

Agenda Item #19
March 31, 2009

Action

MEMORANDUM

March 27, 2009

TO: County Council

FROM: Jeffrey L. Zyontz,  Legislative Attorney

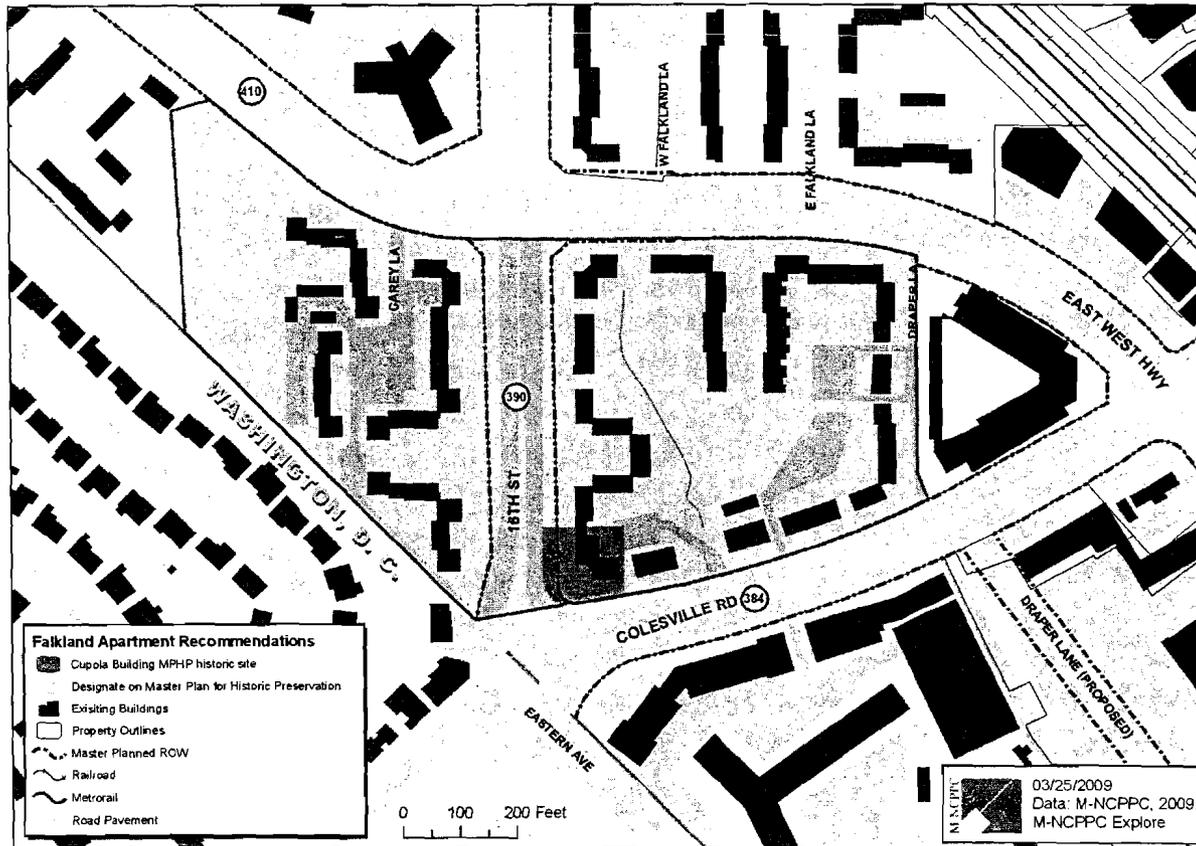
SUBJECT: Action - Planning Board Draft Amendment to the Master Plan for Historic Preservation: Falkland Apartments, #36/12

PHED Committee Recommendation: On March 23, 2009 the Committee (3-0) recommended approval of the Planning Board Draft Amendment to the Master Plan for Historic Preservation: Falkland Apartments with revisions. The Committee was persuaded that the Falkland Apartments satisfy the criteria for historic designation. The Falkland Apartments:

- (1) has character, interest, and value as part of the development, heritage of the county, the state, and the nation;
- (2) exemplify the cultural, economic, social, and political heritage of the county and its communities; and
- (3) embody the distinctive characteristics of a type and method of construction.

The Committee (2-1) recommended the designation of the South and West parcels of the Falkland Apartments with revisions to exclude the master planned right-of-way of East-West Highway and Colesville Road from the environmental setting. The following map illustrates the intent of the Committee majority.

Falkland Apartments, #36/12



In addition, the Committee majority found that the public welfare would be enhanced by the redevelopment of the north parcel. Designating the West and South parcels on the Master Plan for Historic Preservation and allowing the redevelopment of the North parcel would be consistent with the adopted 2000 Silver Spring CBD Sector Plan, and would allow more new housing next to the Silver Spring Metrorail station and more new affordable housing.

Councilmember Elrich, in addition to the recommendation of the Committee majority, recommended designating the North parcel on the Master Plan for Historic Preservation. He was persuaded that the public interest lies in preservation of the entire complex; preservation would serve both historic interests and the County's interest in retaining affordable housing.

Background

On December 1, 2008 the Montgomery County Planning Board transmitted the Planning Board Draft Amendment to the Master Plan for Historic Preservation: Falkland Apartments, #36/12 to the Council. The Falkland Apartments are comprised of 3 parcels; all 3 parcels are currently on the Locational Atlas and Index of Historic sites. The Amendment recommended designating the 2 parcels located south of East-West Highway on the Master Plan for Historic Preservation. It did not recommend designating the 8.99-acre parcel north of East-West Highway.

On January 23, 2009 the County Executive submitted comments on the Amendment that generally endorsed the Planning Board’s recommendation to designate the southern portion of the Falklands:

We believe it is appropriate to designate the South and West Parcels of the Falkland Apartments as historic, while allowing the North Parcel to proceed with redevelopment...the County can support the preservation of much of this reminder of early suburban redevelopment while also promoting smart growth and well-located affordable housing in the redevelopment plan. Such a decision would truly balance these potential diverse public interests.

The Council, in its public hearing on March 10, 2009, received extensive testimony from 39 speakers. The property owners did not object to the Planning Board’s recommendation. Historic preservation, civic organizations, and current tenants of the Falklands favored designation of all 3 parcels. Housing advocates and business interests endorsed the Planning Board’s recommendation. The following summarizes the arguments for partial designation and full designation:

FOR DESIGNATING 2 PARCELS

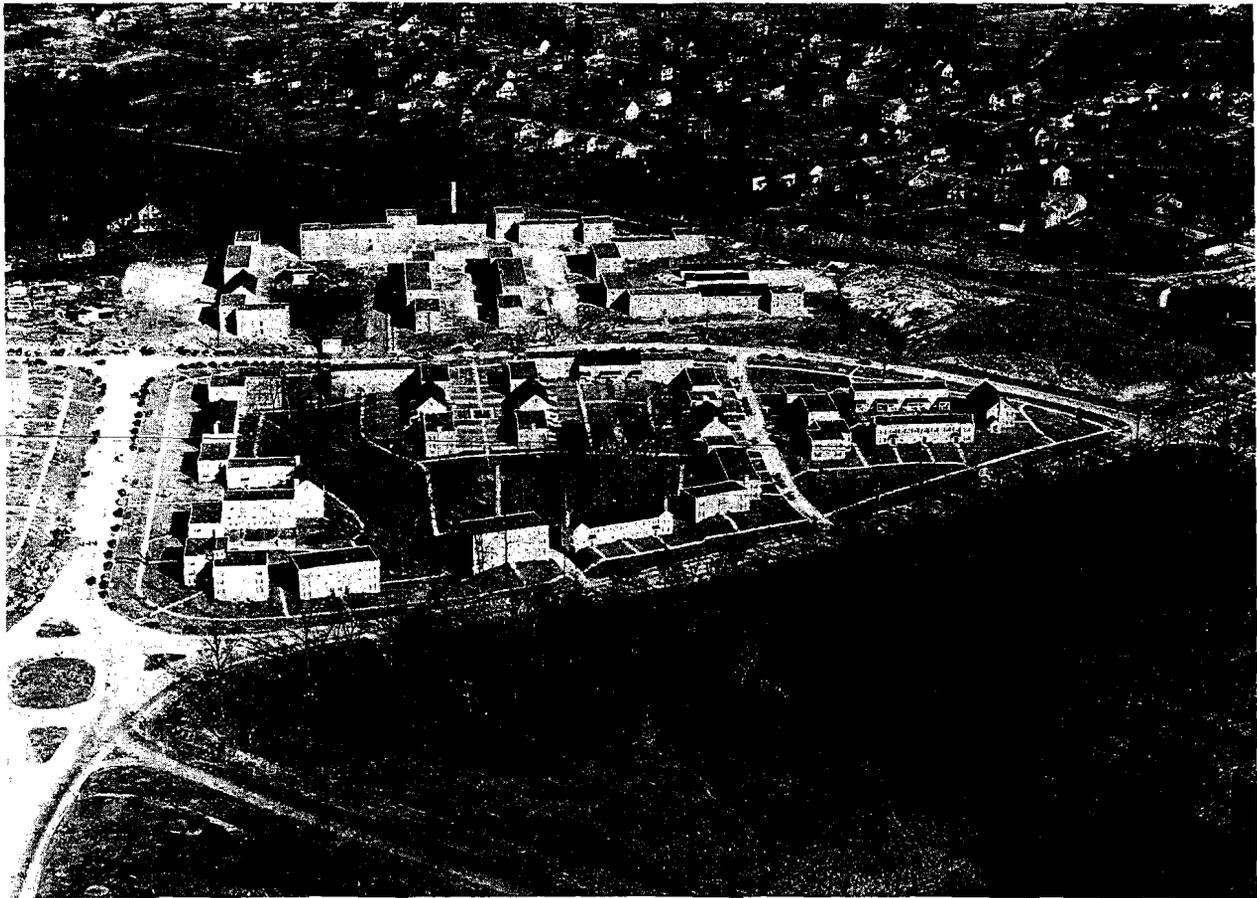
FOR DESIGNATING 3 PARCELS

Respects prior Master Plans	Retains History; one of the top ten endangered sites in Maryland, as determined by Preservation Maryland
Increases historic protection to the remainder of the site where there is currently only Locational Atlas Protection	Regulates the entire site as historic
Reduces carbon footprint by its location next to metro for more future residents	Reduces green space and removes 9 specimen trees; green space is precious in downtown Silver Spring to retain the quality of urban life; the environmental impact of tearing down and replacing the buildings should be weighed against renovating the existing buildings and making them green buildings
Adds MPDUs and workforce housing units	Removes existing affordable housing
Respects the right of the property owner – it is fair to the owner	Respects the rights of existing tenants – it is fair to the current tenants
Retains a significant portion of the original complex; a portion of the Purple Line will take part of a structure located on the northern parcel	Retains the complete complex with the exception of the Lenox Apartments; destroying more of the Falklands will destroy the integrity of the site – it would be like allowing the destruction of part of the White House
Will provide an updated housing resource that meets current living styles	There is nothing wrong with the living style promoted by the existing small units

Falkland Apartments History

The Falkland Apartments, designed by Louis Justement, were constructed in 2 phases between 1936 and 1938 on the former Blair family estate.¹ The 176 unit first phase was completed in 1937 on the south parcel, east of 16th Street. The entire complex consisted of 479 apartments, including duplexes and townhouses, on 24 acres. The Falklands are the first garden apartments constructed in the County; these apartments are also some of the earliest garden apartments in the United States. The architecture of the Falklands is highly representative of the Colonial Revival style. The natural setting was a key feature of the Falklands Plan; it retained mature trees and streams on-site. The aim of the Falklands was to provide a healthy alternative to city living for people of modest means.

The Apartments were the first large-scale housing project in Maryland to be financially backed by the Federal Housing Administration. Eleanor Roosevelt cut the ribbon after the completion of the first phase of the project in 1937.



1938 aerial photograph courtesy of the Montgomery County Historical Society

¹ The Falkland Apartments are located on the estate of Francis Preston Blair. Mr. Blair was the founder of Silver Spring, a newspaper publisher, and a confidant of Presidents Andrew Jackson and Abraham Lincoln. If the original Blair estate had been declared historic in 1936, the Falkland Apartments might never have existed at their present location.

Previous Actions Regarding the Falkland Apartments

Prior Historic Preservation Decisions

The Planning Board evaluated the Falkland Apartments for designation in the Master Plan for Historic Preservation in 1983; it did not recommend designation. In 1985, the Council designated the cupola building of the Falkland Apartments on the Master Plan for Historic Preservation. In 2003, following a 2002 survey of the Silver Spring CBD, the Planning Board put the Falklands on the Locational Atlas and Index of Historic Sites.

On May 18, 2007, as part of the Purple Line environmental impact study, the Maryland Historic Trust found the Falkland Apartments eligible for the National Register of Historic Places. It further determined that the alteration or demolition of a building on the north parcel, 1519 East Falkland Lane, would not have a profound detrimental impact on the entire complex.

The Falkland Apartments were evaluated by the Planning Board again in 2007 under Chapter 24A §10 Moratorium on Demolition.² The Planning Board described the Falkland Apartments as 3 parcels split by East-West Highway and 16th Street; the North parcel is north of East-West Highway. The Historic Preservation Commission recommended the designation of all 3 parcels on August 15, 2007. The November 19, 2007 memorandum to the Planning Board from Planning Staff found that the Apartment complex met the following criteria in the Historic Preservation Ordinance:

The historic resource:

- (1) has character, interest, or value as part of the development, heritage, or cultural characteristics of the county, state or nation;
- (2) exemplifies the cultural, economic, social, political, or historic heritage of the county and its communities; and
- (3) embodies the distinctive characteristics of a type, period, or method of construction.

On November 19, 2007 the Planning Board determined that the Falkland Apartments were eligible for designation on the Master Plan for Historic Preservation. In January 2008, at the Planning Board's direction, planning staff initiated a master plan amendment. The Historic Preservation Commission held a hearing and worksession in February 2008 and recommended designation of all 3 parcels. The Planning Board held a hearing in June 2008 and a worksession in September 2008. The Planning Board voted to recommend the designation of the West and South parcels on the Master Plan for Historic Preservation and to retain the North parcel on the Locational Atlas and Index of Historic Sites until new development met certain conditions.

² This evaluation was triggered by the owner's project plan application, described under the "Pending Development" subsection of this memorandum.

Prior Development Approval

The area of the Falkland Apartments south of East-West Highway and east of Draper Lane was zoned CBD-2. In 1992, 34 of the original townhouse apartments in this area were demolished in order to construct the Lenox Park Apartments on the CBD-2 zoned site. This apartment complex contains 400 units on 2 acres. The project included 8 townhouses along Draper Lane as a means of enhancing its compatibility with the remaining apartments on the south parcel.

Master Plan Recommendation

The Council-approved 1993 Silver Spring CBD Sector Plan concluded that the Falklands' redevelopment should be allowed on the portion of the North parcel of the Falkland site. Accordingly, the North parcel was rezoned CBD-R1; the portion of the Falklands south of East-West Highway and west of Draper Lane retained its R-20 zoning. The Council reaffirmed that decision in the 2000 Silver Spring CBD Sector Plan.

Pending Development Proposal

On November 3, 2006 the owner of the Falklands submitted a project plan application to the Planning Board.³ A preliminary plan application was submitted for the same project on January 12, 2007.⁴ The proposed project would require the demolition of all buildings on the north parcel. The approval of the new project as proposed would allow 1,020 multi-family units and 61,314 square feet of retail uses. The project plan and preliminary plan applications triggered a review of the site for inclusion on the Master Plan for Historic Preservation.

Issues

1) Do the Falkland Apartments qualify for designation on the Master Plan for Historic Preservation?

Although the owner did not object to the Planning Board's proposed amendment, the owner did not waive its position that none of the Falkland parcels warrant historic designation.⁵ *In spite of that position, the testimony submitted to the Council creates a sufficient basis for the Council to find that any parcel or all 3 parcels that comprise the Falklands could be designated on the Master Plan for Historic Preservation.*

It was a first-of-its-kind project in the County, and one of the first garden apartment complexes in the nation. The garden apartments were a new form of development. The project was part of the nation's first efforts in federal financing. The Planning Board and the Historic Preservation Commission were persuaded that the Falklands met the criteria for designation in the Master Plan for Historic Preservation.

³ Application # 920070080.

⁴ Application # 120070560.

⁵ Written testimony from Barbara Sears and Erin Girard, March 10, 2009.

2) Can the Council designate part of a historic resource?

There is no doubt that if the Council finds that only a portion of a resource warrants a historic designation, it may designate a portion of the resource. In 1985, the Council found that only the cupola building warranted designation. The Council's designation determines if the public interest lies in full or partial designation. The act of designation grants the Historic Preservation Commission jurisdiction over the designated resource and its environmental setting; the Council may expand that jurisdiction to promote the general welfare of the County. The recommendation of the Planning Board would expand the Commission's jurisdiction. The Council is not required to expand the jurisdiction of the Commission in all cases.

The purpose of the historic preservation ordinance is to provide for the protection of historic resources.⁶ The ordinance does not mandate designation by the Council for all sites that satisfy any one of the historic criteria. The purposes of the historic preservation ordinance also include strengthening the local economy and improving property values around historic resources.⁷ Sometimes those latter purposes can be achieved with the partial designation of a historic resource.

3) Do the actions of prior Councils bar this Council from designating the Falkland Apartments on the Master Plan for Historic Preservation?

The Council has taken up the issue of the historic designation of the Falkland 3 times in the past. It designated the cupola building in 1985. It did not choose to designate more of the property in the 1993 or the 2000 Silver Spring Sector Plan Amendments. The landowners argued that the Council cannot change that prior decision.

Courts and administrative agencies are barred from making different decisions on the same case under a principle called *res judicata*; however, designating or not designating the property on the Master Plan for Historic Preservation is a legislative decision of the Council. A legislative body can change its mind provided it has a rational basis to do so.⁸ The documentation of the historic nature of the Falkland Apartments and increased appreciation for the projects significance with the passage of time provides the basis for a different outcome. *The Council is not barred from revisiting the issue of the historic designation of the Falklands or any other issue in a master plan amendment if it has a rational basis to do so.*

⁶ "It is the purpose of this chapter to provide for the identification, designation and regulation, for purposes of protection, preservation and continued use and enhancement, of those sites, structures with their appurtenances and environmental settings, and districts of historical, archeological, architectural or cultural value in that portion of the county which is within the Maryland-Washington Regional District." Chapter 24A § 24A-1.

⁷ "Its further purpose is to preserve and enhance the quality of life in the county, safeguard the historical and cultural heritage of the county, strengthen the local economy, stabilize and improve property values in and around such historical areas, foster civic beauty and to preserve continued utilization and pleasure of the citizens of the county, the state, and the United States of America." Ibid.

⁸ *Bethel World Outreach Church v. Montgomery County, Maryland, et al.*, No. 3082, Court of Special Appeals, March 2009.

4) What action by the Council would serve the public interest?

The Committee supports the recommendation of the Planning Board to designate the two parcels south of East-West Highway in the Master Plan for Historic Preservation and the removal of the north parcel from the Locational Atlas and Index of Historic Sites, if certain conditions are satisfied.

The Planning Board's recommendation is consistent with the Council's prior recommendations in the 1993 and 2000 Silver Spring Sector Plan. It retains significant examples of the project and allows for urban development on the north parcel. There is a strong public interest in encouraging development next to Metrorail stations: 1) it reduces residents' dependence on cars; 2) it increases the use of public transportation; 3) it increases week-night and week-end activity around the station; and 4) it provides for growth where growth is anticipated.

Although the Falkland Apartments was a single project at its inception, the current street pattern divides the apartments into 3 distinct sections. East-West Highway is a physical barrier between the north parcel and the other 2 parcels that increased in significance over time. The increased paving width of East-West Highway and traffic flow has made the minor barrier that existed in 1938 more formidable. Partial designation is a reasonable decision, given the competing interests for a site next to a Metrorail station.⁹ These are multiple buildings on multiple sites.

The 182 units on the north parcel would be replaced by 1020 units. Testimony has suggested that there is greater good in retaining existing affordable housing than building new unaffordable housing. The argument fails to recognize that, by the time redevelopment begins, the existing housing on the north parcel will not be rent-controlled in any manner; 125 units in the new project will be controlled under MDPU laws, and an additional 94 units will be controlled under the workforce housing law.¹⁰ Currently, there are no efficiency or 3 bedroom apartments in the 182 units; redevelopment would increase the diversity of housing in this regard.

⁹ It is not tantamount to allowing the destruction of part of the White House, as asserted by one person's testimony.

¹⁰ Michael Eastwood, Vice-President for Development of Home Properties, reported that the market unit rents provided are for the Falklands as a whole, not specifically for the North Parcel. The market units on the North Parcel typically rent at a \$100 - \$125/month discount to a similar unit located elsewhere in the Falklands (due to fewer renovated apartments and the uncertainty about their future). Mr. Eastwood also noted that the project uses Lease/Rent Optimizer. This tends to drive rents down when vacancies increase, as they have recently. The rents and maximum income information for the below-market units ("bond units") is provided below for 2008. The bond unit rents are the same for all three parcels.

The 90 "bond units" at Falkland are split evenly into two categories: Very Low Income and Low to Moderate Income. Maximum income to qualify for the Very Low Income units is based on 50% of Area Median Income (AMI), while the rents are designed to be affordable at 40% of AMI. Maximum income to qualify for the Low to Moderate Income units is based on 80% of AMI; rents are designed to be affordable at 60% of AMI. Income limits and rents follow:

	Very Low Income Max Income	Low to Moderate Income Max Income
1-2 people:	\$34,450	\$55,120
3 people:	\$39,350	\$62,960
4 people:	\$44,300	\$70,880
5 people:	\$49,200	\$78,720
6 people:	\$53,150	\$85,040

The redevelopment of the north parcel would require the disturbance of the natural environment, the demolition of habitable dwelling units, and the manufacture of building materials for new construction. There will be less natural green area and fewer mature trees with redevelopment. These environmental effects will be offset by recycling material from the demolished structure and the use of recycled material in the new construction, as required to satisfy LEED silver requirements. The environmental effects will be reduced in the long term due to the reduced carbon footprint for 838 more households.

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	Very Low Rent	Low to Moderate Income Rent
1 Bedroom	\$683	\$1,079
2 Bedrooms	\$755	\$1,187
3 Bedrooms	\$811	\$1,286

The rent restrictions on the 90 bond units are part of an agreement with the Housing Opportunities Commission (HOC) in connection with the Falkland Chase bond financing. These restrictions will expire in April 2014. Currently, 14 of the bond units are located on the North Parcel. Home Properties is relocating these remaining bond units to the other two parcels as the units become vacant. There are no other agreements in place that restrict rents at Falkland Chase.

Home Properties estimates that approximately 1,000 total housing units will be constructed on the redeveloped North Parcel. This would require 125 MPDUs (at 12.5%). MPDU rental rates are adjusted annually based on area median income information. The following are current MPDU rental rates for high-rise apartments based on the 2008 data. These rents are calculated based on 70% AMI, adjusted for household size:

MPDU Rents, High-Rise (2008):

0 bedrooms (efficiency):	\$ 1,010	1 bedroom:	\$ 1,085
2 bedroom:	\$ 1,305	3 bedroom:	\$ 1,505

Because the project plan for the Home Properties development was filed before December 1, 2006, the project is not required to provide work force housing units. However, Home Properties volunteered to provide a total of 94 workforce housing units throughout the Falkland site.

Below are current workforce housing rents based on 2008 data:

	Efficiency	One Bedroom	Two Bedroom
75% of Median	\$1,085	\$1,160	\$1,395
90% of Median	\$1,300	\$1,395	\$1,665
110% of Median	\$1,585	\$1,700	\$2,040

PLANNING BOARD DRAFT AMENDMENT TO THE
MASTER PLAN FOR HISTORIC PRESERVATION
MONTGOMERY COUNTY, MARYLAND:

FALKLAND APARTMENTS, #36/12



Montgomery County
Planning Department
THE MARYLAND-NATIONAL
CAPITAL PARK AND PLANNING
COMMISSION
8787 Georgia Avenue
Silver Spring, Maryland 20910

November 2008

BACKGROUND

The Falkland Apartments are an individual resource listed on the *Locational Atlas and Index of Historic Sites*, Resource #36/12. The Falkland Apartments are located on three adjacent parcels located at the intersection of East-West Highway and 16th Street in Silver Spring. The parcels, identified on the map p.2, are the following:

North parcel -

P393, bounded by East-West Highway, 16th Street, and the CSX/Metro transitway

South Parcel -

P555, bounded by Colesville Road, East-West Highway, and 16th Street

West Parcel -

P532, bounded by 16th Street, East-West Highway, and the District of Columbia

Chapter 24A-10 Evaluation

The owner of the Falkland Apartments submitted a project plan application that proposed demolition of all existing buildings on the north parcel. This application triggered Chapter 24A-10, a Moratorium on Demolition, a process to determine whether in all likelihood the resource merits designation on the *Master Plan for Historic Preservation*.

The HPC voted unanimously, in August 2007, to recommend all three parcels be found eligible for designation. The Planning Board concurred by a 4-1 vote on December 6, 2007 that all three parcels are eligible for designation. The Planning Board directed staff to initiate an Amendment to the *Master Plan for Historic Preservation* to consider the historic designation of the Falkland Apartments.

Evaluation for Designation on the Master Plan for Historic Preservation

Montgomery County Historic Preservation Commission Findings

The Historic Preservation Commission evaluated the Falkland Apartments amendment on February 27, 2008. The HPC unanimously voted in favor of recommending inclusion of all three parcels of the Falkland Apartment complex on the *Master Plan for Historic Preservation*. The Commission found that the Falkland Apartments is of a coherent and cohesive design constructed within the 1936-38 period, and that all three parcels are crucial for telling the story of this important garden apartment complex.

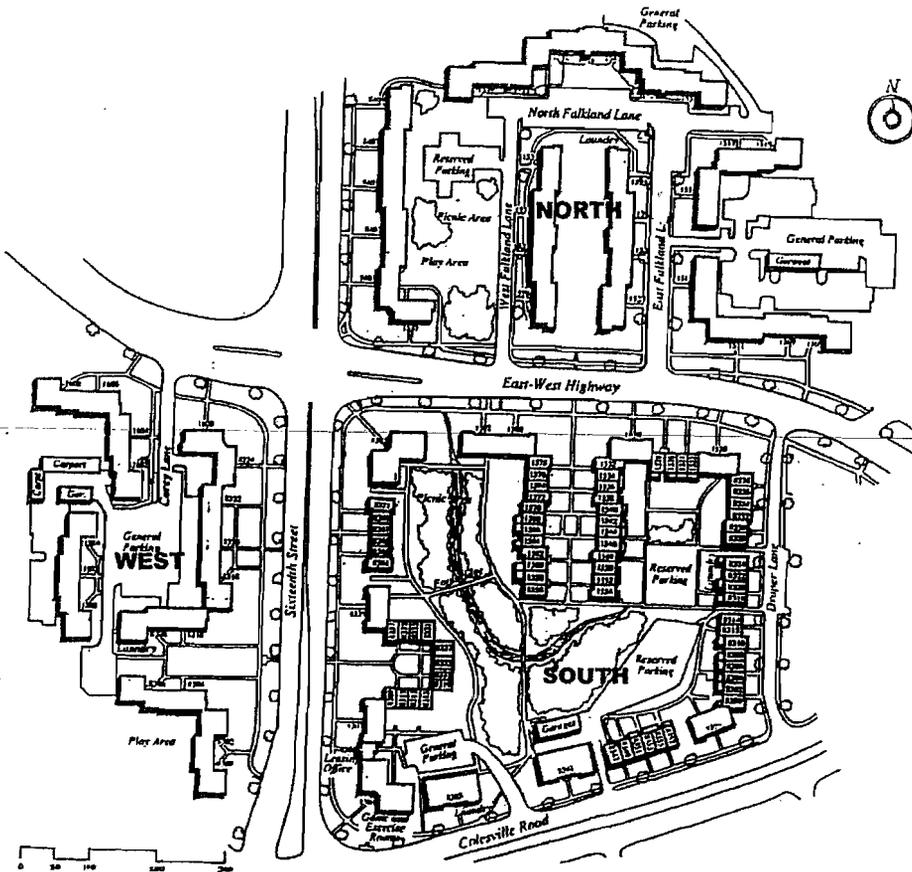
Montgomery County Planning Board Findings

The Planning Board held a public hearing on July 10, 2008 and a worksession on September 4, 2008. The Planning Board identified potential public benefits associated with redevelopment of the North Parcel, including the location of a mix of unit types, low-income and workforce housing, and well designed mixed-use

development in close proximity to an existing metro station. At the conclusion of the worksession, the Planning Board voted to recommend designation of the south and west parcels to the *Master Plan for Historic Preservation*.

In order to realize these public benefits, the Planning Board is retaining the north parcel on the *Locational Atlas* until approval of a site plan or site plans covering the entire north parcel, at which time the north parcel will be automatically removed from the *Locational Atlas*. In the event more than one site plan is filed for the north parcel, that parcel will only be removed from the *Locational Atlas* with approval of the certified site plan covering the last portion of the north parcel for which no certified site plan has been approved.

The County Council will make the final decision on whether the Falkland Apartments are designated on the *Master Plan for Historic Preservation* in whole or in part, or not at all.



THE AMENDMENT

The Amendment recommends designation of two parcels, located on parcels P555 and P532, being the south and west parcels, on the *Master Plan for Historic Preservation*, thereby extending to them the protection of County's Historic Preservation Ordinance, Chapter 24A of the Montgomery County Code.

Individual Site Recommended for Designation on the Master Plan for Historic Preservation

FALKLAND APARTMENTS, Resource #36/12, Silver Spring

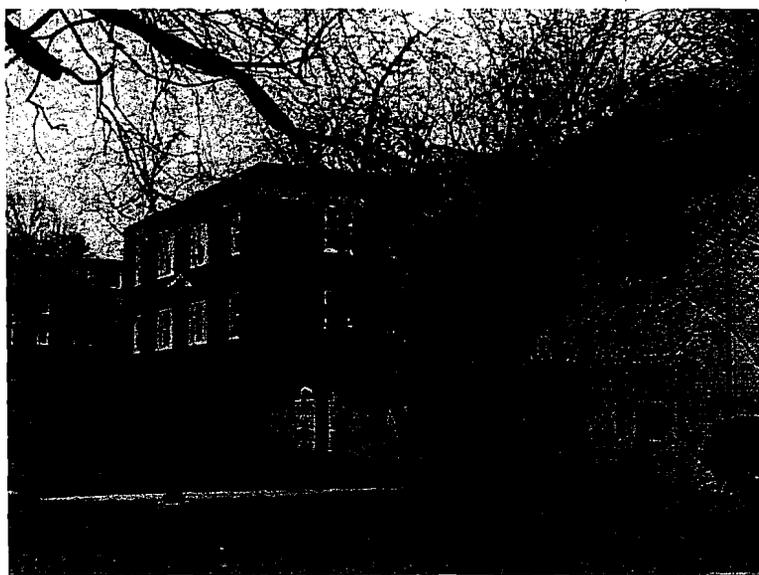
- Designate two parcels:
 - South Parcel, P555, bounded by Colesville Road, East-West Highway, and 16th Street
 - West Parcel, P532, bounded by 16th Street, East-West Highway, and the District of Columbia

- The Falkland Apartments complex was designed by architect Louis Justement, a Washington D.C. area architect who was active in the Washington D.C. chapter of the AIA. Falklands was built in two phases, the first 178 units were built on the South Parcel in 1936 and 1937, and 301 units were built on the West and North Parcels, from 1937 to 1938. The complex is of a coherent and cohesive design constructed within the 1936-38 period.

- The Falklands are significant in the history of community planning as an early example of a building type: the garden apartment. Garden apartments are a planned suburban community consisting of moderately priced houses in a natural setting. In contrast to urban apartments, they were built in groups, integrated in a natural setting, often around a courtyard, and typically 2-3 stories tall. The aim of garden apartments was to provide a healthy alternative to city living conditions for people of modest means. Falkland Apartments is the first example of a garden apartment complex in Montgomery County, and one of the earliest of its type in the United States.

- The Falkland Apartments are highly representative of the New Deal era. Eleanor Roosevelt herself inaugurated the Falkland Apartments in a ribbon-cutting ceremony in 1937, when the first phase was complete and the second phase was underway. The complex represents the explosion of population in lower Montgomery County following the New Deal programs. The flood of people coming into the region to work in the new federal government programs needed places to live. The county's population grew more than 70% in the 1930s. Falkland Apartments was the first large-scale rental housing project in Maryland whose mortgage was backed by the newly established Federal Housing Administration (FHA).

- The complex is representative of construction and design standards set by the FHA for comfortable, functional, and attractive housing. The resource is highly representative of the formal and traditional Colonial Revival style architecture of its era. The success of the site plan design was noted in contemporary journals, including *Architectural Record* and *Architectural Forum*. Notable design elements of garden apartments include landscaped courtyards, staggered setbacks, tree-shaded winding pathways, ample green space, and preservation of natural features. A natural setting was a key feature of the Falkland plan. Architect Louis Justement described the goal of carefully preserving the Y-shaped stream valley and original flora. The north section includes specimen white pines, hawthorns and cedars.
- In the history of Silver Spring development, the Falkland Apartments are contemporaneous with the first Silver Spring Post Office (1937) and the Silver Theatre and Shopping Center (1938). Both are Master Plan sites. The Falklands were built three years earlier than another Master Plan site, the Montgomery Arms Apartments, three Art Deco apartments arranged around a single courtyard.
- The Falkland Apartments have had some alterations. A portion of the original block of apartments, consisting of six two-story buildings west of Draper Lane, was demolished and replaced in 1992 by the high-rise Lenox Park Apartments. The Falkland Apartments have suffered some material change, notably window replacement. Despite these changes, the Falkland Apartments retain a high level of integrity.
- Meets criteria 1a, 1d, and 2a.



Streetscape, 16th Street

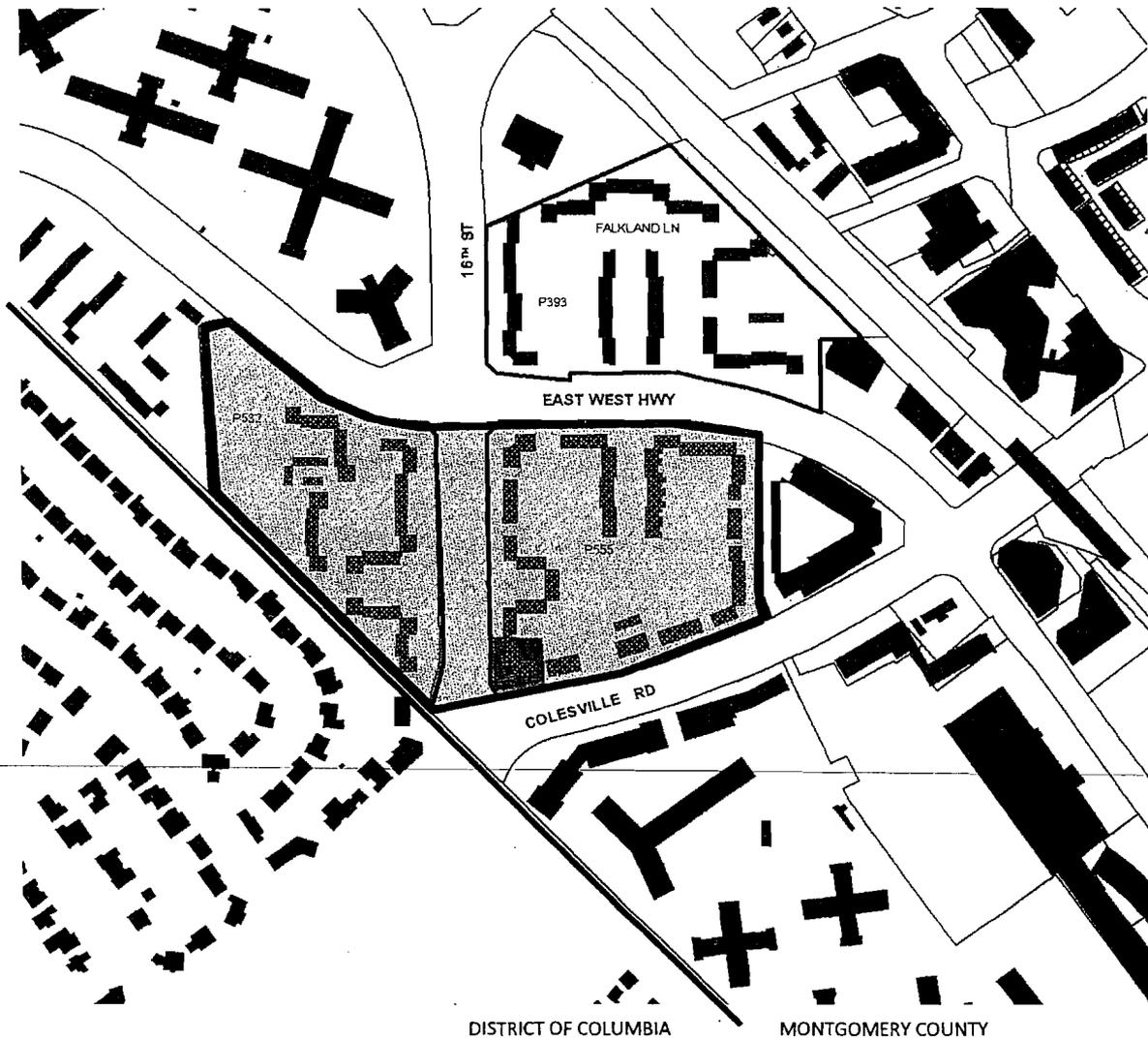


Stream Valley, south parcel



Interior Courtyard

FALKLAND APARTMENTS, #36/12



Designate on *Master Plan for Historic Preservation*



Cupola Building already designated on *Master Plan for Historic Preservation*



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

MEMORANDUM

January 23, 2009

TO: Philip M. Andrews, President
Montgomery County Council

FROM: Richard Y. Nelson, Jr., Director 
Department of Housing and Community Affairs

SUBJECT: Master Plan for Historic Preservation – Amendments – Falkland Apartments

On behalf of County Executive Isiah Leggett, I am transmitting comments on the Planning Board (Final) Draft Amendments to the Master Plan for Historic Preservation – Falkland Apartments. The Executive Branch generally endorses the Planning Board recommendation. We believe it is appropriate to designate the South and West Parcels of the Falkland Apartments as historic, while allowing the North Parcel to proceed with redevelopment pursuant to the development plan submitted to the Montgomery County Planning Board by Home Properties.

The acreage of the South and West Parcels comprises approximately two-thirds of the total Falkland Apartments complex. By recommending historic designation for only the South and West Parcels of the Falkland Apartments, and not for the North Parcel, the County can support the preservation of much of this remainder of early suburban Silver Spring, while also promoting smart growth and well-located affordable housing in the redevelopment plan. Such a decision would truly balance these potentially diverse public interests.

The Department of Transportation has voiced several concerns about the relationship between the recommended environmental setting of the designated historic resource and the master planned rights-of-way of adjacent transportation facilities. A copy of these concerns is attached.

Thank you for your consideration of these comments.

IL:sns

Attachment



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

January 16, 2009

Arthur Holmes, Jr.
Director

TO: Diane Schwartz Jones, Assistant Chief Administrative Officer
Offices of the County Executive

FROM: Bob Simpson *RSimpson*
Department of Transportation

SUBJECT: Amendment to the Master Plan for Historic Preservation
Falkland Apartments, #36-12
Planning Board (Final) Draft

Thank you for your memorandum of January 9, 2009 providing a copy of the subject Draft document for Department of Transportation (DOT) review and comment. We are pleased to submit the comments below for your consideration. We request that they be included in the coordinated Executive Branch comment package that is submitted to the County Council, and transmitted to appropriate Council and Planning Board staff.

DOT's main concern regarding this type of individual historic resource designation is the relationship between the recommended environmental setting and any adjacent transportation right-of-ways. The figure on page 6 in the Draft shows the recommended environmental setting for the proposed resource in relation to the existing transportation right-of-ways. However, the figure does not show the ultimate, master planned right-of-ways for the transportation resources per the *Silver Spring CBD Sector Plan* (M-NCPPC, March 2001). Identifying these ultimate right-of-ways is important, and the figure needs to show them. Furthermore, there is a serious discrepancy between the Draft text and the figure on page 6 with respect to the Sixteenth Street (MD 390) right-of-way; the text excludes the right-of-way from the environmental setting but the figure incorrectly includes it.

Therefore, based on the information in the Draft, and a review of the *Silver Spring CBD Sector Plan*, DOT finds as follows:

- The recommended environmental setting for the Falkland Apartments is adjacent to three master-planned transportation facilities:
 - Colesville Road/MD 384 (an existing State Highway and master planned Major Highway) with a minimum 125' wide right-of-way adjacent to the South Parcel.
 - East West Highway/MD 410 (an existing State Highway and master planned Major Highway) with a minimum 118' wide right-of-way.

Office of the Director

101 Monroe Street, 10th Floor • Rockville, Maryland 20850 • 240-777-7170 • 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

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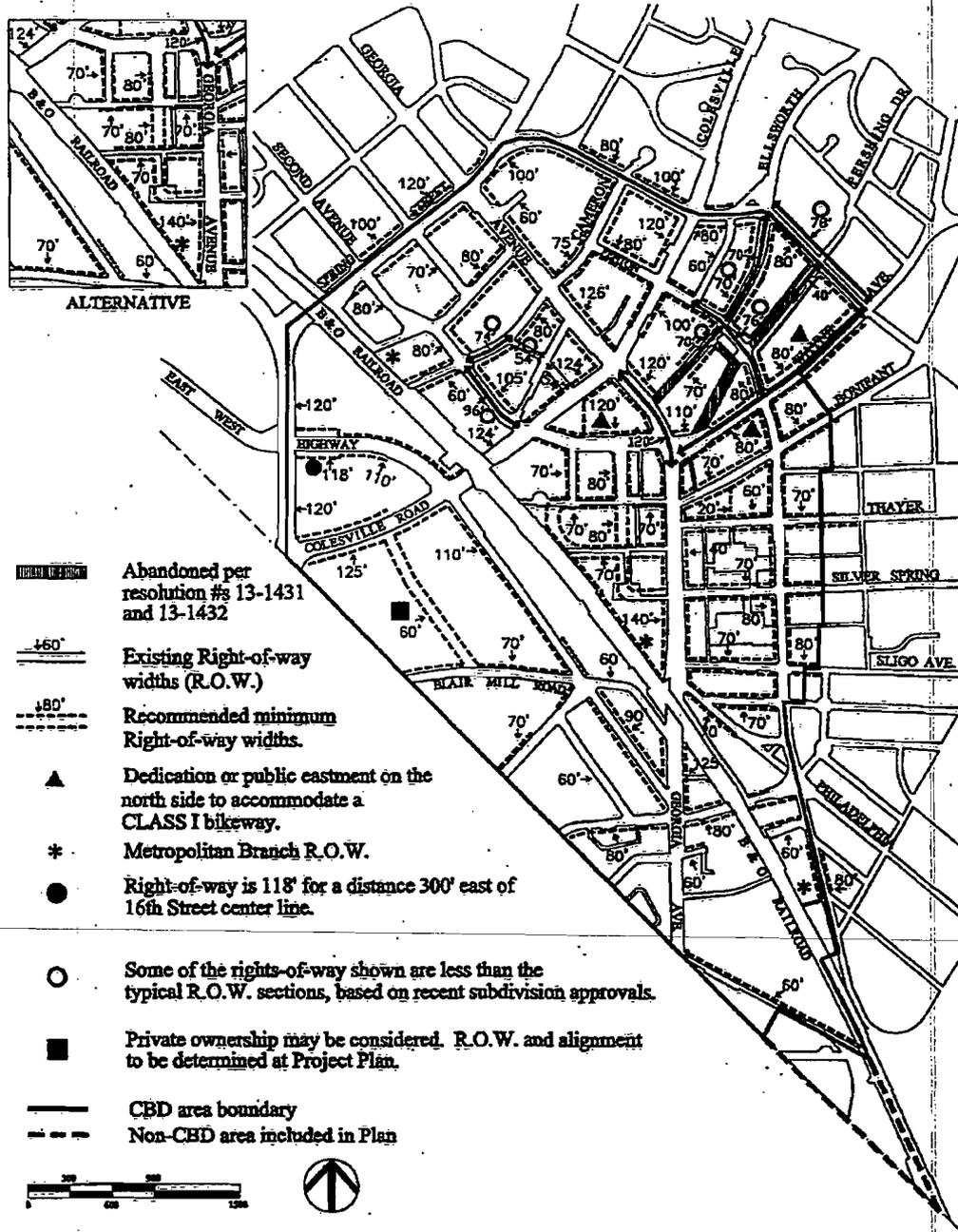
adjacent to the South Parcel and 120' wide right-of-way adjacent to the West Parcel

- Sixteenth Street/MD 390 (an existing State Highway and master planned Major Highway) with a minimum 120' wide right-of-way between the South Parcel and the West Parcel
- The recommended environmental setting, as shown on the Draft figure on page 6, does not indicate where the master planned right-of-way lines are located. Therefore, we are concerned that a conflict may be created between an already approved and adopted transportation right-of-way, and a newly recommended historical boundary.
- Furthermore, the Draft text only designates two parcels (the South Parcel or P555 and the West Parcel or P532); it does not designate the right-of-way for Sixteenth Street as part of the environmental setting. Therefore, the figure on page 6 needs to be corrected so as to delete the entire master planned right-of-way for Sixteenth Street from the environmental setting. Otherwise, we are concerned that the Draft text and figure may be creating a conflict between master planned transportation resources and a master planned historic resource.

In conclusion, DOT is seeking clarification with the relation of the recommended historic resource environmental setting to the ultimate master planned transportation right-of-ways. We request that the figure be revised to show the ultimate master planned right-of-way lines in the vicinity of this setting, and that the environmental setting be modified as necessary to conform to the ultimate right-of-way lines and exclude those right-of-ways.

Again, thank you for providing this review opportunity. If you have any questions, or need further information regarding this submission, please feel free to contact me at voice-mail extension 7-7193 or e-mail bob.simpson@montgomerycountymd.gov. Your continuing coordination of Executive Branch plan reviews is appreciated.

Map 34 CBD Rights-of-Way



11

Resolution No.: _____
Introduced: March 31, 2009
Adopted: _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND

By: District Council

Subject: Approval of Planning Board Draft Amendment to the Master Plan for Historic Preservation: Falkland Apartments, #36/12

1. On December 1, 2008 the Montgomery County Planning Board transmitted the Planning Board Draft Amendment to the Master Plan for Historic Preservation: Falkland Apartments, #36/12 (hereafter referred to as the Amendment) to the Council.
2. The Falkland Apartments are comprised of 3 parcels; all 3 parcels are currently on the Locational Atlas and Index of Historic Sites. The Planning Board Draft Amendment recommended designating the 2 parcels located south of East-West Highway on the Master Plan for Historic Preservation. It did not recommend designating the 8.99-acre parcel (P393) north of East-West Highway.
3. On January 23, 2009 the County Executive submitted comments on the Amendment that generally endorsed the Planning Board's recommendation to designate the portion of the Falkland Apartments south of East-West Highway.
4. On March 10, 2009 the Council held a public hearing on the Amendment. The Amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.
5. On March 16, 2009 the Planning, Housing, and Economic Development Committee held worksessions to review the issues raised in connection with the Amendment.
6. On March 24, 2009 the County Council reviewed the Amendment and the recommendations of the Planning, Housing, and Economic Development Committee and agreed that the documentation of the buildings and the scholarship on the Falkland Apartments make the

designation of the portion of the Falkland Apartments south of East-West Highway on the Master Plan for Historic Preservation in the public interest.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following resolution:

The Planning Board Draft Amendment to the Master Plan for Historic Preservation: Falkland Apartments is approved with revisions. Council revisions to the Planning Board Draft Amendment to the Master Plan for Historic Preservation: Falkland Apartments are identified below. Deletions to the text of the Plan are indicated by [brackets], additions by underscoring.

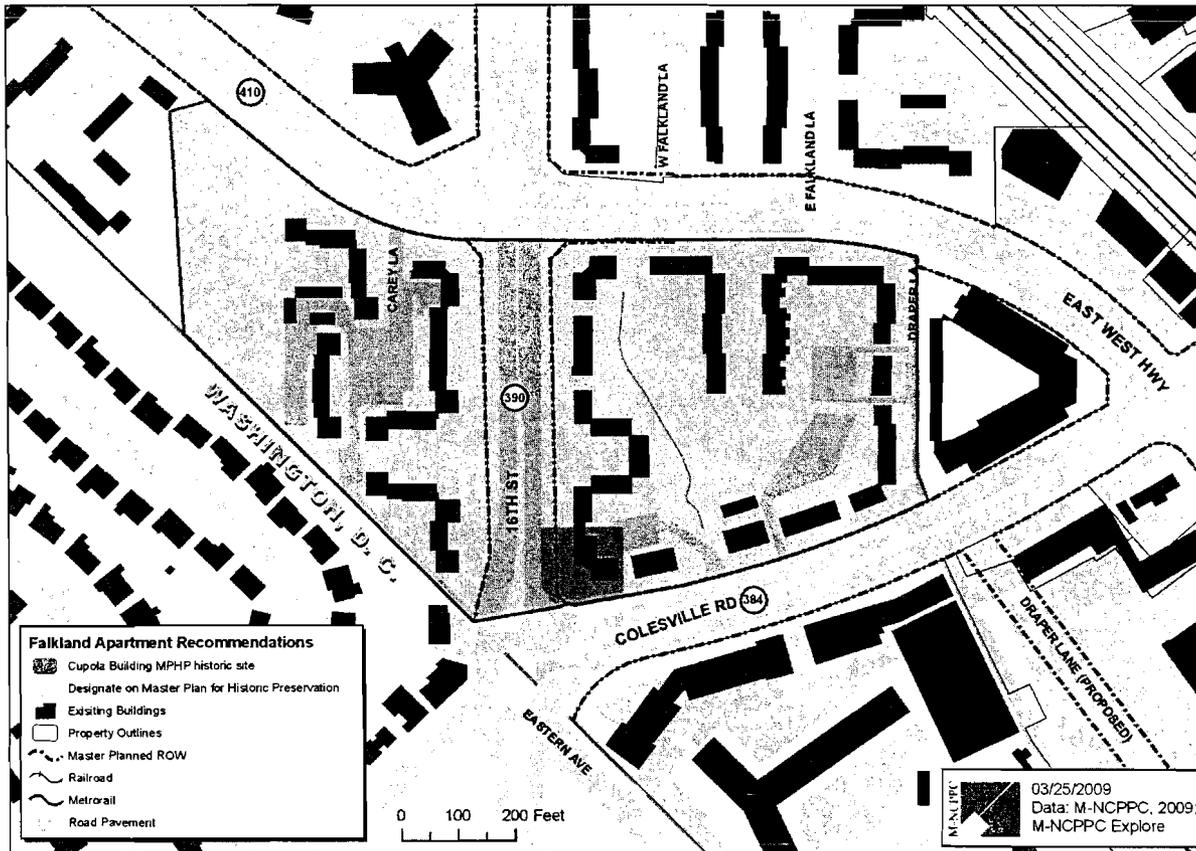
Page 2, last paragraph: The County Council [will make the final decision on whether the Falkland Apartments are designated on the *Master Plan for Historic Preservation* in whole or in part, or not at all] approved the Planning Board's recommendation with a revision to exclude the master planned rights-of-way of East-West Highway and Colesville Road from the environmental setting.

Page 3, first paragraph: The Amendment [recommends designation of] designates one resource on two parcels, located on parcels P555 and P532, being the south and west parcels, on the *Master Plan for Historic Preservation*, thereby extending to them the protection of the County's Historic Preservation Ordinance, Chapter 24A of the Montgomery County Code.

Page 6, delete the page and replace with the following:

The environmental setting includes the south parcel (P555), the west parcel (P532), and the right-of-way of 16th Street between them, as indicated on the following map. The environmental setting excludes the master planned rights-of-way of East-West Highway and Colesville Road.

Falkland Apartments, #36/12



General

The text is to be revised, as necessary, to achieve clarity and consistency, to update factual information, and to convey the actions of the District Council. All identifying references pertain to the Planning Board Draft Master Plan for Historic Preservation: Falkland Apartments.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council