

FINDINGS for Project Plan Review:

Section 59-D-2.42 of the Zoning Ordinance establishes the findings, which must be made by the Planning Board and forms the basis for the Board's consideration of approval. In accordance herewith, the staff makes the following findings:

- (a) *It would comply with all of the intents and requirements of the zone.*

Purpose Clause Section 59-C-6.212

The Montgomery County Zoning Ordinance states the purposes, which 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 sector plan, 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."*

The Project Plan proposes to use the optional method of development and is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan. The plan utilizes the optional method of development standards and conforms the goals of the Sector Plan. The proposed development is a high-rise condominium to be built under the Optional Method of Development. High density residential is a permitted use that is consistent with the intent of the CBD-R2 zone.

The building will be 13 stories (139 feet) in height, which is in conformance with the Zoning Ordinance that permits up to 143 feet in height under the Optional Method. Additional building height up to 200 feet can be permitted if the Planning Board determines that surrounding properties will not be adversely affected. The project is proposing 158 dwelling units, including 24 or 15% Moderately Priced Dwelling Units (MPDUs) provided on-site. The proposal reflects a density of 200 units per acre, plus a bonus density of 22% for providing 15% MPDUs. This density is the maximum allowed under the zone. All of the MPDUs are proposed to be located within the building.

The Project Plan will accomplish important Sector Plan objectives by providing for-sale condominiums including Moderately Priced Dwelling Units, in the Silver Spring Core area, improving an existing private surface parking lot that detracts from the appearance of the surrounding area, providing an appropriate transition among surrounding adjacent residential and office uses and providing significant public green including public art on the site. In addition, the proposed streetscape improvements along Fidler Lane and Ramsey Avenue improve the pedestrian corridor to and from the Silver Spring Transit Center.

- (2) *“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 plan responds to the need for housing in downtown Silver Spring and addresses the need for smart growth policies where infrastructure, community facilities and elements of an urban district already exist. The Sector Plan does not specifically identify the proposed project site as a potential housing site, however, the Sector Plan encourages housing as an important component to the revitalization efforts for downtown Silver Spring and does recommend a residential zone for the property. (See Appendix A-Community-Based Planning Memorandum dated September 1, 2004).

Under the optional method, this project encourages the development of active urban streets by providing public spaces along street edges and improves the quality of pedestrian environment within the improved streetscapes. The improved streetscape along with the amenities addressing the need for public interaction enhance the downtown Silver Spring area. The project supports the economic base in the downtown by making it easier for workers in Silver Spring to live near their jobs. This project will also increase the vitality of the downtown Silver Spring and add an economic infrastructure for commercial and retail businesses in the core area.

Furthermore, the project will serve as a catalyst, as Cameron Hill once did, for further re-development in the core area of downtown Silver Spring by replacing surface parking lot with an attractive residential building with urban upscale design features.

- (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 proposed project strengthens this core area by complementing the scale and mix of existing design elements on Fidler Lane, Ramsey Avenue and Cameron Street within the redevelopment area of the downtown Silver Spring project. The proposed design, building façade, streetscape improvements, public use space and amenities integrate the existing framework of downtown Silver Spring with the design intent of this project. The 139-foot building will blend well with the mix of adjacent mid-rise and high-rise buildings. The proposal seeks a height of 139 feet along the street frontage for an optional method project, and is compatible with the adjacent zones and uses.

The compatibility of the building is enhanced by the existing mix of residential and commercial buildings that surround the property. The improved streetscape will complete a portion of an improved pedestrian link on the south side of Fidler Lane and complete a portion along the south side of Ramsey Avenue. The design provides an effective relationship with adjacent uses and amenities and allows for a more interactive pedestrian and vehicular pattern.

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

The proposed development is located approximately 500 feet (5 minute walking distance) from the Silver Spring Metro Station. The proximity to transit facilities as well as the downtown employment core will reduce the dependency on the automobile for the residents of the development. The streetscape improvements along Fidler Lane and Ramsey Avenue facilitate the desire for pedestrian connectivity to the bus and metro station. The completed streetscapes along the north side of Ramsey and on both sides of Cameron Street direct pedestrian circulation to Georgia Avenue and the other businesses in the downtown corridor.

The applicant will also enter into a traffic mitigation agreement with the Planning Board to help the Project achieve the non-driver commuting goal for development in the Silver Spring CBD.

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

This project plan encourages the development of active urban streets and improves the quality of the pedestrian environment by providing the enhancement to the streetscape as prescribed in the Silver Spring Streetscape Plan (April 1992) Technical Manual, as amended.

Vehicular circulation is enhanced with improved right-of-way along the west side of Fidler Lane. An additional 17.5 feet is being dedicated on the applicant’s property line to widen Fidler Lane to a total of 60 feet. The full width right-of-way dedication will ensure complete accommodation of the optional method streetscape treatment on the applicant’s side of Fidler Lane. The entrance to the parking garage is located at the southeastern end of Fidler Lane toward the end of the proposed building so as to accommodate existing grading on the site and maximize the number of parking spaces in the 2-level below grade parking garage. Signs indicating traffic circulation in and out of the garage will promote safety for pedestrian activity in the public use space. The Sector Plan recommends that Fidler Lane be designed as a “mixed street” in order to emphasize pedestrian circulation through streetscaping while accommodating limited, slow vehicular traffic.

The streetscape improvements along Fidler Lane and Ramsey Avenue facilitate the desire for pedestrian connectivity to the bus and metro station. The mixed street provides pedestrian movement as well as minimal vehicular traffic on Fidler Lane. The completed streetscapes along the north side of Ramsey and on both sides of Cameron Street direct pedestrian circulation to Georgia Avenue and the other businesses in the downtown corridor.

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

The objective of Montgomery County for moderately priced housing is to provide Moderately Priced Dwelling Units (MPDUs) in the CBD zones where public facilities, services and transit options are readily available. Consistent with Chapter 25A, the applicant is committed to providing 24 MPDUs within the building, which represents 15% of the total number of dwelling units (12.5% is required). The applicant is receiving a 22% density bonus for providing the additional MPDUs on the site.

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

The Silver Spring Central Business District and Vicinity Sector Plan specifically identifies the proposed project site as a potential housing site. The project plan responds to the need for housing in downtown Silver Spring and addresses the need for smart growth policies where infrastructure, community facilities and elements of an urban district already exist. The project assembles two parcels to allow for the unified redevelopment of the currently underutilized site. The Sector Plan does not specifically identify the proposed project site as a potential housing site, however, the Sector Plan encourages housing as an important component to the revitalization efforts for downtown Silver Spring and does recommend a residential zone for the property. The project plan introduces market-rate condo units into an existing framework of commercial and retail use in downtown Silver Spring, further encouraging revitalization in the downtown corridor.

Requirements of the CBD-R2 Zone

The following table demonstrates the conformance of the Project Plan with the development standards under the Optional Method of Development.

PROJECT DATA TABLE FOR CBD-R2 ZONE

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>
Gross Tract Area:	22,000 sf	28,423* sf
Net Site Area (after dedication)	N/A	21,523 sf
Density (du/ac.):		
Residential Apartments	200	243
Number of Units	130	158**
MPDUs (%):	12.5	15
Number of dwelling units	20	24
Floor Area (du):		
Optional Method	N/A	170,000 sf
Building Height (ft.):	143	139
Parking:	N/A***	89****
Public Use Space (% of net lot area):		
On-Site	20% or 4,305 sf	26.3% or 5,674 sf
Off-Site		20.3% or 4,363 sf
Total On and Off-Site Public Use Space		46.6% or 10,037 sf

* Includes 5,150 sf for previous dedication and 1,750 sf for the proposed Fidler Lane right-of-way dedication).

** The applicant is receiving a 22 percent density bonus for providing 15 percent MPDUs

*** The proposed development is within the Silver Spring Parking District and is not required to provide any parking on site if they are subject to the Parking District Tax.

**** The project plan proposes 89 parking spaces including 20 spaces located under the Fidler Lane right-of-way (considered vault spaces). These vault spaces need approval from the Montgomery County Department of Public Works and the County Attorney's office. If the vault spaces are not granted the project plan proposes 69 spaces below grade.

Amenities and Facilities Summary

On-Site Improvements

Fidler Lane Public Plaza

- Brick paved public plaza along majority of site frontage to compliment streetscape improvements
- Public Art-to highlight public's interest of the revitalization efforts of downtown Silver Spring. A public art program shall be developed to include a 16-foot-tall, hand-carved stone sculpture in the form of a graceful "Arc" reaching skyward. The structure will act as a marker for the outdoor public space, being created as a pocket park with this new building structure as a backdrop. The surface will be a thermal and bush-hammer finish with a semi-rough texture. The sculpture will be softly lit in the evening to enhance the streetscape, inviting pedestrians and commuters to enjoy and relax.

The public space will also feature six hand-carved benches made of cut stone to reinforce the sculpture concept. The tops of the benches will be sandblasted smooth to allow for comfortable seating.

- Specialty lighting in the plaza and up lighting of the art sculpture to softly accentuate and visually activate the plaza at night.
- The paving in the plaza will be designed with a curving pattern that compliments the sculpture and the benches.
- Landscape beds and planters with irrigation and plant material for seasonal accent and color. Plaza trees to be complimentary to the existing Fidler Lane streetscape as well as providing a canopy for shade within the seating areas.
- Existing overhead utilities to be installed underground consistent with the Silver Spring Master Plan
- Make available a space for public outdoor interaction
- Make available a space for entertainment as needed in conjunction with the Silver Spring Urban District (SSUD), and accommodations for outdoor entertainment

Off-Site Improvements

Fidler Lane Right-of-Way

- Streetscape (Type B) on the west side of Fidler Lane along the entire property frontage to include Street trees (Honey Locust), Brick Pavers and Street Lights (Washington Globe) consistent with Silver Spring Streetscape Plan Technical Manual. Streetscape to be continued within the Fidler Lane right-of-way to the intersection with Ramsey Avenue.

- Brick driveway apron consistent with patterns proposed in the plaza, entrance to parking garage from Fidler Lane
- Granite sets within the tree pits as specified in the Silver Spring Streetscape Plan Technical Manual
- Existing overhead utilities to be installed underground consistent with the Silver Spring Master Plan

Ramsey Avenue Right-of-Way

- Streetscape on the south side of Ramsey Avenue along the frontage of Lot 5 (presently Cubanos Restaurant) to include Brick Pavers and Street Lights (Washington Globe), where applicable, consistent with Silver Spring Streetscape Plan Technical Manual

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

Zoning and Land Use:

The approved CBD Sector Plan recommended that the CBD-R2 (Central Business District, Residential 2.0) zoning for this site. This zoning was enacted through the Sectional Map Amendment (SMA) adopted July 18, 2000 per County Council Resolution 14-600.

The proposed project plan conforms to the uses permitted in the existing CBD-R2 Zone for the site. The development proposes approximately 170,000 square feet of 158 residential condominium apartments including 24 MPDUs or 15% of the total number of units proposed in the building. The applicant is receiving a 22% density bonus for providing 15% MPDUs on the site. The proposed development is utilizing the optional method of development in the CBD-R2 zone. The minimum required public use space for this project is 4,305 sf (20% of the net lot area). The project proposes 5,674 sf or 26.3% of the net lot area on site, dedicated to public use space, in addition to the 4,363 sf or 20.3% proposed for off-site streetscape improvements within the right-of-way of Fidler Lane and Ramsey Avenue. The total public use and amenity space provided by the applicant for this development is 10,037 sf or 46.6% of the net lot area.

Sector Plan Conformance:

The Silver Spring Central Business District and Vicinity Sector Plan, approved by the County Council on February 1, 2000 outlines six themes, which articulate the shared goals and vision for a revitalized Silver Spring. Four of these six themes (*i.e. a Residential Downtown, a Green Downtown, a Transit-Oriented Downtown and a Pedestrian-friendly Downtown*) directly apply to this development. The Sector Plan does not specifically identify the proposed project site as a potential housing site. However, the Sector Plan does encourage housing as an important component to the revitalization efforts and does recommend a residential zone for the property.

The proposed project will include a significant new public open space and an art amenity. This project encourages the development of active urban streets by providing a street-facing building entrance and easily accessible and highly visible public spaces as activity generators. This proposal improves the quality of the pedestrian environment by providing the Silver Spring streetscape treatment required for optional method projects. The proposed development is located less than a quarter mile (5 minute walking distance) from the Silver Spring Metro Station. The proximity to transit facilities and to the downtown employment core will reduce the dependency on the automobile for the residents of the development.

Overall, the development of the Project will significantly further the objective of stabilizing the Core's residential component, while providing an appropriate transition between the office uses and more intense commercial activity south and east of the project to the predominately residential neighborhoods to the north and west of the Project.

- A. Silver Spring Wayfinding System:** There are no wayfinding signs programmed for Fidler Lane according to the Silver Spring Wayfinding Master Plan prepared by the Silver Spring Regional Center.
- B. Sector Plan Bikeways:** The Sector Plan is silent regarding bikeways for Fidler Lane.
- C. Sector Plan Street Rights-of-Way:** The existing Fidler Lane right-of-way varies from 42.5 feet to 60 feet. The streetscape was improved per the *Silver Spring Streetscape* on the south side of Fidler Lane as part of the optional method improvements for the Silver Spring Center. The Sector Plan does not specifically recommend additional right-of-way dedication for Fidler Lane. However, staff feels that an additional 17.5 feet of dedication is needed (where the right-of-way is 42.5 feet) to provide a consistent a total right-of-way of 60 feet on Fidler Lane. This will insure the complete accommodation of the optional method streetscape treatment on the applicant's side of Fidler Lane. The Sector Plan recommends that Fidler Lane be designed as a "mixed street" in order to emphasize pedestrian circulation through streetscaping while accommodating limited, slow vehicular traffic.
- D. Streetscape:** The applicant proposes to improve Fidler Lane and Ramsey Avenue in front of Cubano's Restaurant using the Type B treatment recommended in the *Silver Spring Streetscape* (April 1992) technical manual. The applicant proposes to implement some non-standard paving elements within the Fidler Lane right-of-way located in proximity to their main public space. The non-standard paving elements are minor in scope and will complement the proposed public space by visually drawing pedestrians into the space.

The applicant should continue to coordinate with staff as well as the County's Department of Permitting Services (DPS) and the Department of Public Works and Transportation (DPWT) prior to and during Site Plan review to determine the final elements to be proposed. Staff recommends that at Site Plan Review, the applicant request a waiver, as well as a maintenance and liability agreement from DPWT for all non-standard streetscape improvements. The staff recommends that the applicant enter into an agreement with the Silver Spring Urban District for maintenance of all or some of the streetscape improvements.

- (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 is complementary to the range of commercial and residential characteristics of the surrounding neighborhood. The design and scale of the project, pedestrian and vehicular circulation and improvements to the streetscape provide an enhancing and interactive relationship with the downtown Silver Spring. The proposed development is compatible with the existing development occurring in downtown Silver Spring and encourages redevelopment of adjacent properties in the CBD.

The surrounding and adjacent properties are a mix of different uses, building heights and massing that is integral to the vitality of an urban downtown area. The adjacent Cameron Hills Community is an underdeveloped site as far as development sites are considered within the CBD that could have achieved a higher density under the optional method of development. The one-story commercial restaurants on Ramsey Avenue and Cameron Street add to the mix of varying heights that is prevalent throughout many areas of the CBD, especially where 15 to 17-story residential and office buildings act as a backdrop to these restaurants. The office building directly across Fidler Lane is a 14-story massing that encompasses almost the entire block from Ramsey Avenue to Second Avenue.

The applicant also presented shadow studies, which show there is no detrimental impact on the adjacent community as a direct result of the height of the proposed building. The building is sited in a southwest to northeast orientation that corresponds to the alignment of Fidler Lane. The greatest impact of shadows from the proposed 13-story building will be in the latter parts of June and July with the greatest impact on Cameron Hill Court and two of the townhouses that have side yards to Cameron Hill Court.

- (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 proposes market-rate units amid a number of housing projects within the downtown Silver Spring area. Parking for the proposed residential units will occur on-site within a below-grade parking garage. A total of 89 spaces for the 158 units are being provided in the subsurface parking, of which 20 are slated as vault spaces. The vault

parking spaces are located within the right-of-way of Fidler Lane. These vault spaces require approval from a number of County agencies. The applicant has submitted their request to the County attorneys office for the use of the space, but has not received a written response with regard to the use of the space. If the County elects not to grant use of the vault space within Fidler Lane, the applicant's sub-surface parking garage will only generate 69 spaces.

The remaining parking typically required for residential projects will take advantage of the nearby county parking facilities due to the fact that the site is located within the Silver Spring Parking Lot District. Sites within the Parking District are permitted to minimize the number of spaces provided on-site and take advantage of the County's facilities. The closest County parking facilities are Garage No. 7 at Cameron Street and Ramsey, Garage No. 2 on Cameron Street across Georgia Avenue and The Ripley Garage across Colesville Road by the Transit Center. The Parking District has demonstrated that there is capacity in these facilities during peak hours and off-peak hours of operation for long term parking during January to June of 2004. It should be noted that short-term parking is located on the first level and long-term parking is the remainder of the parking facility. Parking counts are not taken at night or weekends because it is irrelevant if the peak hours are below capacity. It should also be noted that the counts did not account for the opening of the new District Court House.

Given the information from the Parking Lot District and the proposed spaces for the subject site, staff believes the applicant is meeting their obligation of parking within the CBD and promoting smart growth within the urban environment. therefore the property will not overburden existing public services by the proposed project. In addition, the improvements that are being made to the streetscape facilitate and encourage pedestrian accessibility to the metro and encourage the future residents to take advantage of existing vehicular traffic conditions.

- (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 permits a more efficient and desirable product than by using the standard method of development. The Project Plan proposes to use the optional method of development and is in conformance with the goals and objectives of the Silver Spring Sector Plan. The proposed development intends to maximize its' gross floor area on site to approximately 170,000 square feet and maximize the number of Moderately Priced Dwelling Units to 15% provided on-site in the process as permitted in the standards for projects utilizing the optional method.

In addition to the provision of additional MPDUs, the project will include a significant new public open space and art amenity on the site. The project is providing over 46% of new on and off-site public use space, which would not have been possible through the standard method of development. The applicant is maximizing their density and providing public amenities on the site in a location that is currently underutilized in terms of density.

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

This proposal requires twenty-four (24) Moderately Priced Dwelling Units (MPDUs) or 15% of the proposed residential dwelling units within the development. The applicant is receiving a 22% density bonus for the additional MPDUs to be provided on-site.

- (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:***

The project assembles two parcels to allow for the unified redevelopment of the currently underutilized site.

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

The property is exempt from the forest conservation requirements.

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

The applicant has been granted conditional approval from the Montgomery County Department of Permitting Services (DPS) for Stormwater Management by letter dated July 8, 2004. Approval of final Stormwater Management is required prior to submittal of the Site Plan application.

APPENDICES

- A-Memos from staff and other county agencies
- B-Letter from the Applicant and Attorney's to the Cameron Hill Home Owner's Association
- C-Letters from the Cameron Hills Home Owner's Association and community
- D-Parking Counts from the Montgomery County Department of Public Works & Transportation Parking Lot District