



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

MCPB No. 16-116
 Site Plan No. 820160160
 Elizabeth House III
 Date of Hearing: October 20, 2016

NOV - 3 2016

RESOLUTION

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

WHEREAS, under Section 59-7.7.1.B.1, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on May 25, 2016, Lee Development Group, Inc. and the Housing Opportunities Commission of Montgomery County ("Applicant") filed an application for approval of a site plan for a multi-family building including up to 279,325 total square feet, with up to 267 units, including 15% MPDUs and 10% WFHUs, and up to 54,048 square feet of government-operated facilities, public-use space and structured parking on 1.15 acres of CBD-1 zoned-land, located on Fenwick Avenue, 200 feet SW of Second Avenue ("Subject Property"), in the Silver Spring CBD Policy Area and Silver Spring CBD Sector Plan area ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820160160, Elizabeth House III ("Site 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 October 7, 2016, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on October 20, 2016, 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 as certified below.

Approved as to
 Legal Sufficiency:

Daniel C. S. / NAD

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820160160 for a multi-family building including up to 279,325 total square feet, with up to 267 units, including 15% MPDUs and 10% WFHUs, and up to 54,048 square feet of government-operated facilities, public-use space and structured parking on the Subject Property, subject to the following conditions:¹

Conformance with Previous Approvals

1. **Project Plan Conformance**

The development must comply with the conditions of approval for Project Plan 920150010, as listed in MCPB Resolution No. 15-88 dated July 28, 2015.

2. **Preliminary Plan Conformance**

The development must comply with the conditions of approval for Preliminary Plan 120150030, as listed in MCPB Resolution No. 15-89 dated July 28, 2015.

Environment

3. **Forest Conservation**

Prior to Certified Site Plan approval and prior to clearing, grading or demolition, the Applicant must obtain approval of a revised Final Forest Conservation Plan (FFCP) from the Planning Department. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan and must:

- a) Show all grading and disturbance as being contained within the Limits of Disturbance (LOD). Address any associated changes to the net tract area, worksheet and FCP requirements as applicable.
- b) Shift the locations of trees credited towards variance mitigation plantings as applicable to avoid conflicts with drain lines or other utilities.
- c) All tree protection measures must be certified by an International Society of Arboriculture certified arborist who is also a Maryland Licensed Tree Care Expert.
- d) The forest conservation worksheet and associated tables must be revised for consistency and clarity.
- e) The FFCP must address any protection measures and/or removals associated with the construction impacts at the edge of the tree stand along the railway corridor. Plan notes must also reference necessary coordination with WMATA/CSX for access and scheduling of tree care/removal work, including the conducting of post construction inspections of any retained existing trees

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.

- along the limit of disturbance line between the project and WMATA/CSX by an International Society of Arboriculture certified arborist who is also a Maryland Licensed Tree Care Expert, to determine survivability, and if appropriate any additional required actions.
- f) Clearly identify which of the trees are for variance mitigation. The mitigation plantings must consist of native canopy trees and also be reflected on the Landscape Plan sheets of the Certified Site Plan.
 - g) Clarify the phasing for the current plan, future Site Plan/FFCP submissions and the work to be done by others.
5. Prior to any clearing or grading within the project area, the Applicant must submit a fee-in-lieu payment or certificate of compliance which satisfies the 0.54-acre afforestation requirements, or as determined by the Final Forest Conservation Plan, for approval by Staff.
 6. The soil volume within the courtyard, over the parking structure, must be reviewed at Certified Site Plan to ensure proper tree survivability and any amendment to proposed planting as a result of the required planting volumes must be incorporated into the Final Forest Conservation Plan. Soil volumes must be a minimum of five (5) feet in depth for trees and tall shrubs and three (3) feet in depth for shrubs, perennials, ornamental grasses, and groundcovers.
4. Noise Attenuation
 - a) Prior to Certified Site Plan submission, a revised noise analysis must be submitted and include exhibits of the existing and 20-year projected noise contours, along with noise mitigation techniques to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
 - b) Assessment and mitigation, if applicable, must also be addressed for the areas of common outdoor open space, but excluding the area of the Capital Crescent Trail.
 - c) Prior to issuance of any above-grade building permit, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
 - d) The Applicant must provide a signed commitment to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
 - e) If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.

- f) Any significant changes to the site design/layout which may be necessary to comply with the noise mitigation requirements will be subject to a formal plan amendment.
- g) Before issuance of any Use and Occupancy Certificate for residents, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.

5. Stormwater Management

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated September 7, 2016, and hereby incorporates them as conditions of approval for this Site Plan. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of the Site Plan approval. MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

Public Use Space, Facilities and Amenities

6. Public Use Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 54,048 square feet of public use space on-site (as government-operated facilities) for this Site Plan.
- b) The public use space on the Subject Property must, at a minimum, be open to the public from 9 a.m. until 7 p.m. daily, and for scheduled classes and organized events, all except for occasional closures for maintenance and cleaning, or if otherwise required by the Planning Director. Within the public use space, the Applicant must post one or more prominent signs declaring that the space is open to the public and displaying the hours of operation. The size and locations of the sign or signs must be shown on the Certified Site Plan.
- c) Within the public use space and the amenity areas on the Subject Property, the Applicant may post reasonable rules of conduct that permit public use of the space in a manner that does not unreasonably interfere with others' use and enjoyment of the space and surrounding buildings. Before they are posted, rules of conduct must be reviewed by the M-NCPPC Office of the General Counsel and approved in writing by the Planning Director or the Director's designee, along with the number, size, and locations of all signs displaying rules of conduct. The Applicant may incorporate approved rules of conduct into signage advertising the public's right to use the space and applicable hours of operation. Rules of conduct

may be amended from time to time with the written approval of the Planning Director or the Director's designee.

- d) As a public amenity, the Applicant must provide streetscape improvements consistent with the Silver Spring CBD Streetscape Standards, including the undergrounding of public utilities along the property's frontage. Phasing of the streetscape improvements will be determined at the time of the applicable site plan for each particular portion of the frontage.
- e) All record plats that include exterior public use space must include a note that all exterior public use spaces as shown on the Certified Site Plan must be maintained in perpetuity by the property owners and access must be provided to the general public.
- f) The Applicant must install the landscaping associated with each phase no later than the next growing season after completion of the building and site work.
- g) Prior to issuance of the final Use and Occupancy Certificate for the residential development for this Site Plan, public use space improvements must be completed.

7. Recreation Facilities

- a) Prior to issuance of the final Use and Occupancy Certificate for the residential development for this Site Plan, the Applicant must provide the recreational elements associated with each phase in accordance with the approved *Montgomery County Planning Board Recreation Guidelines*, as described below.
- b) The Applicant must provide the following minimum recreation facilities on-site for this Site Plan:
 - i. 1 Picnic/Sitting Areas;
 - ii. Pedestrian System;
 - iii. 1 Indoor Swimming Pool;
 - iv. 1 Indoor Community Space
 - v. 1 Indoor Exercise Room;
 - vi. 1 Indoor Fitness Facility; and
 - vii. 1 Community Garden.

8. 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, government operated facilities, and public use space.

Transportation & Circulation

9. Pedestrian and Bicycle Circulation

- a) The Applicant must provide a minimum of 20 private and 18 public bicycle parking spaces.
- b) The secure private long-term bicycle parking spaces must be installed internal to the residential building or garage for the residents' use. The public bicycle spaces must be inverted-U racks, or similar approved by M-NCPPC Staff at Certified Site Plan and installed in a location convenient to the Fenwick Lane pedestrian and garage entrances, as shown on the Certified Site Plan.
- c) The Applicant must provide minimum 5-foot wide sidewalks.

10. Vehicular Parking

The Applicant must provide a minimum of 107 parking spaces, based on the housing for senior adults use of the building. If the senior housing uses changes, the Applicant must come in for a site plan amendment.

11. Capital Crescent Trail

- a) The Applicant is responsible for constructing the Capital Crescent Trail (CCT) along the property's west frontage (i.e., the trail and associated subbase not including structural retaining walls within the transit right-of-way) unless such obligation has been assumed by another implementing entity as part of the Purple Line construction project.
- b) The Applicant may commence construction of this Site Plan in advance of the commencement of construction of the CCT along the property's west frontage.
- c) If another implementing entity has not assumed responsibility for constructing this portion of the CCT prior to issuance of the final Use and Occupancy certificate for this Site Plan, the Applicant must construct the 12-foot wide CCT across the property's west frontage prior to issuance of the first Use and Occupancy certificate for the Phase 2 building, Elizabeth House IV.
- d) The Applicant must coordinate its building construction with MTA/MCDOT construction phasing to ensure that the construction of this Site Plan does not cause delays to the Purple Line project.
- e) Prior to Certified Site Plan approval, the Applicant must receive approval from MCDOT on the cost estimate for the pro rata share of the CCT project along the property's west frontage.
- f) The public use and access easement or other appropriate instrument approved by Staff and the Office of General Counsel, is to be provided by the Applicant in a separate recorded instrument upon the earlier of:
 - i. issuance of the first Certificate of Use and Occupancy for the Elizabeth House III building; or

- ii. commencement of CCT construction by others.

12. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Fire Code Enforcement Section in its letter dated July 1, 2015, and hereby incorporates them as conditions of approval for this Site Plan. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS Fire Code Enforcement Section may amend provided that the amendments do not conflict with other conditions of Site Plan approval.

Density and Housing

13. Moderately Priced Dwelling Units (MPDUs)

- a) The Planning Board accepts the recommendations of the Department of Housing and Community Affairs (DHCA) in its letter dated September 14, 2016, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of Site Plan approval.
- b) Before issuance of any above-grade building permit for residential units, the MPDU agreement to build between the Applicant and DHCA must be executed.

14. Workforce Housing

- a) The Applicant must provide a minimum of 10% of the total number of market-rate units as Workforce Housing Units (WFHUs) or MCDHCA approved equivalent.
- b) All units that are considered WFHUs or MCDHCA approved equivalent must comply with the requirements of Chapter 25B of the Montgomery County Code and/or the applicable regulations relating to MCDHCA approved equivalent units, in accordance with the MCDHCA letter dated September 14, 2016.

Site Plan

15. Building Height

The maximum height for the Elizabeth House III building is limited to 143 feet as measured from the applicable building height measurement point as shown on the Certified Site Plan.

16. Architecture

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 M-NCPPC Staff.

17. Landscaping

- a) Prior to issuance of the final Use and Occupancy Certificate, all on-site amenities including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and public open space must be installed.
- b) Prior to issuance of the final Use and Occupancy Certificate, all rooftop amenities must be installed.
- c) The Applicant must install landscaping no later than the next growing season after completion of site work.

18. Lighting

- a) Prior to Certified Site Plan, the Applicant must provide certification to M-NCPPC Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b) Deflectors must be installed on all proposed up-lighting fixtures to prevent excess illumination and glare.
- c) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- d) Any lighting on the roof must not exceed the height illustrated on the Certified Site Plan.

19. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit and Sediment Control 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 as required by Section 59-7.3.4.G.1. 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 plant material, on-site lighting, outdoor recreational facilities, CCT (described in Condition 11a above), site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, paths and associated improvements.
- c) The Applicant may submit the bond for the CCT separately and may petition DPS to release the bond if another implementing entity assumes responsibility for construction.
- d) The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- e) The bond or surety must be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

20. Development Program

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

21. Certified Site Plan

Prior to 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 stormwater management concept approval letter, other applicable agency approval letters, development program, Project Plan resolution, Preliminary Plan resolution and Site Plan resolution on the approval or cover sheet(s).
- b) Address all MCDPS-RPP comments, date August 11, 2016.
- 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 shown on the latest electronic version of 820160160, submitted via ePlans to the M-NCPCC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the 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. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan.*

The Application is subject to the approved Project Plan. The Elizabeth House III Site Plan is consistent with the approved Project Plan in terms of land use, density, and building height and the general locations and character of the public use space. The Site Plan retains the proposed massing for the Elizabeth House III building, including, most importantly, the manner in which the building steps down along the north side from 15 stories to 10 stories on the south side to allow sunlight into the central plaza. Consistent with the Project Plan approval, the Elizabeth House III building incorporates publicly owned/operated government facilities that support county or state government programs or services that qualify thereby as public use space. These uses, including a Recreation Center, a Wellness Center, a Bistro Kitchen, and a Flex Room, will all be open to both the residents of Elizabeth House III and the community at large.

The density in this Site Plan is within the maximum density allowed under the CBD-1 Zone (optional method of development) and the density approved in the Project Plan. The height for the Elizabeth House III building, up to 143 feet, is consistent with the Project Plan that allows a height up to 143 feet and is within the maximum height allowed in the Zone. The height between 90 feet and 143 feet will contain space that is the equivalent of the WFHUs, other affordable housing units accepted by MCDHCA as WFHU equivalent, and interior public use space and private amenities that enhance the value to the building and support the inclusion of the WFHUs, and that collectively justify the additional height between 90 feet and 143 feet. The Site Plan proposes 225,277 square feet of residential space and 54,048 square feet of interior public use space for Elizabeth House III.

The Application conforms to all of the conditions of the approved Project Plan and is consistent with the Project Plan findings.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Property is subject to the CBD-1 zoning standards. The CBD-1 zone is intended to foster and promote development of the fringes of the Central Business Districts and to provide density and intensity of development that will be compatible with the adjacent land uses outside the Central Business Districts.

Overall Intent

The overall intent of the CBD zones is:

- (a) 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.
- (b) To 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.
- (c) 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.
- (d) To promote the effective use of transit facilities in the central business district and pedestrian access thereto.
- (e) To promote improved pedestrian and vehicular circulation.
- (f) To assist in the development of adequate residential areas for people with a range of different incomes.
- (g) To encourage land assembly and the most desirable use of land in accordance with a sector plan.

The density and amenities achieved through the optional method of development enables the realization of the recommendations of the *Silver Spring CBD Sector Plan*. Currently, the Elizabeth House building on the HOC Property is more than 40 years old. Elizabeth House is home to 194 senior citizens who occupy all 160 dwelling units and who qualify for public housing. Due to the age of the structure and its need to be modernized to serve its older residents, the Elizabeth House is in need of replacement. The Alexander House is approximately 22 years old and is home to a mixed-income population – 40% of the units are income-restricted. Of these units, half are rented to residents with incomes at or below 60% of Area Median Income (AMI) and half are rented to residents with incomes between 60% and 90% of AMI. The remaining units are market rate. The Fenwick Professional Park structures adjacent to the HOC

Property are 60 years old. The assemblage of the LDG Property and the HOC Property will create a unified development.

The Subject Property lies within the "Other Areas of the CBD" section identified in the 2000 *Silver Spring CBD Sector Plan*. The Sector Plan reconfirmed the zoning applied to all parcels in the remaining areas of the CBD outside the Revitalization Areas defined in the Plan and contained no other specific recommendation. This development in the "Other Areas" portion of the CBD will expand the availability of diverse living opportunities in the CBD by providing market rate dwelling units, MPDUs, and WFHUs within easy walking distance to public transportation.

The Property is within a short walking distance to the Silver Spring Transit Center, 2 ½ blocks away, that includes Metro, the MARC Line, Metrobus, Ride-on Bus, and the future Purple Line. The Site Plan will provide 907 residential units, an increase of 436 more than those existing on the Property today, as well as 63,896 square feet of community recreational center use, and up to 6,032 square feet of non-residential uses. The Site Plan will help to activate the streets of Second Avenue, Fenwick Lane, and Apple Avenue. The public use space has been strategically located on the ground level of the Elizabeth House III building, accessible to residents and open to the public. The indoor public use space will be the government operated recreation and service facility, and includes the pool, fitness center and lockers, meeting/class space, the Wellness Center, and the Bistro Kitchen, and may provide some employment and economic opportunities for residents in the CBD, as well as provide needed services. Through the on-site partnerships, HOC may be able to create employment opportunities for its residents both on and off-site. The streetscape along Second Avenue, Fenwick Lane, and Apple Avenue will be upgraded as necessary with street trees, paving, and lighting to improve the pedestrian experience, to interact with their neighbors, and to frequent the retail establishments in the Project Plan and near the Property. The public amenity spaces in the central plaza and along the streetscape will enhance the experience of residents and the public when walking along the streets or enjoying the plaza space.

The Site Plan provides 15% MPDUs (or approved equivalent by MCDCHA) in the development, which will increase the number of MPDUs available in this location of Silver Spring. This increase will allow for more residents to live within walking distance of a range of amenities, including transit and the Capital Crescent Trail.

Requirements of the CBD-1 Zone

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, and based on other evidence and testimony of record, the Application meets all of the applicable requirements of the CBD-1 Zone.

Data Table

Section	Development Standard	Permitted/Required	Approved by Project Plan and Preliminary Plan (entire site)	Approved & Binding for Elizabeth House III Site Plan Approval (Phase I)
59-C.23	Gross Tract Area (Square Feet) Prior Dedications (Apple & Second Avenue) Proposed Dedication		136,032 sf 18,032 sf 1,191 sf	46,893 sf 2,354 1,191
59-C-6.231	Net Lot Area	18,000 sf	116,809 sf	43,348
59-C-6.233	Minimum Public Use Space Government Operated Facility as Public Use Space ¹ (% of entire Elizabeth Square site) On-site Public Use		55% (63,896 sf) 13% (15,255 sf)	124% (54,048 sf) 22.1% (9,568 sf)
	Total Public Use	20%	68% (79,151 sf)	146.8% (63,616 sf)
	On-Site Outdoor Amenity Space	n/a	29% (33,405 sf)	10.2% (4,410 sf)
	Off-site Streetscape Amenity Space	n/a	17% (20,367 sf)	10.8% (4,675 sf)
59-C-6.234(b)(iii)	Maximum Density CBD-1 CBD-2	3.0 FAR/140,685 sf 5.0 FAR/445,685 sf		140,679 sf NA
	<i>Subtotal</i>	586,370 sf		140,679 sf
	Proposed Non-Residential	6,032 sf		0 sf
	<i>Subtotal</i>	580,338 sf		146,679 sf
	MPDU Bonus (22%) WFHU Bonus (10%)	127,674 sf 58,034 sf		30,949 sf 14,068 sf
	Total Allowable Residential FAR Total Allowable Non-Residential FAR Total Project FAR	766,046 sf 6,032 sf 772,078 sf	766,046 sf 6,032 sf 772,078 sf	185,696 sf NA 185,696 sf
	Proposed Density of Development Alexander House (300 Dwelling Units) Elizabeth House III (267 Dwelling Units) Elizabeth House IV (330 Dwelling Units)		287,303 sf 243,420 sf 305,251 sf	NA 279,325 sf NA
	Total Building Floor Area NON-FAR Floor Area: Floor Area Deduction (Gov't Operated Facility as Public Use Space ²) TOTAL PROJECT GROSS FLOOR AREA		835,974 sf 63,896 sf 772,078 SF	279,325 sf 54,048 sf 225,277 sf
59-C-6.235(b)	Maximum Building Height Existing Alexander House ³ CBD-1 (Elizabeth House III) ⁴ CBD-2 (Elizabeth House IV) ⁵	200 feet 143 feet 200 feet	165 feet 143 feet 200 feet	NA 143 feet NA
59-C-6.236	Minimum setbacks Existing Alexander House		0 feet	NA

Section	Development Standard	Permitted/Required	Approved by Project Plan and Preliminary Plan (entire site)	Approved & Binding for Elizabeth House III Site Plan Approval (Phase I)
	Elizabeth House III Elizabeth House IV		0 feet 0 feet	0 feet NA
59-E	Parking (vehicular spaces)⁶			
	Existing Alexander House	298 spaces	191 spaces	NA
	Elizabeth House III	228 spaces	165 spaces	107 spaces
	Elizabeth House IV	408 spaces	201 spaces	NA
	Total vehicular spaces	934 spaces	557 spaces	107 spaces
59-E-2.3	Parking (motorcycle spaces)			
	Existing Alexander House	4 spaces	0 spaces	NA
	Elizabeth House III (Phase I)	4 spaces	4 spaces	3 spaces
	Elizabeth House IV (Phase II)	5 spaces	12 spaces	NA
	Total motorcycle spaces	10 spaces	16 spaces	3 spaces
	Parking (bicycle spaces)			
	Existing Alexander House	10 spaces	0 spaces	NA
Elizabeth House III (Phase I)	9 spaces	33 spaces	38 ⁷ spaces	
Elizabeth House IV (Phase II)	11 spaces	21 spaces	NA	
	Total bicycle spaces	20 spaces	54 spaces	20 spaces

¹Special standards for optional method of development projects that include a building or land for publicly owned or operated government facility, per Section 59.C6.2357.

(a) The public facility and amenity requirement and the public use space requirement are satisfied when:

- (1) The Planning Board finds that the project plan application warrants approval with a publicly owned or operated facility satisfying the amenity and the public use space requirements;
- (2) the applicant conveys in fee simple, to the County or other government body, the identified land or building space, and the County accepts the land or building space for a publicly owned or operated government facility within the same central business district; and
- (3) the proposed total interior area for all floors of the building space conveyed for a publicly owned or operated government facility or the land dedicated for that purpose is at least 20 percent of the net lot area.

(b) Once the County or other government body has accepted the fee simple conveyance of the land or building space for the publicly owned or operated government facility:

- (1) the public facility and amenity requirement also is satisfied for any amendment to the original optional method of development project plan that does not increase the floor area of the project;
- (2) the land area that is conveyed to the County for the publicly owned or operated government facility also is treated as public use space for any amendment to the original project plan that does not increase floor area; and
- (3) any transfer or lease of the building, land, or any portion thereof, by the County will not affect the approval of the optional method of development project plan or the site plan.

(c) Standard streetscaping improvements along the frontage of the phase of the project that is intended to accommodate the publicly owned or operated government facility use must be provided during the phase of the project that contains the facility.

²The gross floor area of the publicly owned or operated government facility that is provided in satisfaction of the public facility and amenity requirements for the optional method of development under Section 59-C-6.2357 must not be counted in the gross floor area of the optional method project.

³Under the optional method of development process, the Planning Board may approve height over 143 feet, but not more than 200 feet, if the additional height is necessary for the project to accommodate workforce housing under Section 59-A-6.18; however, the additional height must not be more than required for the number of workforce housing units that are constructed.

⁴For projects using the optional method of development, the Planning Board may approve height over 90 feet, but not more than 143 feet, if the additional height is necessary for the project to accommodate workforce housing under Section 59-A-6.18; however, the additional height must not be more than required for the number of workforce housing units that are constructed.

⁵Under the optional method of development process, the Planning Board may approve height over 143 feet, but not more than 200 feet, if the additional height is necessary for the project to accommodate workforce housing under Section 59-A-6.18; however, the additional height must not be more than required for the number of workforce housing units that are constructed.

⁶The Project is within the Parking Lot District and the Applicant is requesting to reduce the number of parking space required. The final number of parking spaces may be adjusted at the time of Certified Site Plan(s) based on the final number of residential units.

⁷ There will be 20 private bicycle spaces in an interior bike room and 18 public spaces for bicycles, as shown on the Certified Site Plan.

Height

The maximum building height in the CBD-1 zone is 90 feet. However, the Zoning Ordinance provides for projects to exceed those limitations as necessary to accommodate WFHUs. This Application provides 267 in Elizabeth House III and includes 15% MPDUs and 10% WFHUs (or MCDHCA approved equivalent units).

For CBD-1 properties, Section 59-C-6.2 (footnote 1) allows the Planning Board to approve a height that exceeds 90 feet, but not more than 143 feet, under the optional method of development if the additional height is necessary for the project to accommodate workforce housing under Section 59-A-6.18; however, the additional height must not be more than required for the number of workforce housing units that are constructed. Elizabeth House III will provide 27 WFHUs. The Site Plan application is requesting additional height to accommodate WFHUs and associated building amenities, consistent with the approved Project Plan. Elizabeth House III includes a maximum building height of 143', an increase of 53' over 90', to accommodate the 27 WFHUs, and rooftop building amenities including a rooftop garden and green roof that will serve the residents of the building. The addition of unique amenities will benefit not only the market rate units but the greater number of affordable units included with the Application.

Section 59-C-6.2357

Section 59-C-6.2357 contains special standards for optional method of development projects that include a publicly owned or operated government facility, as this project proposes:

Section 59-C-6.2357 Special standard for optional method of development projects that include a building or land for a publicly owned or operated government facility.

(a) The public facility and amenity requirement and the public use space requirement are satisfied when:

- 1) The Planning Board finds that the project plan application warrants approval with a publicly owned or operated facility satisfying the amenity and the public use space requirements;*
- 2) the applicant conveys in fee simple, to the County or other government body, the identified land or building space, and the County accepts the land or building space for a publicly owned or operated government facility within the same central business district; and*
- 3) the proposed total interior area for all floors of the building space conveyed for a publicly owned or operated government facility or the land dedicated for that purpose is at least 20 percent of the net lot area.*

(b) Once the County or other government body has accepted the fee simple conveyance of the land or building space for the publicly owned or operated government facility:

- 1) the public facility and amenity requirement also is satisfied for any amendment to the original optional method of development project plan that does not increase the floor area of the project;*
- 2) the land area that is conveyed to the County for the publicly owned or operated government facility also is treated as public use space for any amendment to the original project plan that does not increase floor area; and*
- 3) any transfer or lease of the building, land, or any portion thereof, by the County will not affect the approval of the optional method of development project plan or the site plan.*

(c) Standard streetscaping improvements along the frontage of the phase of the project that is intended to accommodate the publicly owned or operated government facility use must be provided during the phase of the project that contains the facility.

The plaza levels of Elizabeth House III are planned to be a government operated recreation and service facility and is being provided as the majority of the public use space for the Site Plan, under the provisions of Section 59-C-6.2357(a)(3). The Elizabeth House III building will be owned by HOC, just as it owns the existing Elizabeth House and Alexander House. HOC operates as a public housing agency, a housing finance agency, and a housing developer to provide affordable housing and supportive services to individuals and families in Montgomery County. The facility will include a pool, fitness center and lockers, meeting/class space, the Senior Wellness Center, and the Bistro Kitchen, all which will be open to the public. The interior space of the plaza level floors is approximately 54,048 square feet, which is greater than the required 20% of the net lot area of the Property for the facility to be treated as public use space under Section 59-C-6.2357(a)(3) of the Zoning Ordinance. Standard streetscaping improvements will be installed, in accordance with the Silver Spring Streetscape Guidelines.

Section 59-E-4.5 Waiver-parking standards

Under Section 59-E-3.4 of the Zoning Ordinance, the Site Plan is required to provide 228 parking spaces. However, the Applicant is requesting a waiver from this standard to provide 107 parking spaces. The Planning Board is authorized to grant the requested parking waiver where it finds that the parking requirement is not necessary to accomplish the objectives in Section 59-E-4.2. Those objectives are:

- (a) The protection of the health, safety and welfare of those who use any adjoining land or public road that abuts a parking facility. Such protection shall include, but shall not be limited to, the reasonable control of noise, glare or reflection from automobiles, automobile lights, parking lot lighting and automobile fumes by use of perimeter landscaping, planting, walls, fences or other natural features or improvements.
- (b) The safety of pedestrians and motorists within a parking facility.
- (c) The optimum safe circulation of traffic within the parking facility and the proper location of entrances and exits to public roads so as to reduce or prevent traffic congestion.
- (d) The provision of appropriate lighting, if the parking is to be used after dark.

The parking associated with the Site Plan will not impact adjoining land or public roads, as would the impacts from a typical parking facility. Noise, glare, and lighting, will be contained within the underground facility that will have appropriate ventilation. The parking spaces will be outside of the view of and away from the adjacent properties or roads.

Pedestrian circulation around and through the Property will largely not be impacted by the parking facility which, again, will be contained below-grade. The parking structure itself has been designed to appropriately direct users through the garage and minimize motorist conflicts. The parking structure will connect with the existing garage below Alexander House, thus connecting to Apple Avenue.

The Site Plan's below-grade parking provides appropriate drive aisles for efficient movement and will be accessed from both Fenwick Lane and Apple Avenue, thus providing desirable connections to the surrounding roadways. In addition, MCDOT has reviewed the new entrance to Fenwick Lane and the existing entrance to Apple Avenue. The parking garage will be appropriately lit to ensure the safety of users at all times of day and night.

The Property is also within the Silver Spring Parking Lot District and no on-site parking at all is required, if the PLD tax is paid. The Property is located within the Silver Spring Central Business District, close to many public transportation alternatives. There is a County public parking garage (Garage No. 7) located at Cameron Street and Second Avenue, diagonally across the street from the Elizabeth Square property. Garage No. 7 contains a total of 1397 spaces.

The surrounding area provides a variety of nearby transportation alternatives that include the Silver Spring Transit Center, the Silver Spring Metro Station and Ride-On Bus and VanGo shuttles that run along Second Avenue, located adjacent to the Property. Residents may also be eligible for Metro-Access service. In addition, the Applicant will provide an easement for the bike path along its western edge that will be part of the extended system comprising the Capital Crescent Trail. The CCT will offer walkers, runners, and bikers alternative means of accessing destinations in the CBD and beyond. The Applicant expects that a similar percentage of the residents of the Elizabeth House III will continue the same pattern of relying on public transportation. Motorists who cannot park in the underground garage will be able to use the public parking garages, public meters, and other parking alternatives in the vicinity of the Site Plan, thus furthering the County's goals of reducing automobile traffic and better utilizing the existing County public parking facilities.

The current Elizabeth House building contains 160 affordable senior multi-family units and a total of 84 parking spaces. According to the Applicant, typically only about half are used. The Elizabeth House III building is designed to provide up to 267 senior multi-family units, with 107 spaces to be located in a below-grade parking facility beneath the building. Based on their experience with similar projects with housing for senior adults throughout the County, the

Applicant anticipates that 107 vehicular parking spaces will be sufficient. Additional parking would impose additional construction, operation, and maintenance costs on a public-private partnership created to provide a high level of high-quality affordable housing to seniors and others. The site is close to public parking, both on-street and structured, and is one block from the Silver Spring Transit Center and abuts the Capital Crescent Trail. The Planning Board supports the Applicant's request for a parking waiver based on the building's senior housing use. If the senior housing use changes, the Applicant will need to come in for a Site Plan Amendment.

3. *The locations of the buildings and structures, the open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

- a. Buildings and Structures

The locations of the building and structure are adequate, safe and efficient and consistent with the approved Preliminary Plan and Project Plan. The Elizabeth House III building is located on the site of the existing Fenwick Professional Park, that will be demolished. The demolition of the outdated Fenwick Professional Park development affords the opportunity to begin to develop the Elizabeth Square Project as a comprehensive redevelopment that completely transforms the block along Second Avenue into a modern, multi-generational, mixed income, mixed use project. The mixed use project will ultimately provide affordable housing including MPDUs, WFHUs, and other affordable housing as approved by MCDHCA, and market rate units, close to public transportation and in a self-sustaining format.

- b. Open Spaces

The locations of open spaces are adequate, safe, and efficient and include a centralized public space that will provide spaces for sitting, relaxing, strolling, and social engagement. The landscape areas at Elizabeth House III have been designed to provide year-round interest. A central sloping lawn will be temporarily enhanced until the balance of the Elizabeth Square site is completed. The lawn will be surrounded by evergreens shrubs, ornamental grasses, and flowering perennials.

- c. Landscaping and 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. Trees, shrubs, and perennials along the Capital Crescent Trail will provide a vegetated buffer, in addition to storm water management. The materials for the new walkway, stairs, and walls connecting the two drop-offs at Apple Avenue and Fenwick Lane, are planned to be a dark brick and cool granite, selected to complement the tones of the building. A new ramp will allow for wheelchair access from the Apple Avenue drop-off to the central plaza and the Elizabeth House III building entry. A wood screen wall against the western face of Alexander House will provide a contemporary feature and focal point for visitors to Elizabeth House III. Paving at both drop-offs will be the Silver Spring standard brick. Teak wood benches and trash bins will also be provided. Bike racks will be available near the northern building entry of Elizabeth House III. The landscaping that will be installed when the remainder of the Elizabeth Square Project is completed will be consistent with and complementary to the landscaping in this Site Plan, thus establishing a comprehensive uniform appearance and identity for the entire Elizabeth Square Project.

d. Recreation Facilities

The on-site recreation amenities include the use of picnic and sitting areas, a pedestrian system, an indoor swimming pool, an indoor community space, an indoor exercise room, an indoor fitness facility, and a community garden. The development will provide adequate, safe, and efficient recreation facilities.

e. Vehicular and Pedestrian Circulation

The Application's vehicular circulation system has been designed to promote safe and efficient accessibility within the Subject Property for residents and visitors. The Application will improve the pedestrian circulation along Apple Avenue and Fenwick Lane because portions of the sidewalks will be upgraded and Silver Spring streetscaping will be added. The public use spaces are accessible to pedestrians from the street level to Elizabeth House III.

The Site Plan provides approximately 500 linear feet of trail, consisting of a 12-foot asphalt path with 2-foot shoulders, along the west side of the site. The Capital Crescent Trail adjacent to the Elizabeth House III building, to be constructed by others, as a 12-foot wide path within a public use and access easement. The path joins with the recently constructed 8-foot wide bike path along the west side of the adjacent Fenwick Station Project, heading north to Spring Street's existing

Bikesharing station. The Site Plan provides a 20-foot-wide public improvement easement, to be provided by the Applicant, across the west side of the site to provide a corridor for the trail. An at-grade connection is provided from the trail to the public rights-of-way at both Fenwick Lane to the north and Apple Avenue to the south. The trail will also widen into two 20-foot-wide path sections at the terminus of Fenwick Lane and Apple Avenue that are designed to provide a means of fire and rescue apparatus turn-around, having collapsible bollards to provide access in emergency situations, while restricting any public vehicular traffic. The east side of the trail will be flanked with newly planted ornamental trees, lights, and storm water management bio-filter boxes and storm drain infrastructure. Midway along the trail, a pedestrian respite has been provided. The Applicant will continue to coordinate its building construction with MTA/MCDOT plans for construction of the CCT across the Property in the easement area.

The vehicular entrance and exit from the subsurface parking garage will be located along Fenwick Lane. The parking garage will be secured. Under the Zoning Ordinance, 228 parking spaces are required for Elizabeth House III Site Plan. One hundred and seven (107) parking spaces are provided as a part of this Site Plan application. The Applicant is requesting a parking waiver. Because the Property is located within the boundaries of the Silver Spring Parking Lot District (PLD), no on-site parking spaces are required if the Applicant pays the PLD tax, as required. The parking spaces in the garage will be limited to residents. Parking for visitors to the non-residential components of the Elizabeth House III Site Plan will be available within nearby public garages, including Parking Garage No. 7. Garage No. 7 contains 1,383 public parking spaces and is located nearby across Second Avenue, at the corner of Second Avenue and Cameron Street.

There will be 20 private bicycle spaces in an interior bike room and 18 public spaces for bicycles (10 spaces adjacent to the Fenwick Lane pedestrian entrance and 8 spaces in the Fenwick Lane right-of-way near the garage entrance). At the time of Preliminary Plan approval, MCDOT requested a Bikesharing Station at this Site. The Planning Board does not support a Bikesharing station at this site due to site constraints, the nature of the use, and proximity to an existing station located at Second Avenue and Spring Street and additional stations near the Silver Spring Metro station.

The existing curb entrances to the Fenwick Professional Park along Fenwick Lane will be maintained, providing the main vehicular access to

the Elizabeth House III garage and loading at the site's Fenwick Lane frontage. New curb cuts will be provided for the building's drop-off along the south side of Fenwick Lane. Additional street improvements are provided at the terminus of Apple Avenue, consisting of a 30-foot curb radius turn-around with mountable center island with brick inlay pavers. The street frontage improvements will be consistent with the Silver Spring streetscape design guidelines providing street trees, brick paving, and lighting.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The Elizabeth House III building has been designed to be compatible with the proposed buildings, including the soon to be renovated Alexander House, for the overall Elizabeth Square development. Further, the Elizabeth House III building will be compatible with the surrounding community and will be an improvement over the outdated commercial townhouse buildings currently on the Fenwick Professional Park site. Elizabeth House III, the renovated Alexander House and the future Elizabeth House IV have been planned to be compatible in uses and in architectural style.

The Site Plan has been designed with sensitivity to the physical constraints of the site and the existing buildings, to the existing and planned buildings in the area, to pedestrians and vehicles, and to the location of the Property in the Silver Spring CBD.

The height of the Elizabeth House III building is compatible with the adjacent and nearby commercial, multi-family, and public uses, and continues the tradition of having single-family and mid-rise residential buildings to the north and taller commercial buildings to the south.

Because the Elizabeth House III building is just the first phase of the Project Plan, the public space has been designed to activate the central plaza courtyard consistent with the designs for the other buildings located and to be located on the site. This has been designed to be a positive addition both now and in the future when it is modified consistent with the Elizabeth Square development.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

A. Forest Conservation

The Board finds that as conditioned, the Forest Conservation Plan complies with the requirements of the Forest Conservation Law.

B. Stormwater Management

A Stormwater Concept Plan was accepted by the Montgomery County Department of Permitting Services (DPS) on Date September 7, 2016.

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 § 59-D-3.8; 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 NOV - 3 2016 (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 Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Fani-González, and Cichy voting in favor at its regular meeting held on Thursday, October 20, 2016, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

