





ArtSpace, 801 Sligo Avenue, Local Map Amendment H-110

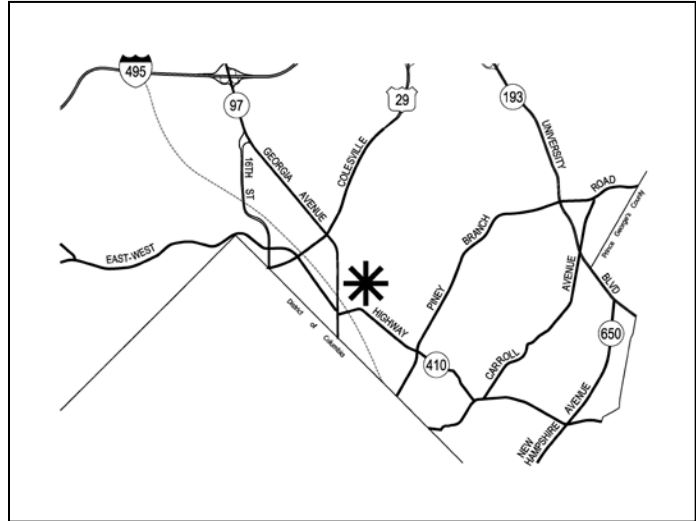
 Elza Hisel-McCoy, Regulatory Supervisor, Area 1 Division, [elza.hisel-mccoy@montgomeryplanning.org](mailto:elza.hisel-mccoy@montgomeryplanning.org), 301.495.2115

 Robert Kronenberg, Chief, Area 1 Division, [robert.kronenberg@montgomeryplanning.org](mailto:robert.kronenberg@montgomeryplanning.org), 301.495.2187

Description

Completed: 12.7.15

- Request to rezone the 2.31-acre property from the R-60 Zone to the CRNF-1.25, C0.25, R1.0, H65 Zone to construct up to 139,000 square feet of development, including up to 110,000 square feet of residential uses, with up to 68 multi-family units and 11 townhomes, and up to 29,000 square feet of non-residential uses, with up to 30 artist studios and 1,500 square feet of retail;
- Location: 801 Sligo Avenue, Silver Spring;
- 2000 *East Silver Spring Master Plan*;
- Applicant: ArtSpace Projects, Inc.
- Filing Date: September 10, 2015
- Hearing Examiner Public Hearing Date: January 8, 2016



**STAFF RECOMMENDATION**

**Approval** of Local Map Amendment (LMA) H-110 and the associated Floating Zone Plan and binding elements.

**SUMMARY**

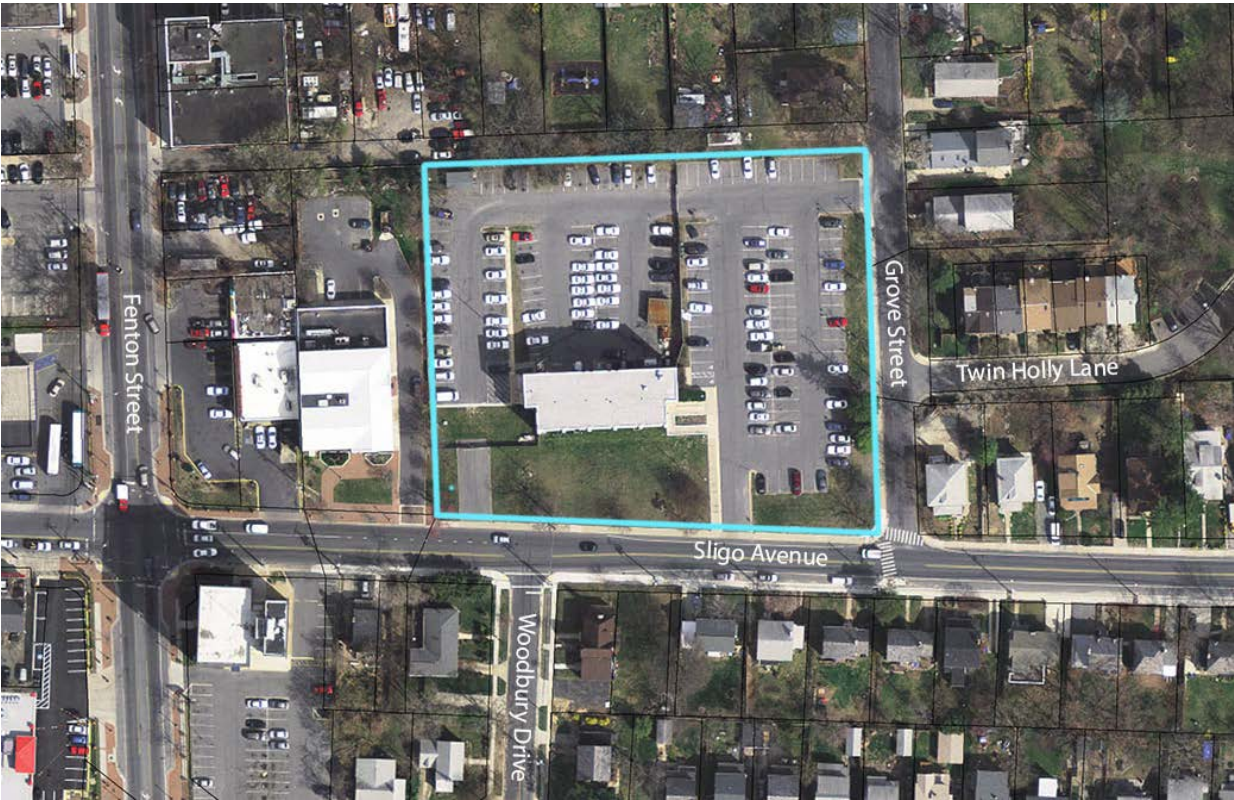
The Applicant, ArtSpace Projects, Inc., is requesting a rezoning of 2.31 acres (approximately 97,433 square feet) of land from the R-60 Zone to the Commercial Residential Neighborhood Floating Zone CRNF-1.25, C0.25, R1.0, H65 to construct up to 139,000 square feet of development, including up to 110,000 square feet of residential uses, with up to 68 multi-family units and 11 townhomes, and up to 29,000 square feet of non-residential uses, with up to 30 artist studios and 1,500 square feet of retail. The Property is currently improved with a vacant three-story building that previously housed the Montgomery County District 3 Police Station, which has since relocated to White Oak, and extensive surface parking lots.

The Applicant proposes to redevelop the entire site under the new zoning category in order to allow flexibility for a mixed-use development that is compatible with the surrounding neighborhood and transitions from the more-intense mixed-use development of the adjacent Silver Spring CBD to the west. In general, the proposed development meets all applicable standards of the CRNF Zone and complies with the purpose clause of the Commercial Residential Floating Zone; furthers the goals of the 2000 *East Silver Spring Master Plan*; and satisfies the prerequisites, intent statement, and necessary findings for a rezoning to CRNF-1.25, C0.25, R1.0, H65.

This LMA application was filed under the current Zoning Ordinance requirements of Section 5 (Floating Zone Requirements) adopted by the County Council on March 5, 2014 and effective October 30, 2014. The proposed development requires District Council approval of a Local Map Amendment and Floating Zone Plan. If LMA H-110 is approved by the District Council, the proposed development will be subject to preliminary plan and site plan review by the Planning Board.

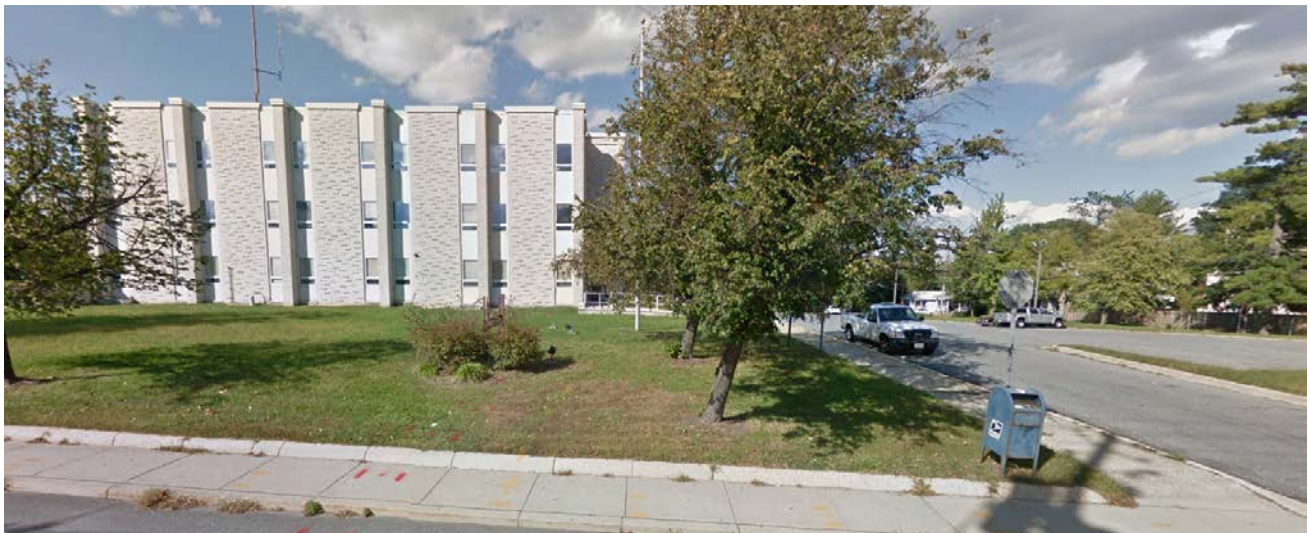
## PROPERTY DESCRIPTION

The 2.31-acre Property comprises seven existing lots, Lots 5, 6, 7, 8, 9, 10, 11, Block J, of the Easley Subdivision in the R-60 Zone (Lot 5: 13,900 sf.; Lot 6: 14,100 sf.; Lot 7: 14,300 sf.; Lot 8: 14,500 sf.; Lot 9: 14,675 sf.; Lot 10: 14,875 sf.; Lot 11: 15,075 sf.). The Property is located at the northwest quadrant of the intersection of Sligo Avenue and Grove Street, just east of Fenton Street in Silver Spring.



*Aerial photo*

The Property is currently improved with a vacant three-story building that previously housed the Montgomery County District 3 Police Station, which has since relocated to White Oak, and extensive surface parking lots.



*View of Existing Building from Sligo Avenue*

Today, the tract is predominantly cleared with no forested areas. There is at least one variance tree and other variance trees nearby which would be impacted by redevelopment, as shown on the attached existing conditions plan. There are no streams onsite and Property is not located within a Special Protection Area.

The area surrounding the Property includes single-family homes in the R-60 Zone to the north, east, and south, townhouses in the RT-8.0 Zone to the east, and the mixed-use development of Fenton Village to the west in the CR Zone with maximum overall densities between 1.5 and 3.0 FAR.

Immediately northwest of the site is the approved but unbuilt Silver Spring Park development site (Site Plan 82010012A) that includes 147,888 square feet of mixed-use development including office, hotel, and retail uses, as well as 58 multi-family dwelling units. The approved site design also includes a through-site pedestrian connection extending from Silver Spring Avenue to the mid-block public alley adjacent to the rear Property line.

### **Zoning History**

The 2000 *East Silver Spring Master Plan* reconfirmed the R-60 Zone for this Property as did the Countywide District Map Amendment (G-956) approved on July 15, 2014, by the Montgomery County Council and effective on October 30, 2014. The Master Plan recommended the Residential Townhouse (RT-8) zoning classification for this site, if the police station vacated the Property. The RT-8 Zone was eliminated for new development by the zoning code that became effective on October 30, 2014, though it was retained for properties where the Zone had previously been applied by Local Map Amendment (LMA). Under Section 5.1.3.B, a recommendation for the RT-8 Zone is equivalent to a recommendation for TF-8 (Townhouse Floating Zone).

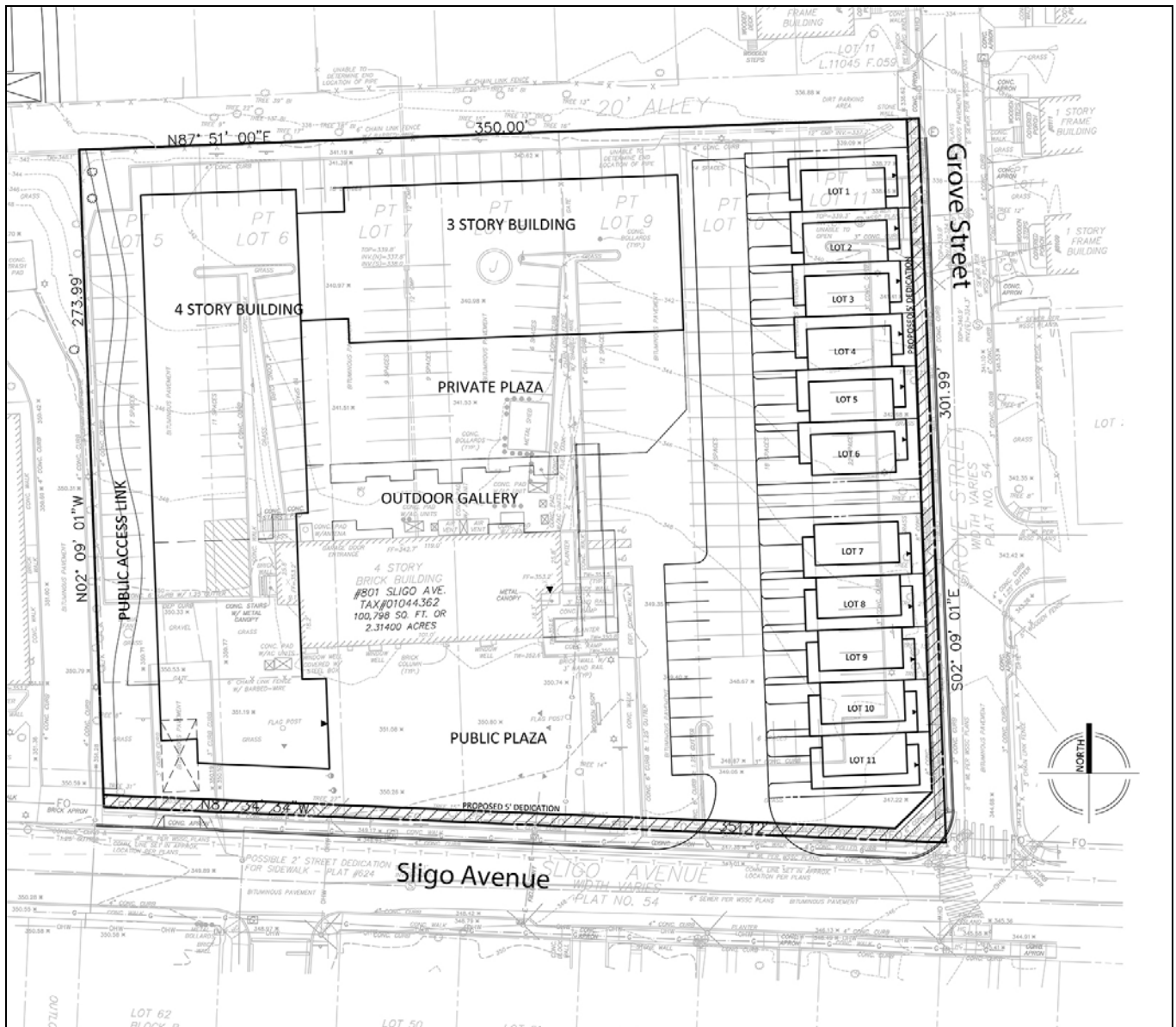
This proposed LMA is requesting the Floating Zone CRNF1.25, C0.25, R1.0, H65. This Zone provides greater flexibility developing in the transitional area between the higher density CR-Zoned properties abutting the Property to the west and the lower-density residential properties of R-60 and RT-8, surrounding the remaining borders of the site.

The existing police station structure is deemed a conforming structure under Section 59-7.7.1.A.1 of the Zoning Ordinance.

### **Proposal**

The Applicant is proposing to redevelop the Property as a mixed-use Project under the Commercial Residential Neighborhood Floating Zone CRNF1.25, C 0.25, R 1.0, H 65. The Project will consist of two multi-family buildings with a total of 68 multi-family units, the existing vacant police station building renovated as multi-use building for 30 artist studios, up to 1,500 square feet of retail uses, and 11 townhouses. The multi-family residential component of the Project will be comprised of 100% affordable units. Rents are adjusted to provide a mix of units that are affordable to residents at or below 30%, 40%, 50% and 60% AMI. The Project will provide a mix of efficiency, one-bedroom, two-bedroom and three-bedroom units. The for-sale townhouse component of the Project will include four (4) workforce housing units and seven (7) market rate units.





*Floating Zone Plan*

To accommodate the proposed development, the Applicant proposes to subdivide the Property into up to 12 lots with associated Homeowners Association ("HOA") parcels. The townhouse component of the Project will require the creation of 11 individual lots along the Property's eastern boundary and various HOA parcels. The residual land will be subdivided into a separate lot for the development of the multi-family residences, artist studios and related site improvements.

The Project provides a context-sensitive design and responds to the Property's location as a transitional site. The Project's design displays particular sensitivity to the single-family residential homes confronting the Property. The tallest building will be located adjacent to the existing commercial development on the west side of the Property. This four-story residential building will serve as a buffer to the higher intensity, CR Zoned properties, while the three-story multi-family residential building located along the northern Property line will step down in height and incorporate first-floor accessible units with patios, to provide a more appropriate and gentle transition to the confronting single family detached homes. The townhouse development has been strategically located

along Grove Street. These 11 townhome units will bring the Project down to a residential street scale to complement the confronting single-family residential development.



*Illustrative Site Plan*

The Project will provide a minimum of 9,743 square feet of open space on-site, including common open space for the townhouses and public open space for the remainder of the development. The proposed public open space includes a public plaza along Sligo Avenue and a pedestrian through-block connection on the western Property boundary. The public plaza will serve as an area where artists can display their work, as well as an inviting space where the community can gather freely. The proposed pedestrian connection will significantly enhance the interconnectivity of the neighborhood by completing a proposed through-block connection between Silver Spring Avenue and Sligo Avenue. The pedestrian connection will span the length of the Property's western boundary and will connect with the approved pedestrian connection on the confronting Silver Spring Park development to the north.

To ensure the Project will not have any adverse impacts on the surrounding neighborhood, the Project will provide adequate parking on-site to accommodate all users of the Property. Parking for the multi-family residential units will be provided in a one-level below-grade parking garage. Parking for the townhouses will be accommodated in individual parking garages. Additionally, a small surface parking lot will be provided internal to

the site, to accommodate visitors to the Property. Final parking counts will be determined at the time of Site Plan approval, once bedroom counts have been finalized.

Existing vehicular access to the Property is provided from both Grove Street and Sligo Avenue through three separate existing curb cuts. The Project will eliminate the curb cut on Grove Street and restrict vehicular access to the Property to Sligo Avenue, in order to minimize traffic impacts on the surrounding residential streets. A second access point on Sligo Avenue, indicated for loading, is shown on the western edge of that frontage. However, based on preliminary technical comments from Montgomery County Department of Transportation staff, the Applicant is working with community representatives to revise the configuration of the Sligo Avenue access points. The final configuration will be determined at Preliminary Plan.

### **Binding Elements**

The Application includes the following Binding Elements, which are result of a collaborative effort between the Applicant and community representatives.

- Vehicular access from Grove Street shall be prohibited.
- Vehicular access from the alley located to the north of the property is prohibited.
- The maximum building height of any structure with frontage on Grove Street shall not exceed 42 feet for a depth of 75 feet, as measured from the curb at Grove Street.
- The maximum building height of the 3 story building located parallel to the alley shall not exceed 50 feet, as measured from the curb at Sligo Avenue.
- The maximum building height along Sligo Avenue shall not exceed 60 feet, as measured from the curb at Sligo Avenue.
- A public plaza, at least 3,750 square feet in size, will be located along Sligo Avenue.
- A minimum of 3,500 square feet of common open space will be located in an interior courtyard for use by residents of the site.
- The minimum building offsets from the proposed right of way from Grove Street will be 5 feet and from Sligo Avenue will be 15 feet.

### **ANALYSIS**

#### **Master Plan**

The Property is located within the 2000 *East Silver Spring Master Plan*, the major emphasis of which “is to support stable residential neighborhoods and to assure linkages to commercial centers and public facilities.” (p. 21) The Plan recommendations seek to achieve this through four general themes for the entire Plan area, as well as a specific recommendation for the Property.

The proposed development echoes these general themes (p. 21):

1. ***Community Preservation, Stability, and Character.*** *Preserve existing residential character, encourage neighborhood reinvestment, and enhance the quality of life throughout East Silver Spring.*

In furtherance of the Master Plan's goal to preserve the existing residential character and encourage compatible reinvestment, the Project will increase the range of the housing stock though the development of townhouses and multi-family units on the Property. It preserves and enhances the existing residential neighborhood by providing an affordable mixed-use, predominantly residential development, which serves as a buffer and provides an appropriate transition between the more intensive uses in the CBD and the single-family residential areas just outside the CBD.

2. **Commercial Centers:** *Improve commercial centers to better serve the needs of local and area residents and people passing through the area.*

Although the Project is located just outside the CBD area of Fenton Village, the proposed development will improve that commercial center and the Silver Spring CBD as a whole by providing a center of arts activity that has the potential to attract people who might typically pass through the area to stay in the area to experience some art and then dine in one of the many nearby restaurants. Further, the creation of a center for art activity will further raise the profile of the CBD as a cultural destination.

3. **Community Facilities, Parks and Environmental Resources.** *Support the community facilities and parks and protect the environmental resources that contribute to community identity and provide valuable services and programs.*

The Project will result in significant improvements to the natural and pedestrian environment by creating additional green space, reducing the amount of impervious area on-site, and providing on-site stormwater management treatment, where there currently is none.

4. **Neighborhood-friendly Circulation.** *Provide safe, pleasant and convenient pedestrian access to places people want to go while accommodating local and regional traffic.*

The Project will provide a pedestrian-friendly environment that will promote pedestrian and bicyclist access, with streetscape improvements along Sligo Avenue and Grove Street, and the realization of a through-block connection between Sligo Avenue and Silver Spring Avenue.

For this Property, the Master Plan recommends the following:

*Increase the range of the housing stock by recommending the site currently occupied by the police department on Sligo Avenue for townhouses, if it becomes available for private development. (p.27)*

*If the police station moves from this location and becomes available for redevelopment, under County policy public reuse of the site will be given first priority. If public reuse of the site is not appropriate, the site may be privately developed under the R-60 or the RT-8 Zone. (p. 32)*

After the police station relocated from the Property to White Oak in 2014, the County issued a request for proposals for a public-private partnership to redevelop the site. In partnership with the surrounding community, the County selected the Applicant's proposal for redevelopment of the site. The proposed development will both enhance the public use of the site, as described under discussion of the general themes above, by creating inviting uses and public spaces. In addition, construction of townhouses and multi-family units will increase the types of housing stock available in East Silver Spring.

The application, with the proposed residential uses of multifamily and townhouses is consistent with the above stated goals and guidance of the *East Silver Spring Master Plan*.

## **Transportation**

### Site Location and Vehicular Site Access Points

The Site is located on the northwest corner of the Sligo Avenue/ Grove Street intersection in Silver Spring. Site access is proposed directly from Sligo Avenue, along the southern property frontage. The Applicant proposes

constructing the Sligo Avenue access point approximately 25-feet east of the Site's existing eastern driveway into the Site. Based on preliminary technical comments from Montgomery County Department of Transportation staff, the Applicant is working with community representatives to revise the configuration of the Sligo Avenue access points. The final configuration will be determined at Preliminary Plan.

#### Master Plan Roadways and Pedestrian/Bikeway Facilities

The following is a summary of recommendations included in the 2000 Approved and Adopted *East Silver Spring Master Plan* and the 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan*:

1. Sligo Avenue (A-87): A two-lane Arterial roadway with a minimum master planned right-of-way of 50 feet between the Silver Spring CBD and Piney Branch Road. This roadway is recommended to have master planned on-road bicycle facilities located along this segment.
2. Although not discussed in the *Master Plan*, Grove Street runs along the eastern property frontage and functions as a secondary residential street within a 30-foot-wide right-of-way along the property frontage.

Sligo Avenue is recommended to have on-street bicycle lanes to connect the Silver Spring CBD with the East Silver Spring/ Takoma Park communities. Although the subject application does not propose implementing bicycle lanes, it does not preclude future implementation of that facility.

#### Pedestrian Facilities and Public Transit Service

The Site frontages on both Sligo Avenue and Grove Street have existing variable width sidewalks located at the back-of-curb. These sidewalks are part of a continuous sidewalk network connecting the Site with Downtown Silver Spring and the surrounding residential area. Transit service is available from bus stops immediately adjacent to the Site frontage. That bus stop is served by Montgomery County Ride On Route 16, which runs between Silver Spring and Langly Park-Takoma. Beyond the Site frontage, Ride On Route 17 and WMATA Metrobus Route F4 are accessible from bus stops on Fenton Street.

#### Local Area Transportation Review (LATR)

The Applicant is not required to submit a traffic study to satisfy the LATR test because the proposed land use generates fewer than 30 total peak-hour trips within the weekday morning and evening peak periods. The proposed land use is anticipated to generate 26 morning peak hour trips and 25 evening peak hour trips, as depicted in Table 1.



**Table 1**  
**Proposed Silver Spring Artspace**  
**Peak Hour Trip Generation Table**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
<b>Proposed</b>						
11 Proposed Townhouses	1	4	5	6	3	9
68 Garden Apartments	6	24	30	22	11	33
30 Artist Studios <sup>1</sup>	15	0	15	0	15	15
1,500 SF Ancillary Retail	1	1	2	2	2	4
<b>Total Proposed</b>	<b>23</b>	<b>29</b>	<b>52</b>	<b>30</b>	<b>31</b>	<b>61</b>
<b>Credits</b>						
15% Reduction for resident artists (10 Dwelling Units)	1	3	4	3	2	5
15% Reduction for Resident Artists (10 Studio Units)	5	0	5	0	5	5
Former Third District Police Station <sup>2</sup>	11	6	17	6	20	26
<b>Total Credit</b>	<b>17</b>	<b>9</b>	<b>26</b>	<b>9</b>	<b>27</b>	<b>36</b>
<b>Total Net New Peak Hour Trips</b>	<b>6</b>	<b>20</b>	<b>26</b>	<b>21</b>	<b>4</b>	<b>25</b>

Source: Integrated Transportation Solutions, Inc. Traffic Statement dated Aug. 14, 2015; revised Sept. 24, 2015

#### Transportation Policy Area Review (TPAR)

The Applicant must satisfy the TPAR test by paying 25% of DPS's transportation/development impact tax located in the Silver Spring/ Takoma Park Transportation Policy Area. This payment is paid to DPS at the time of building permit.

#### Recommendations

Staff recommends the following conditions for the subject Local Map Amendment:

1. The Applicant must be limited to 68 multifamily dwelling units, 11 townhouse dwelling units, 30 art studios, and up to 1,500 square feet of specialty retail as specified Statement of Justification and traffic statement.
2. If the Local Map Amendment is granted and the Applicant is granted approval at the Preliminary and Site Plan stages, the Applicant must satisfy the Transportation Policy Area Review (TPAR) test by paying 25% of the transportation/development impact tax to the Montgomery County Department of Permitting Services (DPS) at the time of building permit.
3. Vehicular access to the Site should be denied from both Grove Street and the unimproved public alley along the northern property line.
4. Dedicate an additional 5-feet of right-of-way on Sligo Avenue (A-87) to support a future right-of-way of 60-feet.

<sup>1</sup> Studio Rate: 0.5 peak hour trips/ unit

<sup>2</sup> Peak hour trip rates applied to existing 32,844 square foot District 3 Police Station

5. Dedicate an additional 5-feet of right-of-way on Grove Street to support a future right-of-way of 40-feet.
6. Provide standard right-of-way truncation of 25-feet at the intersection of Sligo Avenue and Grove Street.

## **Environment**

The Forest Conservation requirement is not triggered at the current stage of rezoning. The site has at least one variance tree and other variance trees nearby which would be impacted. Offsite tree 1 has low canopy overhanging into the subject property that would need to be addressed. Onsite mitigation plantings for removals of any variance trees must have appropriately sized planting beds, free and clear of utilities and conflicting easements, and with enough volume and depth to allow the trees to mature without undue restrictions. The project should explore providing green roofs and implement urban forest practices (by providing native plant species).

## **Public Facilities**

The subject application will be adequately served by public facilities:

### Water and Sewer

Public water and sewer are available at the subject Property within both the Sligo Avenue and Grove Street rights-of-way, and the Property is located within water and sewer categories W-1 and S-1. Water and sewer needs are expected to be met by the Washington Suburban Sanitary Commission ("WSSC") through connections to the existing water and sewer lines. WSSC will evaluate the water and sewer capacity through a Hydraulic Planning Analysis at Preliminary Plan.

### Schools

The Property is located in the Blair Cluster with East Silver Spring Elementary School for kindergarten through grade 5, Takoma Park Middle School for grades 6-8, and Blair High School for grades 9-12. The FY 2016 School Test under the Subdivision Staging Policy requires a payment at both the Middle School (117.1% utilization) and the High School (110% utilization) levels. MCPS is currently conducting a feasibility study for an expansion to Takoma Park Middle School. Applicability of impact fees will be determined at Preliminary Plan.

### Other Public Facilities

Public Safety services are provided by fire and rescue stations within two miles. They include Montgomery County Fire Station 1 at 8110 Georgia Avenue, Silver Spring, MD, about 1,200 feet from the site; the Takoma Park Volunteer Fire Department 2, at 7201 Carroll Avenue, Takoma Park, MD, 1.2 miles away; and the Silver Spring Volunteer Fire Department at 1945 Seminary Road, Silver Spring, MD, 1.7 miles from the Property. There are no police stations within two miles of the site: the Montgomery County Police Station at 1002 Milestone Drive, Silver Spring, MD, is approximately 4 miles from the Property.

## Required Findings

### Section 5.1.2. Intent Statement

*A. Implement comprehensive planning objectives by:*

- 1. Furthering the goals of the general plan, applicable Master Plan, and functional Master Plan;*
- 2. Ensuring that the proposed uses are in balance with and supported by the existing and planned infrastructure in the general plan, applicable Master Plan, functional Master Plan staging, and applicable public facilities requirements; and*
- 3. Allowing design flexibility to integrate development into circulation networks, land use patterns, and natural features within and connected to the Property*

As discussed in the analysis section above, the Project will further the goals of the Master Plan , will be compatible with surrounding development, and will be served by existing infrastructure.

Finally, the design flexibility of the CRNF Zone and the existing sidewalks surrounding the Property will adequately integrate this site into the existing transportation and pedestrian circulation networks. The site is within walking distance, approximately 0.47 miles, to the Silver Spring Metrorail Station and the numerous bus connections located at this station. The Property is less than a third of a mile south of the future Purple Line station at the corner of Fenton Street and Wayne Avenue. The Ride-On Route 16 has a bus stop along the site's frontage on Sligo Avenue. This Ride-On route provides service between Silver Spring and Langley Park-Takoma. The Ride-On Route 17 and WMATA Metrobus Route F4, with bus stops on Fenton Avenue, provide additional bus connections from the site to the surrounding areas. A shared roadway bicycle lane exists along Sligo Avenue in front of the site. This shared lane provides bicycling connections from the site to the Silver Spring CDB, to the west, and to the adjacent residential areas to the east.

*B. Encourage the appropriate use of land by:*

- 1. Providing flexible applicability to respond to changing economic, demographic, and planning trends that occur between comprehensive District or Sectional Map Amendments;*
- 2. Allowing various uses, building types, and densities as determined by a Property's size and base Zone to serve a diverse and evolving population; and*
- 3. Ensuring that development satisfies basic sustainability requirements including:*
  - a. locational criteria,*
  - b. connections to circulation networks,*
  - c. density and use limitations,*
  - d. open space standards, and*
  - e. environmental protection and mitigation*

The LMA requests the floating Zone category of (CRNF) which provides flexibility in responding to changes in planning trends that have occurred since adoption of the *East Silver Spring Master Plan* in 2000.

Subsequent to the Plan's adoption, the police station moved from the site and Montgomery County issued a Request for Qualification and Development Proposals (RFQADP) to redevelop the Property. By issuing the RFQADP, the County sought to respond to the changing planning trends occurring in proximity to the Property. New multi-family residential and mixed use developments have been constructed in the Silver Spring Central Business District (CBD). The eastern boundary of the CBD abuts the subject Property's western lot line.

The proposed development based on the Property's size and base Zone allows various uses such as residential and commercial; a variety of building types including townhouse, apartment, and multi-use; and densities that can serve an evolving population of Silver Spring.

The proposed development will satisfy the following basic sustainability requirements:

- locational criteria- by siting new mixed use development within ½ mile of an existing Metrorail station and decreasing the need for private automobile use;
- connections to circulation networks- by creating a new mid-block pedestrian connection that links the site to the surrounding neighborhood and the nearby Silver Spring CBD; by an upgrading existing sidewalks (pedestrian connections) through improved streetscape standards of wider walkways;
- density and use limitations- by proposing a FAR of 1.25 that is within the density range allowed for a site of 2.31 acres in the R-60 Zone; by selecting residential and commercial uses that are compatible and appropriate to the adjacent CBD properties to the west and the low-density developed residential properties to the north, east, and south of the site.
- open space standards- by creating new common open space for future residents, by repurposing existing impervious areas into needed public open space to be used by new and existing residents of the surrounding East Silver Spring neighborhoods and by providing total open space in excess of the minimum requirement set by Zone.
- environmental protection and mitigation- by incorporating stormwater management measures into the overall Project's design will ensure that impacts from stormwater run-off and soil erosion are adequately mitigated and will protect the environmental features of the nearby residential and commercial areas.

*C. Ensure protection of established neighborhoods by:*

- 1. Establishing compatible relationships between new development and existing neighborhoods through limits on applicability, density, and uses;*
- 2. Providing development standards and general compatibility standards to protect the character of adjacent neighborhoods; and*
- 3. Allowing design flexibility to provide mitigation of any negative impacts found to be caused by the new use*

The proposed Project will be designed to establish compatible relationships with the existing and surrounding residential neighborhoods by limiting the type of proposed uses, to mostly residential and a minimal amount commercial/retail. The subject site consists of 2.31 acres. The proposed density of a 1.25 FAR is consistent with the density allowed under Section 5.3.5 for a Property in the R-60 Zone with a tract area between 0.51 acres and 3.00 acres.

The proposed development standards and binding elements will protect the established residential character of the neighborhoods to the north, south and east through comparable building heights and setbacks. The height and massing of the proposed townhouses will establish a residential scale and feel with the existing townhouses to the east across Grove Street. The 4-story multi-family building proposed along the Property's western edge will provide a gradual transition to the abutting CBD properties.



The CRNF Zone's design allows flexibility in setbacks, reduced building height and building placement to create mixed use developments that protect and complement existing and surrounding neighborhoods that would be impacted by new development. There will be no adverse impacts from the Project on any nearby established neighborhood.

The Project's Binding Elements, described above, address site access, building height, open space, and the distance between the buildings and the streets. These Binding Elements have been developed in close coordination with community representatives and will help ensure compatibility with the surrounding neighborhood.

Finally, at the time of Site Plan review, proposed construction materials for all new buildings will be determined, to ensure compatibility between the Project and the existing neighborhoods.

### **Section 5.1.3. Applicability**

- A. *A Floating Zone must not be approved for Property that is in an Agriculture or Rural Residential Zone.*

Not Applicable, as the Property is in the R-60 Zone.

- B. *If a Floating Zone is recommended in a Master Plan, there are no prerequisites for an application.*

This is not applicable, as the floating Zone recommended for the site in the plan, RT-8, is not the Zone being applied for.

- C. *If a Floating Zone is not recommended in a Master Plan, the following apply:*

1. *The maximum allowed density is based on the base Zone and on the size of the tract as stated in Division 5.3. Any density bonus requested under Chapter 25A may be added to the density allowed under Division 5.2 through Division 5.5 and included in the units per acre or FAR of the Zone requested.*

For a tract between 0.51 acres and 3 acres, section 5.3.5.A.2. limits density for the R-60 Zone to a total density of 1.25 FAR, with maximum Commercial or Residential components of 1.0 FAR. The requested Zone, CRNF-1.25, C0.25, R1.0, H65, conforms to these limits.

2. *Residential Base Zone*

- a. *When requesting a Residential Detached Floating (RDF) Zone for a property with a Residential base Zone:*

- i. *If neither commercial uses nor any increase in density above that allowed by the base Zone is requested, there are no prerequisites for an application;*
- ii. *If a commercial use or an increase in density above that allowed by the base Zone is requested, the application must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.3.D.*

Not Applicable.

- b. *When requesting a Townhouse Floating (TF) Apartment Floating (AF) Zone or Commercial Residential Neighborhood Floating (CRNF) Zone for a Property with a Residential base Zone:*
  - i. *The Property must front on a nonresidential street or must confront or abut a Property that is in a Residential Townhouse, Residential Multi-Unit, Commercial/Residential, Employment, or Industrial Zone; and*
  - ii. *The application must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.3.D.*

The proposed development will front on both Sligo Avenue and Grove Street. Sligo Avenue is classified as a non-residential street per the Master Plan. The subject Property confronts RT-8 Zoned Property across Grove Street to the east and abuts a CR-1.5, C-1.0, R-1.5, H-60T Zoned property to the west. Furthermore, this LMA satisfies a minimum of 2 prerequisites for each of the categories required under Section 5.1.3.D as noted on page 15 of this report.

- c. *When requesting a Commercial Residential Floating (CRF) Zone, Commercial Residential Town Floating (CRTF) Zone, or any Employment Floating Zone (NRF, GRF, EOFF, LSCF) for a Property with a Residential base Zone:*
  - i. *The Property must front on a nonresidential street or must confront or abut a Property that is in a Commercial/Residential, Employment, or Industrial Zone; and*
  - ii. *The application must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.3 D.*

Not Applicable.

- d. *When requesting any Industrial Floating Zone (ILF or IMF) for a Property with a Residential base Zone:*
  - i. *The Property must abut a Property in an Industrial Zone; and*
  - ii. *The application must satisfy a minimum of 2 prerequisites for each of the categories under Section 5.1.3.D.*

Not Applicable.

#### D. Prerequisites

Category	Prerequisite Choices	Met
<b>Transit &amp; Infrastructure</b>	At least 75% of the site is within ¼ mile of a Level 3, ½ mile of a Level 2, or ¾ mile of a Level 1 transit station/stop.	X
	The site has frontage on and vehicular, bicycle, and pedestrian access to at least 2 roads, at least one of which is nonresidential.	
	The site is served by existing water and sewer infrastructure that will not require either an upgrade to the service line or installation of a pump station due to the proposed development.	X
	All signalized intersections within ¼ mile of the site boundary are operating below the applicable congestion standard.	X
	The Project is age-restricted or senior housing, or if proposing development that may generate students, the site must not be in an area that is under moratorium due to school capacity or result in a school utilization rate greater than 120% because of the proposed development. For any site within 2 school clusters, only the portions of the site that satisfy this requirement can proceed.	
<b>Vicinity &amp; Facilities</b>	The site is in a transitional location between Property in an existing Residential Multi-Unit, Residential Townhouse, or non-Residential Zone and Property in a Residential Multi-Unit, Residential Townhouse, or Residential Detached Zone.	X
	The site is adjacent to a bicyclist route that provides access to commercial services within 3 miles.	
	The site is adjacent to a route that provides access to an existing or master-planned school within ½ mile.	X
	The site is adjacent to a pedestrian route that provides access to existing public park and recreation facilities that satisfy a minimum of existing public park and recreation facilities that satisfy a minimum of 30% of the recreation demand under the Planning Board's Recreation Guidelines, as amended, within ¾ mile.	
	The site is adjacent to a pedestrian route that provides access to an existing grocery store or County-permitted farmer's market within ¼ mile.	
<b>Environment &amp; Resources</b>	The limits of disturbance for the development will not overlap any stream, floodplain, wetland, or environmental buffer or any slopes greater than 25% or slopes greater than 15% where erodible soils are present.	X
	The site does not contain any forest or, if forest is present, the limits of disturbance for the development will not reduce the forest cover to less than an area of 10,000 square feet and width of 35 feet at any point.	X
	The site does not contain any rare, threatened, or endangered species or critical habitats listed by the Maryland Department of Natural Resources.	X
	The site is on land containing contaminated soils and is developed in conjunction with an environmental Voluntary Cleanup Program under the Maryland Department of Environmental Protection.	
	The site is currently developed with more than 75% impermeable surfaces, including paving and roofed-structures, and does not currently provide stormwater management meeting the standards applicable on the date of filing.	

As shown on the Prerequisites Checklist, the application satisfies a minimum of 2 prerequisites under each of the 3 categories as discussed in the following paragraphs.

Transit & Infrastructure:

The site is located approximately 0.47 miles from the Silver Spring Red Line Metro Station. The Property is served by existing water and sewer infrastructure that will not require the installation of pump station.

Vicinity & Facilities:

If approved for the CRFN Zone, the Property will serve as a transitional location between the more intensively Zoned CBD properties to the west and the existing Residential Townhouses to the east. Grove Street east of and confronting the Property intersects with Silver Spring Avenue two blocks to the north. Silver Spring Avenue provides access to East Silver Spring Elementary School located at 631 Silver Spring Avenue, which is within ½ mile from the subject site.

Environment & Resources:

The Property does not contain any streams, floodplains, wetlands, environmental buffers or slopes greater than 25% or slopes greater than 15% where erodible soils are present. Thus, the limits of disturbance for the development will not overlap with any of above cited environmental features. The site does not contain any forest, therefore any limits of disturbance proposed for this Project will not impact forest.

**Section 5.1.4. Approval**

- A. *Application of a Floating Zone requires approval of a Local Map Amendment under Section 7.21.*

This Applicant has applied for a Floating Zone through the subject LMA.

- B. *Amendments to a Floating Zone once it has been applied to a Property are restricted to the density and use limits that could have been approved—but were not requested—based on the previous base Zone.*

Not applicable.



### Section 5.2.5. Development Standards

The proposed floating Zone plan conforms to the CRNF Zone Development Standards, as outlined below in Table 2.

**Table 2**  
**Commercial Residential Floating Neighborhood Zone Standards**

Development Standards	Required	Provided
Tract Area		119,990 sf
Prior Dedications	NA	19,192 sf
New Dedication	NA	3,365 sf
Site	NA	97,433 sf
Density		
Total FAR/GFA	1.25 (149,987 sf)	1.16 (139,000 sf)
Commercial	0.25 (29,997 sf)	0.24 (29,000 sf)
Residential	1.00 (119,990)	0.92 (110,000 sf)
Building Height		
Townhouses	Established by Plan	42 ft
Multi-Unit	Established by Plan	60 ft
Building Setbacks		
Public Street	Established by Plan	0 ft
Adjoining Lot		
Side	Established by Plan	15 ft
Rear	Established by Plan	0 ft
Open Space	10% of site	9,743 sq ft
Lot Size (for townhouses)	Established by Plan	800 ft

The General Requirements under Section 5.3.5.D, including parking, recreation facilities, screening, and landscaping will be addressed during site plan review. As a Standard Method of Development Project, the Applicant is not required to provide Public Benefits under Section 5.3.5.E.

### Section 7.2.1.E. Necessary Findings

1. *A Floating Zone application that satisfies Article 59-5 may not be sufficient to require approval of the application.*

The Application satisfies the requirements of Article 59-5 and is sufficient to recommend approval of the requested Zone change from R-60 to CRNF1.25, C0.25, R1.0, H65.

2. *For a Floating Zone application the District Council must find that the floating Zone plan will:*

- a. *substantially conform with the recommendations of the applicable Master Plan, general plan, and other applicable County plans.*

As previously explained, the Project conforms to the general intent and objectives of the 2000 East Silver Spring Master Plan.

*b. further the public interest.*

The Project will further the public interest by providing affordable, artist housing and studio space in close proximity to transit and other services. Furthermore, the Project will transform this vacant, underutilized Property into a pedestrian friendly, sustainable development that complements the surrounding neighborhood and implements the County's objectives.

*c. satisfy the intent, purposes, and standards of the proposed Zone and requirements of Chapter 59.*

The Project satisfies the intent, purposes and standards of the CRNF1.25, CO.25, R1.0, H65 Zone, as stated under previous sections of this report.

*d. be compatible with existing and approved adjacent development.*

The Project is compatible with its surrounding conditions. As discussed in this Report, the Project will serve as a buffer and provide an appropriate transition to the residential uses just outside of the CBD. The massing and site layout have been specifically designed with the confronting residentially Zoned properties in mind. The Project will be compatible with and will complement the adjacent development.

*e. generate traffic that does not exceed the critical lane volume or volume/capacity ratio standard as applicable under the Planning Board's LATR Guidelines, or, if traffic exceeds the applicable standard, that the applicant demonstrate an ability to mitigate such adverse impacts.*

As discussed above, a significant portion of the Project's users will either reside on the Property or utilize transit to access the site. The Project will generate fewer than 30 new peak hour vehicle trips during the AM and PM peak hours as compared to the prior police station use. The Applicant has prepared a traffic statement, which demonstrates that the Project will not have any adverse impacts on the surrounding intersections.

*f. when applying a nonresidential floating Zone to a Property previously under a residential detached Zone, not adversely affect the character of the surrounding neighborhood.*

The Project will not adversely affect the character of the surrounding neighborhoods. The residential and non-residential components are highly integrated and the residential and artisan and manufacturing uses proposed for the Property will complement the existing neighborhood. Additionally, the uses proposed will provide an important connection to the adjacent Silver Spring Arts and Entertainment District.

## **COMMUNITY OUTREACH**

This Application was submitted and noticed in accordance with all required procedures. The Application met posting requirements with two signs. On November 24, 2015, staff received a letter from the East Silver Spring Citizens Association (ESSCA) indicating unanimous support for the proposed Local Map Amendment (ATTACHMENT 4).

## **CONCLUSION**

The proposed rezoning proposal is in harmony with the general intent and objectives of the 2000 *East Silver Spring Master Plan*, meets all applicable standards of the CRNF1.25, C0.25, R1.0, H65 Zone and complies with the purpose clause of the CRN Floating Zone; and satisfies the prerequisites, intent statement, and necessary findings for a rezoning to the CRNF1.25, C0.25, R1.0, H65 Zone. The proposed density is consistent with the land use requirements of the CRNF floating Zone category as specified in the Zoning Ordinance Section 5.3.3.A.

## **ATTACHMENTS**

ATTACHMENT 1 – Master Planning Memo  
ATTACHMENT 2 – Transportation Planning Memo  
ATTACHMENT 3 – Environmental Planning Memo  
ATTACHMENT 4 – Support Letter from ESSCA



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
"THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION"

October 15, 2015

**MEMORANDUM**

**TO:** Elza Hisel-McCoy, Assoc. AIA, LEED AP, Master Planner/ Supervisor  
Area 1 Planning Division

**FROM:** John Marcolin, Planner Coordinator  
Area 1 Planning Division

**SUBJECT:** Master Plan Conformance for Silver Spring Artspace (801 Sligo Avenue)  
Local Map Amendment No. H-110  
East Silver Spring Master Plan Area

---

The Property is located within the 2000 *East Silver Spring Master Plan*, the major emphasis of which "is to support stable residential neighborhoods and to assure linkages to commercial centers and public facilities." (p. 21) The Plan recommendations seek to achieve this through four general themes for the entire Plan area, as well as a specific recommendation for the Property.

The proposed development echoes these general themes (p. 21):

1. ***Community Preservation, Stability, and Character.*** *Preserve existing residential character, encourage neighborhood reinvestment, and enhance the quality of life throughout East Silver Spring.*

In furtherance of the Master Plan's goal to preserve the existing residential character and encourage compatible reinvestment, the Project will increase the range of the housing stock through the development of townhouses and multi-family units on the Property while preserving and enhancing the existing residential neighborhood by providing an affordable mixed-use, predominantly residential development, which serves as a buffer and provides an appropriate transition between the more intensive uses in the CBD and the single-family residential areas just outside the CBD.

2. ***Commercial Centers:*** *Improve commercial centers to better serve the needs of local and area residents and people passing through the area.*

Although the Project is located just outside the CBD area of Fenton Village, the proposed development will improve that commercial center and the Silver Spring CBD as a whole by providing a center of arts activity that has the potential to attract people who might typically pass through the area to stay in the area to experience some art and then meet a friend for dinner in one of the many nearby restaurants. Further, the creation of a center for art activity will further raise the profile of the CBD as a cultural destination.

3. ***Community Facilities, Parks and Environmental Resources.*** *Support the community facilities and parks and protect the environmental resources that contribute to community identity and provide valuable services and programs.*



The Project will result in significant improvements to the natural and pedestrian environment by creating additional green space, reducing the amount of impervious area on-site, and providing on-site stormwater management treatment, where there currently is none.

4. ***Neighborhood-friendly Circulation.*** *Provide safe, pleasant and convenient pedestrian access to places people want to go while accommodating local and regional traffic.*

The Project will provide a pedestrian-friendly environment that will promote pedestrian and bicyclist access, with streetscape improvements along Sligo Avenue and Grove Street, and the realization of a through-block connection between Sligo Avenue and Silver Spring Avenue.

For this Property, the Master Plan recommends:

*Increase the range of the housing stock by recommending the site currently occupied by the police department on Sligo Avenue for townhouses, if it becomes available for private development. (p.27)*

*If the police station moves from this location and becomes available for redevelopment, under County policy public reuse of the site will be given first priority. If public reuse of the site is not appropriate, the site may be privately developed under the R-60 or the RT-8 Zone. (p. 32)*

After the police station relocated from the Property to White Oak in 2014, the County issued a request for proposals for a public-private partnership to redevelop the site. In partnership with the surrounding community, the County selected the Applicant's proposal for redevelopment of the site. The proposed development will both enhance the public use of the site, as described under discussion of the general themes above, and construction of townhouses and multi-family units will increase the types of housing stock available in East Silver Spring.

The application, with the proposed residential uses of multifamily and townhouses is consistent with the above stated goals and guidance of the *East Silver Spring Master Plan*.



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

October 15, 2015

**MEMORANDUM**

**TO:** Elza Hisel-McCoy, Assoc. AIA, LEED AP, Master Planner/ Supervisor  
Area 1 Planning Division

**FROM:** Matthew Folden, AICP, Planner Coordinator  
Area 1 Planning Division

**SUBJECT:** Silver Spring Artspace (801 Sligo Avenue)  
Local Map Amendment No. H-110  
East Silver Spring Master Plan Area  
Silver Spring/ Takoma Park Transportation Policy Area

---

This memorandum summarizes the transportation review of the subject Local Map Amendment to replace the former District 3 (Silver Spring) Police Station with 68 multifamily dwelling units, 11 townhouse dwelling units, 30 art studios, and up to 1,500 square feet of specialty retail.

**RECOMMENDATIONS**

Staff recommends the following conditions for the subject Local Map Amendment:

1. The Applicant must be limited to 68 multifamily dwelling units, 11 townhouse dwelling units, 30 art studios, and up to 1,500 square feet of specialty retail as specified Statement of Justification and traffic statement.
2. If the Local Map Amendment is granted and the Applicant is granted approval at the Preliminary and Site Plan stages, the Applicant must satisfy the Transportation Policy Area Review (TPAR) test by paying 25% of the transportation/development impact tax to the Montgomery County Department of Permitting Services (DPS) at the time of building permit.
3. Vehicular access to the Site should be denied from both Grove Street and the unimproved public alley along the northern property line.
4. Dedicate an additional 5-feet of right-of-way on Sligo Avenue (A-87) to support a future right-of-way of 60-feet.
5. Dedicate an additional 5-feet of right-of-way on Grove Street to support a future right-of-way of 40-feet.
6. Provide standard right-of-way truncation of 25-feet at the intersection of Sligo Avenue and Grove Street.

## DISCUSSION

### Site Location and Vehicular Site Access Points

The Site is located on the northwest corner of the Sligo Avenue/ Grove Street intersection in Silver Spring. Site access is proposed directly from Sligo Avenue, along the southern property frontage. The Applicant proposes constructing the Sligo Avenue access point approximately 25-feet east of the Site's existing eastern driveway into the Site. Based on preliminary technical comments from Montgomery County Department of Transportation staff, the Applicant is working with community representatives to revise the configuration of the Sligo Avenue access points. The final configuration will be determined at Preliminary Plan.

### Master Plan Roadways and Pedestrian/Bikeway Facilities

The following is a summary of recommendations included in the 2000 Approved and Adopted *East Silver Spring Master Plan* and the 2005 Approved and Adopted *Countywide Bikeways Functional Master Plan*:

1. Sligo Avenue (A-87): A two-lane Arterial roadway with a minimum master planned right-of-way of 50 feet between the Silver Spring CBD and Piney Branch Road. This roadway is recommended to have master planned on-road bicycle facilities located along this segment.
2. Although not discussed in the *Master Plan*, Grove Street runs along the eastern property frontage and functions as a secondary residential street within a 30-foot-wide right-of-way along the property frontage.

Sligo Avenue is recommended to have on-street bicycle lanes to connect the Silver Spring CBD with the East Silver Spring/ Takoma Park communities. Although the subject application does not propose implementing bicycle lanes, it does not preclude future implementation of that facility.

### Pedestrian Facilities and Public Transit Service

The Site frontages on both Sligo Avenue and Grove Street have existing variable width sidewalks located at the back-of-curb. These sidewalks are part of a continuous sidewalk network connecting the Site with Downtown Silver Spring and the surrounding residential area. Transit service is available from bus stops immediately adjacent to the Site frontage. That bus stop is served by Montgomery County Ride On Route 16, which runs between Silver Spring and Langly Park-Takoma. Beyond the Site frontage, Ride On Route 17 and WMATA Metrobus Route F4 are accessible from bus stops on Fenton Street.

### Local Area Transportation Review (LATR)

The Applicant is not required to submit a traffic study to satisfy the LATR test because the proposed land use generates fewer than 30 total peak-hour trips within the weekday morning and evening peak periods. The proposed land use is anticipated to generate 26 morning peak hour trips and 25 evening peak hour trips, as depicted in Table 1.

**Table 1**  
**Proposed Silver Spring Artspace**  
**Peak Hour Trip Generation Table**

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
<b>Proposed</b>						
11 Proposed Townhouses	1	4	5	6	3	9
68 Garden Apartments	6	24	30	22	11	33
30 Artist Studios <sup>1</sup>	15	0	15	0	15	15
1,500 SF Ancillary Retail	1	1	2	2	2	4
<b>Total Proposed</b>	<b>23</b>	<b>29</b>	<b>52</b>	<b>30</b>	<b>31</b>	<b>61</b>
<b>Credits</b>						
15% Reduction for resident artists (10 Dwelling Units)	1	3	4	3	2	5
15% Reduction for Resident Artists (10 Studio Units)	5	0	5	0	5	5
Former Third District Police Station <sup>2</sup>	11	6	17	6	20	26
<b>Total Credit</b>	<b>17</b>	<b>9</b>	<b>26</b>	<b>9</b>	<b>27</b>	<b>36</b>
<b>Total Net New Peak Hour Trips</b>	<b>6</b>	<b>20</b>	<b>26</b>	<b>21</b>	<b>4</b>	<b>25</b>

Source: Integrated Transportation Solutions, Inc. Traffic Statement dated Aug. 14, 2015; revised Sept. 24, 2015

#### Transportation Policy Area Review (TPAR)

The Applicant must satisfy the TPAR test by paying 25% of DPS's transportation/development impact tax located in the Silver Spring/ Takoma Park Transportation Policy Area. This payment is paid to DPS at the time of building permit.

<sup>1</sup> Studio Rate: 0.5 peak hour trips/ unit

<sup>2</sup> Peak hour trip rates applied to existing 32,844 square foot District 3 Police Station

**From:** [Fuster, Marco](#)  
**To:** [Hisel-McCoy, Elza](#)  
**Subject:** Silver Spring Artspace review  
**Date:** Monday, October 12, 2015 5:54:51 PM

---

Elza,

The Env Review comments for the Silver Spring Artspace:

- FCP is not triggered at the current stage of rezoning.
- Site has at least one variance tree and other variance trees nearby which would be impacted.
  - Offsite tree 1 has low canopy overhanging into the subject property that would need to be addressed.
  - Onsite mitigation plantings for removals of any variance trees must have appropriately sized planting beds, free and clear of utilities and conflicting easements, and with enough volume and depth to allow the trees to mature without undue restrictions.
- Explore providing green roofs.
- Implement urban forest practices (by providing native plant species) as recommended in page 77 the East Silver Spring/Takoma Park Master Plan.

Marco Fuster  
Area 1  
MNCPPC  
301-495-4521  
Email: [Marco.Fuster@montgomeryplanning.org](mailto:Marco.Fuster@montgomeryplanning.org)

**From:** [East Silver Spring Civic Assoc](#)  
**To:** [Hisel-McCoy, Elza](#)  
**Subject:** LMA H110 Sligo Artspace  
**Date:** Tuesday, November 24, 2015 6:16:50 PM

---

Dear Mr. Hisel-McCoy

East Silver Spring Citizen's Association (ESSCA) voted unanimously to support the LMA H110 for the Old Police Station site at 801 Sligo Ave.

We have worked very closely with Artspace, the County and the immediate neighbors on this project. More than 30 neighbors participated and recommended that the broader ESSCA membership support this LMA, as it is sensitive to the abutting properties and a good fit for our community. This project will be an excellent transition from the commercial to our residential neighborhood

Artspace's commitment to working on this LMA with the immediate neighbors is particularly gratifying in light of our pioneering Micro to Macro<sup>®</sup> approach to community input on development projects.

Our community has long advocated for an artistic component for this property and is looking forward to working with Artspace on finalizing the design.

Sincerely,

Megan Moriarty  
President  
East Silver Spring Citizens Association  
[www.eastsilverspring.org](http://www.eastsilverspring.org)