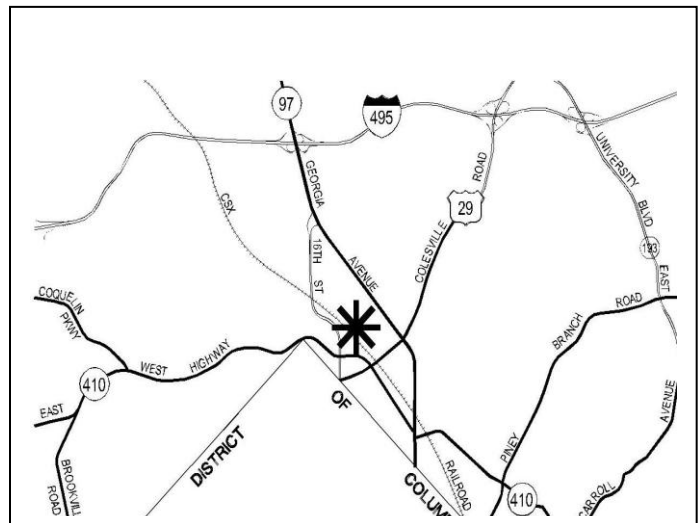


**Fenwick Station Project Plan 920110010 and Preliminary Plan 120110400**

<input type="checkbox"/>	Damon B. Orobona	Planning Area 1 Senior Analyst	damon.orobona@montgomeryplanning.org
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**description**

The applicant proposes to consolidate 2 lots and 4 parts of lots to redevelop the Silver Spring post office facility at the corner of Second Avenue and Spring Street. The applicant is proposing a 310-unit residential building developed under the optional method in the CBD-1 Zone. The building is proposed at six stories and a maximum of 60 feet. The project will provide below-grade parking, and vehicular access will be from Fenwick Lane. The proposal includes onsite public use space and offsite amenity space, streetscape improvements in accordance with the Silver Spring CBD standards, extension of the Silver Spring Green Trail, and a temporary pathway for the future Capital Crescent Trail.



**summary**

Staff Recommends:

- Approval of **Project Plan 920110010** subject to the following conditions:
  1. Development Ceiling  
 The proposed development is limited to 310 dwelling units. The final breakdown for mix of units will be decided at Site Plan.
  2. Building Height and Mass  
 The proposed development is limited to the building footprint as delineated in the project plan drawings submitted to MNCPPC dated September 19, 2011, unless modified at site plan review, and to 60 feet in height as measured from the datum point along Spring Street as shown on Project Plan drawings.
  3. Architecture

The exterior architectural character, proportion, material, and articulation must be substantially similar to the schematic elevations submitted to MNCPPC unless modified during site plan review.

4. Housing

The development must provide a minimum of 12.5 percent of the total number of units consistent with the requirements of Chapter 25A, Section 25A-5.

5. LEED Certification

The applicant must achieve a LEED-certified rating certification at a minimum. The applicant must make good faith efforts to achieve a LEED Silver rating. Before issuance of any use and occupancy certificate, the applicant must inform MNCPPC staff of the LEED certification level that they are applying for. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the applicant must provide to staff a written report for the public record purposes only from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

6. Public Use Space & Amenities

- a. The applicant must provide a minimum of 15,269 square feet for on-site public use space (20 percent of net lot area) as shown on the project plan.
- b. The applicant must provide a minimum of 33,035 square feet of off-site amenities (43 percent of net lot area) as shown on the project plan.

▪ Approval of **Preliminary Plan 120110400** subject to the following conditions:

1. Approval under this preliminary plan is limited to one lot for 310 dwelling units, including 12.5% MPDU's.
2. The applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
3. At site plan, the following items must be submitted for review and approval:
  - a. Final Forest Conservation Plan must include a transportation noise impact study Specific noise mitigation measures for private, outdoor use areas to be determined at site plan.
4. Prior to issuance of building permits for affected units, the following must be provided to M-NCPPC staff:
  - a. Certification from an acoustical engineer that the building shell is designed to attenuate projected interior levels to or below 45 dBA, Ldn using projected 2021 traffic noise levels.
  - b. The builder shall provide a signed, notarized commitment to construct the dwelling units in accord with the acoustical design specifications contained in the building shell analysis. Any changes to the building shell construction that may negatively affect acoustical performance shall be approved in writing by the acoustical engineer to provide acoustical attenuation for affected units to the same level as the specifications in the building shell analysis. A copy of the written approval must be provided to M-NCPPC staff.
5. To meet the forest conservation afforestation requirements, show off-site planting location including a map of the proposed location, property name, address, property owner's name, soils, and environmental features making it a priority planting area.

6. The Applicant must dedicate and show on the final record plat the following rights-of-way along property frontage consistent with the 2000 Approved and Adopted *Silver Spring CBD Sector Plan*:
  - a. Second Avenue – minimum of 40 feet from the roadway right-of-way centerline,
  - b. Spring Street – minimum of 50 feet from the roadway right-of-way centerline, and
  - c. Fenwick Lane – minimum of 25 feet from the roadway right-of-way centerline.
7. The Applicant must finalize details on site frontage improvements along Second Avenue (including the Silver Spring Green Trail), site frontage improvements along Fenwick Lane, and improvements along Spring Street frontage the proposed interim trail connection to the future Capital Crescent Trail from Spring Street/Second Avenue at least 30 days prior to any Planning Board hearing on the site plan for the development.
8. The Applicant must enter into a Traffic Mitigation Agreement (“Agreement”) with the Planning Board and MCDOT to participate in the Silver Spring Transportation Management District (TMD) and must execute the Agreement prior to the release of any building permit for the proposed development.
9. The Applicant, as part of the above Agreement or separately, must grant an easement on the property to the MCDOT to install a future bike-share station at the location shown on the Preliminary Plan. The location and the easement agreement with the MCDOT for the proposed bike-share station must be finalized at least 30 days prior to any Planning Board hearing on the site plan for the development.
10. The certified preliminary plan must contain the following note: “Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
11. The applicant must comply with the conditions of the MCDPS stormwater management approval dated July 6, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
12. The applicant must comply with the conditions of the MCDOT letter dated 9/30/2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
13. The applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
14. No clearing, grading or recording of plats prior to certified site plan approval.
15. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
16. Final number of MPDU’s/TDR’s as per condition #1 above to be determined at the time of site plan.
17. The record plat must show necessary easements.
18. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

- Staff recommends the Planning Board reduce the standard corner lot truncation requirement for the intersection of Second Avenue and Spring Street to allow a more active pedestrian environment for the plaza proposed at this intersection.

## SECTION 1: CONTEXT AND PROPOSAL

### SITE DESCRIPTION

The subject property is located at the intersection of Spring Street and Second Avenue at the northwestern edge of the Silver Spring Central Business District in the CBD-1 zone. The property is bordered by Spring Street, Second Avenue, Fenwick Lane, and the Silver Spring metrorail train tracks. A platted but never constructed “paper street” known as Third Avenue is directly behind the subject property between the site and the metrorail tracks. The Capital Crescent Trail alignment is proposed to be located within the Third Avenue right-of-way, with the Purple Line alignment planned for the opposite side of the tracks.

The subject property is comprised of two lots (Lots 10 and 11) and four parts of lot (3, 4, 5, and 6) in the Woodside Subdivision. The applicant is requesting to consolidate these components into one new record lot. In total, the subject property has a gross tract area of approximately 2.84 acres including prior road dedications. The site will have a net lot area of 1.75 acres. The site is currently improved with an aging United States Postal Service (USPS) post office facility. The existing building is a one-story structure. The facility serves both retail customers and is a transfer station for postal carriers. The postal facility is approximately 14,000 square feet and has a large surface parking lot. Photographs of current site conditions are shown below.





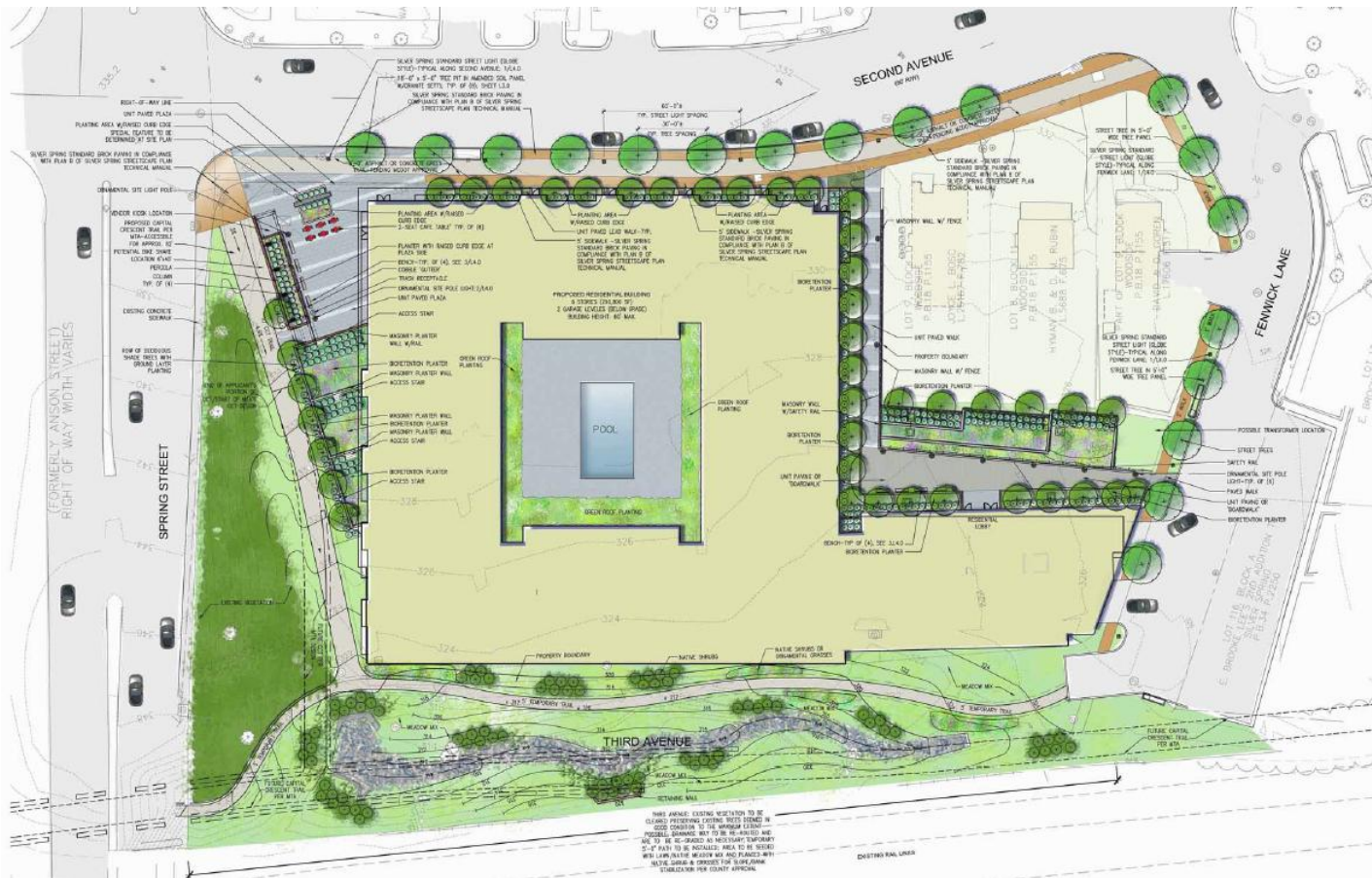
To the northwest of the property are one-family detached homes located in the Woodside Park neighborhood directly across Spring Street. These homes are in the R-60 Zone. Various commercial buildings are to the northeast of the property, such as the Easter Seals daycare facility and an office condominium development – both across Second Avenue from the subject property. To the southwest, behind the current post office, an unbuilt right-of-way known as Third Avenue directly adjoins the site. The metrorail tracks and various retail, commercial, and multifamily residential buildings are farther to the southwest. Two large multifamily buildings, the Elizabeth House and Alexander House, are located southeast of the site. The Silver Spring Metro Station is four blocks southeast of the property.

The site slopes approximately 20 feet from the Second Avenue frontage down to the rear of the property where the Third Avenue right-of-way lies. The most drastic slope occurs along Spring Street and the rear of the site near the metrorail tracks. There are no known rare, threatened, or endangered species on site; there are no streams, wetlands, forests, or floodplains on site. There are no known historic properties or features associated with the property.

## **PROJECT OVERVIEW**

### Land Use

The applicant proposes to raze the existing post office and replace it with a 310-unit, six-story multifamily residential building and an associated below-grade parking facility with approximately 330 parking spaces. With a gross tract area of 2.84 acres, the proposed project's density equates to 109 units per acre. The project will provide a public plaza at the corner of Spring Street and Second Avenue, new public walkways and bike paths, and streetscape improvements consistent with the Silver Spring CBD Streetscape standards.



## Design & Architecture

The Property's location between the CBD's Metro Core District and the one-family residential Woodside Park neighborhood (located outside CBD boundaries) presents an opportunity to improve the relationship between these areas. The Project will display particular sensitivity to heights along Spring Street, employing terracing elements to create a transition from a one-family scale to the CBD urban core. The building will be set back from Spring Street with an area for a new public plaza, framed on one side by a shade structure and on the other by the building. The portion of the building that fronts the plaza will break into two planes, creating a datum line at a four-story height to help transition the building from the residential neighborhood to the more dense CBD. This break will be reinforced by a setback at the fifth and sixth stories and visually lighter materials. As a result, the building should appear to lose mass at the top two floors when viewed from across Spring Street.

The building's facade will employ rhythmic vertical breaks along Second Avenue to give an appearance and feeling of a rowhouse streetscape. The breaks will be accented by multicolored masonry to add to the building's composition. The building will include glass bays at street-level, with private unit entrances to help activate the Second Avenue streetscape.







### Public Use Space & Amenities

The Project's public use space and amenity package was influenced by the Sector Plan's design recommendations for the CBD, which are intended to create an inviting and safe pedestrian environment for residents, businesses, and visitors. The public use space elements will be as follows:

*Public Plaza at Spring Street and Second Avenue:* A public plaza space is proposed for the corner of Spring Street and Second Avenue which will serve as a focal entrance point to the Central Business District from the Woodside neighborhood and the Capital Crescent Trail. The plaza is in a strategic location that connects the Capital Crescent Trail, which follows the metrorail tracks, with the Silver Spring Green Trail, a bike path that runs throughout downtown Silver Spring. The plaza will highlight the location of the primary entrance to the building and will provide a public gathering space for trail users and nearby residents and office workers. The plaza's edge along Second Avenue will be kept open for easy pedestrian access. Non-standard paving material will extend to the curb to complement the typical Silver Spring streetscape brick paving and draw attention to the pedestrian space.

Along the Spring Street edge, the plaza will be held level with the first floor elevation of the building by a low retaining wall where the property's natural grade slopes toward the Third Avenue right-of-way and the metrorail tracks. A pergola and planting area are proposed to provide a sense of enclosure for those in the plaza. A row of shade trees and ground-layer plantings are proposed to provide additional buffering between Spring Street and the plaza and to provide shade for the future connection to the Capital Crescent. Final design of the space and details within the plaza will be developed at site plan.

Stepped planters will also be incorporated into the plaza and will serve as a decorative repository for stormwater. Water will be conveyed within the planters, revealing the process of managing stormwater and creating an interesting design feature for the property.

Seating options in the plaza will include benches and moveable tables and chairs. In addition, bike racks will be provided along the western edge of the plaza along the proposed Capital Crescent Trail spur and a future location for a bike-share station has been reserved in the plaza to heighten the interplay between the property, the Capital Crescent Trail, and the Silver Spring Green Trail.

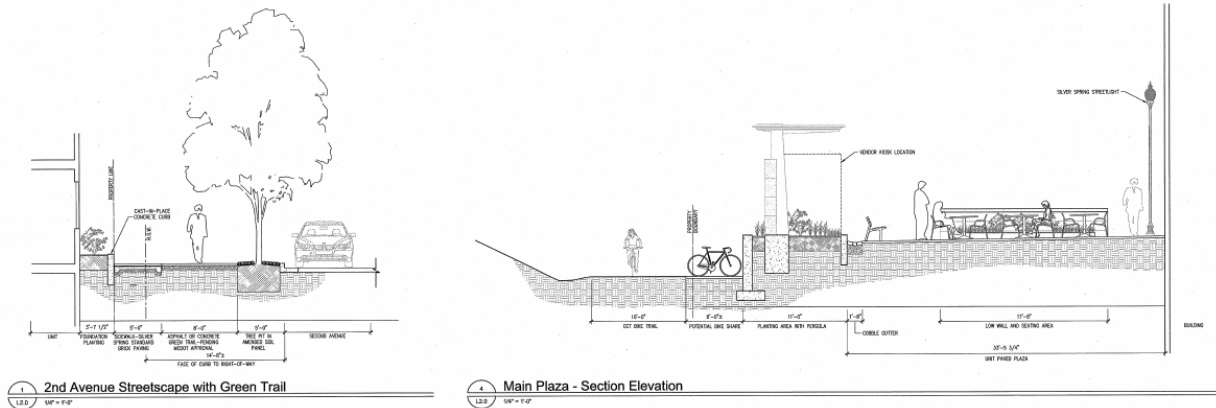
*Public Space at Fenwick Lane:* An additional public space and secondary entrance to the building will occur off of Fenwick Lane. New walkways will be provided from the Project to and from Second Avenue and Fenwick Lane, the primary routes into the CBD and to the Silver Spring Metro Station. These walkways are designed to provide efficient pedestrian circulation and will be well-lit.

The walkway to Second Avenue will be defined by bioretention planters against the building, and a low retaining wall and fence screening the adjacent properties to the east. High quality unit pavers are proposed for the walkway.

The walkway to Fenwick Lane will be an asymmetrical space widened on the west end to provide room for benches. The surface will give the sense of a boardwalk and will overlook the stormwater management planters.

*Streetscape – Second Avenue:* Along Second Avenue, the streetscape will be detailed per the Silver Spring streetscaping standards, including brick, lighting, and new street trees to replace existing trees (due to undergrounding of utilities). Low planters are proposed at the building face to provide buffering and separation between the public sidewalk and ground-level units. A five-foot sidewalk will be flanked by the eight-foot Silver Spring Green Trail, delineated by differing paving materials to distinguish the pedestrian path from the bike path.

Following completion of the Project, the total on-site public use area provided will be 15,269 square feet, or 20 percent of the Property's net lot area as required by the ordinance. The total off-site public amenity space associated with the Property is significant. The applicant will provide approximately 33,035 square feet, or 43 percent of the net lot area, as off-site public amenity space. The total on-site and off-site public use and amenity space will together represent approximately 48,034 square feet, or 63 percent, of the Property's net lot area.



### Vehicular/Pedestrian Circulation and Parking Issues

Vehicular access to the Project's parking garage will be provided from Fenwick Lane. By providing only one vehicular access point at the approximate location of an existing curb cut, the Project will be able to provide an uninterrupted pedestrian-friendly streetscape along Second Avenue and significant portions of Fenwick Lane.

The Traffic Study included with this Application indicates that the Project is expected to generate 93 peak period morning trips and 93 peak period evening trips, or 17 fewer morning and 142 fewer evening peak hour trips than the 110 morning and 235 evening peak hours trips currently generated by the existing post office facility. Consequently, the intersections within the study area will continue to operate within the 1800 Critical Lane Volume established for the Silver Spring CBD.

Because the Property is located within the Silver Spring Parking Lot District, the Zoning Ordinance does not require that any parking spaces be provided. However, to respond to market demands the applicant plans to provide up to 330 parking spaces in a below-grade parking garage, meeting normal code requirements for a building of this size (taking advantage of Metrorail and CBD parking reduction provisions). The parking program provides 100 percent of the spaces required for the proposed multifamily residential building and avoids the Parking District Tax. The Property is also within walking distance of Public Parking Garage 7 (the Cameron-Second Garage), which provides 1,383 public spaces.

Given the close proximity of the subject property to the Silver Spring Metro Station, it is reasonable to anticipate that residents and visitors will make use of nearby public transportation facilities. To that end, the applicant has worked with the Montgomery County Department of Transportation (MCDOT) to provide a bus shelter on the building's Second Avenue frontage near the proposed plaza.

The loading needs for the Project will be relatively minimal given that it is exclusively residential. Residential loading areas will be provided from Fenwick Lane within the building's parking garage.

### Community Outreach

The applicant met with local residents, including the Woodside Civic Association, on April 13, 2011. This meeting was followed by the required pre-submission meeting, which was held at the Woodside United Methodist Church on May 18, 2011. An additional meeting took place on September 29, 2011. To date, staff has received only one letter (via email) regarding the application. This letter opposed the project because the writer anticipated that the new building would charge high rents and because the project is

not offering more MPDUs than required. The letter is attached. Staff responded to phone calls when the application was submitted regarding the elimination of the post office and curiosity over the applicant's proposal. Citizens who called in were upset over the loss of the post office.

## SECTION 2: PLAN ANALYSIS

### Substantial Master Plan Conformance

#### Land Use and Zoning

The subject property lies within the boundaries of the 2000 *Silver Spring CBD Sector Plan*. The site is located in an area of the CBD designated as "Other Areas of the CBD". The plan recommends reconfirming the existing CBD-1 Zone. Since residential development is allowed in the CBD-1 zone, the proposal conforms to the land use and zoning recommended by the Master Plan.

#### Master Plan Conformance

The Plan states six themes that articulate the shared goals and vision for the CBD (page 14). The plan is consistent with the vision of the Master Plan, fulfilling 4 of the 6 themes:

1. *Transit Oriented Downtown*, Page 16 - The project is within walking distance of the future multi-modal transit site and will provide future residents with excellent walking access to a variety of mass transit options. The connection to the Capital Crescent trail and Silver Spring Green Trail, along with bike-share options, further encourage the use of other modes of transportation.
2. *Residential Downtown*, Page 19 - The project is completely residential with 310 units.
3. *Green Downtown*, Page 22 – The plan provides tree-lined streets and a landscaped plaza with a future bike-share station at the corner of Second Avenue and Spring Street as part of the on-site public use space.
4. *Pedestrian-Friendly Downtown*, Page 24 –The applicant will provide the Silver Spring Streetscape (including brick paving, street furnishings, and street trees) along Second Avenue and extend the Silver Spring Green Trail along Second Avenue (page 103). The improved streetscape encourages pedestrian activation from neighboring residential communities to downtown Silver Spring.

The Sector Plan states several urban design goals (page 73). The project satisfies the following:

- Conform to the CBD-wide planning issues of this Plan such as transportation, historic preservation, and environmental resources... and the standards of a revised Silver Spring Streetscape Plan that covers the entire core.
- Create an attractive pedestrian environment by creating a system of short blocks and defining streets with buildings, open spaces and streetscaping at a human-scale created by frequent doors and windows, architectural detail, and appropriately-scaled building heights.
- Through urban design treatments, establish streetscapes that emphasize the hierarchy of the circulation system.
- Create formal and informal civic spaces - building and open spaces - that add to property values, provide amenity, and improve downtown's aesthetic appearance.

- Contribute to the implementing the Silver Spring Green Trail, a linear park intended to link downtown locations with the surrounding park and trail system, while creating a distinctive bike path through the CBD.
- Incorporate the principles of crime prevention through environmental design by integrating visibility, pedestrian activity, and programming into project layouts.

## Transportation

### Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2000 *Silver Spring CBD Sector Plan* has the following master-plan facilities along the property's frontage:

- (1) Spring Street, to the north side of the property, as a four-lane divided arterial (A-263) with a minimum right-of-way width of 100 feet.
- (2) Second Avenue, to the east side of the property, as a two-lane business district street with a minimum right-of-way width of 80 feet.

Fenwick Lane (West), to the south of the property and to the west of Second Avenue extending to the Third Avenue right-of-way, is a tertiary street with a minimum right-of-way width of 50 feet. The Applicant is improving this section of Fenwick Lane to provide a modified tertiary street cross-section that will maintain the existing metered parking along the south side of the street and will provide a sidewalk and a tree panel along the north side of Fenwick Lane (West). Fenwick Lane (East) to the east of Second Avenue extending to Georgia Avenue (MD 97) is classified as a two-lane business district street with a minimum right-of-way width of 80 feet. The Third Avenue right-of-way to the west of the property is a paper tertiary street.

The 2005 *Countywide Bikeways Functional Master Plan* recommends the Silver Spring Green Trail (shared-use path; SP-10) along Second Avenue/Wayne Avenue between Spring Street and Sligo Creek Parkway/Trail (8-foot wide trail with an adjoining 5-foot wide sidewalk). This trail currently exists between Cameron Street and to the east of Fenton Street, and is on the east side of Second Avenue/north side of the Wayne Avenue. The trail is proposed to be shifted to the west side of Second Avenue between Fenwick Lane (West) and Spring Street, along the subject property frontage as part of this development. Staff has worked with the applicant and MCDOT to ensure that this shift is appropriate given the proposed bike-share station at the intersection of Spring Street and Second Avenue, connection to the future Capital Crescent Trail from Spring Street/Second Avenue at this location, and the number of driveways/curb-cuts that currently exist along the east side of Second Avenue between Spring Street and Fenwick Lane (East). The remainder of the trail between Fenwick Lane and Cameron Street may be accommodated safely and adequately along Second Avenue with a crossing at the Second Avenue/Fenwick Lane (East) signalized intersection.

The *Countywide Bikeways Functional Master Plan* also recommends the Georgetown Branch Interim Trail (shared-use path; SP-6; the future Capital Crescent Trail), to the west side of the property, within the Third Avenue right-of-way. The applicant is providing an interim trail within the Third Avenue right-of-way that connects to the subject property, which will ultimately be replaced by the future Capital Crescent Trail that will be provided as part of the proposed Purple Line transitway project.

Other local bikeway facilities in the area include on-road facilities recommended in the *Silver Spring CBD Sector Plan* along Spring Street (local on-road bikeway; PB-10) and Fenwick Lane (local on-road bikeway; PB-11).

Adequate Public Facilities Review

A traffic study (dated August 18, 2011) was submitted by the applicant’s consultant per the *LATR/PAMR Guidelines* since the proposed development was estimated to generate 30 or more peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods. The traffic study determined traffic-related impacts of the proposed development on nearby roadway intersections during weekday morning and evening peak periods.

The peak-hour trip generation estimate for the proposed Fenwick Station development was based on trip generation rates included in the *LATR/PAMR Guidelines*. A site trip generation summary is provided in Table 1, which shows that the proposed development would generate 93 peak-hour trips during weekday morning and evening peak periods. In contrast, the existing Post Office on the site was observed to generate 110 trips during the morning peak-hour and 235 trips during the evening peak-hour. The proposed residential development is estimated to generate less trips during the morning peak-hour and significantly less trips during the evening peak-hour.

**SUMMARY OF SITE TRIP GENERATION**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
310 residential apartment units	19	74	93	65	28	93

Source: Lenhart Traffic Consulting, Inc. Traffic Impact Analysis for Fenwick Station; August 18, 2011.

A summary of the capacity/Critical Lane Volume (CLV) analysis for the weekday morning and evening peak-hours is presented in the table below. Under Total (Build) traffic conditions, CLV values for intersections included in the study were estimated to be below the Silver Spring CBD congestion standards (1,600 and 1,800 CLV, respectively). Based on the analysis presented in the traffic study, it is concluded that the subject application will satisfy the LATR requirements of the APF test.

**SUMMARY OF CAPACITY CALCULATIONS**

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Spring St/Second Ave	476	754	581	968	592	941
Second Ave/PO Driveway	442	422	473	498	--	--
Second Ave/Fenwick Ln (unsignalized)	416	363	447	379	503	351
Second Ave/Fenwick Ln (signalized)	263	272	284	278	287	241

Source: Lenhart Traffic Consulting, Inc. Traffic Impact Analysis for Fenwick Station; August 18, 2011. Silver Spring CBD Policy Area Congestion Standard: 1,800 CLV

To satisfy the PAMR requirements of the APF test, a development located within the Silver Spring/Takoma Park Policy Area is required to mitigate ten percent (10 percent) of new peak-hour trips generated by the development. However, a similar development outside the CBD would generate 127 peak-hour trips during the morning peak-period (i.e., 34 additional peak-hour trips) and 147 peak-hour trips during the evening peak-period (i.e., 54 additional peak-hour trips). Thus, as a result of being located within the Silver Spring CBD, the proposed development will generate much less peak-hour trips during the morning and evening peak periods (reduction of 26 percent and 36 percent, respectively). Since the peak-hour site trip reduction as above is more than the PAMR trip mitigation requirement for the Silver Spring CBD Policy Area, the preliminary plan satisfies the PAMR requirements of the APF test.

**Environment**

Natural Resource Inventory/Forest Stand Delineation (NRI/FSD)

The site is subject to the Montgomery County Forest Conservation Law. NRI/FSD #420111330 for the site was approved on September 15, 2011. The NRI/FSD identifies any environmental constraints and forest resources on and near the subject property.

Environmental Guidelines

The approved NRI/FSD shows no streams or associated environmental buffers, wetlands, forests or floodplains on-site. As a result, the environmental guidelines are not applicable to this project. There is one significant tree but no specimen trees on site. There are two significant trees and one specimen tree in the Spring Street right-of-way that is adjacent to the property and within the proposed limits of disturbance. There are five significant trees along the wooded swale on what is Third Avenue, a paper street.



### Preliminary Forest Conservation Plan

A preliminary forest conservation plan was submitted with the Preliminary Plan application. The preliminary forest conservation plan worksheet shows the limit-of-disturbance area to be 3.08 acres. This includes 1.33 acres of disturbance beyond the property boundaries where offsite improvements and utility connections will be made, most of which are in the public right-of-way.

The project site has an afforestation requirement of 0.46 acres. The Applicant proposes to satisfy the afforestation requirement through a fee-in-lieu payment. Staff finds that this fee-in-lieu is acceptable and consistent with Section 22A-12(g) of the County Forest Conservation Law. The site has no priority forest planting areas, and there are no other appropriate onsite areas for forest planting.

Adjacent to the property is the Third Avenue right-of-way. Presently the Third Avenue right-of-way consists of an open channel with tree cover, eroding banks and an existing small channel with some intermittent water flow. Above and below the Third Avenue right of way the channel is enclosed in culverts. The channel banks include invasive species, debris, young deciduous trees, and five significant trees.

In the future, the eastern portion of Third Avenue will become part of the Capital Crescent Trail. In an effort to prepare for that transition, the applicant proposes to clean-up the channel by removing all invasive species, grade the site for a temporary five foot wide trail (until the Capital Crescent Trail is constructed), and fill in the open channel with rip-rap. While Staff understands the new channel is temporary and addresses runoff and erosion, Staff requests that the applicant continue coordinating with DOT on the final design of the channel to incorporate a softer channel that is more visually appealing.

### Variance

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the tree's critical root zone (CRZ) requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires a variance for impacts to trees that: measure 30 inches or greater, DBH; are part of a historic site or designated with a historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The Montgomery County Department of Environment recommended approval of the variance on September 6, 2011. The variance requested the removal of one black locust tree that is 30 inches or greater in DBH located within the Spring Street right-of-way.

The Applicant has met all criteria required to grant the variance to remove the offsite specimen tree along Spring Street. The tree is within the Spring Street right-of-way and the critical root zone will be impacted by the proposed construction activities as well as future work within the right of way proposed by MCDOT.

- a) *The variance will not confer on the Applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege as the disturbance of the specimen tree is necessary in order to grade the site for the proposed bike share location. The tree is in poor condition and within the Spring Street right of way. Trees within the right of way are typically not protected from future street maintenance or reconstruction.

- b) *The variance is not based on conditions or circumstances which are the result of the action by the Applicant.*

The requested variance is based on the proposed bike sharing station consisting of bike racks and an ADA-accessible concrete pad approximately 82 feet in length. The proposed bike-share station and path connection is located at this intersection (Spring Street and Second Avenue) due to its close proximity with the Silver Spring metro station and the future Capital Crescent Trail. The bike sharing station will likely increase bike usage by making bicycles more readily available and thus supports alternative modes of transportation.

- c) *The variance does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property.*

The requested variance is a result of the proposed site design and layout on the subject property and not as a result of land or building use on a neighboring property.

- d) *The variance will not violate State water quality standards or cause measurable degradation in water quality.*

The requested variance will not violate State water quality standards or cause measurable degradation in water quality. The specimen tree being removed is not within a stream buffer or wetland.

The Montgomery County Department of Permitting Services (MCDPS) has approved a stormwater management concept dated July 6th, 2011. The approved concept will consist of Environmental Site Design in accordance with the latest revisions to the MDE Stormwater Design Manual. In addition, there are no impacts to environmental buffers therefore, the project will not violate State water quality standards or cause measurable degradation in water quality.

### Transportation Noise Impacts

The proposed site is adjacent to Spring Street, a moderately busy arterial road. Moreover, to the west of Third Avenue will be the future Purple Line. Due to the existing and proposed transportation facilities near the subject site, noise impacts may occur in dwelling units that have windows facing the transportation facilities or in common open space that will be used by the residents. The "Staff Guidelines for the Consideration of Transportation Noise Impacts in Land Use Planning and Development" (Environmental Planning Division, June 1983), also known as the "staff noise guidelines", establish criteria to define transportation noise impacts for sensitive uses and provide recommendations for mitigation of such impacts.

Staff, therefore, recommends that a noise and acoustic analysis of the impacts to the proposed project be submitted as part of the site plan application to determine the projected transportation noise levels

requiring mitigation. Options for creating quieter areas within the exterior open space should be considered to enhance its value and usage, including any type of visually-pleasing, compatible, noise mitigation structure that would visually and audibly screen the public use areas.

### Stormwater Management

The stormwater management concept submitted to MCDPS was reviewed and deemed acceptable on July 6, 2011. The concept proposes to meet required stormwater management goals via environmental site design to the maximum extent possible by the use of green roofs and micro-bioretenion, such as filtration planters and bio-filter tree pits.

### Development Standards

The project meets all development standards for an optional method development project under the CBD-1 Zone, as shown in the following table.

Development Standard	Required	Proposed
<b>Site Area</b>		
Gross Tract Area	18,000 sq ft	123,762 sq ft (2.84 acres)
Prior dedication	n/a	47,420 sq ft (1.09 acres)
New dedication	n/a	-0-
Existing lot area	n/a	76,342 sq ft (1.75 acres)
<b>Max. Density</b>		
Max. No. of Dwelling Units		
- Market rate	125 DUs/acre	-109 DUs/acre (310 total DUs)
- MPDUs	12.5 percent	-12.5 percent (39 MPDUs)
<b>Min. Public Use Space (% of net lot)</b>		
On-Site Public Use Space	20 percent	20 percent
Off-Site Amenity Space	n/a	43 percent
Total Public Use & Amenity Space	n/a	63 percent
<b>Max. Building Height</b>		
	60 ft	60 ft, as measured from Spring Street
<b>Vehicular Parking</b>		
<b>Residential</b>		
- Studio units	19 (@ 1sp/du)=19	330 total parking spaces
- MPDU Studio units	3 (@ 0.5 sp/du)=1.5	
- One-bedroom units	181 (@ 1.25 sp/du)=226.25	
- MPDU one-bedroom units	26 (@ 0.625 sp/du)=16.25	
- Two-bedroom units	52 (@ 1.5 sp/du)=78	
- MPDU two-bedroom units	7 (@ 0.75 sp/du)=5.25	
- Three-bedroom units	19(@ 2 sp/du)=38	
- MPDU three-bedroom units	+3 (@ 1 sp/du)=3	
<b>Sub-total</b>	388	
<b>Less 15% metro/CBD credit</b>	(-) 58	
<b>Total Spaces</b>	330 total parking spaces	

### SECTION 3: PROJECT PLAN REVIEW

#### FINDINGS

According to Section 59-D-2.43 of the Montgomery County Zoning Ordinance, the Planning Board must consider the following in reaching a determination on a project plan:

- (a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under chapter 56.
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.
- (c) Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with chapter 25a if that chapter applies.
- (g) The staging program and schedule of development.
- (h) The adequacy of forest conservation measures proposed to meet any requirements under chapter 22a.
- (i) The adequacy of water resource protection measures proposed to meet any requirements under chapter 19.

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board in concert with the considerations enumerated above. As the following findings demonstrate, the subject project plan adequately addresses each the considerations.

(a) *As conditioned, the proposal complies with all of the intents and requirements of the zone.*

#### Intents and Purposes of the CBD Zones

The Montgomery County Zoning Ordinance states the purposes that the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

(1) *“To encourage development in accordance with an adopted and approved master, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board.”*

As previously stated in the Master Plan conformance section, the project conforms to the general recommendations of the Silver Spring CBD Sector Plan.

(2) *“To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents.”*

The project replaces an aging post office facility with housing, a use recommended in the Plan for the Silver Spring CBD. The residential unit mix for the project is currently proposed as follows: (1) approximately 7 percent of the units (including 19 market rate and 3 MPDUs) will be studio units; (2) approximately 67 percent will be one-bedroom units (with 181 market rate and 26 MPDUs); (3) approximately 19 percent will be two-bedroom units (with 52 market rate and 7 MPDUs); and (4) approximately 7 percent will be a mix of two-bedroom den and three-bedroom units (with 19 market rate and 3 MPDUs). The proposed unit mix is only estimated at this time, with a final unit mix to be established at Site Plan.

(3) *“To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.”*

The existing buildings surrounding the Property are comprised of a mix of residential, commercial and retail uses, with varying heights and densities. The Project responds to its location on the perimeter of the CBD by employing terracing elements, setbacks, step backs, and horizontal breaks in mass to create a proper transition between the neighboring one-family area and the CBD core.

(4) *“To promote the effective use of transit facilities in the central business district and pedestrian access thereto.”*

The Project will provide new residential units in close proximity (within 1,400 feet (±)) to the Silver Spring Metro Station. Additionally, several bus lines operate in the vicinity of the

Property, including a stop directly in front of the subject property on Second Avenue. In fact, as part of the development, a new bus shelter will be provided for this stop. The Property is also within walking distance to the Cameron-Second Garage, which provides 1,383 public parking spaces. Given the proximity to multiple transit options, it is reasonable to conclude that a considerable number of nearby residents, employees, and patrons will utilize public transit resources.

(5) *“To improve pedestrian and vehicular circulation.”*

Because the existing curb cut at Fenwick Lane will be preserved but the curb cut on Second Avenue will be eliminated, vehicular circulation will be improved compared to existing conditions on the property. The project’s trip generation rates are relatively low compared to the current post office use. As such, the project should improve vehicular circulation in the area.

A significant component of the project is the improvement of sidewalks and trail areas adjacent to the Property. As previously described, the streetscape along Second Avenue will be detailed per the Silver Spring streetscape standards. The Silver Spring Green Trail will be extended from the CBD to the adjacent one-family neighborhood, and walkways will also be established along the building's southern wing to promote efficient pedestrian circulation from Second Avenue to the future Capital Crescent Trail.

(6) *“To assist in the development of adequate residential areas for people with a range of different incomes.”*

In accordance with County requirements, 12.5 percent of the residential units within the project will be developed as MPDUs.

(7) *“To encourage land assembly and most desirable use of land in accordance with a sector plan.”*

The Project will consolidate into a single record lot the various lots and parts of lots that comprise the property. The consolidation will allow the property to be redeveloped by replacing an aging post office facility with a well-designed multifamily residential building. Although the Sector Plan does not address the potential redevelopment of the subject property, the project does conform to the Sector Plan's general goals and objectives.

#### Further Intentions of the CBD-1 Zone

Section 59-C-6.213(a) of the Zoning Ordinance states:

- (1) *To foster and promote the orderly development of the fringes of the Central Business Districts of the county so that these areas will provide land uses at a density and intensity which will encourage small business enterprises and diverse living accommodations, while complementing the uses in the interior portions of these districts; and*
- (2) *To provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts.*

As previously stated, the project was designed in a manner that is compatible with the surrounding one-family neighborhood while stepping up in height as a transition to the more dense buildings in the core areas of the CBD. The Project will also provide a diversity of unit types and 12.5 percent MPDUs, providing new residential opportunities in the area.

According to zoning ordinance §59-C-6.215(b) a further requirement of optional method projects is the provision of additional public amenities:

*“Under the optional method greater densities may be permitted and there are fewer specific standards, but certain public facilities and amenities must be provided by the developer. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted.”*

To this end, the proposed development is proffering the following package of amenities and public facilities:

- Streetscape improvements along Second Avenue consistent with the Silver Spring streetscape standards;
- Onsite plaza with seating and recreation areas;
- A placeholder for a potential bike-share station;
- Extension of the Silver Spring Green Trail;
- A trail connection from Second Avenue to the future Capital Crescent Trail;
- A temporary pathway parallel to the tracks until the Capital Crescent Trail is constructed along with the purple line transitway;
- The clearing of debris from an off-site stream channel; and
- An upgraded Fenwick Lane right-of-way.

- (b) *The proposal conforms to the approved and adopted Master Plan or an Urban Renewal Plan approved under Chapter 56.*

As previously discussed, the project is in conformance with the Silver Spring CBD Sector Plan.

- (c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The project will contribute toward the ongoing revitalization of downtown Silver Spring by providing new housing choices and residents who will help support nearby businesses. The Project has been designed to ensure that it is physically compatible with existing development in the area. The open space and other amenities that the project will provide will contribute to the establishment of a more active residential community and allow a gathering place for trail users and nearby residents and employees.

- (d) *As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation*

*management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

The project will not overburden existing public services. The project's close proximity to the Metro Station and bus lines on Spring Street and Second Avenue help to promote public transportation. The proposed use will generate 93 AM peak hour trips and 93 PM peak hour trips and the study area intersections will continue to operate within the acceptable congestion standard levels. There is adequate water and sewer capacity within the Silver Spring CBD Policy Area to accommodate the project.

The Subdivision Staging Policy Schools Test for FY 2011 indicates that there is adequate capacity (there is no residential moratorium and no school facility payments will be required).

Although technically not a public facility that is reviewed by the Planning Board in deciding on the application, the proposed development will remove a public postal facility in the Silver Spring CBD. The decision for the post office to vacate the site comes from federal policy restructuring the current operations of USPS. There is one remaining retail post office facility in the CBD area along Colesville Road.

*(e) The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The optional method of development allows for the creation of a building that will be compatible with the surrounding structures, including the Easter Seals building, the Alexander House Apartment Complex, and the one-family residences located in the adjacent Woodside Park subdivision. An optional method project provides more residential units to help create a more varied residential community in the CBD. The addition of up to 310 residential units within the CBD in close proximity to public transportation serves the interests of the Silver Spring CBD and furthers County land use policy.

An associated benefit of the optional method of development is the provision of more public use space than would be provided under the standard method. Whereas a standard method development in the CBD-1 zone would require only 10 percent of net lot area to be designated for public use, the optional method requires 20 percent. Moreover, the applicant is providing 43 percent of the property's net lot area as off-site amenity space.

*(f) The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.*

The proposed development will provide 12.5 MPDUs on site, consistent with the requirements of Chapter 25A.

*(g) When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development*



*density from on lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:*

Not applicable.

- (h) As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

A Natural Resource Inventory Forest Stand Delineation (NRI/FSD) #420111330 for this site was approved on September 15, 2011. This site has an afforestation requirement of 0.46 acres to be met through a fee-in-lieu payment.

- (i) As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

The MCDPS Stormwater Management Section approved the stormwater management concept plan on July 6, 2011.

- (j) Any public use space or public facility or amenity to be provided off-site is consistent with the goals of the applicable Master or Sector Plan and serves the public interest better than providing the public use space or public facilities and amenities on-site.*

Although the applicant is providing off-site amenity space, the applicant still fulfills the 20 percent on-site public use space requirement.

## **RECOMMENDATION AND CONDITIONS**

Staff recommends approval of Project Plan 920110010, Fenwick Station subject to the following conditions:

1. Development Ceiling  
The proposed development is limited to 310 dwelling units. The final breakdown for mix of units will be decided at Site Plan.
2. Building Height and Mass  
The proposed development is limited to the building footprint as delineated in the project plan drawings submitted to MNCPPC dated September 19, 2011, unless modified at site plan review, and to 60 feet in height as measured from the datum point along Spring Street as shown on Project Plan drawings.
3. Architecture  
The exterior architectural character, proportion, material, and articulation must be substantially similar to the schematic elevations submitted to MNCPPC unless modified during site plan review.
4. Housing  
The development must provide a minimum of 12.5 percent of the total number of units consistent with the requirements of Chapter 25A, Section 25A-5.

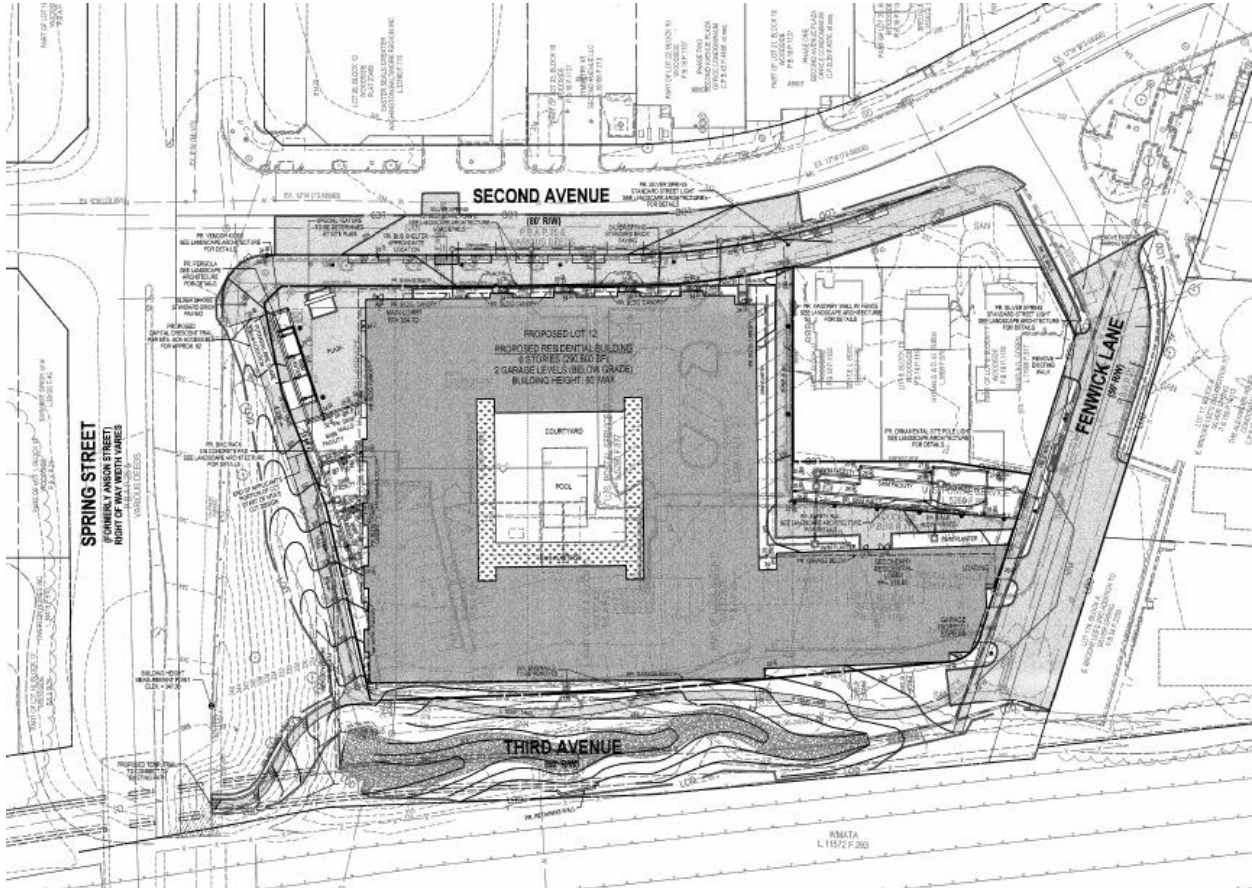
5. LEED Certification

The applicant must achieve a LEED-certified rating certification at a minimum. The applicant must make good faith efforts to achieve a LEED Silver rating. Before issuance of any use and occupancy certificate, the applicant must inform MNCPPC staff of the LEED certification level that they are applying for. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the applicant must provide to staff a written report for the public record purposes only from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, to include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost. Submission of this report constitutes compliance with this condition.

6. Public Use Space & Amenities

- a. The applicant must provide a minimum of 15,269 square feet for on-site public use space (20 percent of net lot area) as shown on the project plan.
- b. The applicant must provide a minimum of 33,035 square feet of off-site amenities (43 percent of net lot area) as shown on the project plan.

## SECTION 4: PRELIMINARY PLAN REVIEW



### FINDINGS

In order to approve a preliminary plan of subdivision, the Planning Board must make the following findings pertinent to Chapter 50:

- (a) The Preliminary Plan substantially conforms to the master plan.
- (b) Public facilities will be adequate to support and service the area of the proposed subdivision.
- (c) The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.
- (d) The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.
- (e) The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by MCDPS that the Stormwater Management Concept Plan meets MCDPS' standards.

*(a) The proposed lot and associated uses are in substantial conformance with the recommendations of the 2000 Silver Spring CBD Sector Plan.*

As previously stated, the proposed lot and development are in conformance with the Silver Spring CBD Sector Plan.

*(b) Public facilities will be adequate to accommodate a 310-unit residential building.*

As previously stated, public facilities are adequate to accommodate the project. Vehicular and pedestrian access will be safe and adequate with the proposed improvements. Sidewalks will be reconstructed along Second Avenue and Fenwick Lane to facilitate pedestrian mobility. The application satisfies the LATR and PAMR requirements as previously discussed.

The property will be served by public water and sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services, are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the property. The application is not within a school moratorium area, and a school facilities payment is not required. Electrical, telecommunications, and natural gas services are also available to serve the subject property.

*(c) The Preliminary Plan complies with the Subdivision Regulations and Zoning Ordinance*

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision, because it accommodates a single multifamily residential building of appropriate scale in the CBD-1 Zone.

The preliminary plan does not show standard truncation at the intersection of Spring Street and Second Avenue. Pursuant to Section 50-26(c)(3) of the Subdivision Regulations, the corner lots at an intersection must be truncated by straight lines joining points 25 feet back from the theoretical property line intersection in each quadrant. The Planning Board, however, may specify a greater or lesser truncation than otherwise required.

The applicant proposes a modification of this requirement and requests permission for a corner lot with ten feet of truncation rather than the standard 25 feet. The justification for this request is that the sight distance will be adequate; safety and compatibility of the area will not be compromised, and a standard truncation would detract from the pedestrian environment and architectural presence of the building.

Staff supports the non-standard truncation as shown on the preliminary plan. The traffic channelization of the area will not be affected by the non-standard truncation. By providing less than 25 feet of truncation at the intersection, the project can provide the pedestrian plaza, which will contribute to meeting Master Plan objectives of street activation. Therefore, staff recommends that the Planning Board find that the reduced truncation is appropriate.

The lot was reviewed for compliance with the dimensional requirements for the CBD-1 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in the table below. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

*(d) A preliminary forest conservation plan has been submitted and approved that satisfies all the applicable requirements of the Chapter 22A.*

As previously stated, the applicant proposes to meet the afforestation requirement of 0.46 acres with a fee-in-lieu payment. Approval of a tree variance has been recommended by staff.

*(e) Stormwater runoff volumes will be adequately controlled from the proposed development.*

The MCDPS Stormwater Management Section approved the stormwater management concept on July 6, 2011. The stormwater management concept consists of environmental site design to the maximum extent possible through the use of a green roof and micro-bioretenion.

<b>Plan Name: Fenwick Station</b>				
<b>Plan Number: 120110400</b>				
<b>Zoning: CBD-1</b>				
<b># of Lots: 1</b>				
<b># of Outlots: N/A</b>				
<b>Dev. Type: Residential</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot Area	18,000 sq ft	123,762 sq ft	DO	9/29/2011
Setbacks				
Front (Second Ave)	0 ft.	Must meet minimum <sup>1</sup>	DO	9/29/2011
Side (Spring)	0 ft.	Must meet minimum <sup>1</sup>	DO	9/29/2011
Side (Fenwick)	0 ft.	Must meet minimum <sup>1</sup>	DO	9/29/2011
Rear (SW side, Third Ave ROW)	0 ft.	Must meet minimum <sup>1</sup>	DO	9/29/2011
Height	60 ft	May not exceed maximum <sup>1</sup>	DO	9/29/2011
Max Resid'l d.u. per Zoning	355	310	DO	9/29/2011
MPDUs	12.5 percent of base density	12.5 percent of base density	DO	9/29/2011
Site Plan Req'd?	Yes		DO	9/29/2011
<b>FINDINGS</b>				
<i>SUBDIVISION</i>				
Lot frontage on Public Street		Yes	DO	9/29/2011
Road frontage improvements		Yes	Agency letter	9/30/2011
Environmental Guidelines		n/a	Staff guidance	9/30/2011
Forest Conservation		Yes	Staff guidance	9/30/2011
Master Plan Compliance		Yes	Staff guidance	9/29/2011
<i>ADEQUATE PUBLIC FACILITIES</i>				
Stormwater Management		Yes	Agency letter	7/6/2011
Water and Sewer (WSSC)		Yes	Agency comments	8/15/2011
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	8/15/2011
Well and Septic		n/a	Agency Comments	8/15/2011
Local Area Traffic Review		Yes	Staff guidance	9/29/2011
Policy Area Mobility Review		Yes	Staff guidance	9/29/2011
Transportation Management Agreement		Yes	Staff guidance	9/29/2011
School Cluster in Moratorium?		No	DO	9/29/2011
School Facilities Payment		No	DO	9/29/2011
Fire and Rescue		Yes	Agency letter	9/19/2011

<sup>1</sup> As determined by MCDPS at the time of building permit.

## PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS

The application meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and complies with the recommendations of the Silver Spring CBD Sector Plan. Therefore, Staff recommends approval of Preliminary Plan 120110400 subject to the following conditions:

1. Approval under this preliminary plan is limited to one lot for 310 dwelling units, including 12.5% MPDU's.
2. The applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable.
3. At site plan, the following items must be submitted for review and approval:
  - b. Final Forest Conservation Plan must include a transportation noise impact study Specific noise mitigation measures for private, outdoor use areas to be determined at site plan.
4. Prior to issuance of building permits for affected units, the following must be provided to M-NCPPC staff:
  - c. Certification from an acoustical engineer that the building shell is designed to attenuate projected interior levels to or below 45 dBA, Ldn using projected 2021 traffic noise levels.
  - d. The builder shall provide a signed, notarized commitment to construct the dwelling units in accord with the acoustical design specifications contained in the building shell analysis. Any changes to the building shell construction that may negatively affect acoustical performance shall be approved in writing by the acoustical engineer to provide acoustical attenuation for affected units to the same level as the specifications in the building shell analysis. A copy of the written approval must be provided to M-NCPPC staff.
5. To meet the forest conservation afforestation requirements, show off-site planting location including a map of the proposed location, property name, address, property owner's name, soils, and environmental features making it a priority planting area.
6. The Applicant must dedicate and show on the final record plat the following rights-of-way along property frontage consistent with the 2000 Approved and Adopted *Silver Spring CBD Sector Plan*:
  - a. Second Avenue – minimum of 40 feet from the roadway right-of-way centerline,
  - b. Spring Street – minimum of 50 feet from the roadway right-of-way centerline, and
  - c. Fenwick Lane – minimum of 25 feet from the roadway right-of-way centerline.
7. The Applicant must finalize details on site frontage improvements along Second Avenue (including the Silver Spring Green Trail), site frontage improvements along Fenwick Lane, and improvements along Spring Street frontage the proposed interim trail connection to the future Capital Crescent Trail from Spring Street/Second Avenue at least 30 days prior to any Planning Board hearing on the site plan for the development.
8. The Applicant must enter into a Traffic Mitigation Agreement ("Agreement") with the Planning Board and MCDOT to participate in the Silver Spring Transportation Management District (TMD) and must execute the Agreement prior to the release of any building permit for the proposed development.
9. The Applicant, as part of the above Agreement or separately, must grant an easement on the property to the MCDOT to install a future bike-share station at the location shown on the Preliminary Plan. The location and the easement agreement with the MCDOT for the proposed bike-share station must be finalized at least 30 days prior to any Planning Board hearing on the site plan for the development.

10. The certified preliminary plan must contain the following note: “Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the preliminary plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan review. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board’s approval.”
11. The applicant must comply with the conditions of the MCDPS stormwater management approval dated July 6, 2011. These conditions may be amended by MCDPS, provided the amendments do not conflict with other conditions of the preliminary plan approval.
12. The applicant must comply with the conditions of the MCDOT letter dated 9/30/2011. These conditions may be amended by MCDOT, provided the amendments do not conflict with other conditions of the preliminary plan approval.
13. The applicant must satisfy provisions for access and improvements as required by MCDOT prior to recordation of plat(s).
14. No clearing, grading or recording of plats prior to certified site plan approval.
15. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
16. Final number of MPDU’s/TDR’s as per condition #1 above to be determined at the time of site plan.
17. The record plat must show necessary easements.
18. The Adequate Public Facility (APF) review for the preliminary plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board Resolution.

## **ATTACHMENTS**

1. County Agency Correspondence
  - MCDPS Stormwater Management
  - MCDPS Height Measurement Confirmation
  - MCDOT
2. Applicant’s Memorandum of Understanding with MCDOT
3. Draft Transportation Mitigation Agreement
4. Community Correspondence