

850 Sligo Avenue Sketch Plan No. 320180090

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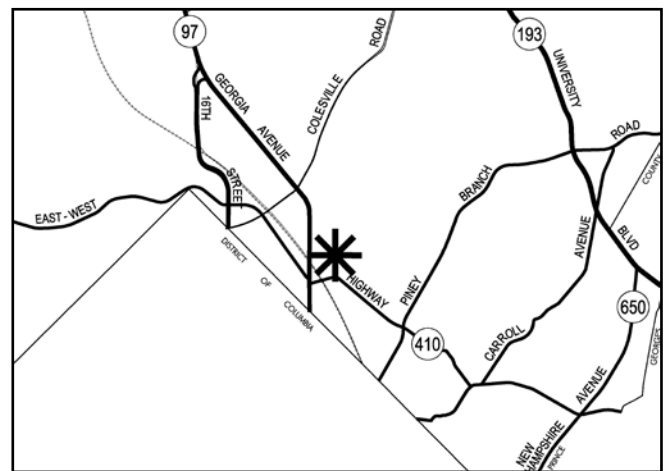
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Completed: 03/23/2018

Description

- Sketch Plan: Convert an existing office building and adjacent surface parking lot into a mixed-use, predominantly multi-family residential project with up to 82,941 square feet of residential and non-residential uses including up to 76,029 square feet of residential development and up to 6,912 square feet of non-residential uses;
- Current use: eight story office building;
- Located at the southeast corner of the intersection of Fenton Street and Sligo Avenue;
- 0.46 net acres zoned CR 3.0, C-20, R-2.75, H-60, in the Fenton Village Overlay Zone and in the *Silver Spring CBD Sector Plan* area;
- Applicant: Moonlight, Inc.; and
- Sketch Plan Acceptance date: January 5, 2018.



Summary

- Staff recommends approval of the Sketch Plan with conditions.
- The project includes an existing 8-story office building to be repurposed into residential use.
- The project falls within the Fenton Village Overlay Zone which limits the maximum height limit for new construction to 60 feet. However, existing building is grandfathered and not subject to the overlay zone height limit.
- The proposal will include 12.5% moderately priced dwelling units.

SECTION 1: RECOMMENDATIONS AND CONDITIONS

Staff recommends approval of the 850 Sligo Avenue Sketch Plan No. 320180090, for a mixed-use building of up to 82,941 total square feet, including up to 76,029 square feet of residential development and up to 6,912 square feet of non-residential uses on 0.46 acres for the net lot (0.63 for gross tract acres), zoned CR 3.0, C-2.0, R-2.75, H-60. The following site development elements shown on the Sketch Plan stamped "Received" by the M-NCPPC on May 19, 2017, are binding under Section 59.7.3.3.F:

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 of the Sketch Plan are illustrative and subject to refinement at the time of Site Plan. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 82,941 total square feet, including up to 76,029 square feet of residential development and up to 6,912 square feet of non-residential. The maximum number of dwelling units and use mix will be determined at Preliminary Plan.

2. Height

New construction is limited to a maximum height of 60 feet, as measured from the building height measuring point(s) illustrated on the Certified Site Plan. The existing building is 99 feet tall and is grandfathered may not be increased in height.

3. Incentive Density

The development must be constructed with the public benefits listed below. 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.

- a. Transit Proximity, achieved through location within ½ mile of the Silver Spring Metro Station;
- b. Connectivity and Mobility, achieved by providing minimum parking;
- c. Quality of Building and Site Design achieved through architectural elevations, exceptional design, and structured parking;
- d. Protection and Enhancement of the Natural Environment, achieved through building lot terminations and cool roof; and
- e. Building Reuse, achieved by keeping the existing office building on site and incorporating it into the new development.

4. Streetscape

The Applicant must install the Silver Spring Streetscape Standard, including undergrounding of utilities along the site frontages, including Gist Avenue, Sligo Avenue, and Fenton Street. The final extent of streetscape improvements including the undergrounding of utilities to be determined at Site Plan.

5. Building Lot Terminations (BLTs)

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

6. 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.

7. Public Open Space, Facilities, and Amenities

The Applicant must provide five percent of the Site Area as public open space¹.

8. 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. The Applicant must ensure building compatibility to respond to the adjacent low-density residential uses that are abutting and confronting the site along Gist and Sligo avenues;
- b. The Applicant should take steps to activate street frontages including but not limited to having residential or retail uses with entrances and openings on to the sidewalk;
- c. Provide a Tree Save Plan focusing on impacts to trees on the adjacent residential properties;
- d. Mitigate noise from outdoor gathering spaces;
- e. Before the Certified Site Plan, develop a construction management plan to minimize construction impacts on adjacent homes;
- f. Address the air quality and energy efficiency recommendations of the Master Plan;
- g. Fire and Rescue access and facility details;
- h. Streetscape details;
- i. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- j. Noise analysis at the time of Preliminary Plan;
- k. Traffic Mitigation Agreement at the time of Preliminary Plan;
- l. SWM concept approval; and
- m. Certification of the forest conservation exemption.

¹ The Sector Plan and Fenton Village Overlay Zone encourage the transfer of public open space requirements off-site (see section 4.9.8.A.4). The Applicant is proposing to provide off-site public open space improvements in accordance with Section 6.3.6.C of the Zoning Ordinance and consistent with the recommendations of the Fenton Village Overlay Zone.

SECTION 2: SITE DESCRIPTION

Site Vicinity

The Site is located at 850 Sligo Avenue (Property or Subject Property) in the Silver Spring Central Business District (CBD) and Fenton Village Overlay District (FVO), within a ½ mile of the Metrorail station and two proposed Purple Line stations (Figure 1). It also falls within the guidance of the Silver Spring CBD Sector Plan which was approved in 2000.

Surrounding Uses

Directly to the north of the Property, across Sligo Avenue, is a strip-commercial shopping center building including a convenience store, quick-service restaurant, and other retail/service uses. Confronting the Property across Fenton Street are various commercial uses, including a Greyhound Bus terminal, hair salon, laundromat, and restaurant. The Property shares a block with single-family houses and faces single-family detached homes across Gist Avenue.

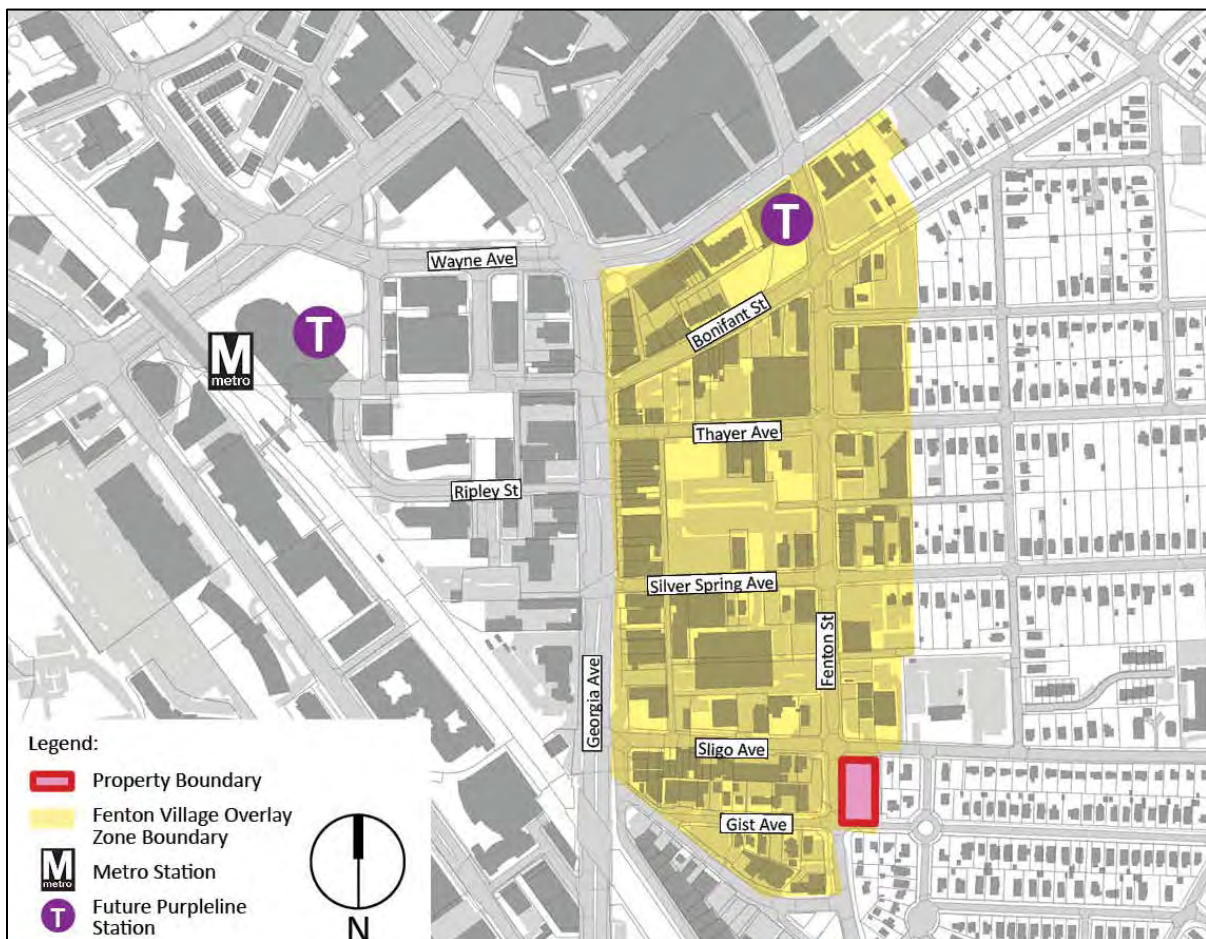


Figure 1: Area context plan.

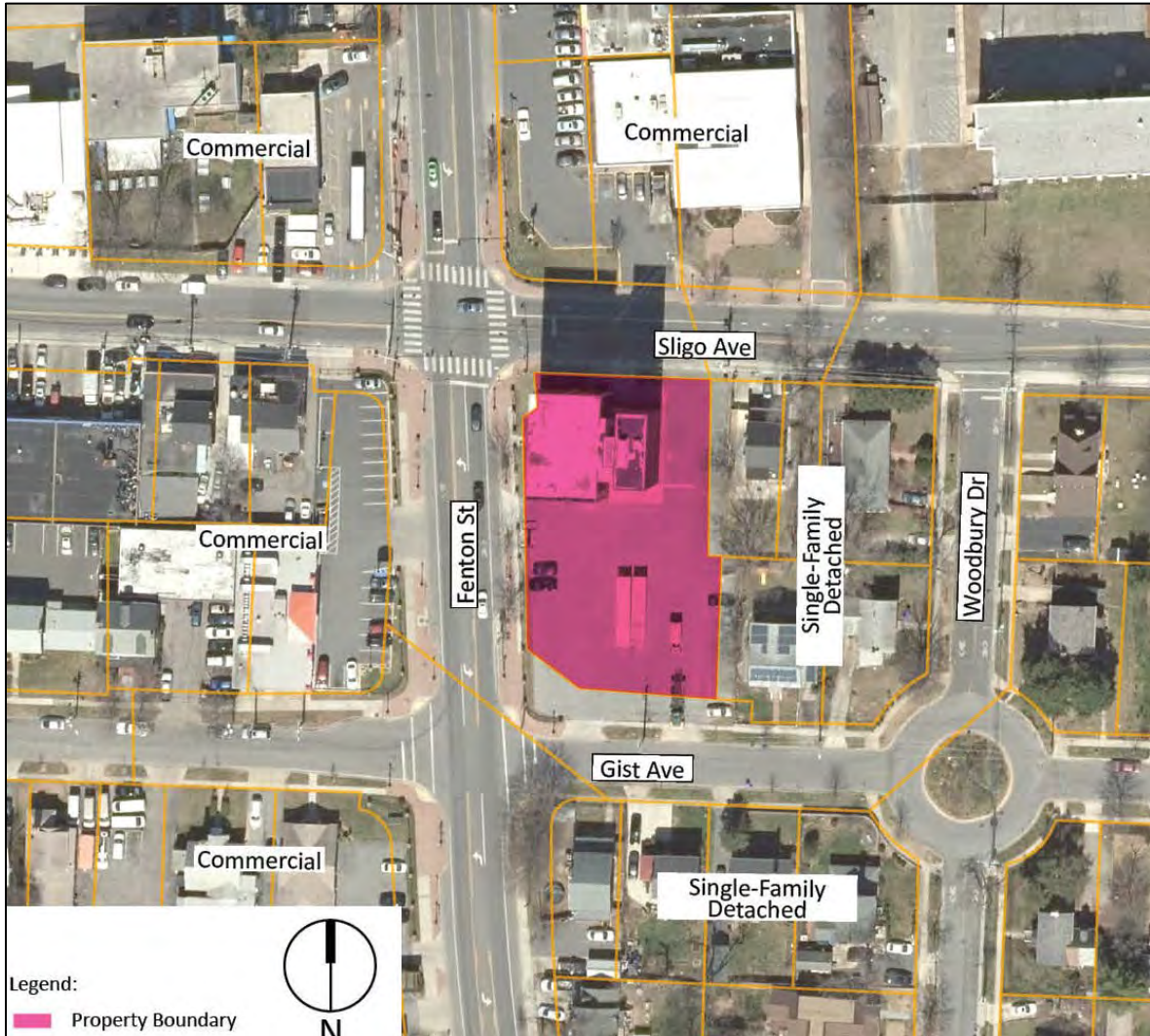


Figure 2: Site context map.

Site Analysis

The Property is approximately 0.46 net lot acres (0.63 gross tract acres), zoned CR 3.0, C-2.0, R-2.75, H-60. The Property is located in the southeast quadrant of the intersection of Fenton Street and Sligo Avenue within the Silver Spring Central Business District. The Property consists of part of Lots 14, 18-19, 25-28, and 49 in the "Blair" subdivision, as recorded among the Land Records of Montgomery County at Plat Nos. 229 and 624. The Property currently is improved with a vacant 8-story office building and associated surface parking lot. The Property has frontage on three public rights-of-way: Sligo Avenue to the north, Fenton Street to the west, and Gist Avenue to the south. Currently, vehicular access is provided through four curb cuts – two on Gist Avenue, one on Sligo Avenue, and one on Fenton Street.

SECTION 3: PROJECT DESCRIPTION

Proposal

The Project proposes to redevelop the Property with up to 82,941 total square feet of development, including the repurposing of an existing office building, with up to approximately 76,029 square feet of residential use (up to 85 dwelling units) and up to 6,912 square feet of commercial use. Project also includes 12.5% Moderately Priced Dwelling Units (MPDUs).

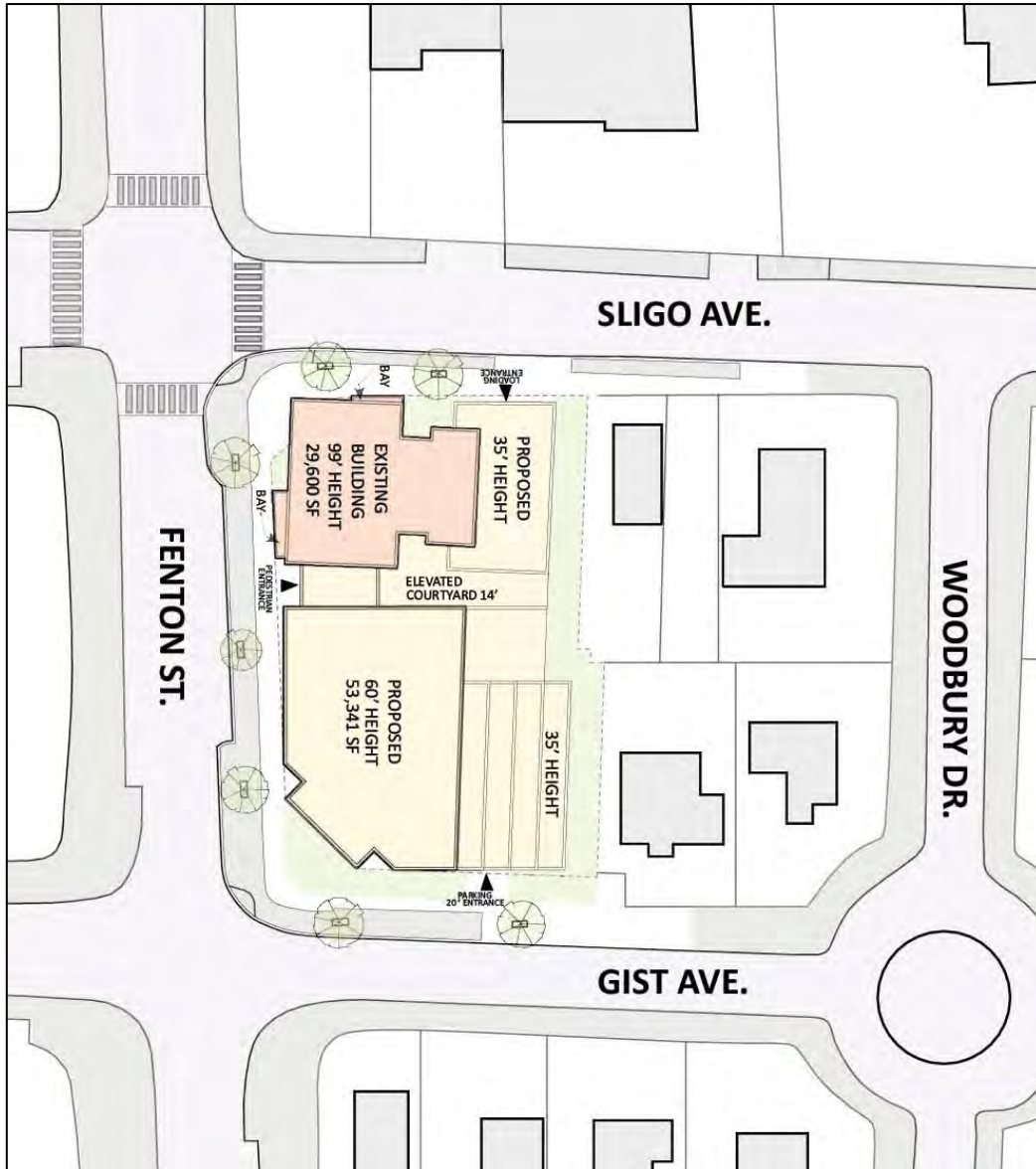


Figure 3: Proposed diagrammatic site plan by Applicant

Buildings

The Project proposes the reuse and conversion of the existing 8-story office building and provides new development on the existing surface parking lot for approximately 85 multi-family units with ground floor non-residential uses, and one level of private underground parking.

The Subject Property is located on the edge of the CBD sharing a block with an existing single-family houses. The Property is in the CR Zone while the neighboring houses are located in the R-60 zone.

Building Step Backs

In accordance of Section 4.1.8.B.2.a of the Zoning Ordinance the building must match the height limit at the eastern edge of the property adjacent to the single-family homes and then is allowed to increase its height 1 foot for every foot it steps back. Staff recommends that the Applicant does not maximize the height at 35 feet at this edge but should set the height of the building to the actual height of the single-family homes.

Figure 4 shows the allowable building heights and step backs about the existing single-family houses. The Applicant will need to work with the homeowners to provide an acceptable solution to the building massing by providing a two to three story base that steps back to minimize the perceived building mass.

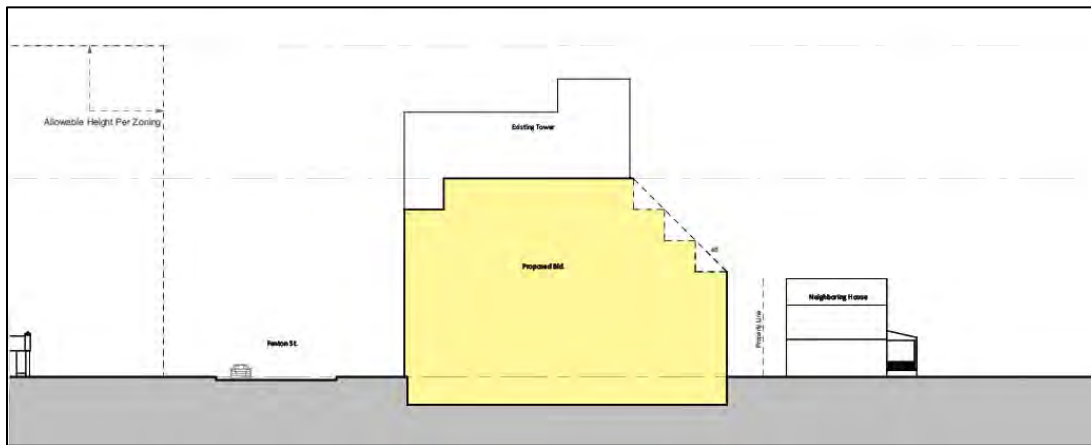


Figure 4: Section of Applicant's proposal demonstrating the allowable building height.

Build-to Lines

Because of the CR Zoning designation on the Subject Property, the building is not subject to a building setback and can be built on the build-to lines while the neighboring house in the R-60 Zone needs to be placed 25 feet from the ROW line. The result is that the new building and existing homes will not be aligned along Gist and Sligo avenues. This can cause visual disharmony along this block as well and could also degrade the experience of the existing homeowners along Gist and Sligo avenues.

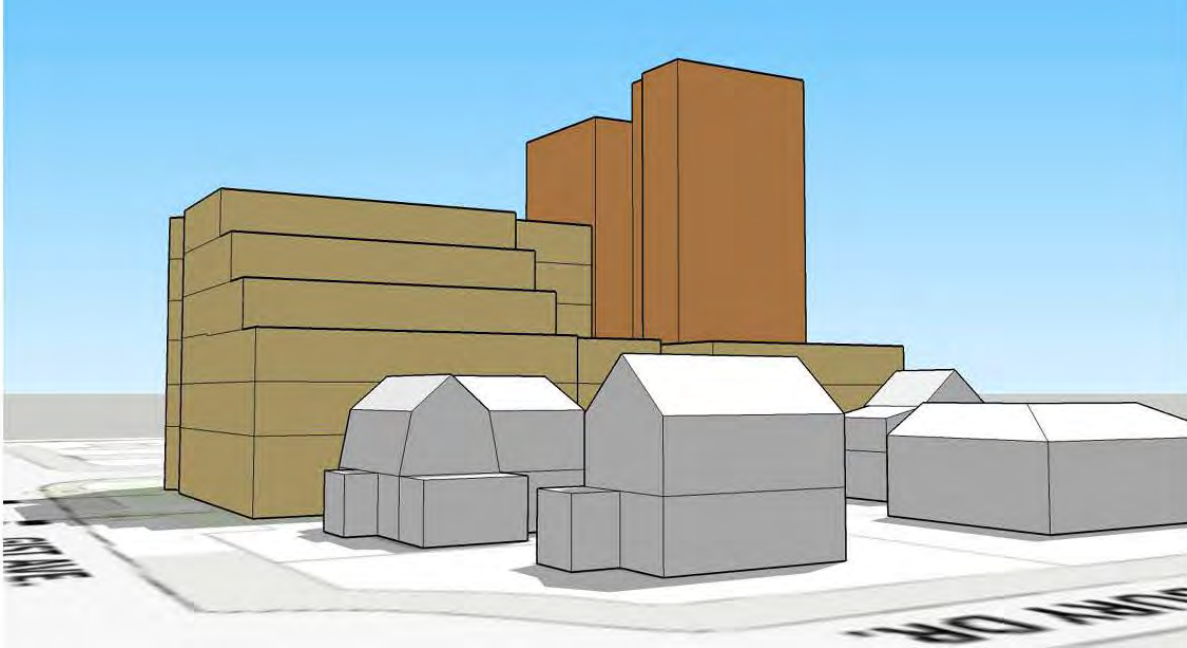


Figure 5: View of Applicant's proposal along Gist Avenue looking west toward Fenton Street

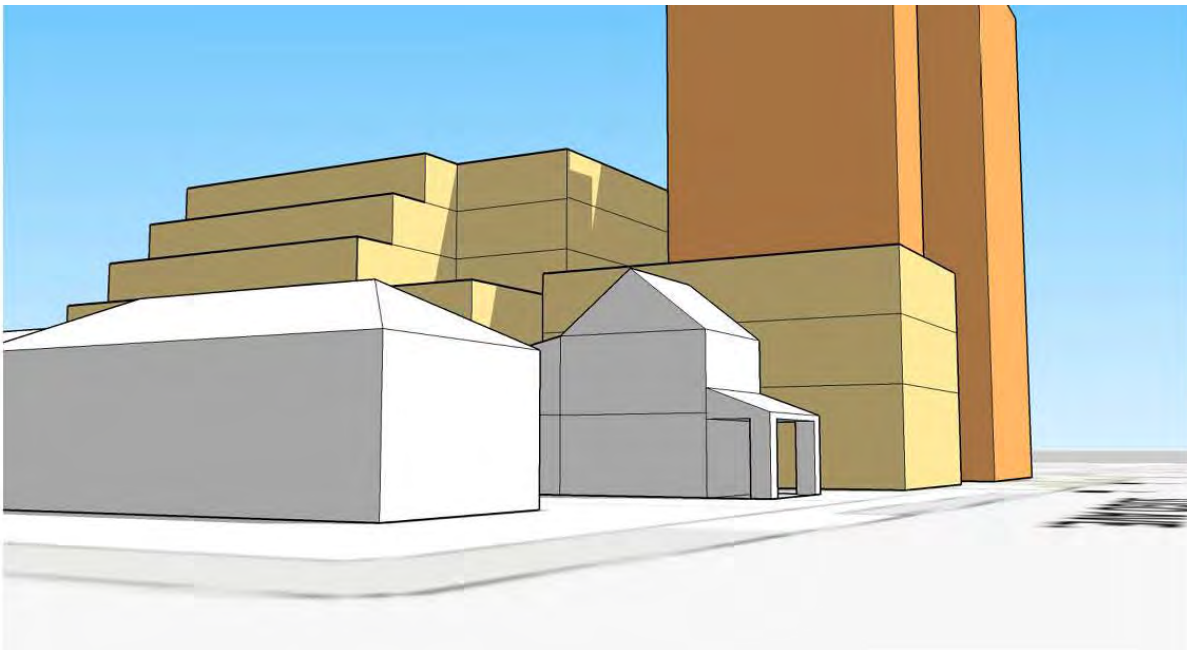


Figure 6: View of Applicant's proposal along Sligo Avenue looking west toward Fenton Street

This project presents an opportunity to improve the relationship between the CBD and lower density residential through the careful use of massing, and façade articulation of the buildings. It may be possible to set a portion of the building along Sligo and Gist avenues further back than the build-to line to form a better relationship with the existing single-family homes. The massing could also step down lower at the edge of the property line to be lower

than the allowable 35 feet height to improve the relationship between the building and the existing single-family homes.

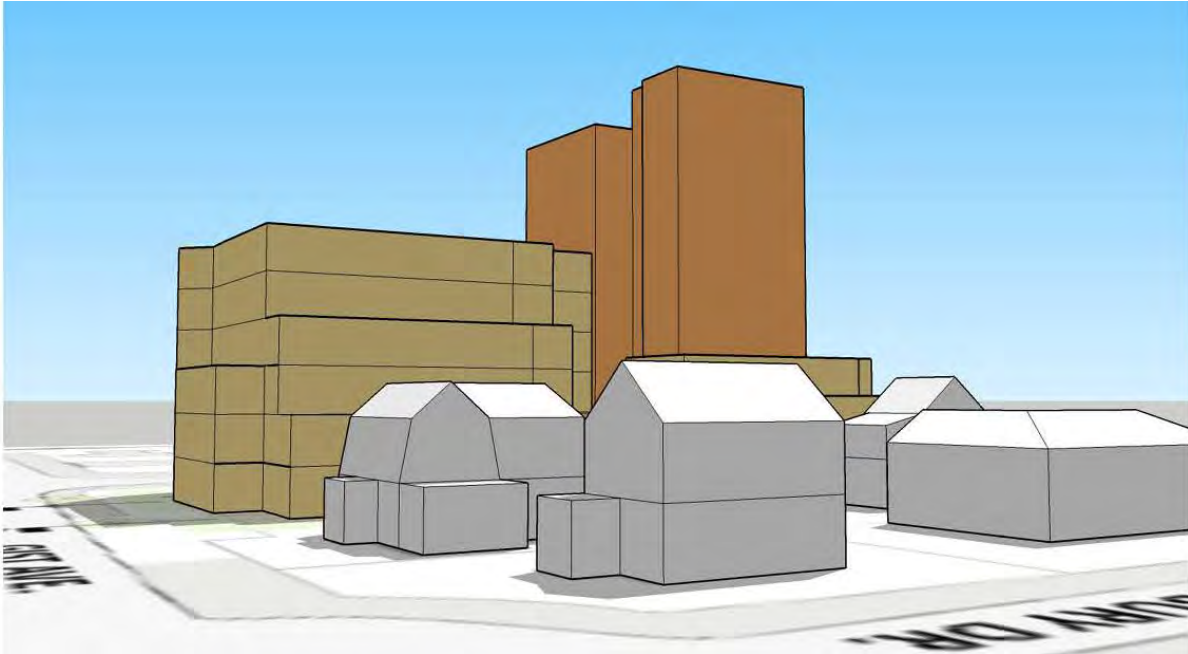


Figure 7: View of Staff's recommendation along Gist Avenue looking west toward Fenton Street

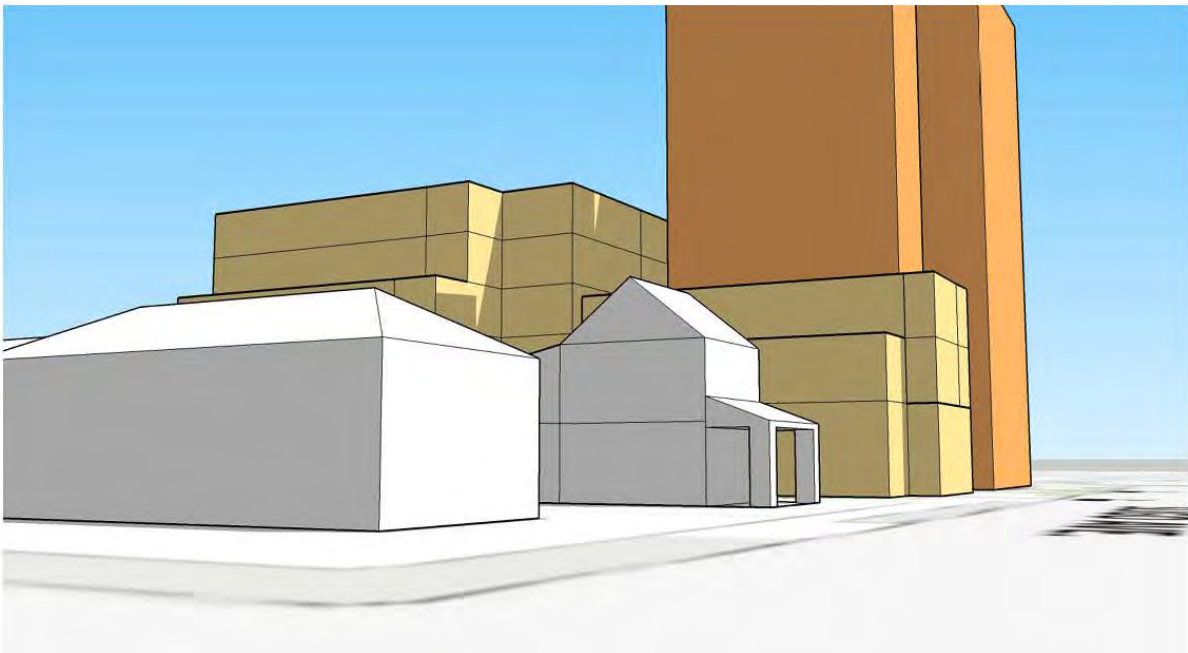


Figure 8: View of Staff's recommendation along Sligo Avenue looking west toward Fenton Street

Open Space

The Applicant is required to provide 5% of the site area as public open space. The Sector Plan and Fenton Village Overlay Zone encourage the transfer of public open space requirements off-site per section 4.9.8.A.4. The

Applicant is proposing to provide off-site public open space improvements in accordance with Section 6.3.6.C of the Zoning Ordinance and consistent with the recommendations of the Fenton Village Overlay Zone.

Forest Conservation

The application is not subject to the Montgomery County Forest Conservation Law (Chapter 22A of the County Code) at the sketch plan stage. The Forest Conservation Law will be applicable at the Preliminary Plans stage; however, the project is believed to qualify for a forest conservation exemption. Final certification of the exemption request will be required prior to submission of the Preliminary Plans.

Tree Save Plan

Staff recommends that a tree save plan be prepared by a Maryland licensed tree care expert and submitted with the Preliminary Plan to address existing street trees to be retained and address the impacts to existing trees on the adjacent residential properties.

Stormwater Management (SWM)

A Stormwater Management Concept Plan is not required at the time of Sketch Plan but is applicable for the Preliminary Plan review. Furthermore, the Silver Spring CBD Sector Plan has multiple recommendations regarding SWM which should also to be addressed by the application including:

- Improve the aesthetics and quality of the natural environment in and near the Silver Spring CBD (page 141) by enhancing water quality through a variety of stormwater management techniques;
- "Stormwater management is the most important environmental issues to address in the Silver Spring CBD" (page 143);
- Incorporate "stormwater management measures applied during redevelopment provide some opportunity to reduce pollutant and storm flows to the newly-restored Sligo Creek watershed and the Rock Creek Mainstem" (page 143);
- Incorporate innovative stormwater management techniques when possible (page 145);
- Promote the use of areas designed to increase infiltration within required open or green space.

Given the numerous recommendation regarding SWM, the Applicant should explore maximizing SWM by providing a green roof on the new construction and also exploring possible retrofits on the existing building.

Transportation

Access and Circulation

Pedestrian and bicycle access to the Property is proposed directly from sidewalks along Fenton Street, Sligo Avenue, and Gist Avenue. Bicycle access will be enhanced on Fenton Street upon completion of the MCDOT separated bicycle lanes project, discussed below. The Subject Project will incorporate the Fenton Street separated bicycle lanes into subsequent designs and will participate in implementation.

Vehicular access to the Property is proposed via Gist Avenue and Sligo Avenue, which will operate in the following configuration: loading and service access will occur via the Sligo Avenue access point and residential garage access will be provided via a full movement driveway on Gist Avenue. Staff will work with the Applicant during subsequent preliminary and site plan stages to refine the site access concept.

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Silver Spring Metrorail Station (located within ½ mile to the northwest of the Site), Metrobus, RideOn, the VanGo Circulator and future Purple Line station at the Silver Spring Library (located slightly over ¼ mile to the northwest of the Site). Specific transit routes near the Site include:

1. RideOn Bus Routes 8, 15, 16, 17, 19, 20, 21, 22, 28, 70
2. WMATA Metrobus Routes F4, Z2, Z6, Z7, Z8, Z11

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2000 *Silver Spring CBD Sector Plan*, the 2013 *Countywide Transit Corridors Functional Master Plan*, the 2017 *Public Hearing Draft Bicycle Functional Master Plan* and 2018 *Public Hearing Draft Master Plan of Highways and Transitways* recommend the following master plan facilities along property frontage:

1. Sligo Avenue, along the northern frontage, as an Arterial with a minimum right-of-way width of 80' (40' from the center line).
2. Fenton Street, along the western frontage, as an Arterial with a minimum right-of-way width of 80' (40' from centerline); a separated bikeway.
3. Gist Avenue, along the southern frontage, as a shared roadway.

Silver Spring Separated Bicycle Network

The County Council has endorsed and funded a network of new separated bicycle infrastructure within the Silver Spring Central Business District. That network identifies Fenton Street, along the western site frontage, as a street that should be improved in the future with separated bicycle lanes (Figure 9). In response to the Council's endorsement of this plan, Staff directed the Applicant to improve Fenton Street with separated bike lanes and coordinate with the County Department of Transportation (MCDOT) to accommodate the Fenton Street bicycle lanes along the project frontage. Specific details regarding the separated bicycle lanes will be determined as part of subsequent Preliminary and Site Plan reviews.

Sector-Planned Transportation Demand Management

As a project within the Silver Spring Transportation Management District (TMD), the development is required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Silver Spring TMD. The specific criterion requiring a TMAg is 25 or more employees or more than 100 dwelling units. Specific details of the agreement will be determined at Preliminary Plan.

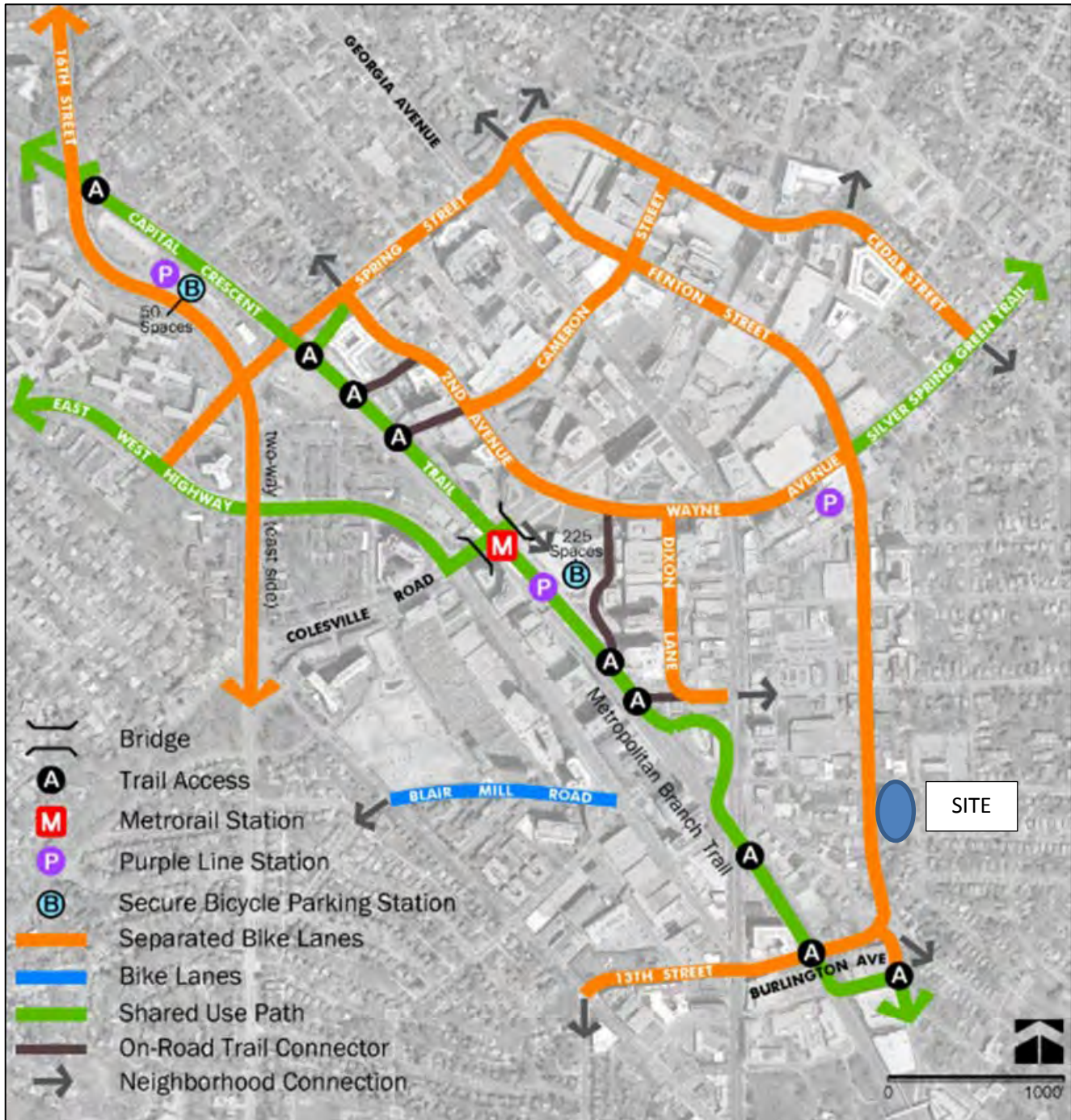


Figure 9: Silver Spring Separated Bicycle Network

Community Outreach

The Applicant held a pre-submittal public meeting at the Silver Spring Civic Building on November 8, 2017, as well as other formal and informal meetings with nearby property owners and representatives of the East Silver Spring Citizens' Association (ESSCA) on September 18 and 26, 2017. Staff has received correspondence from community groups or citizens as of the date of this report and can be organized into the following general categories:

Building Compatibility

There is general concern from the immediate neighbors who live on the same block as this proposed development that the allowable height at the property line is too high. The current zoning designation allows the new development to reach the maximum building height that the adjacent residential zone allows – in this particular case the adjacent R-60 zone allows for a height limit of 35 feet. There is concern that the existing homes on this block are not 35 feet tall and the 2nd story windows of these buildings are closer to 20 feet high. They are asking the Applicant to consider lowering the building height on the east side of the site to 25 feet to match the height of the existing buildings better. The neighbors are also asking the Applicant to design a façade next to the homes that are detailed to help reduce the apparent scale of the new building.

There is some concern that the building will cast large shadows on the neighbor's property for the majority of the day. They are asking the Applicant to consider the location of the proposed building courtyard is moved to adjust the building massing to reduce the impact of building shadows onto their property.

The new development can be built closer to Sligo and Gist avenues because the CR Zone does not require building setbacks while the adjacent neighbors are in the R-60 Zone and have to adhere to building setbacks. This creates an uneven appearance along the street and could potentially diminish the quality of life for the immediately adjacent neighbors. The Applicant is being asked to consider moving a portion of the building closest to the existing single-family homes further back to be more in line with the existing buildings.

The building massing as illustrated by the Applicant shows the maximum building height allowed by the zone. The adjacent neighbors have concerns about the build height at the eastern edge of the property as well as well as how the building sits closer to Gist and Sligo avenues when compared to the existing homes on these streets. Staff shares the concern that the building massing will need to be compatible with the surrounding homes. The recommendation includes a condition to identify the specific issues to be addressed at Site Plan.

Circulation

Existing residents are concerned with safety, and the landscape buffer on the east side of the site adjacent to the existing homes could have blind spots as it is currently shown. They are asking the Applicant to provide doors to ground floor activity areas along this area to help create a sense of ownership of this area as well as to construct a security fence to restrict unauthorized pedestrian movements along the east side of the Property.

Residents have requested that the Applicant to restrict turning movements from the proposed residential vehicle entrance to encourage vehicle to turn toward Fenton Street and limit additional traffic in their neighborhood. Additionally, the existing residents would like to consider the addition of a traffic light at the intersection Gist Avenue and Fenton Street.

Provide pull-off space in front of the new residential building entrance for delivery trucks, so they do not park illegally or block the street.

As the applicant develops the design for Preliminary and Site Plan review, Staff will continue to work with the Applicant to address these issues.

Construction Impacts

Because this development is directly adjacent to single-family houses the community is asking that the Applicant work cooperatively with the next door neighbors to 1) ensure safety on the construction site when the construction team is not on site, 2) reduce construction dust and noise and 3) to repair or replace any fencing or other property that will be impacted by the construction.

Staff recommends that a tree save plan be prepared to address existing street trees to be retained and the impacts to existing trees on the adjacent residential properties. Staff recommends the that partial encroachment of shed (onto the Subject Property) be addressed by the plans. Staff will work with the neighbors, Applicant and County Agencies to begin to address the construction impact concerns.

The existing homeowners are concerned about potential noises coming from the new residents of this development. They would like the Applicant to consider design solutions to dampen noise or cover noise such as screen walls and water fountains to create white noise. Staff will work with the Applicant to address this issue at Site Plan.

Architectural Style and Building Materials

The community would like to work more closely with the Applicant to determine:

- The architectural style and number of façade styles (one style for the entire building or multiple designs to make the building appear to be multiple buildings); and
- The choice of building materials that will be aligned to the existing neighborhood.

The Applicant has met with the neighbors and the community many times to hear their specific concerns. At this time, these concerns have not yet been addressed in the Applicant's development proposal. However, they will need to be addressed at the time of Site Plan review. Staff is recommending conditions of approval to identify these issues.

Staff received an additional letter raising concerns about the grandfathered building on the site exceeding the height limit of the Fenton Village Overlay Zone. Although it is true that the existing building is taller than the height limit stated in the overlay zone, the applicant is not proposing to increase the gross floor area or the height of the existing building. Therefore, the application complies with Section 4.9.8.E. The new construction mentioned in this development application relates to a new building placed on the surface parking area alongside the existing building. The new building will not exceed the height limit outlined in the overlay zone.

SECTION 4: PROJECT ANALYSIS AND FINDINGS

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF or LSC Zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, heights and anticipated uses, the locations of open and public use spaces, the general circulation patterns for all modes of transportation, an estimated range of peak hour trips and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Preliminary and Site Plan review. Section 59.7.3.3.E of the Zoning Ordinance states: “To approve a Sketch Plan the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at site plan. The Sketch Plan must:”

1. *Meet the objectives, general requirements, and standards of this Chapter;*

The Sketch Plan meets the development standards of Section 59.4.5.4, as shown in the Data Table below:

Project Data Table for the CR 3.0, C-2.0, R-2.75, H-60 Zone and FVO		
Development Standard Section 59 – 4.5.4	Permitted/Required	Proposed
Gross Tract Area: Previous Dedications: Net Tract Area:	n/a	27,647 sf or 0.63 AC 7,714 sf or 0.17 AC 19,933 sf or 0.46 AC
Maximum Density (CR) <i>Non-residential (C)</i> <i>Residential (R)</i>	82,941 sf (3.0 FAR) 55,294 sf (2.0 FAR) 76,029 sf (2.75 FAR)	Up to 82,941 sf (3.00 FAR) Up to 6,912 sf (0.25 FAR) Up to 76,029 sf (2.75 FAR)
Building Height (feet)	New Building: 60 feet Existing Building: 99 Feet	New Building: 60 feet Existing Building: 99 Feet
Minimum Public Open Space (3 Frontages)	5% of Site Area	0 ¹

Table 1: Data Table

The Sketch Plan conforms to the intent of the CR zone as described below.

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

Silver Spring CBD Sector Plan General Recommendations

For the general goals of the Plan, the Sector Plan’s 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

¹ The Sector Plan and Fenton Village Overlay Zone encourage the transfer of public open space requirements off-site (see section 4.9.8.A.4). The Applicant is proposing to provide off-site public open space improvements in accordance with Section 6.3.6.C of the Zoning Ordinance and consistent with the recommendations of the Fenton Village Overlay Zone.

applies to the Project. As discussed below the Applicant will implement the recommendations of the Sector Plan.

Transit-Oriented Downtown

The site is situated at the corners of Fenton Street, Gist Avenue, and Sligo Avenue: a southern 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 Plan further states that transportation choices go beyond the car to link local and regional buses, trains, bikes and foot travel. The Property is ½ mile from the Silver Spring Transit Center and the forthcoming Purple Line station at the Silver Spring Library as well as other important regional transit options including Metrobus, RideOn, and the VanGo Circulator. The future Purple Line will have a station less than ½ mile from the site. As conditioned, the development will create an attractive pedestrian environment defined by well-designed buildings providing pedestrian residential, retail, and service entrances, and other visual interest. The existing Capital Bikeshare station at the corner of Fenton Street and Gist Avenue will remain.

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 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 76,029 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 6,912 square feet of non-residential uses.

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 provides additional housing, which will facilitate the Sector Plan's goal of returning the CBD to the center of community life, and encourage more economic and social connections. The streetscape improvements will activate the street. Through this activation, the streetscapes will serve as a place for informal social interactions and will add to the variety of the civic spaces in the CBD.

Green Downtown

The green downtown theme of the 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 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 Project provides streetscape improvements along all three frontages and will be lined with wide sidewalks, and paving, street trees, lighting, and underground utilities, in accordance with the Silver Spring streetscape standards. Additionally, the Project provides a setback on the eastern property boundary, which will incorporate landscaping and serve as a transitional buffer to the abutting residential homes.

Under the Optional Method of Development in the CR Zone (given the land area and some existing and planned right-of-way frontages), the Applicant is required to provide 5% of the net lot area as public open space. The Sector Plan and Fenton Village Overlay Zone encourage the transfer of public open space requirements off-site (see section 4.9.8.A.4). Thus, given the constrained site, the Applicant will provide off-site public open space improvements in accordance with Section 6.3.6.C of the Zoning Ordinance and consistent with the recommendations of the Fenton Village Overlay Zone.

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 project will provide additional housing within walking distance to existing retail, restaurant, and office uses. This proximity to existing and civic and commercial uses will promote pedestrian activity and street activation. The proposed building placement also enhances the pedestrian environment by locating the buildings directly along the street edge to create a continuous building line and define the pedestrian environment. The main pedestrian entrance to the lobby has been located on Fenton Street to provide additional activation along this prominent frontage. Additionally, the precedent images provided by the Applicant demonstrate the intention of the building design to incorporate appropriate transparency and articulation to activate the street and create a comfortable pedestrian scale.

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 theme encourages sidewalks, and streets scaled to walkers, and street crossings should promote safety and access for pedestrians.

The building massing as illustrated by the Applicant shows the maximum building height allowed by the zone. The adjacent neighbors have concerns about the build height at the eastern edge of the property as well as how the building sits closer to Gist and Sligo avenues when compared to the existing homes on these streets. Staff shares the concern that the building massing will need to be compatible with the surrounding homes. The recommendation includes a condition to identify the specific issues to be addressed at Site Plan.

Additionally, the loading dock has been strategically located to minimize pedestrian-vehicular conflicts in response to comments received from the community. Access to parking and loading will continue to be studied and be determined at the time of Preliminary and Site Plans.

Silver Spring CBD Sector Plan Site-Specific Recommendations

Land Use and Zoning: Fenton Village Overlay Zone

The Subject Property is within the Fenton Village Overlay Zone (FVO) portion of the Silver Spring CBD. While there is flexibility in the type of development permitted in this area, the FVO is in place to ensure that new development is compatible with nearby uses. More specifically, the FVO encourages a mix of housing and commercial uses but will limit building heights to ensure compatibility with adjacent residential neighborhoods. Open space is allowed to be transferred to other sites in the same district.

As conditioned, the Project will improve upon the existing street frontages of Fenton Street, Gist Avenue, and Sligo Avenue providing an enhanced pedestrian environment. The site access is broken into two locations on the site because of the limit from the existing building and to reduce its impact in one point of the project. Loading and trash activities will occur from Sligo Avenue opposite to where commercial uses already are located. The residential vehicular access point is located from Gist Avenue. Although Staff supports the access concept for two access points on Sligo and Gist avenues, both Planning Staff and MCDOT has encouraged the Applicant to design the residential loading to be designed in a way to encourage vehicles leaving the site to drive toward Fenton Street and not drive through the single-family neighborhood.

Urban Design Recommendations

The Sector Plan provides general urban design recommendations for redevelopment projects in the Fenton Village Overlay Zone. These recommendations encourage the creation of local retail neighborhood that serves residential core CBD employees (page 90). Other relevant recommendations include:

- *Examine the potential for housing in Fenton Village (FVO), particularly in the transition area between the commercial and residential areas.*

While this project is proposing housing in the FVO, the is work to be done regarding the transition to address building massing next to single-family homes that are adjacent to the development.

- *Upgrade the physical appearance of Fenton Street through streetscaping, landscaped parking lots, infill development that helps define the street.*

As submitted in the Sketch Plan, this project is an infill project that renovates the existing office building and builds upon an existing surface parking lot. The new building is located directly along the street edge at Fenton Street, Gist Avenue, and Sligo Avenue. The project proposes to improve the sidewalk to the streetscape design standards for new street trees.

- *Limit building height on the east side of Fenton Street to 60 feet for buildings with residential uses. Projects proposed along the east side of Fenton Street should make a transition between the commercial district and the adjacent single-family homes, creating compatibility through height changes, siting, and green, landscaped buffers.*

The building will step down the height from Fenton Street toward the existing single-family homes. Additionally, a landscaped buffer area will further address the transition between the buildings and the existing homes.

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)

The Project is located within ½ mile of the Silver Spring Transit Center and the forthcoming Purple Line station at the Silver Spring Library. The Project will provide significant improvements to the pedestrian environment and will improve both pedestrian and vehicular circulation at this transit-oriented location. Vehicular access to the Property is currently provided through four access points, along Gist Avenue, Fenton Street, and Sligo Avenue. The Project will result in improved vehicular access through the consolidation of access points from four to two. The Project will utilize the access point off Sligo Avenue for loading and service activities, and the easternmost access point along Gist Avenue for resident/visitor parking. The vehicular access point on Fenton Street and the westernmost point along Gist Avenue are to be closed.

The streetscape along all frontages will be upgraded in conformance with the Silver Spring Streetscape Standards and include underground utilities, sidewalks, street trees, and adequate street lighting to ensure safety.

Housing

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.

Although this site is not identified in the Sector Plan as a potential housing site, the Project promotes this goal by providing diverse housing opportunities through a variety of unit sizes and layouts (the exact unit mix will be determined at the time of Site Plan). The additional housing provided by the Project will attract a wide demographic and will facilitate the availability of new housing in a range of types and rents within walking distance of transit. And because the Project includes MPDUs (up to 12.5%), it will facilitate economic diversity located near transit and important services.

In conformance with the objectives of the Sector Plan, the additional residential development will activate the urban environment and contribute to the creation of a "thriving downtown residential community." Additionally, as discussed above, the building has been designed to promote compatibility with the surrounding single-family residential homes and will create an approachable residential urban scale.

Environmental Resources

The Sector Plan calls for new and existing development to help create a clean and attractive downtown that contributes to the environmental quality of the larger community. The Sector Plan suggests the following recommendations for new development:

- *Encourage the use of alternatives to automobile transportation to reduce air pollution;*

The residential development, within walking distance to transit and the existing office and commercial uses in the CBD, will allow residents to utilize alternative modes of transportation

for work trips and daily living. Additionally, to further promote alternative means of transportation, both short-term and long-term bicycle parking will be provided in conformance with the requirements of Section 6.2.4.C of the Zoning Ordinance.

- *Enhance water quality through a variety of stormwater management techniques.*

Currently, there are no known stormwater management facilities on the Property. As such, the redevelopment provides an important opportunity to improve the treatment of stormwater runoff. Specifically, the Project would allow for the introduction of Environmental Site Design ("ESD") to the maximum extent practicable.

- 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 empty office building and associated surface parking lot. The Project will renovate the existing building into residential use and develop the parking lot with new mixed-use development. 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 approximately 85 residential units including 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 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 Fenton Street, Gist Avenue, and Sligo Avenue. 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 includes a mix of uses on-site, including a significant amount of new residential development and, potentially, non-residential use with a building height of up to 60 feet. The existing office building will be renovated into residential use. The specific use mix and project density will be determined at the time of Site Plan review.

Adjacent building uses in the CBD, north of the Property include strip-commercial shopping center, east and south of the Property includes single-family detached homes, west of the Property is various commercial uses including a Greyhound Bus Terminal, hair salon, laundromat, and restaurant zoned.

The goal of the Sector Plan is to promote pedestrian-scaled buildings and one off the goals of the Fenton Village Overlay Zone is to add new buildings to serve as a transition between the CBD and the single-family neighborhoods. As currently submitted, the Project lacks architectural elements to break up the building massing to help support a pedestrian realm and site comfortably with the adjacent neighborhood. Therefore, Staff recommends that the Applicant collaborate with the neighbors to either 1) reduce the building's height and massing or 2) reduce the buildings perception of massing through design, material choices and the addition of windows. Staff will let the Applicant make the decision on how to reach an acceptable solution with the neighbors.

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

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 the provision of both market-rate units and MPDUs on site in an array of unit sizes. Also, 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.

This project meets the recommendations of the Fenton Village Overlay Zone and the CR Zoning designation by providing residential use, limiting the building height to 60 feet and stepping down the building towards the adjacent residential neighborhood. However, the Applicant must reflect the adjacent low-density residential uses that are both on the same block and confronting the site along Gist and Sligo avenues by providing a two to three story base that steps back to minimize the perceived building mass; and support the activation of all street frontages by having residential units on the ground floor have doors that open on to the sidewalks.

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 before the Site Plan application. The Project conforms to the intent and recommendations of the Sector Plan.

The project proposes residential units in an area affected by a railroad corridor and other transportation noise impacts and is therefore subject to the noise guidelines for residential development in Montgomery County. Furthermore, Page 145 of the Sector Plans states: "Design new development to prevent conditions that may create local noise pollution nuisances." Therefore, the noise analysis (and the overall project design) will also need to address potential noise impacts to neighboring properties. At the time of Preliminary Plan submission, the Applicant must provide a noise analysis addressing the existing and 20-year projected noise levels and appropriate mitigation techniques. The study will also address any conflicts with generation of noise from the site (such a trash collection/loading) which would affect neighboring properties.

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. *Satisfy any green area requirement in effect on October 29, 2014; any green area under this provision includes and is not in addition to any open space requirement of the property's zoning on October 30, 2014;*

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

5. *Achieve compatible internal and external relationships between existing and pending nearby development;*

The Project will provide a building measuring up to 60 feet in height with massing concentrated along Fenton Street and will step down in height toward the existing single-family homes on the east side of the block. As conditioned, the building will need to be compatible with height and scale with nearby existing development.

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.

6. *Provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

The Project will provide significant improvements to the pedestrian environment and will improve both pedestrian and vehicular circulation at this transit-oriented location. The streetscape along all frontages will be upgraded in conformance with the Silver Spring Streetscape Standards and include underground utilities, sidewalks, street trees, and adequate street lighting to ensure safety. Vehicular access to the Property is currently provided through four access points, along Gist Avenue, Fenton Street, and Sligo Avenue. As conditioned, the Project will result in improved vehicular access through the consolidation of access points from four to two. The Project will utilize the access point off Sligo Avenue for loading and service activities, and an easternmost access point along Gist Avenue for resident/visitor parking. The vehicular access point on Fenton Street and the westernmost point along Gist Avenue are to be closed.

To further promote alternative means of transportation, both short-term and long-term bicycle parking will be provided in conformance with the requirements of Section 6.2.4.C of the Zoning Ordinance. A minimum of 95% of the required bike spaces will be long-term and securely located in the garage. A minimum of 5% of the required spaces will be short-term and will be available to the public in a convenient, well-lit location. The final bike parking numbers will be determined at Site Plan when the number of units is finalized.

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

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, Staff finds that the following

outline of public benefits supports the Applicant’s request for incentive density and is appropriate for the community surrounding the site. The Project provides diversity of housing, connectivity improvements that enhance the pedestrian environment and underground parking in proximate to the Metro. The buildings have designed at an appropriate scale for the surroundings that complements the existing character of the area.

For the development, the Zoning Ordinance requires 100 points in four categories. Although at the time of Sketch Plan review only the categories need be approved, Table 4 shows both the categories and points for the public benefits recommended at Sketch Plan to demonstrate the project’s ability to meet the requirement to provide sufficient benefit points.

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Recommended
59.4.7.3B: Transit Proximity			
¼ to ½ Mile from Transit	50	20	20
59.4.7.3C: Connectivity and Mobility			
Minimum Parking	10	10	10
59.4.7.3E: Quality of Building and Site Design			
Architectural Elevations	20	10	10
Exceptional Design	10	5	5
Structured Parking	20	20	20
59.4.7.3F: Protection and Enhancement of the Natural Environment			
BLTs	30	1.84	1.84
Cool Roof	10	10	10
Building Reuse			
Building Reuse	100	35.7	35.7
TOTAL	250.0	112.5	112.5

Table 2: Public Benefits

Transit Proximity

The Property is located within ½ mile of the Silver Spring Transit Center and the forthcoming Purple Line station at the Silver Spring Library, which allows the developer to be eligible for Level 1 transit as defined in the Zoning Ordinance. Staff supports 20 points as suggested in the CR Guidelines.

Connectivity and Mobility

Minimum Parking: The project is proposing fewer parking spaces than the maximum allowed. Staff supports granting 10 points at this time.

Quality of Building and Site Design

Architectural Elevations: The Applicant requests 10 points for providing a design that is bound by architectural elevations as part of a certified site plan showing elements of the façade. 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 and supports 10 points for this benefit at this time.

Exceptional Design: The Applicant requests 5 points for the Exceptional Design category that will be reviewed during the Site Plan process and the Applicant intends to meet four of the following criteria:

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

To achieve the five points for the exceptional design category, the Applicant must incorporate solutions to the building massing that responds to the adjacent neighbor's concerns.

Structured Parking: The Applicant requests 20 points for providing on-site parking within a parking structure. Details on any exposed garage façade treatment will be determined at the time of Site Plan. Staff supports the Applicant's request at this time with further details and refinement to be provided at the time of Site Plan.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 1.48 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, Staff supports 1.48 points for this benefit at this time, with final calculations to be provided at the time of Site Plan.

Cool Roof: The Applicant proposes to cover any exposed portion of the roof (not covered by stormwater management, vegetation or mechanical equipment) with a material that has a solar reflectance index of 75. Staff supports 5 points for this category at this time.

Building Reuse

Building Reuse: The Project will adaptively reuse the vacant existing office building. A minimum of 75% of the structural system of the building will be retained, and an architectural deconstruction company will be used to remove reusable and recyclable materials before any demolition, if applicable. Staff supports up to 34.5 points in this category at this time.

8. *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:* The project is intended to be built in one phase.

CONCLUSION

The Sketch Plan application satisfies the findings under Section 59.4.5.4 of the Zoning Ordinance and substantially conforms to the recommendations of the *Silver Spring CBD Sector Plan*. Therefore, Staff recommends approval of the Sketch Plan with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Community Correspondence
- B. Agency Letters
- C. Sketch Plan



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Al R. Roshdieh
Director

March 5, 2018

Mr. Neil Sullivan, Planner Coordinator
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Sketch Plan Letter
Sketch Plan No. 320180090
850 Sligo Avenue

Dear Mr. Sullivan:

We have completed our review of the Sketch Plan dated February 22, 2018 (revision date) on e-plans. This plan was reviewed by the Development Review Committee at its meeting on January 30, 2018. We recommend approval for the plan based to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. MCDOT does not object to the applicant submitting a preliminary plan for this project.
2. Pay the Montgomery County Department of Transportation plan review fee in accordance with Montgomery County Council Resolution 16-405 and Executive Regulation 28-06AM ("Schedule of Fees for Transportation-related Reviews of Subdivision Plans and Documents").
3. **At the preliminary plan** stage:
 - a. Show all existing topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, utilities, rights of way and easements, etc.) on the preliminary plan.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

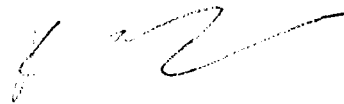
- b. Show proposed driveway entrances and existing entrances adjacent and opposite to the subject site clearly on the plan.
 - c. Provide typical section for all public streets.
 - d. Submit a completed, executed MCDOT Sight Distances Evaluation certification form, for all existing and proposed site entrances onto County-maintained roads, for our review and approval. We are concerned about available sight distances for the two proposed egress points onto Spring Street.
 - e. Submit a storm drain study if any portion of the subject site drains to the Montgomery County public storm drain system.
 - f. Show the location of proposed driveways on the preliminary plan.
 - g. The applicant needs to submit a truck circulation plan for review by the M-NCPPC. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation pattern and loading position should be designed for counter-clockwise entry and for a left-side backing maneuver. Passenger vehicle travel ways should be separated from the expected truck patterns and storage areas. The applicant may also need to provide documentation of their proposed delivery schedules.
4. Improvements in the County maintained rights-of-way will be determined at the preliminary plan stage following review of the plan related documents.
 5. Provide necessary dedication for public streets in accordance with the master plan.
 6. We recommend standard property truncation at the intersections.
 7. All existing and proposed sidewalk along the property frontage should be a minimum of six (6)-ft wide and meet ADA standard.
 8. The existing permanent structures (columns and fence) along Fenton Street are required to be removed from the right-of-way prior to the record plat.
 9. The proposed Streetscapes shall be per the Silver Spring Streetscape Plan.
 10. We recommend that the applicant coordinate with Mr. Matt Johnson of our Transportation Engineering Section at matt.johnson@montgomerycountymd.gov or at 240-777-7237 regarding the proposed bike lanes along the public rights-of-way.

11. At the preliminary plan stage, please coordinate with Ms. Stacy Coletta and Ms. Deanna Archey of our Division of Transit Services to coordinate improvements to the RideOn bus facilities in the vicinity of this project. Ms. Coletta may be contacted at 240 777-5800 and Ms. Archey may be contacted at 240-777-5828.
12. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Kamal Hamud of our Transportation Systems Engineering Team at (240) 777-2190 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
13. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
14. In general, driveways for multifamily residential and/or commercial sites are to be spaced per Chapter 50 of the County code and/or located opposite one another or located at least one hundred feet apart.
15. A recorded covenant is required for the operation and maintenance of private streets, storm drainage systems, and/or open space areas.
16. Permit and bond for required public improvements (to be determined at the preliminary plan stage) will be required prior to approval of the record plat.
17. Traffic Mitigation Agreement. With the Preliminary Plan application, submit a draft Traffic Mitigation Agreement based on the current template for developments with residential with commercial use. Prior to the issuance of any building permits by MCDPS, the applicant will need to work with this Department to finalize the draft Traffic Mitigation Agreement. Within MCDOT, the applicant should coordinate with Ms. Sandra Brecher, Chief of the Division of Transit Services/Commuter Services Section. Ms. Brecher may be contacted at 240-777-8383. The TMAg will include but not be limited to the following:
 - Bicycle Facilities. Significant bicycle activity will likely occur at this site due to its proximity to bicycle facilities in the area (i.e., sharrows, signed on-road routes, bikeway along the west side of Fenton Street). Provide bike racks/lockers in weather-protected, highly visible/active locations. Consider providing secure bicycle storage area in garage for resident use (bike cage) as well as a small bicycle repair station for resident use.
 - Bike Sharing Station. See comment below.

- Real Time Transit Information – See comment below.
 - Static Displays and Real Time Information- Incorporate static display space into residential lobby(ies) and retail locations to provide opportunity for display of transit and other alternative transportation information. Information on alternatives should also be displayed on each level of parking facility and in elevators. Provide monitor in residential lobbies that display Real Time Information feeds provided by the County.
18. Bikeshare. There is an existing Capital Bikeshare station immediately adjacent to the project at the corner of Fenton Street and Gist Avenue. Given that this development brings 85 new dwelling units and some new retail to the Silver Spring CBD, it is likely the demand for bikeshare in this area will increase; therefore, MCDOT recommends that the applicant be required to support bikeshare. The Applicant must contact MCDOT to discuss the options for this support. The details of this provision will be formalized in the TMAg. Any form of support will ensure that bikeshare continues to be a mode of transportation available for use by residents, employees and visitors at the Project.
19. As a design feature, we recommend that the lobby facing the intersection of Fenton Street and Gist Avenue provide two-way visibility for transit vehicles, car share vehicles and taxis.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Deepak Somarajan, our Development Review Team for this project at deepak.somarajan@montgomerycountymd.gov or (240) 777-7170.

Sincerely,



Rebecca Torma, Acting Manager
Development Review Team
Office of Transportation Policy

Mr. Neil Sullivan
Sketch Plan No. 320180090
March 5, 2018
Page 5

cc: Teshome Asgedom Moonlight Inc.
Andrew Bradshaw Johnson Bernat Associates, Inc.
Elizabeth Rogers Lerch, Early & Brewer
Preliminary Plan folder
Preliminary Plan letters notebook

cc-e: Matthew Folden M-NCPPC Area 1
Kamal Hamud MCDOT DTEO
Matt Johnson MCDOT DTE
Atiq Panjshiri MCDPS RWPR
Sam Farhadi MCDPS RWPR
Marie LeBaw MCDPS FRS
Stacy Coletta MCDOT DTS
Deanna Archey MCDOT DTS
Sandra Brecher MCDOT OTP
Beth Dennard MCDOT OTP
Deepak Somarajan MCDOT OTP

ESSCA Response to 850 Sligo Ave Submittal

March 8, 2018

We are pleased that the revised submittal reduces the height of this proposed project to 60' in compliance with the Fenton Village Overlay Zone, there are still some compatibility issues that we would like to see addressed:

1. The project is closer to Gist than the house next door, impacting sight lines for the whole street. Match setback to next door house
2. Step down from single family house next door should start at the home's second floor line - 20-25', not 35' at his chimney line. The current set back blocks the view from the home and cuts off the line of sight from Gist to Fenton. This creates a security issue and is contrary to the compatibility that is required of the existing R-60 block
3. Angle Residential parking exit on Gist to encourage exiting toward Fenton
4. Fence off the landscaped area set back from the houses on Gist which goes from Gist to Sligo for safety
5. Take parking spaces on Fenton in front of building and make loading zone for UPS, FedEx, etc. Moving vans and trash will be entering and exiting on Sligo,
6. Quiet hours in court yard next to single family homes - good neighbor policy
7. Developer needs to work cooperatively with the next door neighbor on impact issues, including fencing, noise, lighting, design and mitigation of negative impacts on his back yard.
8. We take great exception to the architectural precedent images as submitted in the Sketch Plan. While this is just the Sketch Plan, in our experience it will not change in the Project Plan unless we make our objections known now. These are our concerns:

The stylistic vernaculars of the buildings represented are much too modern, sculptural, and aggressive for a project that will need to step down, transition and sit comfortably next to the modest older homes of residential neighborhood immediately to the south and east. The relatively small lot sizes of the existing homes and the narrow confines of Gist Avenue mean there is little to no breathing room between the project and the existing single family residential fabric, making architectural compatibility between the two all the more important.

In our community meetings with the development team, everyone discussed and agreed that a multi-facade project will also be an important and necessary component to achieving this compatibility. One specific configuration for this that was discussed was redeveloping the existing tower in one facade vernacular and the newer mid- and low-rise additions could be rendered in another.

Warmth and compatibility in the exterior material palette of the project will be important. Appropriate materials include brick, cast stone and limestone trim as well as wood siding.

Finally, balance and restraint must be key considerations in the execution of a multiple facade concept with varying material palette. The recent/current on-trend approach of a collage-like disposition of facades and multiple materials and colors should be avoided (as seen in the middle two images of the development team's precedent images sheet of their Submission

Karen Roper
Chair, Zoning, Land Use and DPWT
East Silver Spring Citizens Association (ESSCA)

From: Rush Seale
To: [Sullivan, Neil](#)
Cc: Karroper@aol.com; [Katie](#)
Subject: Adjoining neighbor re 850 Sligo development
Date: Saturday, January 27, 2018 3:51:06 PM

Neil,

I wanted to reach out as Karen Roper gave me your name and email. My wife Katie and I live in the house at 903 Gist Ave which is directly adjoining the property at 850 Sligo Ave in Silver Spring. We have a couple questions/concerns and wanted to reach out in the early stages to go through a few.

First is that based on the most recent sketch plan (I believe from 12/26/17), the side of the building facing Gist Ave goes past my house's south face by at least 10 feet. I thought that their wall could go no farther than even with my houses walls. Our neighbor at 901's house has a Gist front that is even further back as well. In rough terms, it looks like instead of 2 parking spaces of room there should be three.

The second question is on placement of the east wall and property division. Based on the same sketch plan, it shows their line going much further in to our yard, and even going through trees and our kid's play set. My understanding was that there is supposed to be 12 feet from their property and 12 from ours before the building should start.

The third is on the parking entrance on Gist. I know it's a tough spot with the intersection of Fenton being close but I wanted to confirm that it's possible for them to have the entrance not just at one of the two existing Gist entrances but also something in between. My hope is just to have the entrance be the necessary distance from Fenton but not directly next to our house.

I'm sure I'll have a few more points once they submit but just wanted to check on these first. Feel free to call or email and hoping to be a helpful neighbor. Hope you have a great weekend,

Rush
C- 609-240-7929

From: Rush Seale
To: [Sullivan, Neil](mailto:Sullivan_Neil); Karroper@aol.com; Katie
Subject: Re: Comments on 850 Sligo project from adjoining neighbor
Date: Tuesday, March 06, 2018 11:25:23 AM

My last email had a few minor typos slip through so corrected them here.

On Mar 6, 2018, at 11:11 AM, Rush Seale <rushholtseale@outlook.com> wrote:

Neil and the Montgomery County Planning Board,

My wife Katie and I live in the house at [903 Gist Avenue](#) with our two small children and wanted to submit our comments regarding the current proposed project at 850 Sligo that directly adjoins our property in Silver Spring, MD. We have lived in this house for eight years and want to work with the developers to build a successful, vibrant project for them while still allowing our house, yard and street to be livable spaces. We have worked with the East Silver Spring Community Association as well as the developers themselves to provide input and want to continue further conversation and consultation with them, the planning board and the community. The attached comments below are the recommendations and changes we feel would both be very important to us as adjoining neighbors and also not significantly affect the viability and profitability of the 850 Sligo development. Next to each comment, we have written a brief explanation as to reasoning. Please feel free to reach out to us with questions, or clarifications. We can also put these in Word format. Thank you,

Rush Seale and Katie Sheketoff

1. We ask that the height of the structure directly adjoining our property be lowered to 25 feet. This would match the livable height space of our house and not completely block sun light.
2. Request that the current courtyard (square on designs) be moved to adjoining our backyard. Again, this will allow light to our and the other neighbors backyards; we are fine with shifting the current proposed shape to allow for most possible living space.
3. For the courtyard, we request it have some sort of water feature or equivalent for white noise (along the lines of those short wall waterfalls) and foliage/ wall toward our backyard. Also, that lighting for the courtyard and any security lighting along the building be angled and directed as to not be shining towards our

windows and backyard. We don't need their courtyard to be completely hidden but just want to have some separation for each.

4. We request that the south facing wall (that is against Gist Ave) be the same distance from road as our main structure. This was how the plan had been initially described and would keep our house from being cut off from light and overshadowed. The recent plan described that this side will have residence entryways, so it would make sense in giving those space as well.

5. We ask that the resident driveway be designated as right turn only and angled west onto Gist towards Fenton and not east. This is where almost all traffic would be heading if south towards DC, north to the Beltway, west to EW highway, or east to Philadelphia Ave and Takoma.

6. We ask that a traffic light or stop sign be put on the intersection of Gist and Fenton. We have no strong preference towards either specifically but currently this is only intersection on this stretch of Fenton that doesn't have a light and it can be extremely difficult to make a left turn, and is also difficult for pedestrians. The addition of over thirty vehicles, the majority of which will be leaving during rush hour would exacerbate this.

7. We request that the alley that directly adjoins our property and runs along the east side of the property be gated with access to only residents and the two houses adjoining the wall. This would cut down on crime and noise concerns.

8. Related to the above request, is if the alley were to have ground floor entryways to apartments, then it would be actively used by residents and less prone to unlawful activity.

9. We ask that the architectural detailing proposed for the Fenton and Gist sides be continued on the east side facing our house (east side) as it does facing street to south. This to include any decorative motifs, types of materials used and other details. This would be not only for us but also because it will be visible for everyone approaching from the Gist Ave. side.

10. During construction, we request that a tall barrier (at least 15 ft) be set up between the properties with misters to keep down dust. We have young children as well as neighbors. In addition, we want our back yard and exterior of house

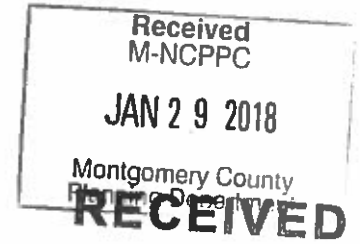
expertly cleaned so that we don't have construction dust blocking our solar panels, getting into our house and in our yard. We will want our yard (front and back) to be tested during and after construction to make sure no harmful materials are where our children are playing. We are not sure on the specific Montgomery County rules governing this project but ask that no heavy construction occur before [7 am](#) and after [8 pm](#) on weekdays, and before [9am](#) on weekends.

11. We request consultation on the adjoining wall/fence with extensive input in choosing the designs, materials, lighting, etc.

12. We request that the developer cover costs of fixing our landscaping, as well as adding a back porch, patio and treehouse since we will be effectively unable to use our yards for extended periods of time. Similarly, we would want to have a shed built to store items safe from dust/debris.

Daniel Meijer
929 Gist Avenue
Silver Spring Maryland 20910
(301) 585-1458

January 24, 2018



JAN 29 2018

MONTGOMERY PLANNING/Area 1

M-NCPPC
Development Application & Regulatory Coordination Division (DARC)
8787 Georgia Avenue
Silver Spring Maryland 20910-3760

Plan # 320180090

Dear "Lead Reviewer"

In November of 2017, my neighbor and I both received the attached announcement letter from a law firm representing a developer. This has been followed up by a "Sketch Plan" (plan #320180090) dated 1/9/2018.

To our astonishment, the proposed development appears to have no intention to abide by the legislative intent of section 4.9.5.E of the Fenton Village (FV) Overlay Zone which states "*If the building exceeds the standards of the underlying zone, any alteration, repair, or reconstruction of the building must not increase the gross floor area or the height of the building above that which existed as of the date of application of the FV Overlay zone.*"

In contrast, the announcement letter states the developer will add "new construction" to this parcel known as "850 Sligo Ave" described in property tax account # 00987137

That 8 story "1965" office building and its surrounding parking lot were built during the "Rezoning Flap" Diggs Council. It is well over the zoning limits of the approved 1993 and Sector Plan and the follow up 2000 amendment to this plan. These plans based their zoning limitations on what the infrastructure capacity of the Silver Spring CBD and surrounding communities could absorb. Since then, Fenton St (the main artery in Fenton Village) has been narrowed by "bump outs" reducing its lane traffic capacity from 4 to 2.

One only needs to come to this section of Fenton Street village during rush hour or while the nearby Jesus House Church is active to realize the negative impact that narrowing Fenton Street has had. Thus now the developer especially needs to respect the rationale of the Sector Plans which wisely limited the permitted zoning density allowed in this area to what the capacity of the nearby roads can absorb. They should not be allowed to circumvent the Sector Plan's admirable goals and objectives, particularly at the expense of the surrounding affected community.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "D. Meijer".



Stacy P. Silber
Phone 301-841-3833
Email spsilber@lercheearly.com

October 24, 2017

RE: 850 Sligo Avenue - Sketch Plan Application
Pre-Submission Community Meeting

Dear Neighbor:

On behalf of Moonlight Inc. (the "Applicant"), we cordially invite you to attend a meeting to review plans for the adaptive re-use/redevelopment of 850 Sligo Avenue in Silver Spring, Maryland (the "Property").


The Property is located in the southeastern corner of the intersection of Sligo Avenue and Fenton Street. The Property consists of approximately 19,931 square feet (± 0.45 acres) of net lot area. The Property is zoned Commercial/Residential, CR-3.0, C-2.0, R-2.75, H-60T and is located in the Fenton Overlay Zone.

The Applicant will be filing a Sketch Plan application (the "Application") with the Maryland-National Capital Park and Planning Commission ("MNCPPC") for approximately 85 multi-family units, including the adaptive re-use of the existing vacant office building and new construction.

In compliance with the County's Zoning Ordinance, a pre-submission community meeting will be held to share our plans with you and give you an opportunity to provide input. **The meeting will be held on Wednesday, November 8, 2017 at 7:00 p.m., at the Silver Spring Civic Building, in the Spring meeting room, located at 1 Veterans Place, Silver Spring, MD.** At this meeting, the Applicant will discuss the proposal and answer any questions. The Application will be filed with M-NCPPC shortly after the meeting. Once filed, the Application will be assigned an application number. For more information about the development review process, please contact M-NCPPC at 301-495-4610 or visit their website at www.montgomeryplanning.org.

RSVPs are appreciated, but not required. You may e-mail your RSVP to my colleague, Elizabeth Rogers, at ecrogers@lercheearly.com (with "850 Sligo Community Meeting" in the subject line of your e-mail) or call her directly at (301) 841-3845. We look forward to meeting with you on November 8th.

Sincerely,


Stacy P. Silber

Ms. Dale Barnhard
709 Gist Ave
Silver Spring, MD 20910

RECEIVED

NOV 16 2017

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

County Council Members,

The highrise building at 850 Sligo Ave. Silver Spring is in place due to the corrupt 1960's + 70's Mayor/Diggs Council member(s) and it has since been "grandfathered" in, already constitutes higher density than Master Plan would allow. Zoning regulations and Master Plans are established for good reason. It is designed to prevent out-of-control and out of scale building (such as the Diggs fiasco), to maintain the integrity of neighborhoods, and to circumvent overburdening schools, roads, sewer capacity, etc. The proposed added density of a building already out of scale will surely contribute to overwhelm infrastructure and intrude on single family homes that face it's border. I'm asking for respect and integrity in any decision you consider on this project.

Ms. Dale Barnhard

Kathryn E. Diggs; Montgomery Official Led Rezoning Flap

By JON HOLLEY
Washington Post Staff Writer

Kathryn E. Diggs, 76, a scrappy, fiercely conservative lawyer who sparked a land-use firestorm when she served as president of the Montgomery County Council in the 1960s, died July 6 of congestive heart failure at Bethesda Memorial Hospital in Boynton Beach, Fla. A former Rockville resident, she moved to Boynton Beach in 1990.

On the evening of Nov. 10, 1966, Miss Diggs led six lame-duck council members through four hours of relentless rezoning actions. Overruling master plans and disregarding planners' recommendations, she and her colleagues single-mindedly sought to transform more than 2,000 acres of the county's rural and low-density residential real estate into housing subdivisions, town-house complexes, high-rise apartment buildings, shopping centers and light industry.

At 11:57 p.m., Miss Diggs adjourned the council, and after midnight she started what technically was a new session, which meant council members received another \$30 for their service. The council stayed in session for an additional hour.

The rezoning marathon was the final flap of a lame-duck council that already held records for the most high-density apartment, commercial and industrial rezonings granted contrary to master plans. With the departure of Miss Diggs and her cohorts shortly afterward, most of the rezonings were overturned by the new council or the courts or were withdrawn by the applicants. On the day she left office, Miss Diggs, still as fiery as her flaming red hair, predicted that history would vindicate her council. She vowed to return. The Washington Post noted, "like Scarlett O'Hara right before the intermission in 'Gone With the Wind.'"

Two years later, she ran an unsuccessful race as the Republican nominee for the Maryland State seat from Montgomery-Howard County

District 3-C. She ran against her cousin, Andrew L. Sonner, for state's attorney in 1978 but lost that race as well.

Kathryn E. Diggs — "Kitt" to closest friends and family — was born in Alexandria and graduated from Coolidge High School in 1948. She received a bachelor's degree from American University in 1951, a master's degree in business administration from Simmons College in Boston in 1952 and a law degree from American University's Washington College of Law in 1961.

She was a champion golfer at AU and boasted the second-lowest handicap (four) in the Washington area at the time; her sister held the lowest (three). Both women played on the amateur golf circuit during summer and often competed against each other. "This isn't sisterly love; it's real competition," she told The Post in 1959.

She taught at Upper Marlboro High School from 1953 to 1955 and at Wheaton High School from 1955 to 1958 before enrolling in law school, where she was the top student in her class.

"If I can't be the best, I don't want to be second or in the middle," she told The Post. "Instead, I'll channel my energies to where I can be the best."

She was a law clerk and then bailiff in the court of Judge Kathryn J. DuFour from 1960 to 1962, when she was elected to the council. She was a trial lawyer in Wheaton from 1962 to 1990, specializing in family law and medical malpractice defense. After moving to Florida, she worked as a special master in West Palm Beach.

Survivors include her husband of 34 years, Francis A. Williams of Boynton Beach, and a sister, Barbara Hughes of Richmond.

Miss Diggs's husband said that in recent years she had taken up bridge with the same fierce determination that characterized her other endeavors. Her philosophy — toward bridge and toward life — was simple, he said: "She was seldom in error and never in doubt."