



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

SEP 28 2015

MCPB No. 15-40
Site Plan No. 82012005A
Falkland North
Date of Hearing: September 10, 2015

RESOLUTION

WHEREAS, under Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review site plan applications; and


WHEREAS, on January 19, 2012, the Planning Board, by Resolution MCPB No. 12-12, approved Site Plan No. 820120050, for a multi-building mixed-use development on one lot with a total of 1,276,329 square feet of development, including 70,000 square feet of retail and 1,250 multi-family and townhouse dwelling units (including 12.5% Moderately Priced Dwelling Units ("MPDUs") and 4.72% Workforce Housing Units ("WFHUs") on 9.77 acres of CBD-R1 zoned-land, located in the northeast quadrant of the intersection of 16th Street and East West Highway ("Subject Property"), in the Silver Spring CBD Policy Area, Silver Spring CBD Sector Plan ("Sector Plan") area; and

WHEREAS, on December 3, 2014, Falkland Road Residential, LLC ("Applicant"), filed an application for approval of an amendment to the previously approved site plan for up to 337,610 square feet of residential development consisting of up to 368 multi-family units, including 12.5% MPDUs and 4.72% other affordable housing units, and up to 96,000 square feet of nonresidential (retail, restaurant, or service) uses on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82012005A, Falkland North ("Site Plan," "Amendment" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated August 28, 2015, setting forth its analysis, and recommendation for approval, of the Application, subject to certain conditions ("Staff Report"); and

Approved as to
Legal Sufficiency:


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M-NCPPC Legal Department
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WHEREAS, on September 10, 2015, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Site Plan No. 82012005A for up to 337,610 square feet of residential development consisting of up to 368 multi-family units, including 12.5% MPDUs and 4.72% other affordable housing units, and up to 96,000 square feet of nonresidential (retail, restaurant, or service) uses, subject to the following conditions:¹

1. Previous Conditions

All conditions imposed by the approval of Site Plan No. 820120050 in Planning Board Resolution MCPB 12-12 dated June 28, 2012, are superseded by the conditions contained herein.

2. Sketch Plan Conformance

The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320150020.

3. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval for Preliminary Plan Amendment No. 12007056A.

Environment

4. Forest Conservation & Tree Save

The Applicant must comply with the conditions of the approved Final Forest Conservation Plan and Tree Save Plan.

5. Noise Attenuation

For any residential dwelling units to be constructed within the projected 65, dBA Ldn noise contour, the Applicant must disclose in writing to all prospective residents that those units are impacted by transportation noise.

Public Use Space, Facilities and Amenities

6. Public Use Space, Facilities, and Amenities

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- a. The Applicant must provide a minimum of 18,240 square feet of public open space (6% of net lot area) on-site.
- b. The Applicant must construct Silver Spring CBD streetscape standard, including but not limited to street trees, street lighting, brick paving, and the undergrounding of utilities, along the Subject Property's frontage on 16th Street and East West Highway, as shown on the Certified Site Plan.
- c. Before the issuance of the final use and occupancy certificate, all public open space areas in Phase 1 must be completed.

7. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the *CR Zone Incentive Density Implementation Guidelines* for each one.

a. Major Public Facilities

The Applicant must provide a shared-use path and a bikeshare station as shown on the Certified Site Plan.

b. Transit Proximity

The Subject Property is located adjacent to a Metrorail station, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. Public benefits points will be split evenly between Phase 1 and future phases, with 20 points for Phase 1.

c. Connectivity and Mobility

i. Advanced Dedication

The Applicant must comply with condition 18 of Preliminary Plan No. 12007056A relating to dedication to the Maryland Transit Administration ("MTA").

ii. Minimum Parking

The Applicant must not provide more than 1,179 parking spaces on the Subject Property.

iii. Transit Access Improvement

The Applicant must install sidewalk and ramp improvements at the intersection of 16th Street and East West Highway as shown on the Certified Site Plan.

iv. Wayfinding

The Applicant must install signs in conjunction with the shared-use path on East West Highway directing pedestrians and bicyclists to the Silver Spring Metrorail station.

d. Quality Building and Site Design

i. Architectural Elevations

The Applicant must design and construct the ground floors of the buildings to provide visibility into and out of the ground floor spaces.

Entrance doors must be placed substantially as shown on the Certified Site Plan.

ii. Structured Parking

The Applicant must provide 527 parking spaces within above-grade structures and 639 parking spaces within below grade structures on the Subject Property. Public benefit points will be prorated by phase based on the percentage of structured parking provided in each phase.

e. Protection and Enhancement of the Natural Environment

i. Building Lot Termination ("BLT")

The Applicant must purchase BLT easements in an amount equal to 7.5% of the incentive density floor area. One BLT must be purchased for each 31,500 square feet of gross floor area.

ii. Cool Roof

All roof areas not covered by vegetated roof or mechanical equipment must be covered by a cool roof having a minimum solar reflectance index of 75.

iii. Vegetated Roof

The Applicant must install a vegetated roof with a soil depth of a minimum of 4 inches covering a minimum of 33% of the buildings' roofs, excluding space for mechanical equipment.

iv. Vegetated Wall

The Applicant must install a vegetated wall on the west side of Building 1A, covering an area of 696 square feet, as illustrated on the Certified Site Plan. The vegetated wall must be visible from 16th street.

8. Recreation Facilities

- a. Before Certified Site Plan approval, the Applicant must meet the requirements for all applicable recreational elements and demonstrate to Staff that each element meets M-NCPPC Recreation Guidelines.
- b. The Applicant must provide at a minimum the following recreation facilities: Indoor community space, swimming pool, indoor fitness facility, picnic/sitting areas, a bike system, and a pedestrian system.

9. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to pedestrian pathways, landscaping, hardscape, recreation facilities, and public open space.

Transportation & Circulation

10. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 164 long-term (private) and 15 short-term (public) bicycle parking spaces.
- b. The private spaces must be on-site in a secured, well-lit bicycle room adjacent to the covered parking area, and the public spaces must be inverted-U racks installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public bicycle rack(s) must be identified on the Certified Site Plan.

Site Plan

11. Building Height

The development is limited to the maximum height of 76 feet for Building 1A and 89 feet for Building 1B, as measured from the building height measuring point for each building described in Condition No. 3 of Sketch Plan 320150020.

12. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the latest approved architectural drawings included in the Certified Site Plan, as determined by Staff.

13. Landscaping

- a. Before issuance of the final residential use and occupancy certificate for this Site Plan, all on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities (including the indoor community space for the residents, pedestrian system and picnic/seating areas), and public use space amenities within the phase must be installed.
- b. The Applicant must install the landscaping associated with this phase no later than the next growing season after completion of each phase and site work.

14. Lighting

- a. Before issuance of any above-grade building permit, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the Illuminating Engineering Society of North America (IESNA) recommendations in effect on the date of this resolution for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations in effect on the date of this resolution.

- b. Deflectors must be installed on all up-lighting fixtures to prevent excess illumination and glare.
- c. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

15. Site Plan Surety and Maintenance Agreement

Before issuance of any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4.k.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount;
- b. The cost estimate must include applicable Site Plan elements including, but not limited to, entrance signage features, decorative and security fencing, plant materials, on-site lighting, and exterior site furniture, all recreation and playground equipment/features, retaining walls, railings, alleys, curbs, gutters, sidewalks and associated improvements; and
- c. The bond or surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.

16. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

17. Certified Site Plan

Before approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval letter, stormwater management concept approval letter, development program, and Sketch Plan resolution, Preliminary Plan resolution and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be

done during the review of the right-of-way permit drawings by the Department of Permitting Services.”

- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.

BE IT FURTHER RESOLVED, that all site development elements as shown on the latest electronic version for the Falkland North Site Plan, as of the date of the Staff Report submitted via ePlans to the M-NCPPC shall be required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *When reviewing an application, the approval findings apply only to the Subject Property covered by the Application.*
2. *To approve a site plan, the Planning Board must find that the proposed development:*
 - a. *satisfies any previous approval that applies to the site;*

The Applicant submitted the Application concurrently with the sketch plan and amendment to the approved preliminary plan. This Site Plan, covering Phase 1 of the development, is consistent with the sketch plan and preliminary plan amendment. Subsequent site plan(s) will be filed in the future when the remaining phases of the development are ready to move forward.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

d. satisfies applicable use standards, development standards, and general requirements under this Chapter;

i. Division 4.5. Commercial/Residential Zones

Development Standards

The Phase 1 project is approximately 3.5 net acres zoned CR 3.0 C0.75 R3.0 H145T. The following table shows the Application's conformance to the development standards of the zone.

Site Plan Project Data Table				
Section	Development Standard	Permitted/ Required	Sketch Plan	Approved in Site Plan
59 – 4	Gross Tract Area (sf)	n/a	425,443	425,443
4.5.4.B.2.b	Density CR3.0, C0.75, R3.0, H145T Commercial FAR/GAF Residential FAR/GFA TOTAL FAR/GFA	0.75/319,082 3.0/1,276,329 3.0/1,276,329	0.28/120,000 2.72/1,156,329 3.0/1,276,329	0.22/96,000 0.79/337,610 1.02/433,610
4.5.4.B.2.b	Building Height (feet) CR3.0, C0.75, R3.0, H145T Building 1A Building 1B	145	145	76 89
4.5.4.B.3	Minimum Setback From R.O.W.	0'	0'	0'
4.5.4.B.1	Open Space Public Open Space (%/sq. ft.)	10/30,129	10/30,129	6/18,240
6.2	Parking spaces, minimum-maximum ²	911-2,380	1,179	652

ii. Standards of Approval for Retail Establishments Greater than 50,000 Square Feet

Retail/service establishments over 50,000 square feet are permitted as a limited use in the CR Zone. The potential future grocery store will be up to 62,000 square feet and will satisfy the additional standards for approval, as

² The final number of parking spaces may be adjusted between the minimum and maximum allowed under Section 6.3 of the Zoning Ordinance at the time of building permit based on final unit count and/or bedroom mix.

required in Section 3.5.11.B.2.a.iv. The potential grocery store will be located on the 2nd floor of building 1A, with ground-floor retail below and residential above. Parking for the proposed grocery store will be accommodated in an at-grade and partial below-grade parking garage. The exterior façade has been designed to incorporate the grocery store, such that if a grocery store does not occupy the 2nd floor space the 2nd floor could seamlessly be converted into residential dwelling units. Access to the potential grocery store will be via an at grade entrance on Market Street³ or East West Highway, and access to the ground-floor retail will be provided from Market Street and East West Highway. For all of these reasons, Sections 3.5.11.B.2.a.iv(a) – (f) are satisfied.

iii. Division 4.7 Optional Method Public Benefits

In accordance with the Zoning Ordinance, Section 59-4.7.1, the Site Plan provides the following phased public benefits to satisfy the requirements: Major Public Facilities, Transit Proximity, Connectivity and Mobility, Quality of Building and Site Design, and Protection and Enhancement of the Natural Environment.

³ Although not officially a street, the internal driveway that enters the Subject Property from East West Highway has been named "Market Street" by the Applicant for their promotional purposes.

Phase 1 Site Plan Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Sketch Plan	Requested	Approved
Major Public Facilities	3.7	1.9	1.9
Transit Proximity	40	20	20
Connectivity and Mobility			
Advanced Dedication	8	4	4
Minimum Parking	7.73	3.35	3.35
Transit Access Improvement	10	10	10
Wayfinding	5	2.5	2.5
Quality of Building and Site Design			
Architectural Elevations	10	5	5
Exceptional Design	0 – 5	2.5	0
Structured Parking	15.3	9.35	9.35
Protection and Enhancement of the Natural Environment			
Building Lot Termination	9	3	3
Cool Roof	10	5	5
Habitat Preservation and Restoration	12.2	0	0
Vegetated Roof	5	2.5	2.5
Vegetated Wall	10	10	10
TOTAL	145.9 – 150.9	79.1	76.6

Major Public Facilities

In accordance with the Sector Plan, the Application will provide an off-road shared use path along the East West Highway frontage of the Subject Property. In addition, the Application will provide a bike share station at the entrance to the Subject Property on Market Street.

Transit Proximity

The Subject Property is located within ¼ mile of the entrance to the Silver Spring Metro Station, which allows the Application to be eligible for Level 1 transit as defined in the Zoning Ordinance. The full 40 points are awarded as provided in the Zoning Ordinance for CR-zoned properties that are within ¼ mile of a Metrorail station.

Connectivity and Mobility

Advanced Dedication: The Application will place in reservation 24,517 square feet for future dedication to the Purple Line.

Minimum Parking: The Application will provide fewer than the maximum number of allowed parking spaces. The maximum number of allowed spaces is 2,380, but the Application will provide 1,179 spaces.

Transit Access Improvement: The Application will improve sidewalks and accessibility ramps at the northwest, southwest, and southeast corners of the intersection of 16th street and East West Highway. These improvements are located within ½ of the Subject Property and are not otherwise required improvements along the Subject Property's frontage.

Wayfinding: In conjunction with the shared use path on East West Highway and other public spaces on the Subject Property, wayfinding signs will be installed to direct pedestrians and bicyclists to the Metrorail station and other points of interest.

Quality of Building and Site Design

Architectural Elevations: The buildings are designed to provide ground-floor transparency. The ground-floor façade is primarily glass, readily allowing views into and out of the building. Numerous doors provide access into the retail spaces from East West Highway and Market Street.

Exceptional Design: Addressing "Quality Building and Site Design", Section 59.4.7.3.E of the Zoning Ordinance states:

High quality design is especially important in urban, integrated-use settings to ensure that buildings and uses are visually compatible with each other and adjacent communities and to provide a harmonious pattern of development. Due to increased density in these settings, buildings tend to be highly visible and high quality design helps attract residents, patrons and businesses to these areas. *Location, height, massing, facade treatments and ornamentation of buildings all affect sense of place, orientation and the perception of comfort and convenience.* The quality of the built environment affects light, shadow, wind and noise, as well as the functional and economic value of property. [emphasis added]

For the exceptional design public benefit, the Zoning Ordinance allows up to 10 points for "building or site design whose visual and functional impacts exceptionally enhance the character of a setting" per the paragraph above. To achieve points for this benefit, the *Implementation Guidelines* set criteria which the project must meet (p.39):

Incentive density of 5 points is appropriate for development that meets at least four [emphasis added] of the following criteria and 10 points for development that meets all of them. Building or site design that:

- provides innovative solutions in response to the immediate context
- creates a sense of place and serves as a landmark
- enhances the public realm in a distinct and original manner
- introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way
- uses design solutions to make compact, infill development living, working, and shopping environments more pleasurable and desirable on a problematic site
- integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements.

The Application arguably “uses design solutions to make compact, infill development living, working, and shopping environments more pleasurable and desirable on a problematic site” and, in contrast to the single-use automobile-oriented development surrounding the Subject Property, will provide a mixed-use node that will create a sense of place and serve as a landmark.

However, in Downtown Silver Spring, the creation of a street and block system with buildings that are oriented to clearly define a pedestrian mixed-use place, while most desirable, is not an innovative solution in response to the immediate context, nor does it do so in a unique or especially distinct and original manner. Though the proposed architecture includes references to the surrounding context, the “location, height, massing, facade treatments and ornamentation of buildings” do not present an innovative solution in response to the immediate context.

The design for this Site Plan does not meet at least four of the criteria listed in the *Implementation Guidelines* and is not eligible for points under this public benefit.

Structured Parking: The Applicant requests 15.3 points for structured parking consisting of 527 above-grade spaces and 639 below-grade spaces. This incentive is granted on a sliding scale based on the percentage of spaces provided above and below grade.

Protection and Enhancement of the Natural Environment

Building Lot Termination: The Applicant must purchase BLT easements in an amount equal to 7.5% of the incentive density floor area. One BLT must be purchased for each 31,500 square feet of gross floor area. With these parameters, the Applicant must purchase 2.53 BLTs for the entire project.

Cool Roof: All roof areas not covered by green roof or mechanical equipment will be covered by a cool roof having a minimum solar reflectance index of 75.

Vegetated Roof: The Applicant requests 5 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment.

Vegetated Wall: A vegetated wall, visible from 16th Street, will be placed on the west side of Building 1A, covering an area of 696 square feet. The green screen is located on a blank wall, which has an area of 999 square feet. The green screen will cover 70% of the blank wall. The green screen will be comprised of a three-dimensional welded wire trellis system that will be attached to the building face. Two different species of vine will be planted on the green screen with varying bloom times. American wisteria is a deciduous vine with purple blooms that emerge during early summer. Crossvine is an evergreen climbing vine with red and yellow blooms that emerge in early spring.

iv. *Division 6.1. Site Access*

A network of private drives for the two buildings provides well-integrated vehicular access from East West Highway and 16th Street to entrances to the underground parking garage. "Market Street" will be constructed with the Application (Phase 1) and will appropriately function for vehicular access for the buildings.

v. *Division 6.2. Parking, Queuing, and Loading*

The Application's two Phase 1 mixed-use buildings will share an underground parking garage for adequate off-street parking.

vi. *Division 6.3. Open Space and Recreation*

The overall project has a 10 percent public open space requirement, which yields a requirement of 30,129 square feet of open space. The Application will provide 30,500 square feet of public open space, of which 18,240 square feet will be provided in the Application for Phase 1.

The Application meets the active and passive recreation space required by the zone. The Application will provide the following on-site recreation facilities: Indoor community space, swimming pool, indoor fitness facility, picnic/sitting areas, a bike system, and a pedestrian system.

The Application meets the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. The Application will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

vii. *Division 6.4. General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Application provides streetscape along the new private drive ("Market Street") and will transform existing streetscape along the frontage on 16th Street and East West Highway, with new street trees, improved sidewalks, and street lighting. Site furnishings will be integrated within the site to create a unique and interesting place and ensure accessibility and comfort.

As shown in the Development Standards table, the Application meets all of the general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. *satisfies the applicable requirements of:*

i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

The MCDPS Stormwater Management Section approved the stormwater management concept on January 28, 2015. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent practicable through the use of green roof, micro-biofiltration, and structural filtration.

ii. *Chapter 22A, Forest Conservation.*

As conditioned, the Application is in compliance with the Environmental Guidelines and Forest Conservation Law. The Forest Conservation Plan is

consistent with the conditions of approval for the Site Plan. The tree variance approval is assumed in the Planning Board's approval of the Forest Conservation Plan.

- f. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The Application provides adequate, safe, and efficient parking and circulation patterns. On-site private drives will well-integrated vehicular access from 16th Street and East West Highway to an underground garage, which will be shared between the two buildings. The garage will ensure adequate off-street parking. Pedestrians will access the Subject Property via sidewalks along the Subject Property frontage and along the internal private drives, with shade and ornamental trees, perennials, shrubs, and bio-retention plantings.

The Application includes sidewalk and streetscape upgrades to the Subject Property's frontage along 16th Street and East West Highway. These enhancements will also facilitate improved pedestrian connections from nearby neighborhoods by offering access to existing and planned bikeways, transit, shared use paths, and retail uses.

The Application provides safe and well-integrated buildings, open spaces and site amenities. The Application's building heights of less than 90 feet provide an appropriate transition from taller buildings proposed for future phases of the project to the existing multi-family residential buildings. Specifically, the Application's structures create a step down in height from the railroad right-of-way and the proposed Phase 2 and Phase 3 multi-family buildings to the garden apartments on the South and West Parcels. The Application also reduces building massing along East West Highway by arranging the apartments in two buildings where the previously approved plan had one larger building.

The open spaces shown on the Application are also well integrated into the project. The Application provides streetscaping improvements along 16th Street, East West Highway, and the private drive "Market Street," which will include sidewalks and street trees. The buildings will also provide courtyards on the roof of the retail podium level, as an amenity for residents of the apartments.

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

The Subject Property is within the boundaries of the *Silver Spring Central Business District and Vicinity Sector Plan*. The Sector Plan contains six themes

that guide the vision for the Silver Spring CBD: (1) a transit-oriented downtown, (2) a commercial downtown, (3) a residential downtown, (4) a civic downtown, (5) a green downtown, and (6) a pedestrian friendly downtown.

1. **TRANSIT-ORIENTED DOWNTOWN.** The Sector Plan's land use and development recommendations strive to balance the needs of commuter and local traffic, of walkers and drivers, and to maximize the investment in Silver Spring's transit infrastructure.

The Subject Property, by virtue of its location within the CBD, is convenient to various public transportation resources including the Silver Spring Metro and MARC station and various bus lines and the future Silver Spring Purple Line station. The Application also provides streetscape improvements, a new shared use path along East West Highway and is in close proximity to the Capital Crescent Trail as a benefit to walkers and bicyclists. The private internal drives provide safe and efficient on-site circulation for both pedestrian and vehicles. Given the nature of the development and the location of the Subject Property, it is reasonable to anticipate that residents and visitors will make use of multiple modes of transportation when accessing the Subject Property.

2. **COMMERCIAL DOWNTOWN.** Silver Spring's location, infrastructure, and position in the metropolitan area market will continue its role as an employment center. New retail development will serve the local community with a mix of chain and independent businesses offering convenience and specialty shopping, restaurants, and entertainment.

The Application provides for the development of up to 96,000 square feet of retail use that will provide opportunities for various types of commercial uses. The ground-floor retail and restaurant uses provided for, in combination with a possible large grocery store, will create a diverse offering that will serve the surrounding residential uses, as well as the existing and future residents of the Subject Property.

3. **RESIDENTIAL DOWNTOWN.** The Sector Plan seeks to create a mix of housing choices, including low-rise high-density apartments and townhouses, supported by parks, shopping, cultural, civic, and employment uses with transit and Beltway access to make a convenient and thriving community.

The Application will provide greater housing opportunities in the Silver Spring CBD and will allow residents to live near their work. The Application provides for the development of up to 368 new residential units in the CBD, within walking distance of the Silver Spring Metro Station and several bus routes. These new

residences will help support the existing commercial and office uses in the CBD, as well as the non-residential component of the Application.

The Application contains diverse housing opportunities by including a variety of market rate unit sizes and layouts to facilitate the availability of new housing in a range of types and rents within walking distance of the Metrorail and Metro Bus stops. The Application provides mid-rise multi-family residential development. This, in combination with the adjacent garden style apartments, creates a mix of housing choices. Because the Application includes a significant number of MPDUs and other affordable housing units, it will facilitate economic diversity located near transit and important services.

4. CIVIC DOWNTOWN. The Sector Plan views civic facilities as partners in economic revitalization. New and regenerated facilities will draw people downtown, returning it to the center of community life and creating opportunities for economic and social connections.

The on-site public open space and amenities respond to the need for community facilities, including civic spaces, within the CBD. The Application facilitates a variety of opportunities for people to gather and socialize, including outdoor café seating areas, pedestrian walkways, benches and private courtyards. The design of the public open space and amenities, including the streetscape improvements and Market Street, will appeal to a diverse population seeking varied experiences.

5. GREEN DOWNTOWN. The Sector Plan envisions shaded, tree-lined streets and well-placed green parks and plazas, creating a comprehensive system of open spaces that provide economic, environmental, and aesthetic benefits through downtown.

A minimum of 10% public open space will be provided on-site after completion of all phases of development. The Application will provide diverse public open spaces that collectively create a vibrant and active pedestrian environment.

6. PEDESTRIAN FRIENDLY DOWNTOWN. The Sector Plan encourages the development of active streets and sidewalks, busy with people walking to shop, commute, or for pleasure. They will become a defining feature downtown, and will support activity, creating the setting for community.

The combination of residential and ground-floor commercial uses on the Subject Property will serve to activate the streets. The Application has been designed to create a space that allows for internal vehicular circulation but favors the pedestrian experience. As such, streetscape improvements, in accordance with

the Silver Spring Streetscape Plan, will be implemented to create a more attractive pedestrian environment. Market Street will be lined with trees and on-street parking to promote safe and efficient internal circulation of vehicles, pedestrians and bicyclists.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

The development in the Application will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Subject Property is not located in a Rural Residential or Residential zone.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Application's mixed-use buildings are compatible with existing and pending nearby development. The Application's building heights of less than 90 feet provide an appropriate transition from taller buildings proposed for future phases of the project to the existing multi-family residential buildings. Specifically, the Application's structures create a step down in height from the railroad right-of-way and the proposed Phase 2 and Phase 3 multi-family buildings to the garden apartments on the South and West Parcels. The Application also reduces building massing along East West Highway by arranging the apartments in two buildings where the previously approved plan had one larger building.

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code §7.3.4.H; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is SEP 28 2015 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, September 10, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board