

## **PLANNING AND REGULATORY FRAMWORK:**

The site contains two parcels of property: Parcel N107 of the Silver Spring J.C. Wilson Estate (Plat Book 170, page 14); and Parcel N109 (an unrecorded parcel). The property is presently a surface parking lot being utilized by tenants of the adjacent Zalco building to the south.

### **Master Plan**

The Project Plan is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan (February 2000). A description of the themes and goals for Silver Spring are outlined within the Sector Plan Conformance standards on page 21 of this report.

### **Prior Approvals**

The proposed development is zoned CBD-2 (Central Business District-2). This property consists of part of Parcel 'A' (Plat Book S, Page 64) of the John C. Wilson Estate, recorded in the land records on January 20, 1942.

### **Preliminary Plan**

A Preliminary Plan of subdivision (120060420) is being reviewed concurrently with the project plan.

## **BASIS FOR CONSIDERATION OF ISSUES**

Per Sec. 59-D-2.43, in making its decision on an application for an optional method project plan, the Planning Board must consider:

- (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 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.

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

### **CBD ZONES**

59-C 6.21 Description, intent and general requirements in .211, .212, .213

59-C 6.22 Permitted Uses

59-C 6.23 Development Standards (see below)

- (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 proposed development is a high-rise office development with ground floor retail. High-density commercial retail uses are permitted in the CBD-2 Zone.

The building will be a maximum of 143 feet in height (13 floors), which is in conformance with the Montgomery County Zoning Ordinance under the Optional Method of development. The project is proposing 152,740 square feet of development, including 148,278 square feet of office space and 4,462 square feet of ground floor retail. The proposal reflects the maximum non-residential floor area ratio (FAR) of 4.0.

The Project Plan will accomplish important Sector Plan objectives by upgrading the physical environment and providing a pedestrian environment with local retail opportunities. The proposal improves the area by replacing an underutilized surface parking lot with a modern mixed-use non-residential high-rise building.

- (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 employment opportunities and retail services in 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 encourages commercial development and retail as an important component to the revitalization efforts in Silver Spring, especially along a major corridor such as Georgia Avenue.

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 the pedestrian environment within the improved streetscapes. The improved streetscape, along with the amenities, addresses the need for public interaction and enhances the downtown Silver Spring area. The project supports the economic base in downtown Silver Spring and adds an economic infrastructure for commercial and retail businesses near the core area.

- (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 the northern boundary of the CBD by complementing the scale and mix of existing design elements along Cameron Street while respecting the height limitations and providing a compatible and desirable relationship with adjacent and surrounding uses. The proposed design provides a retail component along the Georgia Avenue frontage that will blend in with the existing and planned retail and office uses. This provides the pedestrian friendly environment envisioned in the Sector Plan. The 143-foot building provides the urban context for the adjacent mix of higher density uses and buildings fronting Georgia Avenue.

The design creates 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 2000 feet from the Silver Spring Metro Station. The proximity to transit facilities, as well as the downtown employment core, will reduce the dependency on vehicles for the retail and office patrons; however, the Applicant has chosen to provide the required number of parking spaces on the site. The streetscape improvements along Georgia Avenue and Cameron Street facilitate the desire for pedestrian connectivity to the metro station

and the areas of development within Silver Spring, and provide the vital connections to Colesville Road.

The applicant will also enter into a traffic mitigation agreement (TMA) with the Planning Board to help Montgomery County achieve the non-driver commuting goal for development in the Silver Spring CBD. A draft agreement has been submitted for review by our transportation planning staff and will be finalized during the record plat phase.

(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 east side of Georgia Avenue, directly along the frontage of the subject property. An additional 16 feet is being dedicated on the Applicant's property line to expand the total right-of-way dedication to 63 feet from the centerline of Georgia Avenue. The full width dedication achieves a total right-of-way of 126 feet on Georgia Avenue and will ensure complete accommodation of the optional method streetscape treatment on the applicant's side of each street.

The entrance to the parking garage is located at the southeastern end of the rectangular-shaped building in the middle of the site. The driveway is 30-feet-wide to accommodate two-way vehicular circulation to the structured parking facility and loading area at the end of the drive. The driveway also provides ingress and egress to the 7-level parking garage for tenants and visitors of the retail and office space. The circulation provides for 5 stacking spaces and full operational movement around the bank teller area. The garage accommodates the total amount of required parking spaces for the office and retail, in accordance with the Montgomery County Zoning Ordinance for parking. Signs indicating traffic circulation in and out of the garage will be provided to promote safety for pedestrian activity in the public use space.

An 8-foot-wide pedestrian walkway under the canopy of the proposed building, adjacent to the driveway for the public parking garage, connects to the public use space on the eastern edge of the property. The walkway will be at-grade, ensuring adequate pedestrian circulation from Georgia Avenue through the site to the driveway to the adjacent parking garage. The existing masonry wall will be removed by the Applicant to ensure pedestrian access to the parking garage and for a north and south connection along the driveway.

The streetscape improvements along Georgia Avenue and Cameron Street facilitate the desire for pedestrian connectivity to the nearby businesses, the adjacent parking garage and metro station to the southwest. The streetscape improvements are being expanded along the north side of Cameron Street to Georgia Avenue and the east side

of Georgia Avenue along the property frontage. The full streetscape improvements along the east side of Cameron Street will complete a portion of the block, opposite the subject site, in context with the streetscape improvements proposed for the United Therapeutics project (920040070 and the Cameron House project (920060020).

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

This section is not applicable; however, the proposed employment and retail component proposed with the project will complement the surrounding residential neighborhoods and communities.

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

The project plan, in conjunction with the concurrent preliminary plan, consolidates two parcels into one lot for a combined high-rise development to achieve full density potential in the CBD.

The project plan responds to the balance for employment and retail activities 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 encourages employment as an important component to the revitalization efforts for downtown Silver Spring and does recommend a zone where commercial uses are permitted.

**Requirements of the CBD-2 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-2 ZONE**

	<u>Zoning Ordinance Development Standards</u>	<u>Proposed for Approval</u>
Gross Tract Area (sf):	22,000 sf	38,185 (0.87 ac.)
Prior Dedication on Georgia Avenue (sf):		5,151
Proposed Dedication with this Application (sf):		<u>1,918</u>
Net Site Area (after dedication)		31,116 (0.71 ac.)
Max. Density:		
Max. Non-Residential Density		
FAR:	4.0	
(SF)	(152,740)	

Office:		3.88 (148,278)
Retail:		0.02 (4,462)
Total Development		4.0 (152,740)
Max. Building Height (ft.):	143	143 (as measured From center of the Building on Georgia Avenue as shown on The Project Plan)
Number of Floors	Not specified	13
Min. Building Setbacks (ft.):		
Front Yard (Georgia Avenue)	Not specified	13
Rear yard	Not specified	32
Side Yard (north)	Not specified	0
Side Yard (south)	Not specified	30
Parking (number of spaces):		
Office Space: (148,278 gsf 2.1 sp/1,000)	312	
Retail Uses: (7,330 gsf @ 5 sp./1000)	<u>16</u>	
Subtotal:	328	
15% credit for retail in proximity to Metro Station	(2)	
Total Parking Required	326	326
Public Use Space (% of net lot area):		
On-Site	20% or 6,223 sf	26.6% or 8,275 sf
Off-Site		36.2% or 11264 sf
Total On and Off-Site Public Use Space		62.8% or 19,539 sf

## **Amenities and Facilities Summary**

### **On-Site Improvements**

#### Georgia Avenue and Urban Pocket Park

- Brick paved public plaza along majority of site frontage to complement streetscape improvements.
- Expand the existing streetscape improvements along Georgia Avenue to include specialty pavers.
- Public Art to highlight public's interest in the revitalization efforts of downtown Silver Spring. A public art program shall be developed to include opportunities for sculptural elements in the design and seating areas.

- Specialty lighting in the plaza and up lighting of the art elements to softly accentuate and visually activate the plaza at night.
- The paving in the plaza will be designed to include patterns that complement the artwork and the benches.
- Landscape beds and planters with irrigation and plant material to add seasonal accent and color. Plaza trees to be complementary to the existing Cameron Street 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 and activities.
- Make available a space for entertainment, as needed in conjunction with the Silver Spring Urban District (SSUD).

### **Off-Site Improvements**

#### Georgia Avenue Right-of-Way

- Modified Streetscape (Type B) on the east side of Georgia Avenue along the entire property frontage to Cameron Street to include brick pavers, street trees and lighting consistent with Silver Spring Streetscape Plan Technical Manual.
- Existing overhead utilities to be installed underground consistent with the Silver Spring Master Plan.
- Existing trees in front of the existing Zalco Building to remain.

#### Cameron Street Right-of-Way

- Streetscape (Type B) on the north side of Cameron Street, from the Georgia Avenue intersection to the driveway entrance to the public garage, to include street trees (Honey Locust), brick pavers and street lights (Washington Globe) consistent with Silver Spring Streetscape Plan Technical Manual.
- Existing overhead utilities to be installed underground consistent with the Silver Spring Master Plan.

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

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. High-density commercial retail uses are permitted in the CBD-2 Zone.

The building will be a maximum of 143 feet in height (13 floors), which is in conformance with the Montgomery County Zoning Ordinance under the Optional Method of development. The project is proposing 152,740 gross square feet of development, including 148,278 of office and 4,462 square feet of retail. The proposal reflects a non-residential FAR of 4.0, which is the maximum density permitted in the CBD-2 Zone.

The development will accomplish important Sector Plan objectives by providing employment opportunities within the CBD, upgrading the physical environment and providing a pedestrian environment with local retail opportunities.

The analyses below group the recommendations, principles and guidelines by major topics and assess the Project Plan conformance with each set.

#### Major Master Plan or Sector Plan Objectives

#### Other Sector Plan Recommendations

- (c) *As conditioned, 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.*

#### Zoning and Land Use:

The approved CBD Sector Plan recommended CBD-2 (Central Business District, 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 office and retail components in the project plan conform to the land uses permitted in the existing CBD-2 Zone. The plan proposes approximately 152,740 gross square feet of development, including 148,278 of office and 4,462 square feet of retail on 0.87 gross acres.

The proposed development is utilizing the optional method of development in the CBD-2 Zone. The minimum required public use space for this project is 6,223 sf (20% of the net lot area). The project proposes 8,275 sf (26.6% of net lot area) of on-site public use space and 11,264 sf (36.2% of the net lot area) proposed for off-site streetscape improvements within the right-of-way of Georgia Avenue and Cameron Street. The total public use and amenity space provided by the applicant for this development is 19,539 sf or 62.8% 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. Three of these six themes (*i.e. a Green Downtown, a Commercial Downtown and a Pedestrian-friendly Downtown*) directly apply to this development. The Sector Plan encourages commercial retail as important components of the revitalization efforts in downtown Silver Spring.

The project plan will include new public open spaces 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 development of the Project will significantly further the objective of stabilizing the core area of Silver Spring, while expanding the commercial base and providing an appropriate transition between the mix of commercial uses north and east of the project at the Spring Street/Cameron Street intersection to the predominately residential neighborhoods to the north.

- A. **Sector Plan Street Rights-of-Way:** The Sector Plan recommends a 126-foot right-of-way for Georgia Avenue. Staff recommends additional street right-of-way dedication for Georgia Avenue equal to 16 feet as measured from the existing right-of-way.
  
- C. **Streetscape:** The applicant proposes to improve the east side of Georgia Avenue directly along the property frontage, using the Type B treatment recommended in the *Silver Spring Streetscape* (April 1992) technical manual, or as amended. In addition to their property frontage, the Applicant is proposing to continue the streetscape improvements from the property boundary to the intersection with Cameron Street; and wrapping around the north side of Cameron Street from Georgia Avenue to the driveway entrance to the public parking garage (Fenton Street extended).

The Applicant has proposed additional off-site sidewalk improvements along the west side of the driveway (Fenton Street Extended) from the subject property boundary to the intersection with Cameron Street, if permitted by DPWT/Silver Spring Parking Lot District. The improvements would include new brick paving and lighting in accordance with *Silver Spring Streetscape* (April 1992) technical manual, or as amended. The Applicant proposes to remove the masonry wall that separates the existing sidewalk and the existing parking lot along the entire property frontage in order to facilitate better pedestrian circulation through the site and from the public garage, as well as provide improved visibility to the public use space. Staff recommends that the Applicant continue the dialogue with the Silver Spring Parking Lot District and the Montgomery County Department of Public Works and Transportation to pursue approval for the improvements to the sidewalk associated with the alley.

- C. **Sector Plan Bikeways:** The Sector Plan recommends a Class II or III (on-street) bikeway for Cameron Street along the driveway to the public parking garage (Route 15-Fenton Street extended). Staff recommends Class III (signed, shared with motorized vehicles) bikeways for both Cameron Street and Fenton Street extended.

- (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 proposed development is compatible with the existing development occurring in downtown Silver Spring and encourages redevelopment of underutilized and vacant properties in the CBD. The building configuration, placement and architecture are in keeping with an urban environment where structures abut each other to maximize the development potential on the site.

The surrounding and adjacent properties are a mix of different uses, from commercial to residential. The height and massing of the surrounding buildings range from 2-story to 15-story with various building and architectural types that are integral to the vitality of an urban downtown area, including the Silver Spring Towers across Georgia Avenue and the adjacent office and Crowne Plaza hotel. In addition to the commercial buildings is the 4-6-story public parking structure that creates an edge on Fenton Street extended to the east of the site. The buildings range in size and mass and offer a varying scale along Georgia Avenue and Cameron Street.

The design and scale of the project, pedestrian and vehicular circulation and improvements to the streetscape provide an enhancing and interactive relationship with the northern boundary of the CBD and downtown Silver Spring.

- (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 office space and ground floor retail space amid a mix of nearby housing projects and commercial businesses within the downtown Silver Spring area. Parking for the proposed office and retail space will occur on-site within a 7-level parking garage, including two of the levels below-grade. The parking requirement for the proposed uses equals 326 spaces including 312 spaces for the office and 14 spaces for the retail use. The retail space is receiving a 15 percent credit for its' proximity to the Silver Spring Metro Station.

The applicant is meeting their obligation of parking within the CBD and promoting smart growth within the urban environment; therefore the proposed project will not overburden existing public services.

In addition, the improvements that are being made to the streetscape facilitate and encourage pedestrian accessibility to the metro and encourage the future residents and retail patrons to take advantage of existing vehicular traffic conditions.

In addition to the parking requirements, an Adequate Public Facilities Ordinance (APFO) analysis is under review with the preliminary plan of subdivision (#120060180). The

proposed development also submitted a traffic study to evaluate the effect of this development on the area transportation system as part of their required Local Area Transportation Review. A total of three intersections were included in the study area. The site-generated trips were added to the existing and background traffic to form the total future traffic. All traffic was assigned to three intersections and the result shows that they are operating within the congestion standard of 1,800 Critical Lane Volume (CLV) for the Silver Spring Central Business District (CBD) Policy Area. Therefore, the proposed development will pass the LATR test.

The Applicant will enter into a Traffic Mitigation Agreement (TMA) with the Planning Board to help the Project achieve the non-driver commuting goal for development in the Silver Spring CBD.

- (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 maximizes its gross floor area of 152,740 square feet and a Floor Area Ratio (FAR) of 4.0, which is the maximum permitted on the site for non-residential projects. The permitted gross floor area for a standard method project is 114,555 square feet or an FAR of 3.0. The site takes full advantage of the development potential for a currently underutilized site.

The project will include two significant new public use spaces and an art amenity on the site. The primary public use space will be an interactive pedestrian plaza in the eastern perimeter of the site and adjacent to the driveway to garage no. 2. The project is providing over 62% of new on and off-site public use space, which would not have been possible through the standard method of development. Additionally, the streetscape improvements associated with this proposal greatly enhance the pedestrian connections along Georgia Avenue and complete a section of Cameron Street from the intersection of Fenton Street to Georgia Avenue.

- (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 section is not applicable; however, the site does provide amenities and employment opportunities that will attract residents from the nearby residential communities.

- (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 one 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:*

- (1) The project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or*
- (2) The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
- (3) The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*

This section is not applicable.

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

The property is satisfying the forest conservation requirements through canopy coverage of shade trees on the site.

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

The applicant has been granted a revised conditional approval from the Montgomery County Department of Permitting Services (DPS) for Stormwater Management by letter dated November 22, 2005. The concept consists of a waiver of on-site channel protection measures and on-site water quality control via a Stormfilter. On-site recharge is not required since the project is classified as redevelopment.

## **APPENDICES**

- A. Memoranda from Agencies
- B. Project Plan Checklist

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