector Plan – Planning Board Draft

Melissa Williams, Area 1, melissa.williams@montgomeryplann.org 301.495.4542

Description

This memo represents Staff's proposed changes to the Planning Board Draft. These changes are the result of errors/omissions recognized after the publication of the Draft. Staff asks that they be included and reviewed as a part of the submitted Planning Board Draft.

Summary

Page 27: Change to: "...when the full funding agreement for the Long Branch and Piney Branch Purple Line stations is in place."

Page 29, the Plan states that, "[w]hile the Flower Theater and Shopping Center meet the criteria of the Preservation Ordinance, the public interest in *increased density* of development outweighs preservation benefits." The sentence, as revised, should read, "[w]hile the Flower Theater and Shopping Center meet the criteria of the Preservation Ordinance, the public interest in ~~increased density of development~~ revitalization outweighs preservation benefits."

The Planning Board Draft also includes a couple of passing references to the "historic Flower Theater" (see Pages 13, 29). These statements are inaccurate, as the Flower Theater has not been designated as a historic resource. This language should be corrected throughout the Plan.

Page 39, Revise Map 13 – Proposed Zoning to reflect changes to site specific pages

Page 43, Recommendations Section, 3rd bullet: Change to "Provide a multi-modal (vehicular, bicycle, and pedestrian) bridge over the Long Branch Stream Valley that includes..."

Page 43, Recommendations Section, 5th bullet, 3rd sub-bullet: Change to "Flower Avenue (between Arliss Street and ~~Demer Avenue~~ Piney Branch Road)"

Page 43, Recommendations Section, 5th bullet, 4th sub-bullet: Remove "Arliss Street". This recommendation will be added to phase 2 (see page 61 below).

Page 45, Table 1, BL-38: Change Plan Limit to "~~Demer Ave~~ Piney Branch Rd to Arliss St"

Page 45, Table 1, PB-8: Change Plan Limit to "Wabash Ave to ~~Demer Ave~~ Piney Branch Rd"

Pg. 51 - Please delete reference to "MD 787" from the table, Flower Ave is no longer a State Highway.

Page 51, Table 2, 1st University Blvd segment: Remove "[6]" from "Number of Lanes" column

Page 51, Table 2, 3rd University Blvd segment: Change ROW footnotes from "4,5" to "3,5"

Page 51, Table 2, 3rd Piney Branch Rd segment: Add footnote #3 to the ROW column

Page 56, make the following changes

- Remove Header: Long Term Development Specific Sites
- Change existing height from Varied 16 to 45 feet to 16 to 60 feet
- Change Proposed Residential from 132 du to 293 du

Page 57 Make the following changes

- Change Proposed Residential from 38 du to 55 du
- Change Existing commercial from 26,469 to 7,257

Page 58, Table 3 – Total Interim Development

Land use	Existing	Holding Capacity	Proposed
Commercial	532, 815 csf	917,987 sf	574,648 <u>559,717</u> sf
Residential: Single Family	372 du	616 du	372 du
Residential: Multifamily	1,804 du	3,260 du	2,892 <u>3,782</u> du
- Naturally occurring affordable housing	882 du	n/a	938 du
- Subsidized housing (includes voucher, tax credit and rent restricted units)	567 du	n/a	837 <u>863</u> du (includes 297 MPDUs)
Institutional Use	19,217 sf	n/a	19,217 sf
Public Facilities	52,804 sf	n/a	Approx. 54,004 sf
Parkland	1,590,376 sf	n/a	1,655,376 sf

Pg. 57 - Please delete references to residential zones under "Existing", these addresses are commercially zoned at present.

Page 59, Change to: "This phase will commence when upon the full funding agreement of the Purple Line for the Long Branch and Piney Branch stations is in place."

Page 61, Mobility Recommendations: Add “Provide bike lanes on Arliss Street”

Page 62: 1st bullet: Change to “Modify the University Boulevard street cross section between Carroll Avenue and Piney Branch Road to accommodate the Purple Line (within a dedicated median lane), bike lanes, ~~cycle tracks,~~ and a shared-use path (interim) and cycle tracks (ultimate).”

Page 62, 4th bullet: For consistency with the roadway table on page 51 and the sections on page 63 and 64, change to “Provide for an Arliss Street right-of-way, between Piney Branch Road and Garland Avenue that is at least 127 feet wide and between Garland Avenue and Flower Avenue, that is at least ~~100-110~~ feet to accommodate the Purple Line in a dedicated lane.”

Page 72, University Blvd from Gilbert St to Seek Ln, Plan Recommendations, Lanes: Change to “Five-Four travel lanes (~~three-two~~ northbound and two southbound)” to reflect current Purple Line planning.

Page 73, University Blvd from Seek Ln to Bayfield St, Plan Recommendations, Lanes: Change to “four travel lanes” to reflect current Purple Line planning.

Page 74, University Blvd from Bayfield St to Carroll Ave, Plan Recommendations, Lanes: Change to “four travel lanes” to reflect current Purple Line planning.

Page 82, Change Existing Residential from 53 du to 15 du

Page 83, Remove CRT 2.5, C0.25, R2.25, H 60 from Existing Zoning

Page 84

- Revise the following Land Use and Zoning recommendation: Provide for structured and shared parking that will serve the Long Branch Town Center area
- Change Proposed Residential from 739 du to 972 du

Page 85

Land use	Existing	Holding Capacity	Proposed	
			Interim	Long Term
Commercial	532, 815 csf	917,987 sf	574,648 <u>559,717</u> sf	707,760 sf
Residential: Single Family	372 du	616 du	372 du	357* du
Residential: Multifamily	1,804 du	3,260 du	2,892 <u>3,782</u> du	6,665 <u>6610</u> du
- Naturally occurring affordable housing	882 du	n/a	938 du	n/a
- Subsidized housing (includes voucher, tax credit and rent restricted units)	567 du	n/a	837 <u>863</u> du (includes 270 MPDUs)	1624 <u>1416</u> du (includes 787 <u>849</u> MPDUs)
Institutional Use	19,217 sf	n/a	19,217 sf	19,217 sf
Public Facilities	52,804 sf	n/a	Approx. 54,004 sf	Approx. 54,004 sf



Parkland	1,590,376 sf	n/a	1,655,376 sf	Approx. 1,720,364 sf (includes approx. 65,000 sf of new parkland)
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*Notes redevelopment of Arliss Street Town Homes (Site #7)

Page 90 – ~~Carroll Avenue and Piney Branch Road includes 8875 Piney Branch Road~~ Fortson Road/University Boulevard includes 831 University Boulevard and 815 Fortson Street

Size 97,110	Existing	Proposed
Land Use	Commercial Use <u>and Vacant</u>	Mixed use
Zoning	C-O (Commercial, office building) R-60 (Residential, one-family)	CRT 1.5, C.25, R1.5, H 60 <u>815 Forston Street – CRT 1.5, C.25, R1.5, H 60</u> <u>831 University Boulevard – CRT 1.5 C.25, R 1.5, H 60</u>
Building Height	36 to 42 feet	Maximum 60 feet
Residential	<u>n/a</u>	114 du
Commercial	31,072	32,000

~~Community – provide for well design streetscapes along Piney Branch Road and Carroll Avenue~~

Page 91 – ~~Fortson Road/University Boulevard includes 831 University Boulevard and 815 Fortson Street~~
Carroll Avenue and Piney Branch Road includes 8875 Piney Branch Road

Size 20,320	Existing	Proposed
Land Use	Commercial Use and vacant	Mixed use
Zoning	C-1 (Convenience Commercial) R-60 (Residential, one family)	CRT 1.5, C.25, R1.5, H 60

Building Height	Varies 16 to 42 feet	Maximum 60 feet
Residential	n/a	23 du
Commercial	1,380 sf	7,500 sf

Sustainability – provide a vegetated buffer between proposed mixed-use development and ~~the Long Branch Stream Valley Park~~ existing residential development

Proposed Changes to Capital Improvement Program – Table 5

Project Name	Category	Lead Agency	Coordinating Agency/Group	Cost Estimate
Piney Branch Road/University Boulevard Reconstruction	Mobility	MTA and SHA	M-NCPPC	TBD
Purple Line/Station Construction	Mobility	MTA	Montgomery County , SHA and M-NCPPC	TBD
Sidewalk Improvement	Mobility	Montgomery County	M-NCPPC, City of Takoma Park and Private	TBD
Intersection Improvements (Piney Branch Road – Arliss and University Boulevard)	Mobility	MTA, Montgomery County and SHA	M-NCPPC and MTA	TBD
Glenville Road Extension (design and construction)	Mobility	MTA and Montgomery County	M-NCPPC, Montgomery County DOT,	TBD
Glenview Road Extension	Mobility	Montgomery County	M-NCPPC, DOT and Private	TBD
Long Branch Local Park (acquisition of land)	Mobility	M-NCPPC Montgomery Parks	Private -M-NCPPC <u>Montgomery Parks</u>	TBD
•Design and Construction of new park driveway off Glenview Road Extension	Mobility	MTA and M-NCPPC Montgomery Parks	M-NCPPC Montgomery Parks	TBD
Gilbert Street Extension <u>through New Hampshire Estates Neighborhood Park</u>	Mobility	Montgomery County	M-NCPPC-and MTA and Private	TBD
Domer Avenue Extension and Bridge reconstruction <u>over Long Branch Stream Valley Park</u>	Mobility	Montgomery County	M-NCPPC and Private	TBD
Bridge Reconstruction (Long Branch and Clayborn Avenue)	Mobility	Montgomery County	M-NCPPC	TBD
Police Substation	Community	Montgomery County		TBD



Commercial Façade Improvement Program (funding and technical assistance)	Community	Montgomery County		TBD
Way- finding Signage	Community	Montgomery County	MTA, M-NCPPC, Montgomery Parks	TBD
<u>Flower Avenue Urban Park expansion</u>	<u>Sustainability</u>	<u>Private</u>	<u>M-NCPPC, Montgomery Parks and Montgomery County DOT</u>	<u>TBD</u>
<u>Relocation of Recreation Center and Pool</u>	<u>Sustainability</u>	<u>Montgomery County</u>	<u>M-NCPPC Montgomery Parks and Montgomery County</u>	<u>TBD</u>
<u>Reconstruction of Long Branch Local Park following relocation of recreation center and pool</u>	<u>Sustainability</u>	<u>M-NCPPC, Montgomery Parks</u>	<u>M-NCPPC, Montgomery Parks</u>	<u>TBD</u>
<u>Long Branch Local Park – Heart Smart Trail</u>	<u>Sustainability</u>	<u>M-NCPPC, Montgomery Parks</u>	<u>M-NCPPC, Montgomery Parks</u>	<u>TBD</u>
<u>Seek Lane Neighborhood Park Expansion</u>	<u>Sustainability</u>	<u>M-NCPPC, Montgomery Parks</u>	<u>M-NCPPC, Montgomery Parks</u>	<u>TBD</u>
New Hampshire Estates Park	Sustainability		M-NCPPC Montgomery Parks	TBD
• Concept Planning and Public Outreach		M-NCPPC Montgomery Parks	M-NCPPC Montgomery Parks and Montgomery County Public Schools	TBD
• Facility Plan		MTA	M-NCPPC Montgomery Parks	TBD
• Detailed Design		MTA	M-NCPPC Montgomery Parks	TBD
• Construction		Montgomery County and SHA	M-NCPPC Montgomery Parks	TBD
Central Civic Green (Planning and Design)	Sustainability	Private	M-NCPPC Montgomery Parks and Private	TBD
Long Branch Trail Extension (Planning, Design and Construction)	Sustainability	M-NCPPC Montgomery Parks	M-NCPPC Montgomery Parks	TBD

Long Branch Trail Extension (at – grade crossing – Barron Street)	Sustainability and Mobility	MTA	M-NCPPC Montgomery Parks, <u>Montgomery County DOT</u>	TBD
Public Art	Community	MTA and Private	Montgomery County, <u>M-NCPPC</u> <u>Montgomery Parks</u>	TBD
Public Parking (structured parking at Long Branch Town Center)	Community	Montgomery County and Private		TBD

MEMORANDUM

July 18, 2013

TO: Planning, Housing, and Economic Development Committee

FROM: Jeff Zyontz, Legislative Attorney

SUBJECT: Flower Theater and Shopping Center - Amendment to the Master Plan for Historic Preservation - Long Branch Sector Plan

Staff recommends including the Flower Theater façade and the shoulder area around it in the Master Plan for Historic Preservation and providing design guidelines in the Long Branch Sector Plan for the redevelopment of the theater and shopping center.

Background

The Long Branch Sector Plan was advertised as an amendment to the Master Plan for Historic Preservation. The only potential addition to the Master Plan for Historic Preservation concerns the Flower Theater and Shopping Center. Although this resource was fully evaluated as a historic resource, the Planning Board did not recommend its inclusion in the Master Plan for Historic Preservation.¹

The Planning Board Draft of Long Branch Sector Plan had this to say about the Flower Theater and Shopping Center:

Historic buildings also contribute significantly to community identity by providing continuity and helping support a sense of place, especially when integrated within the fabric of a community. The historic Flower Theater and Shopping Center in Long Branch are fine examples of a post-war planned commercial/entertainment complex executed in a modernist style. The Flower Theater, which opened to the public in 1950, was designed by John J. Zink, a renowned theater architect. The Plan recommends the following:

- Integrate any proposed redevelopment into the Long Branch Town Center.
- Add the Flower Theater façade and, two adjoining shoulders and second wall plane to a depth of 40 feet to the Locational Atlas and Index of Historic Sites.

While the Flower Theater and Shopping Center meet the criteria of the Preservation Ordinance, the public interest in revitalization outweighs the benefits of their designation in the Master Plan for Historic Preservation. As such, the Flower Theater, limited to the theater façade, two adjoining shoulders and second wall plane to a depth of 40 feet from the theater building line, are

¹ The inclusion in the Master Plan for Historic Preservation is the method by which the County permanently designates a historic resource.

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to be placed on the Locational Atlas and the Index of Historic Sites. Redevelopment will be guided by urban design guidelines to ensure redevelopment is compatible with the historic resource.

The Locational Atlas and Index of Historic Sites

Code Provisions

The Locational Atlas and Index of Historic Sites (hereafter referred to as “the Atlas” – because life is too short) is a device to provide interim historic protection before a full historic preservation evaluation is made.² When an owner’s property is listed in the Atlas and the owner seeks a demolition permit or a permit for a substantial alteration, the owner in a historic district must follow the procedures for a historic area work permit.³ The owner or an individual site must get a determination by the Planning Board as to whether the property should be placed on the Master Plan for Historic Preservation.⁴ If the Planning Board recommends that the Council designate the site in the Master Plan for Historic Preservation, that recommendation must be forwarded to Council on a fast track.⁵ If the Planning Board does not recommend designating the site, then the Historic Preservation Commission may not interfere with the requested permit.⁶ One may assume in this latter instance that the Planning Board would then take the resource off the Atlas, but that event is not required by code.

Planning Board’s Role

The Atlas is the only aspect of historic preservation that is under the sole jurisdiction of the Planning Board. There is no statutorily authorized role for the Council to either put items on or take items off the Atlas. The effect of putting an item on the Atlas is to allow the Planning Board to decide when or if the Historic Preservation Commission has jurisdiction to require a historic area work permit. It leaves an unanswered question as to whether the site should be placed on the Master Plan for Historic Preservation. It is unusual for a master plan to direct the Planning Board to put a fully evaluated site on the Atlas.

Partial Building Use

In at least one instance—the Canada Dry Building in Silver Spring—the Planning Board put a portion of the building on the Atlas. The front portion of the original building (.7 acres) is still on the Atlas, even after the redevelopment of the site. The Council had no role in the particular listing on the Atlas. The Canada Dry façade was never placed on the Master Plan for Historic Preservation, but was incorporated into the redevelopment.

² §24A-10. The Atlas existed as a Planning Board approved document in 1976; this was 3 years before the Council approved the historic preservation provisions of the Code in 1979. Since then, the Planning Board has occasionally used the Atlas to provide some protection to sites that they did not recommend for inclusion on the Master Plan for Historic Preservation.

³ §24A-10(a).

⁴ §24A-10(b).

⁵ §24A-10(c)(2).

⁶ §24A-10(c)(1).

Council's Discretion

Nothing in County or State law mandates designation. Chapter 24A-3(b) requires the Planning Board to apply historic criteria in making its recommendation to the Council, but it does not bind the Council to adopt all of the resources that meet the historic criteria. The designation of historic resources is by the adoption of an amendment to the Master Plan for Historic Preservation.

The purpose of all master plans, including the Master Plan for Historic Preservation, is found in the State code - Land Use Article § 21-101(b):

The purpose of the plan is to:

- (1) guide and accomplish a coordinated, comprehensive, adjusted, and systematic development of the regional district;
- (2) coordinate and adjust the development of the regional district with public and private development of other parts of the State and of the District of Columbia; and
- (3) protect and promote the public health, safety, and welfare.

When the public interest is not served by historic designation, the Council is not required to designate the resource and should not do so.

Evaluation of the Flower Theater and Shopping Center

The Planning Board concluded that the Flower Theater and Shopping Center meets the criteria for historic preservation. Planning Staff and the Historic Preservation Commission recommended historic designation of the entire theater and shopping center. It was their recommendation that led to the Planning Board's conclusion that the site meets the criteria for historic preservation. The historicity of the site was contested by the property owner and other individuals and supported by historic preservation advocates.⁷

Staff agrees with HPC and the Planning Board that the Flower Theater and Shopping Center meet some of the criteria for historic preservation. It is not a universally appreciated architecture, but it need not be a universally appreciated example of architecture to meet historic preservation criteria.⁸ As previously stated, the conclusion that a resource satisfies historic preservation criteria does not require that the Council designate the site by including it in the Master Plan for Historic Preservation.

⁷ In a February 2013 letter from David Rotenstein, PhD, he referred to the shopping center as a "common and an unremarkable example of postwar commercial architecture". He noted that the shopping center represents the work of two twentieth century architects: Frank Grad and Edwin Weihe. In his opinion, although both are considered master architects, the Flower Shopping Center was not one of their recognized masterpieces. He also cited changes to the original architecture that makes the site less worthy of designation.

In commenting in favor of designation, Richard Longstreth, PhD, an expert in 20th Century Commercial architecture, found the Flower Theater and Shopping Center to be an outstanding example of its period and that it merited National Register designation. (He is the Chairman of the committee that reviews National Register Nominations.)

⁸ The criteria to designate a resource for Architectural and design significance is as follows:

The historic resource:

- a. Embodies the distinctive characteristics of a type, period or method of construction;
- b. Represents the work of a master;
- c. Possesses high artistic values;
- d. Represents a significant and distinguishable entity whose components may lack individual distinction; or
- e. Represents an established and familiar visual feature of the neighborhood, community or county due to its singular physical characteristic or landscape.

Council Options (In order from the highest level of historic preservation protection to the lowest level)

- 1) Designate the entire theater and shopping center.
- 2) Designate all of the theater and direct the Planning Board to put the remainder of the shopping center on the Atlas.
- 3) Designate the entire theater only.
- 4) Designate the front façade of the theater and shoulder area.
- 5) Consent to the Planning Board's inclusion of the theater and shoulder area on the Atlas.
- 6) Do not designate, but provide guidelines in the master plan to include the theater façade and shoulders into any redevelopment, with a recommendation that the Planning Board not place anything on the Atlas.

Staff agrees with the Planning Board that the public interest of revitalization is served by only preserving the theater façade and shoulders, without all the burdens of a full historic designation; however, the Planning Board's proposed technique of using the Atlas is not recommended.

Arguments Against the Use of the Atlas for Fully Evaluated Sites

Historic Preservation Staff members are working diligently to eliminate the Atlas by evaluating sites and either removing listed resources or recommending historic designation to the Council. Adding a fully evaluated site to the Atlas runs counter to the goal of eliminating the Atlas. It adds to the list of occasions where the Atlas is used as a threat in order to avoid the submission of a bad preliminary plan or site plan.

The Atlas generally affords protection to a potential historic site before a full historic evaluation is available. On occasion, it has been used as a means of assuring compatible redevelopment. The Atlas designation allows a developer to avoid the Historic Preservation Commission with the cooperation of the Planning Board. The property owner may submit a project plan, sketch plan, preliminary plan, or site plan before submitting a demolition or building permit. If the Planning Board is satisfied with the proposed plan, it would agree to remove the resource from the Atlas before a demolition permit or a building permit is filed. Presumably, the Planning Board could recommend designation if it finds the proposed plan unacceptable or if it is confronted with a demolition permit with no proposed redevelopment.

The Council should not consent to placing a site on the Atlas if it knows that it will not add the resource to the Master Plan for Historic Preservation. In such an instance, the Atlas can only serve to delay a permit for demolition by about 6 months. **Staff believes that the Atlas status should be reserved for potential sites that have not been fully evaluated.**⁹

⁹ In the face of a full historic evaluation, the Atlas is a halfway measure that violates the Yoda principle "Do or do not. There is no try."

Arguments Against Full Designation of the Theater and Shopping Center

The first principle listed in the Long Branch Sector Plan is “create mixed-use, transit oriented land uses around transit stations to foster reinvestment and development of commercial and residential uses.”¹⁰ The shopping center owner reports that the existing façade has setbacks of 25 to 50 feet on its southern side that, if retained, would leave a portion of the building hidden from the street. It would create inefficient and inflexible areas for layout and service. In addition, on-site parking and loading would be inadequate with full preservation. Finally, in the owner’s opinion, preservation would not allow sufficient FAR to justify redevelopment. By their calculations, full preservation would allow a .75 FAR (insufficient density to entice revitalization), while the plan would allow a 3.0 FAR.

Staff did not independently investigate the owner’s claims; however, those claims were persuasive to the Planning Board. The goal of redevelopment was so critical to the Board that it increased the FAR recommended by Planning Staff from 2.5 FAR to 3.0 FAR. The fragility of this area’s commercial economics is evidenced by the lack of any significant changes to the area in the past three decades.

Arguments Against Designation of the Full Theater

Without detailed research, staff is aware of 3 theaters in the County designated as individual historic resources: the Silver Theatre (in Silver Spring), the Bethesda Theater, and the Druid Theater (Damascus). The Bethesda Theater was renovated as part of an optional method development project and turned over to a non-profit owner. After failing as the Cinema and Draft House (2007-2010), the property was resold and has recently reopened as a Blues and Jazz Supper Club. The Druid Theater closed as a movie theater in the 1990s. It has since become home to a Rite Aid. The market has not favored single screen large theaters. The Silver Theater is operated by AFI and receives County subsidies. The County paid \$19 million for capital improvements and continues to subsidize AFI approximately \$300,000 per year. The movie theatre use has not been in the Flower Theatre for over 20 years because it was not economically viable. Even the effort to make the one screen theater into a two screen venue failed.

If the Council’s expectation in designating the theater is that it remain a movie house or entertainment venue, it should expect that public subsidies will be required.

Unlike the Druid Theater, where reuse was in keeping with the Council’s vision, the vision for the theater and shopping center is redevelopment.

Design Guidelines

If the Council agrees with the Planning Board’s opinion that the theater façade and the shoulder area around the theater deserves historic recognition, it can accomplish that by designating that area as historic and providing very specific guidelines for the approval of future historic area work permits and redevelopment of the full shopping center. Staff recommends this alternative. (It does run the risk of allowing a demolition permit in advance of an approved plan to redevelop the center, which could be avoided with an Atlas designation.)

¹⁰ Planning Board Draft Long Branch Sector Plan, page 9.

The technique of providing development guidelines is absolutely appropriate, particularly where the underlying zoning requires conformance to the Sector Plan. The owner provided the following guidelines, which cover both historic preservation and general urban design for the Flower Theater and Shopping Center site:

General

Provide a mixture of uses on site that serve the immediate neighborhood and the larger planning/development goals for the community including housing near mass transit. Provide service and parking areas that adequately serve the uses provided and allow market viability. Minimize Service and vehicular openings in the ground plane along primary frontages. Locate parking and loading entries on secondary streets.

Historic Preservation

Develop the site with a balanced approach to preservation such that the Flower Theater retains its prominence along the Flower Street frontage. The theater block's Flower Avenue exposures — west façade fronting Flower Avenue and the north and south façades extending back to the rear wall plane — should be preserved with no substantial alteration to original building fabric. Exterior changes within the proposed environmental setting (Figure 1) should be reviewed by the Montgomery County Historic Preservation Commission and should conform to the Secretary of the Interior's Standards for Rehabilitation.

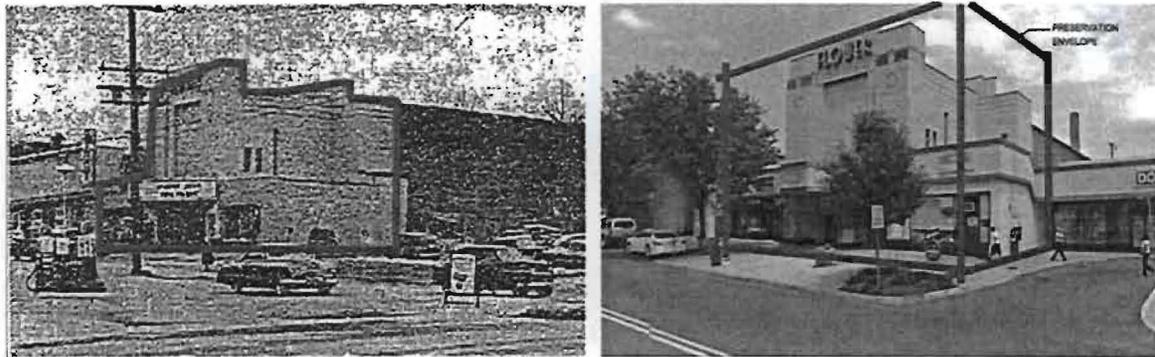


Figure 1

New development above and/or to either side of the preserved theater block may be taller than the retained Theater, but should be set back from the front Theater façade, so as to emphasize the Theater as the dominant visual element at the street plane. The Flower Theater's modified art deco design motifs and color palette should form the basis for exterior architectural finishes in new construction within the Flower property. These will complement the existing theater building.

Placemaking

The Flower Theater has been identified by community members as a focal point in the area now known as the Long Branch Town Center. Although only recently coined and defined as a "place," the space's history may be used to enhance residents' and visitors' experiences in the Flower Avenue corridor in proximity to the Flower Theater property. Drawing on the property's past half-century as a commercial and entertainment venture, existing architectural features such as the surviving poster boxes attached to the Flower Theater's façade may be repurposed to

contain illustrated interpretive panels to connect viewers with the area's past and the historical significance of the Flower Theater and its vicinity. These panels may include historic photos of the property and narrative documenting its history and changes through time.

Additional placemaking efforts may include street furniture to encourage passersby to spend time in front of the theater building and to engage them and, if future theater building uses permit, draw them inside. In addition to repurposing existing features in the Flower Theater building, including continuation of lighting its marquee at night, additional wayfinding and interpretive signage may be placed along the Flower Avenue sidewalk.

Because of the dynamic changes that the Long Branch area has undergone, any placemaking efforts should take into account the multicultural and bilingual characteristics of Long Branch's immigrant community. Consultation with folklorists and other cultural specialists is recommended to develop a placemaking program that will appeal to demographics other than native-born, English-speaking residents. Special attention should be paid to how members of the Latino community use outdoor spaces, i.e., as a plaza versus transportation corridor, to program placemaking efforts that are accessible to the immigrant community and that will be successful.

The theater façade and the 2 adjoining shoulders can be placed on the Master Plan for Historic Preservation. The theater is the most prominent architectural feature and is a recognizable element of the community's fabric. If anything deserves preservation, it deserves preservation. The Council can do that and provide guidelines for HPC and Planning Board review. This alternative would retain the Historic Preservation Commission's jurisdiction for the portion of the site that the Council believes is worthy of designation.