



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

MCPB No. 17-075  
 Sketch Plan No. 320170060  
 8787 Georgia Avenue  
 Date of Hearing: July 24, 2017

SEP 13 2017

**RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on February 28, 2017, SC/BA Silver Spring Apartments, LLC (“Applicant”), filed an application for approval of a sketch plan covering a 4.93 acre tract composed of property zoned CR 3.0: C 2.0, R 2.75, H 90T, including a total of 413,821 square feet of development (the “Site”<sup>1</sup>), of which up to 413,821 square feet of residential development and up to 50,000 square feet of non-residential uses will be used to construct a mixed use project on 3.24 acres of CR 3.0: C 1.0, R 2.75, H 90T zoned-land, located at the corner of Spring Street and Georgia Avenue (“Subject Property”) in the Silver Spring CBD Sector Plan (“Sector Plan”) area; and

WHEREAS, Applicant’s sketch plan application was designated Sketch Plan No. 320170060, 8787 Georgia Avenue (“Sketch Plan” 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 July 14, 2017, setting forth its analysis of and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on July 24, 2017, 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 binding elements and conditions, by the vote as certified below.

<sup>1</sup> The Planning Department Staff report refers to the 4.93 acre area covered by this Sketch Plan as the “Tract.”

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Approved as to  
 Legal Sufficiency:  8/3/17  
 M-NCPPC Legal Department  
 8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320  
 www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc-mc.org

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board approves Sketch Plan No. 320170060, 8787 Georgia Avenue, for a maximum of 413,821 square feet of development, including up to 413,821 square feet of residential density and up to 50,000 square feet of non-residential uses, subject to the following binding elements and conditions:<sup>2</sup>

A. Binding Elements. The following site development elements shown on the Sketch Plan stamped "Received" by M-NCPPC on May 19, 2017, are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 413,821 total square feet, including up to 413,821 square feet of residential development and up to 50,000 square feet of non-residential uses. The maximum number of dwelling units and use mix will be determined at Preliminary Plan.

2. Height

The development is limited to a maximum height of 90 feet, as measured from the building height measuring point(s) illustrated on the Certified Site Plan.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59.7.3.3.I. and this Sketch Plan is amended. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

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<sup>2</sup> For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- a. Major Public Facilities, achieved through expansion of the existing Bikeshare station along the Site's Georgia Avenue frontage or a financial contribution toward expansion of Bikeshare in the Central Business District. This category must be accepted by both the Montgomery County Department of Transportation and the M-NCPPC.
- b. Transit Proximity, achieved through location within ½ mile of the Silver Spring Metro Station;
- c. Connectivity and Mobility, achieved by providing a through-block connection and way-finding;
- d. Quality of Building and Site Design, achieved through exceptional design, public open space, structured parking, a tower step-back, and architectural elevations; and
- e. Protection and Enhancement of the Natural Environment, achieved through building lot terminations.

4. Building & Site Design

The Applicant must:

- a. Establish a prominent gateway feature for the building at the Georgia Avenue and Spring Street intersection.
- b. Spring Street Façade
  - i. Reflect the confronting low density residential uses by providing an approximately two- to three-story base of street-facing dwelling units with doors opening on to the Spring Street sidewalk;
  - ii. Step back or design building façade above the base to minimize perceived mass along Spring Street.
  - iii. Embrace Fairview Park by providing a building façade that activates and contributes to the parkland through the use of architectural elements and pedestrian connections.
- c. Through-Block Mews
  - i. Provide a continuous pedestrian and bicycle through-block connection between Fenton Street extended and Woodland Drive;
  - ii. Provide an approximately 15-foot-wide bi-directional separated bicycle lane through the mews;
  - iii. Limit the width of the mews to approximately 45-feet wide, including the separated bicycle lanes, to establish an intimate public space.
  - iv. The buildings on either side of the mews should have a two- to three-story base with activating uses (e.g., resident entries, small retail, or similar uses, as opposed to private gathering, internal amenity, or service uses); upper floors should step back approximately 10 feet to provide adequate light and air; and
  - v. The upper-story building connection "bridge" over the mews should be minimized and have a minimum vertical clearance of

approximately 35 feet above the mews, and a cross section no greater than approximately 40 feet (i.e., a single-loaded corridor).

5. Streetscape

The Applicant must install the Silver Spring Streetscape Standard, including undergrounding of utilities, along the Site Frontage, including Georgia Avenue, Spring Street, and Planning Place.

6. Building Lot Terminations (BLTs)

Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.

7. Moderately Priced Dwelling Units (MPDUs)

The Applicant must provide a minimum of 12.5% of the total units as Moderately Priced Dwelling Units on the Subject Property. The development must provide MPDUs in accordance with Chapter 25A.

8. Final Forest Conservation Plan

- a. The Final Forest Conservation Plan must include the planting of two (2) 4-6" caliper Willow oaks (*Quercus phellos*) or other similarly sized native hardwood shade tree species as approved by Staff on the Subject Property, with 1,000 cubic feet of soil volume per tree for the trees to reach maximum growth at maturity. Final planting location to be determined at Site Plan.
- b. As mitigation for the proposed loss of specimen trees 1, 2, and 3 identified on the Preliminary Forest Conservation Plan (total caliper loss of 200"), the Applicant must plant eighteen (18) 3-inch caliper canopy trees onsite exclusive of plantings on the buildings.
- c. The Applicant must show conceptual tree protection measures for trees #4 and #7.
- d. The Final Forest Conservation Plan must include planting details for tree mitigation for the removal of the variance trees.
- e. The Applicant must provide 0.49 acres of afforestation through offsite mitigation in a forest bank or through payment of the applicable fee-in-lieu.

9. Future Coordination for Preliminary and Site Plan

In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary or Site Plan:

- a. Fire and Rescue access and facility details;
- b. Streetscape details;

- c. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- d. Noise analysis at the time of Preliminary Plan;
- e. The Applicant must explore alternatives to a mid-block entrance into the garage from Spring Street; all vehicular access points should be from Planning Place/ Planning Place Extended.
- f. Further develop circulation and loading strategy shown on the revised Sketch Plan, dated May 19, 2017;
- g. Potential right-of-way abandonment within the area previously truncated at the intersection of Planning Place and Georgia Avenue prior to Preliminary Plan;
- h. Dedication along Georgia Avenue and Spring Street;
- i. Draft Traffic Mitigation Agreement; and
- j. Study minimization of parking to the maximum extent practicable.

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 and all applicable elements of § 59-7.3.3.E, the Planning Board finds that as conditioned herein the elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS the Sketch Plan:

1. *meets the objectives, general requirements, and standards of Division 59-4.5;*

The Sketch Plan meets the objectives of Section 59-4.5.1.A quoted below; specifically, the development as approved will:

- a) *Implement the recommendations of applicable master plans.*

Site-Specific Recommendations

The Subject Property is within the portion of the Silver Spring CBD described as “Other Areas of the CBD” and is adjacent to the Georgia Avenue Corridor/ Gateway (Sector Plan, page 72).

Although the Sector Plan did not anticipate redevelopment of the entire M-NCPPC office building site, Map 28 of the Sector Plan showed potential housing on the Site and identified the mid-block connections included as part of the Subject Application. The Sketch Plan, as conditioned, provides a mixed-use, mid-rise residential development with ground-floor retail or other non-residential uses consistent with the Sector Plan recommendations. The Project provides up to 413,821 square feet of

residential uses (with final unit count and unit mix to be determined at Site Plan) with 12.5% on-site MPDUs and up to 50,000 square feet of non-residential uses.

As conditioned, the Project will improve upon the existing street frontages of Georgia Avenue, Spring Street, and Planning Place, providing an enhanced pedestrian environment. Loading and vehicular access points are proposed primarily from Planning Place, though the Application also seeks approval of a new access point on Spring Street. Although Staff generally supports the access concept for access points along Georgia Avenue and Planning Place, both Planning Staff and MCDOT have reservations about the potential Spring Street access point. Staff does not support an access point on Spring Street at this time with further analysis required at the time of Preliminary Plan.

Although the Sector Plan calls to retain the CBD-1 Zone, the Property was rezoned through the Zoning Ordinance rewrite to CR 3.0, C 2.0, R 2.75, H 90T, effective October 31, 2014. The intent of the CBD-1 zoning was to encourage redevelopment within the CBD by allowing more commercial density in response to the current market (in 2000), but also provide the flexibility for both commercial or residential high-rises, or mixed-use projects. The Project will be a mixed-use, mid-rise residential development with ground-floor non-residential uses under the optional method of development, which satisfies the intent of the CBD-1 Zone and the current CR Zone.

#### Urban Design Recommendations

The Sector Plan provides general urban design recommendations for redevelopment projects in the Silver Spring CBD. The guidelines most applicable to the application site are listed below with analysis immediately following.

- *Create an attractive pedestrian environment by creating a system of short blocks, and defining streets with buildings, open spaces, and streetscaping at a human scale created by street-front retail, frequent doors and windows, architectural detail, and appropriately scaled buildings.*

As submitted, in the Sketch Plan dated May 19, 2017, the building presents an imposing mass along Spring Street and lacks articulation and activation along the mews. As conditioned, the development will create an attractive pedestrian environment defined by well-designed buildings providing pedestrian residential, retail, and service entrances,

open space connections, and other visual interest. A central landscaped mews will be accessible from the three surrounding streets and will provide a portion of the Silver Spring Separated Bicycle Network. The building height will be stepped-back along Spring Street to provide a transition from the single-family residential neighborhood to the north and the taller commercial and mixed-use buildings in the core.

- *Through urban design treatments, establish streetscapes that emphasize the hierarchy of the circulation system.*

As submitted, in the Sketch Plan dated May 19, 2017, the Project circulation concept creates the potential for conflict points at the intersection of Planning Place extended and a new mid-block access point on Spring Street. As conditioned, the development will provide safe and efficient site access and circulation as Staff recommends all vehicular access points should be from Planning Place. Although streetscape specifications will be finalized at the site plan stage, the Project will include appropriate streetscape elements, including the undergrounding of overhead utility lines.

- *Create formal and informal civic spaces – buildings and open spaces – that add to property values, provide amenity, and improve downtown’s aesthetic appearance.*

As submitted, in the Sketch Plan dated May 19, 2017, the Project lacks a relationship with Fairview Park and does not effectively provide formal and informal gathering spaces due to the mass of the building façade opposite the park. As conditioned, the Project should embrace Fairview Park by providing a building that activates and contributes to the parkland using architectural elements and pedestrian connections. The Project will provide a high quality public open space, in the form of the through-block mews and small parklet along Spring Street, that will upgrade the indoor and outdoor areas of the Project that will facilitate a connection to the broader community. The Project’s public use spaces will enhance the community, enliven the area, and connect to other downtown area uses.

#### General Recommendations

For the general goals of the Sector Plan, the vision for Silver Spring’s future is “to create a development environment that invites revitalization” (page 28). The Sector Plan outlines six themes: transit-oriented downtown, commercial downtown, residential downtown, green downtown, civic

downtown and pedestrian friendly downtown that guide the vision for the Silver Spring CBD, which apply to the Project.

*Transit-Oriented Downtown*

The site is situated at the corner of Georgia Avenue and Spring Street: the northern gateway to the CBD. The Sector Plan's transit-oriented downtown theme strives to balance the needs of commuter and local traffic, of walkers and drivers and to maximize the investment in Silver Spring's transit infrastructure. "Creating a transit-oriented community is not only a transportation effort, but also a land use effort" (Sector Plan, page 16). The Sector Plan further states that transportation choices go beyond the car to link local and regional buses, trains, bikes and foot travel. The Property is one ½ mile of the Silver Spring Metro Station and is served well by transit that includes Metro, Metrobus, RideOn, the VanGo Circulator and future Purple Line. As conditioned, the development will create an attractive pedestrian environment defined by well-designed buildings providing pedestrian residential, retail, and service entrances, open space connections, and other visual interest. A central landscaped mews will be accessible from the three surrounding streets and will provide a portion of the Silver Spring Separated Bicycle Network.

*Commercial Downtown*

The Sector Plan states "Commercial activity-a mutually supportive mix of office, stores, and other business enterprises-is the defining feature of a successful downtown" (Sector Plan, page 18). The potential for a non-residential component (retail and/or restaurant) on the ground floor at the Georgia Avenue/ Spring Street intersection may provide commercial services for the residents and surrounding neighborhood.

*Residential Downtown*

The Sector Plan's residential downtown theme seeks to create a mix of housing choices supported by parks, shopping, cultural, civic and employment uses with transit. "A green and pedestrian friendly downtown will create parks, plazas, and streets of a desirable residential community" (Sector Plan, page 19). The Project will provide up to 413,821 square feet of residential uses (with final unit count and unit mix to be determined at Site Plan) with 12.5% on-site MPDUs and up to 50,000 square feet of non-residential uses.

*Green Downtown*

The green downtown theme of 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 throughout downtown. The Sector Plan states “Landscaped plazas are incorporated into building and site design to create visual and physical respite, to create formal and informal gathering places, and to complement street and building design” (Sector Plan, page 23). The streetscape along Georgia Avenue and Spring Street will be upgraded as necessary with street trees, paving, and lighting to improve the pedestrian experience and to interact with their neighbors. The Project is intended to transition the CBD to the residential neighborhoods to the north by lining the base of the project with two- to three-story multi-family dwelling units; function as a gateway into the CBD by providing a focal point at the intersection of Georgia Avenue and Spring Street; and provide a public open space in the form of a mid-block pedestrian/ bicycle connection, the “mews.” The public use space will be strategically located along Spring Street, accessible to residents and open to the public. Staff will continue to work with the Applicant to provide a pedestrian-friendly and inviting space. The public use space (mews) and along the streetscape will enhance the experience of residents and the public when walking along the streets or enjoying the mews. As conditioned, the project will embrace Fairview Park by lining Spring Street with human scale two- to three-story multi-family dwelling units.

#### *Civic Downtown*

The civic downtown theme envisions formal or informal, large or small, public or private civic spaces, where people meet, cross paths and gather (Sector Plan, page 21). As conditioned, the Project will provide a high quality public open space, in the form of the through-block mews and small parklet along Spring Street, providing a unique, public informal civic space.

#### *Pedestrian-Friendly Downtown*

The pedestrian-friendly downtown theme of the Sector Plan encourages the development of active streets and sidewalks, busy with people walking to shop, commute, or for pleasure. The Sector Plan states “An urban area’s greatest economic asset and strongest physical definition comes from its pedestrian environment” (Sector Plan, page 24). The pedestrian-friendly elements in the Sector Plan include:

- Sidewalks sized to accommodate walking traffic with landscaping, edged by buildings, and connecting urban parks, plazas and activities.
- Street crossings promoting safety and access for pedestrians.
- Street definition formed with harmonious proportions of buildings edging the street and sidewalk and the activities created.
- Street patterns to create easy pedestrian connections.
- Urban plazas to provide breaks in the street patterns to attract groups of people.

- Street furniture to add architectural and streetscape details that contribute visual interest and texture.
- On street parking to buffer pedestrians from moving traffic.
- The scale of buildings and streets in relations to people to create a comfortable urban environment.

Furthermore, in the pedestrian-friendly downtown theme, the Sector Plan states “The design of the pedestrian-scaled environment combines buildings and streets, active sidewalks, and open spaces detailed with street furniture and landscaping to provide a safe, pleasant and interesting environment” (Sector Plan, page 14). The pedestrian-friendly downtown theme recommends creating urban plazas to attract groups of people.

The theme encourages sidewalks and streets scaled to walkers and street crossings should promote safety and access for pedestrians. Proposed improvements to the streetscape and through-block mews will improve the pedestrian experience by creating a safe and attractive pedestrian space.

As conditioned, the Application is consistent with the six themes.

#### Circulation Systems Recommendations

The Sector Plan recommends creating a system of trails and bike routes, implementing streetscape to create a safe and pleasant pedestrian environment to assess, and where appropriate, reuse public parking facilities, and to make circulation improvements to local roads. (Page 93)

As submitted, the Project proposes a new mid-block Spring Street access point that may create a conflict point along Spring Street. Staff does not support vehicular access points along Spring Street and instead recommends that all vehicular access points occur via Planning Place. As conditioned, the Project includes a central pedestrian mews through the Property as a projection of Fenton Street, which will include separated bicycle lanes that will improve pedestrian and bicycle access between the CBD and lower density neighborhoods to the north. In addition to the separated bicycle lanes, the Project proposes a private extension of Planning Place to connect the existing terminus with Spring Street. This street extension will help consolidate access points for the Project and improve internal circulation. The Project will provide streetscape improvements along Georgia Avenue, Spring Street, and Planning Place, which will create an inviting pedestrian environment that will activate the street and support the ground-floor retail included as part of the Project. As conditioned, the Application conforms to the Sector Plan recommendations for Circulation Systems.

Housing Recommendations

The housing objective of the Sector Plan is to develop new residential projects to provide housing and encourage maintenance of existing housing, creating Silver Spring as an even more desirable residential market. The recommendations include:

- provide housing choice and market-feasible development options, including apartments and townhouses;
- rezone CBD properties to encourage residential development; and
- convert selected public sector surface parking lots to housing.

The Sector Plan identified the Subject Property as a potential housing site. The Application provides a new mixed-use project with up to 413,821 square feet of residential uses (with final unit count and unit mix to be determined at Site Plan) with 12.5% on-site MPDUs, offering housing opportunities proximate to the numerous transit options of downtown Silver Spring. The Application meets the Sector Plan housing objective.

- b) *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

The Property is currently comprised of an existing government office building and associated surface parking lot. The Project will redevelop the parking lot and existing single-use building on the site with a higher-density mixed-use development with structured parking to maximize residential development within a half mile from the Silver Spring Metro and the future Purple Line. The Project includes ground-floor non-residential uses, upper level residential units, public open space and residential amenity space. The Project meets the objective of this finding.

- c) *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The Project encourages such development by proposing market-rate residential units in a variety of unit types as well as 12.5% MPDUs on-site, offering housing opportunities for a range of incomes proximate to the numerous transit options of downtown Silver Spring. The potential for a non-residential component (retail and/or restaurant) on the ground floor at the Georgia Avenue/ Spring Street intersection may provide commercial services for the residents and surrounding neighborhood, though the Applicant is continuing to evaluate the market demand for non-residential

uses on the Subject Property. The Project will satisfy the intent of the Commercial/ Residential Zone with or without a non-residential component due to its role as a transition between the Central Business District and residential neighborhood. The Project facilitates all modes of transportation – pedestrian, bicycle, and vehicular, and transit. It will provide wide sidewalks along Georgia Avenue, Spring Street, and Planning Place. The Project does not propose any parking between the building and the street frontages.

- d) *Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The Project may provide a mix of uses on-site, including a significant amount of new residential development and, potentially, ground floor retail with a building height of up to 90 feet, as allowed in the CR 3.0, C 2.0, R 2.75, H 90T zone. The specific use mix and project density will be determined at the time of Site Plan review. Adjacent building heights and uses in the CBD, south of the Property, include the Sheraton Hotel with a height of approximately 15-stories. Directly north of the site, across Spring Street, are existing three story single family attached dwelling units.

As currently submitted, the Project lacks step-backs, vertical breaks, and other architectural elements intended to break-down the building massing. As conditioned, the Project is anticipated to enhance the pedestrian experience and soften the height of the building by incorporating low two-to three-story volumes along the Spring Street frontage and provide a step-back above the base to lessen the building's mass across from the residential neighborhood. This design element will create a pedestrian scale and better relate to the surrounding uses.

As conditioned, the Project's building heights are appropriate at this location and ensure compatible relationships with adjoining neighborhoods, and therefore meets the finding.

As an existing condition, the vegetated berm along the north side of Spring Street is the first transitional element between the neighborhood and Subject Property. This transition is further aided by an exceptionally wide public right-of-way (100-feet in width), tree-lined median, and proposed setback from the Subject Property lot line.

- e) *Integrate an appropriate balance of employment and housing opportunities.*

As conditioned, the Project will help to meet the need for additional housing options in the Central Business District. The mixed-use development will provide more residents to patronize local businesses. Additionally, providing more housing stock in the CBD provides greater opportunities for employment, a fundamental ingredient for the “smart growth” promoted by the previous CBD zones. The Project provides a variety of housing options through provision of both market-rate units and MPDUs on site in an array of unit sizes. In addition, the Project provides non-residential uses such as retail and/or restaurant.

- f) Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

The Project will provide the required public benefits from a minimum of four categories to achieve the desired incentive density above the standard method limit.

- 2. substantially conform with the recommendations of the applicable master plan;*

As discussed earlier in the findings, and as conditioned, the Project provides the diversity of housing, connectivity improvements, and will create an open space that will contribute to master planned pedestrian and bicycle connectivity. The issues that are identified in the conditions of approval must be addressed prior to the Site Plan application. In addition, the Applicant will design the Spring Street façade with articulation in building massing, step-backs, and heights. The Project conforms to the intent and recommendations of the Sector Plan.

- 3. satisfy any development plan or schematic development plan in effect on October 29, 2014;*

The Sketch Plan is not subject to a development plan or schematic development plan.

- 4. achieve compatible internal and external relationships between existing and pending nearby development;*

As submitted, the Project lacks elements that contribute to compatible internal and external relationships. Specifically, the Project appears imposing when viewed from the north side of Spring Street and lacks the scale and proportionality necessary along the mews to create an intimate space. As conditioned, the building is compatible in height and scale with nearby existing development. The Project will

provide a building measuring up to 90 feet in height with massing concentrated along Georgia Avenue and internally toward the south side of the Site to minimize the building's perceived mass when viewed from across Spring Street. The Project will provide adequate open space and setbacks to relate to the surrounding uses and character. Although further refinement of the site layout and building design is necessary at Site Plan, the Project is anticipated to provide an appropriate transition to adjoining neighborhoods as recommended with the urban design goals and guidelines in the Sector Plan. The Project, as conditioned, achieves compatible internal and external relationships between existing and pending nearby development. Staff will work with the Applicant as part of the Site Plan review to ensure a site design that is compatible with surrounding land uses.

5. *provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

As submitted, the Project adds a new mid-block access point on Spring Street that Staff does not support, however, conditions recommended in this Staff Report are expected to result in satisfactory circulation, parking and loading. The Project proposes an extension of Planning Place to Spring Street that must be coordinated with MCDOT to reconfigure access between the Subject Property and PLD Garage #2. As conditioned, the Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The Project appropriately locates activating pedestrian uses along the Georgia Avenue and north-south mews frontages, including the residential entrances, the public open space, and Silver Spring standard streetscaping. Planning Place on the south side of the Property appropriately functions for vehicular access and loading.

6. *propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;*

The Application includes public benefits that address the general incentive and density considerations required by Section 59.4.7.1.B. The public benefits:

- a. Take into consideration "the recommendations of the applicable master plan" by providing the diversity of housing, providing opportunities to retain existing businesses and expanding opportunities for new businesses, and connectivity improvements;
- b. Meet "the CR Zone Incentive Density Implementation Guidelines" by providing the proper calculations and criteria for each public benefit;
- c. Meet "any design guidelines adopted for the applicable master plan area" by providing streetscape improvements along Georgia Avenue, Spring Street, and Planning Place, which will create an inviting pedestrian environment that will activate the street and support the ground-floor retail included as part of the Project;

- d. Are appropriate for “the size and configuration of the site” by improving the existing configuration of aging existing buildings and providing structured parking;
- e. Adequately address “the relationship of the site to adjacent properties” by designing the building at an appropriate scale for the surroundings with heights that complements the existing character of the area;
- f. Consider “the presence or lack of similar public benefits nearby” through the provision of affordable housing, environmental benefits, pedestrian connections, all of which are currently needed in this area; and
- g. Provide “enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit” which will be developed and assessed during Preliminary and Site Plan reviews.

The Sketch Plan meets the development standards of Section 59-4.5.4, as shown in the following Project Data Table, and description of public benefits.

<b>Project Data Table for the CR3.0 C2.0 R2.75 H90T Zone</b>		
<b>Development Standard Section 59 – 4.5.4</b>	<b>Permitted/Required</b>	<b>Approved</b>
Gross Tract Area	n/a	214,921 sf or 4.93 AC
Net Lot Area		141,112 sf or 3.24 AC
<b>Maximum Density (CR)</b>	<b>644,763 sf (3.0 FAR)</b>	<b>Up to 413,821 sf (1.93 FAR)</b>
<i>Non-residential (C)</i>	429,842 sf (2.0 FAR)	Up to 50,000 sf (0.23 FAR)
<i>Residential (R)</i>	591,032 sf (2.75 FAR)	Up to 413,821 sf (1.93 FAR)
<b>Building Height (feet)<sup>3</sup></b>	90	Up to 90
<b>Minimum Public Open Space (3 Frontages)</b>	10% of Lot Area	15% (21,168 sf)

**Major Public Facilities**

*Bikeshare:* The Applicant requests 4.25 points for expanding the existing bikeshare station at the intersection of Georgia Avenue and Spring Street, along the Site frontage, or contributing to bikeshare within the immediate vicinity. Further

<sup>3</sup> Section 59-4.5.2.C.2 of the Zoning Ordinance, for CR zoned properties designated with a “T”, residential density may be increased above the number following the R on the zoning map in proportion to any MPDU density bonus achieved under Chapter 25A of the County Code for providing more than 12.5% of the residential units as MPDUs, and total density may be increased above the number following the zoning classification on the zoning map by an amount equal to the residential bonus density achieved. No additional MPDUs are proposed as part of the Subject Application, therefore no incentive density is awarded.

coordination with MCDOT is necessary to determine the means through which public benefits points will be achieved, however, expansion of bikeshare in the Central Business District is appropriate. The Planning Board supports this category at Sketch Plan, however, the Applicant's contribution must meet criteria set forth in the *2015 Commercial/Residential Zones Incentive Density Implementation Guidelines* (CR Guidelines) and be accepted by both MCDOT and M-NCPPC at the time of Site Plan.

#### Transit Proximity

The Property is located within one ½ mile of the Silver Spring Metro Station, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. The Planning Board supports 30 points as suggested in the CR Guidelines.

#### Connectivity and Mobility

*Through-Block Connection:* The Applicant requests 20 points for providing a through-block pedestrian connection of at least 15-feet in width along the alignment of Fenton Street extended, between Planning Place and Spring Street. This facility is a master planned pedestrian/ bicycle connection and constitutes a portion of the Council endorsed Silver Spring Separated Bicycle Network. Final determination of this category will be made at Site Plan upon review of the final design. The Planning Board supports granting 20 points at this time.

*Way-Finding:* The Applicant requests 5 points for providing wayfinding signs within the Site's public spaces and through the mews. Such wayfinding is envisioned to help orient pedestrians and bicyclists toward transit facilities, trails, paths, parks, other public amenities. Further details will be determined at the time of Site Plan, including coordination with MCDOT's wayfinding for the Silver Spring Separated Bicycle Network. The Planning Board supports granting 5 points in this public benefit category at this time with further details and refinement to be provided at the time of Site Plan.

#### Quality of Building and Site Design

*Exceptional Design:* The Applicant requests 10 points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 5 points is appropriate for development that meets at least four of the guideline criteria; 10 points are awarded for projects that meet all criteria. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights. The Planning Board supports the Applicant's request at this time with further details and refinement to be provided at the time of Site Plan.

*Public Open Space:* The Applicant requests 5 points for providing 15% of the net lot area as public Open Space. A final public open space plan will be required at the



time of Site Plan and final determination of points will be based on the amount and quality of open space provided at that time. The Planning Board supports this request at this time.

*Structured Parking:* The Applicant requests 13 points for providing on-site parking within a parking structure. The Applicant has provided precedent images demonstrating how exposed façades of the garage will be treated to improve the aesthetic appearance of the building. Details on the façade treatment will be determined at the time of Site Plan. The Planning Board supports the Applicant's request at this time with further details and refinement to be provided at the time of Site Plan.

*Tower Step-Back:* The Applicant requests 10 points for providing a tower step-back above the two- to three-story multi-family dwelling units along Spring Street as a means of breaking-up the building façade as it is viewed from Spring Street. The Planning Board supports the Applicant's request at this time with further details and refinement to be provided at the time of Site Plan.

*Architectural Elevations:* The Applicant requests 15 points for providing a design that is bound by architectural elevations as part of a certified site plan showing elements of the façade. This subcategory was added to the Application after the final May 19, 2017 submittal based on coordination with Planning Staff. This subcategory is appropriate given the importance of the subject site as a transition between the residential area to the north and the higher density CBD to the south. Final determination of points will be based upon architectural drawings submitted with the Site Plan. Staff will continue to work with the Applicant to refine the architectural design. The Planning Board supports 10 points for this benefit at this time.

#### Protection and Enhancement of the Natural Environment

*Building Lot Termination (BLT):* The Applicant requests 6.6 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. Based on this calculation, the Planning Board supports 6.6 points for this benefit at this time, with final calculations to be provided at the time of Site Plan.

7. *establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

As submitted, the project design is built atop a parking structure that occupies almost the entire site. This will likely be constructed in one phase, but the phasing of the project will be determined at Site Plan.

BE IT FURTHER RESOLVED that at the time of site plan, the Planning Board may approve changes to this Sketch Plan under certain circumstances. If the Applicant proposes to change a condition of approval or binding element, or agrees to a change proposed by another party, the proposed change must satisfy the requirements for approval of a sketch plan and site plan, including Section 59-4.5, Section 59-7.3, and the Sector Plan. If Staff proposes to change a condition of approval or binding element, however, the Board may approve the change if necessary to ensure conformance with Section 59-4.5, Section 59-7.3, or the Sector Plan. In other words, for the Board to approve an Applicant-proposed change of a binding element, it must find consistency with applicable standards; for the Board to approve a modification to a Staff-proposed binding element that the Applicant has not agreed to, the Board must find that the proposed change is necessary to meet the site plan approval standards, including conformance with zoning and Sector Plan requirements.

Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved Sketch Plan, including a binding element, does not meet the requirements of the zone, the Sector Plan, or other findings necessary to approve a site plan, and deny the site plan application.

The Board's review of sketch plans is governed by Section 59-C-7.3.3.E, which provides that "to approve a sketch plan" the Board must find that certain elements of the plan are "appropriate in concept and appropriate for further detailed review at site plan." Because the Board's approval of a sketch plan is in concept only and subject to further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet the requirements of the zone, master plan, or other requirements for site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the Sketch Plan will satisfy all applicable requirements for site plan approval. As a practical matter it would be unwise for it to do so, due to the limited detail contained in a sketch plan and the sketch plan's unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure compliance with all code and master plan requirements, the Board might have decided to approve fewer elements of this Sketch Plan as binding.

Although the Board does not have the authority to provide complete certainty about the conditions of approval or binding elements of a sketch plan, this does not mean that the Board should or will require changes to an approved sketch plan without good reason. To do so would be inefficient and unfair to Applicants and community

members whose expectations about the future shape of development will be formed by what the Board approves in a sketch plan; and

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 all elements of the plans for Sketch Plan No. 320170060, 8787 Georgia Avenue, stamped received by M-NCPPC on May 19, 2017, are required except as modified herein; 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 13 2017 (which is the date that this Resolution is mailed to all parties of record).

\* \* \* \* \*

**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 Fani-González, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Patterson abstaining at its regular meeting held on Thursday, September 7, 2017, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board