

## 8787 Georgia Avenue, Preliminary Plan No. 120180100 and Site Plan No. 820180100

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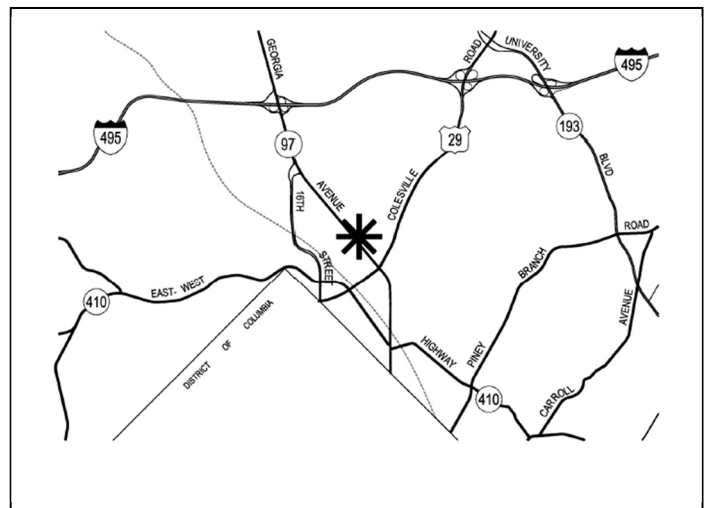
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### Description

Completed: 10.19.2018

- Construction of a mixed-use project of up to 413,821 total square feet, including up to 413,821 square feet of residential development (up to 400 dwelling units), and up to 32,000 square feet of non-residential uses;
- Current use: government office;
- Located in the southeast quadrant of the intersection of Spring Street and Georgia Avenue in Downtown Silver Spring;
- 3.19 acres zoned CR 3.0, C 2.0, R 2.75, H 90T in the 2000 *Silver Spring CBD Sector Plan*;
- Applicant: SC/BA Silver Spring Apartments, LLC.;
- Acceptance date: March 1, 2018.



### Summary

- Staff recommends approval of the 8787 Georgia Avenue Preliminary Plan and Site Plan with conditions.
- The Project will redevelop the site with a mixed-use building including 12.5% moderately priced dwelling units, structured parking, a new through-block connection, public open space, exceptional design, and a cool roof.
- The Site previously received Planning Board approval on July 24, 2017 as Sketch Plan 320170060.
- The Planning Board extended the 120-day review period on May 31, 2018, to October 5, 2018, and again on July 12, 2018 to November 15, 2018, pursuant to 59.7.3.4.C of the Zoning Ordinance and Section 50.4.1.E of the Subdivision Regulations.

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## SECTION 1: RECOMMENDATION AND CONDITIONS

### Preliminary Plan No. 120180100

Staff recommends approval of Preliminary Plan No. 120180100 subject to the following conditions:

1. This Preliminary Plan is limited to 1 lot, comprised of approximately 138,994 square feet or 3.19 acres, for up to 413,821 square feet of development consisting of up to 413,821 square feet of residential development (up to 400 dwelling units) and up to 32,000 square feet of non-residential development.
2. The Planning Board accepts the recommendations, except MCDOT conditions #20 and #21, of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated October 12, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the remaining recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
3. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
4. Prior to the Certification of the Site Plan, the Applicant must enter into an agreement with MCDOT to “fix or fund” non-ADA compliant pedestrian infrastructure within 500 feet of the Site. Improvements will be subject to MCDOT and/or MD SHA approval, as appropriate.
5. The Planning Board accepts the recommendations of the Maryland State Highway Administration (“MSHA”) in its letter September 19, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MSHA provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MSHA.
7. The Applicant must dedicate all road rights-of-way to the full width mandated by the Silver Spring CBD Sector Plan or as otherwise designated on the Certified Preliminary Plan, and show on the record plat(s) the following:
  - a. A dedication of the Georgia Avenue frontage necessary to provide the Sector Plan-recommended 63-foot-wide right-of-way between the Subject Property line and right-of-way centerline, and
  - b. A dedication of the Spring Street frontage necessary to provide the Sector Plan-recommended 50-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
8. The record plat must:
  - a. Show necessary easements
  - b. Memorialize abandonment of approximately 1,743 square feet of Planning Place public right-of-way, granted by the County Council through Council Resolution 18-1222, dated September 18, 2018.
9. Prior to recordation of any plat, Site Plan No. 820180100 must be certified by M-NCPPC Staff.
10. 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 October 17, 2018, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
11. The Certified Preliminary Plan must contain the following note:

Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time

of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.

12. The Adequate Public Facility (“APF”) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of this Planning Board Resolution.

### **Site Plan No. 820180100**

Staff recommends approval of Site Plan 820180100 for a mixed-use building of up to 413,821 square feet of development consisting of up to 413,821 square feet of residential development (up to 400 dwelling units) and up to 32,000 square feet of non-residential development, on 214,921 square feet of land, zoned CR 3.0, C 2.0, R 2.75, H 90T. The development must comply with the binding elements and conditions of approval for Sketch Plan 320170060, as listed in the MCPB Resolution No. 17-075, dated September 13, 2017, and Preliminary Plan No. 120180100. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.<sup>1</sup>

### **Density, Height & Housing**

1. Density

The Site Plan is limited to a maximum of 413,821 square feet of total development on the Subject Property, including up to 413,821 square feet of residential uses, for up to 400 dwelling units and up to 32,000 square feet of non-residential uses, within the approved total.

2. Height

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

3. Building Lot Terminations (BLTs)

Before issuance of the any building permit, the Applicant must provide proof of purchase and/or payment of 0.7290 BLTs to the Department of Permitting Services (DPS).

4. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated May 31, 2018, and incorporates them as conditions of the Site Plan 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 the Site Plan approval.

- a. The development must provide 12.5 percent MPDUs or MCDHCA -approved equivalent on-site consistent with the requirements of Chapter 25A and the applicable Master Plan.
- b. Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

### **Open Space, Facilities and Amenities**

5. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 18,653 square feet of public open space (13.4% of site area) on-site.

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<sup>1</sup> For the purposes 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.

- b. The Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the property's frontage on Georgia Avenue and Spring Street, consistent with the Silver Spring CBD Streetscape Standards.
  - i. The Spring Street sidewalk section is modified from the standard as follows: a 7-foot wide concrete sidewalk with 6-foot wide buffer, as illustrated on the certified site plan
- c. Before the issuance of the final use and occupancy certificates for the residential development, all public open space areas on the Subject Property must be completed.

#### 6. Public Benefits

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

- a. Major Public Facilities – Spring Street Bicycle Improvements: Prior to issuance of the final Use and Occupancy Certificate for the residential uses on the Subject Property, the Applicant must construct Spring Street separated bicycle improvements along the project frontage and separate pedestrian and bicycle crossings at Woodland Drive, as shown on the Certified Site Plan.
- b. Transit Proximity – The Site is located within one ½ mile of the Silver Spring Metrorail station and is therefore eligible for 30 public benefit points.
- c. Connectivity between Uses, Activities, and Mobility Options
  - i. Through-Block Connection – The Applicant must construct and maintain the through-block connection (the Mews), including adjacent architectural elements (e.g. first floor windows), as shown on the Certified Site Plan.
- d. Quality Building and Site Design
  - i. Architectural Elevations –The exterior architectural elements must be substantially similar to architectural elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.
  - ii. Exceptional Design –The Applicant must construct the building in a manner substantially similar to the building shown on the Certified Site Plan, as determined by M-NCPPC Staff.
  - iii. Public Open Space – The Applicant must provide approximately 18,653 total square feet (13.4% of the site) of public open space on-site. This requirement reflects 4,753 square feet (3.4%) more public open space than the Zoning Ordinance requirement.
  - iv. Structured Parking –The Applicant must provide all required on-site parking spaces within the parking structure.
  - v. Tower Step-Back – The Applicant must step back the eastern building's upper floors, along the Spring Street façade, by approximately 25 feet behind the third-floor façade, as shown on the Certified Site Plan.
- e. Protection and Enhancement of the Natural Environment
  - i. Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.7290 BLTs to the MCDPS.
  - ii. Cool Roof – The Applicant must provide a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.

#### 7. Recreation Facilities

Before Certified Site Plan approval, the Applicant must demonstrate substantial conformance with the M-NCPPC Recreation Guidelines.

#### 8. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to the Mews, internal sidewalks, public open space, and streetscape, as shown on the Certified Site Plan.

## Site Plan

### 9. Site Design

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the Certified Site Plan, as determined by M-NCPPC Staff.
- b. The development is limited to a maximum height of 90 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.
- c. The exterior architectural character, proportion, materials, and articulation of the MPDUs must be substantially similar to the exterior architectural character, proportion, materials, and articulation of the market-rate units.

### 10. Lighting

- a. Prior to certified Site Plan, the Applicant must provide certification to 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 on-site 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. All on-site down-lights must have full cut-off fixtures.
- c. Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting public roads and residentially developed properties.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

## Environment

### 11. Forest Conservation & Tree Save

The Applicant must obtain approval of a Final Forest Conservation Plan (FFCP) prior to Certification of the Site Plan. The Final Forest Conservation Plan must address the following:

- a. Revise the forest conservation worksheet to match the total disturbance area, as defined by the Limits of Disturbance.
- b. The Final Forest Conservation Plan must include the planting of two (2) 4-6" caliper Willow Oaks (*Quercus phellos*).
- c. The Applicant must plant on-site sixteen (16) 3" caliper canopy trees to mitigate for the loss of five specimen trees, located both on and off the Site.
- d. Prior to certification of the Site Plan, the Applicant must coordinate with M-NCPPC Staff on minor corrections and clarifications as required.
- e. Include tree save measures for all affected neighboring street trees with special protection for street trees 4, 60, and 61.
- f. Root pruning measures must be shown on the FFCP for all significant and specimen trees where impacts occur to their critical root zones.
- g. Prior to any clearing, grading, or demolition within the project area, the Applicant must receive approval from the M-NCPPC Office of the General Counsel for a Certificate of Compliance for an off-site forest mitigation bank, or fee-in-lieu as applicable, to satisfy the equivalent credits of 0.66 acres (or as established with the revised Final Forest Conservation Plan).
- h. Include a note on FFCP stating that tree #62 is offsite and was not identified as a tree to be removed

in the Preliminary Forest Conservation Plan that went to the Planning Board on June 5, 2014. Note that the tree is being removed due to the reconfiguration of the site entrance.

- i. The development must comply with the Final Forest Conservation Plan.
- j. All trees credited towards variance mitigation must be at least five (5) feet away from any structures, stormwater management facilities, PIE's, PUE's, ROWs, utility lines, and/or their associated easements, as shown on the certified Final Forest Conservation Plan. In addition, mitigation trees must be planted at least ten (10) feet offset from the overhead wires.
- k. The latest version of the sediment and erosion control plan and stormwater management plan must be submitted with the revised Final Forest Conservation Plan to help ensure consistency with the Limits of Disturbances (LODs) and the associated tree/forest preservation measures.
- l. All tree protection measures shown on the plans must be certified by an International Society of Arboriculture certified arborist who is also a Maryland Licensed Tree Care Expert.
- m. The Applicant shall make a good faith effort to work with MCDOT/MCDPS for the preservation of the existing street trees (#60 and #61) located within the Spring Street median and explore implementation of the following measures:
  - i. No heavy equipment is permitted within the portion of the CRZ in the Spring Street median.
  - ii. All hardscaping occurring within the critical root zones of the Spring Street median must be done by hand.
  - iii. Any tree replacement for the loss of either 60 or 61 due to construction impacts be replaced with a minimum 4" caliper canopy tree(s), subject to approval by MCDOT/MCDPS.

## 12. Landscaping

- a. Ensure consistency between the landscaping plans (planting beds, open space, etc.) and Forest Conservation Plan.
- b. Replace Crape myrtle with River birch or other appropriate species that can thrive in saturated soils with deep shade.
- c. The Applicant must provide a minimum soil volume of 600 cubic feet for all canopy trees, including those fronting the townhouse-style units along Spring Street.
- d. The two Willow oak (*Quercus phellos*) mitigation trees proposed along the north end of the Mews, near Spring Street, must have a soil volume of no less than 1,000 cubic feet per tree.
- e. Include details and cross sections showing soil volume for planting beds.
- f. The Applicant must install landscaping no later than the next growing season after completion of site work.
- g. Provide specifications and details for soil amendments associated with the landscape and mitigation planting areas.
- h. Replace "Zelkova serrata green" with a Maryland native tree species.

## 13. Noise Attenuation

- a. Before issuance of the any building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that the building shell for residential dwelling units affected by exterior noise levels projected above 65 or 55 (based on map in guidelines) dBA Ldn will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. 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.
- c. 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 an engineer that specializes in acoustical treatments.

## Transportation & Circulation

### 14. Transportation

Before the release of any building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Silver Spring Transportation Management District (TMD).

### 15. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 96 long-term and 8 short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room within the garage, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's main retail and residential entrances (weather protected preferred). The specific location(s) of the bicycle parking must be identified on the Certified Site Plan.
- c. The Applicant must construct the separated bicycle lanes along the project's Spring Street frontage prior to issuance of the first use and occupancy certificate.

### 16. Department of Permitting Services-Right-of-Way

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated August 28, 2018, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

### 17. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated September 27, 2018, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

### 18. Site Plan Surety and Maintenance Agreement

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

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, trash enclosures, retaining walls, railings, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees, street lights, the mews, and private drives. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.



19. Development Program

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

20. Certified Site Plan

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

- a. Include the stormwater management concept approval letter, development program, Sketch Plan resolution, Preliminary Plan resolution, and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
- c. Add a note stating that "Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d. Modify data table to reflect development standards approved by the Planning Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.
- f. Applicant must complete pedestrian adequacy ADA survey and enter into an agreement with MCDOT to fix or fund deficiencies within 500-feet of the Subject Property, as defined in the MCDOT supplemental guidance memo, dated April 3, 2018.

## SECTION 2: SITE DESCRIPTION

### Site Vicinity and Analysis

The subject site (Subject Property or Property) is located at 8787 Georgia Avenue in the Silver Spring Central Business District (CBD). The Site is accessible via Georgia Avenue, just south of the Spring Street intersection, and on Spring Street, via the Garage #2 driveway. The Site is comprised of Lot 2, Block C, and Parcel D in the “Woodside Park” Subdivision, as recorded in the Montgomery County Land Records in Plats 11049 and 21574, respectively. The Site has a tract area of approximately 214,921 square feet (4.93 acres) and a site area of approximately 138,994 square feet or 3.19. The Property is zoned CR 3.0 C 2.0 R 2.75 H 90T.

The Property lies on the northern edge of the *Silver Spring CBD Sector Plan* (Sector Plan) and shares the block with the Sheraton Hotel, United Therapeutics, the Cameron residential building, and the Silver Spring Parking Lot District Garage #2. This entire block is zoned CR with maximum FAR between 3.0 and 5.0. Fairview Road Urban Park (zoned R-60) and an office building (zoned EOF 3.0) directly confront the Subject Property across Spring Street. The predominantly single-unit community, Woodside Park (zoned RT-12.5), is directly across Spring Street. The Property is located within one ½ mile of the Silver Spring Metrorail Station and falls within the Silver Spring Parking Lot District (PLD).



Figure 1 - Aerial View

The Property is currently improved with a three-story government office building that serves as the Montgomery County Regional Office (MRO) of the Maryland-National Capital Park and Planning Commission (M-NCPPC). The Property contains no forest, streams, wetlands, or environmental buffers. There are no known rare, threatened,

or endangered species on-site; there are no 100-year floodplains, stream buffers, or wetlands on-site. There are no historic properties on-site.

Spring Street separates the CBD from Woodside Park, to the north, and begins the transition from the residential community to the more intensive downtown development. Along the site frontage, Spring Street is a median-divided arterial roadway within a 100-foot wide public right-of-way. The roadway is improved with one travel lane in each direction, westbound turn lanes at Georgia Avenue, a limited amount of on-street parking, and a tree-lined median. The segment of Spring Street west of Woodland Drive is buffered from the roadway by a densely-vegetated berm (Figure 2) that separates the townhouse community and the roadway. The townhomes in this area are oriented to face into the Woodside Park community, resulting in rear yards facing south toward the berm and ultimately, the Subject Property.



*Figure 2: Spring Street (looking northeast)*

### SECTION 3: PROJECT DESCRIPTION

#### Previous Approvals

The Planning Board approved Mandatory Referral No. 2014047 by resolution dated July 16, 2014, for the disposition of County-owned property and associated Preliminary Forest Conservation Plan and tree variance. The Planning Board approved Sketch Plan No. 320170060 by resolution dated September 13, 2017 for a maximum of 413,821 square feet of development comprised up to 413,821 residential development, including a minimum of 12.5% MPDUs, and up to 50,000 square feet of non-residential development, subject to binding elements and conditions. Both of these approvals are provided in Attachment A.

#### Proposal

##### Uses and Density

The Applicant proposes to create one (1) lot (measuring approximately 138,994 square feet or 3.19 acres) for a maximum density of up to 413,821 square feet of development consisting of up to 413,821 square feet of residential development (up to 400 dwelling units) and up to 32,000 square feet of non-residential development on 4.93 acres in the CR 3.0, C 2.0 R 2.75 H 90T zone. While this proposal anticipates up to 32,000 square feet of non-residential development, the Applicant seeks flexibility within the approval to construct the entire site as residential uses (413,821 square feet) or a mix of residential and non-residential uses up to a total development density of 413,821 square feet.

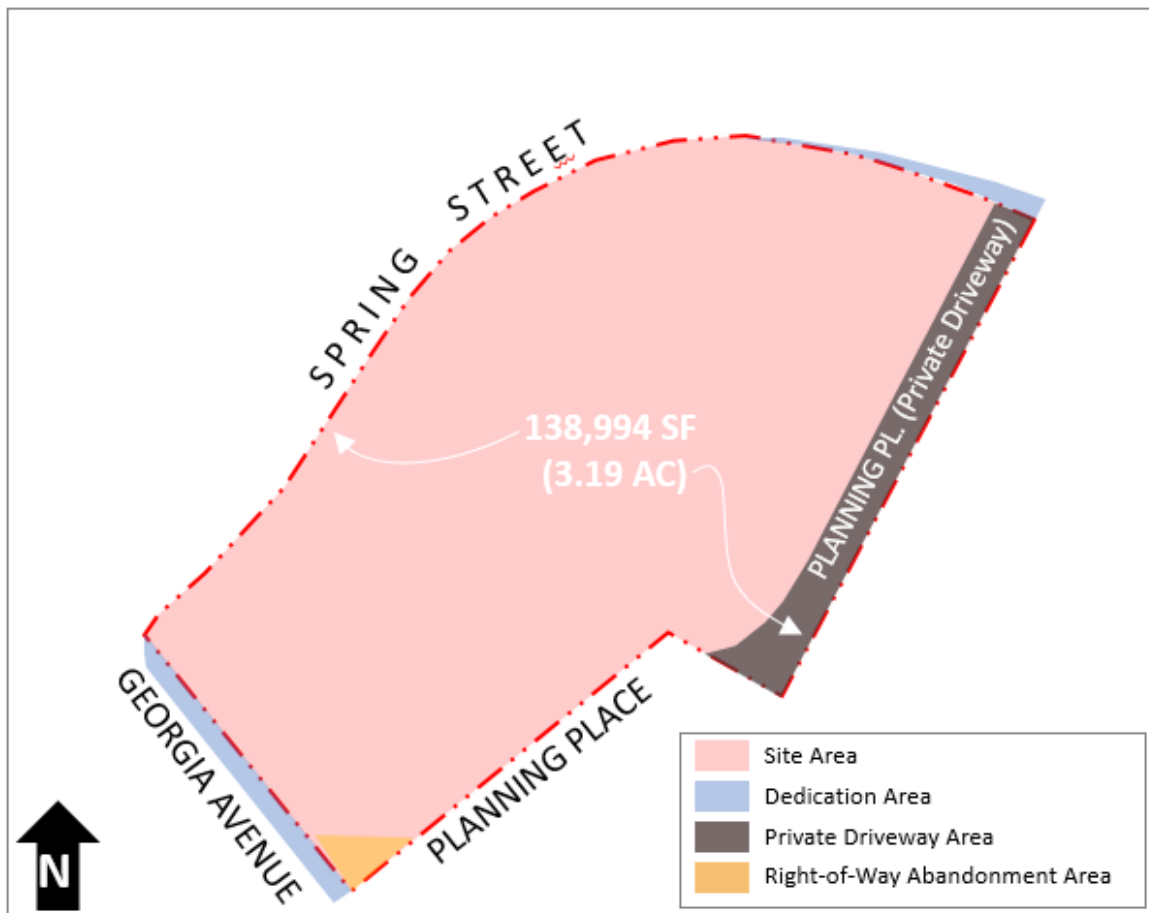


Figure 3 – Lotting Diagram

## Buildings

The mixed-use residential Project proposes two buildings, up to 90 feet in height, that will serve as a transition between the higher density downtown Silver Spring and the lower-density residential uses to the north. The Project will activate its frontages on Georgia Avenue and Spring Street through the implementation of a highly articulated façade and streetscape improvements. The main residential lobby is located directly on the Mews near Spring Street, while a secondary residential lobby is located on Spring Street near the private extension of Planning Place. All vehicular and loading access is consolidated along Planning Place and a private driveway (Planning Place extended). The Project is comprised of two buildings connected by a two-story bridge above the Mews.

The western building, located along Georgia Avenue and Spring Street, features ground-floor retail space, along Georgia Avenue, with multi-family dwelling units on the upper floors on both Georgia Avenue and Spring Street. This portion of the Project incorporates the Sector Plan recommended gateway feature through the use of macro-scale wooden carve outs and a prominent cornice at the corner of the Georgia Avenue and Spring Street. This building also includes vertical staggered windows and panels, in-set balconies and Juliet balconies to add visual interest to the building façade. In response to comments received at the time of Sketch Plan, the building also incorporates chamfered building corners to minimize the building's perceived mass when observed from the residential neighborhood.



Figure 4 – Illustrative Site Plan



*Figure 5 – Georgia Avenue Elevation (West Building)  
(Georgia Avenue, looking east)*



*Figure 6 – Spring Street Elevation (West Building)  
(Georgia Avenue, looking southeast)*

The eastern building, located along Spring Street, is exclusively residential. The building is comprised of mid-rise multi-family residential floors above a defined three-story “townhouse-style” base. The upper floors are stepped-

back from the base approximately 25-feet to reduce the building’s perceived mass. The townhouse-style base is lined with entry doors and stoops that will enliven and activate Spring Street and Fairview Urban Park.



*Figure 7 – Spring Street Elevation (East Building)  
(Spring Street/ Woodland Drive looking southeast)*



*Figure 8 – Spring Street Elevation (East Building)  
(Spring Street/ Fairview Park looking northwest)*

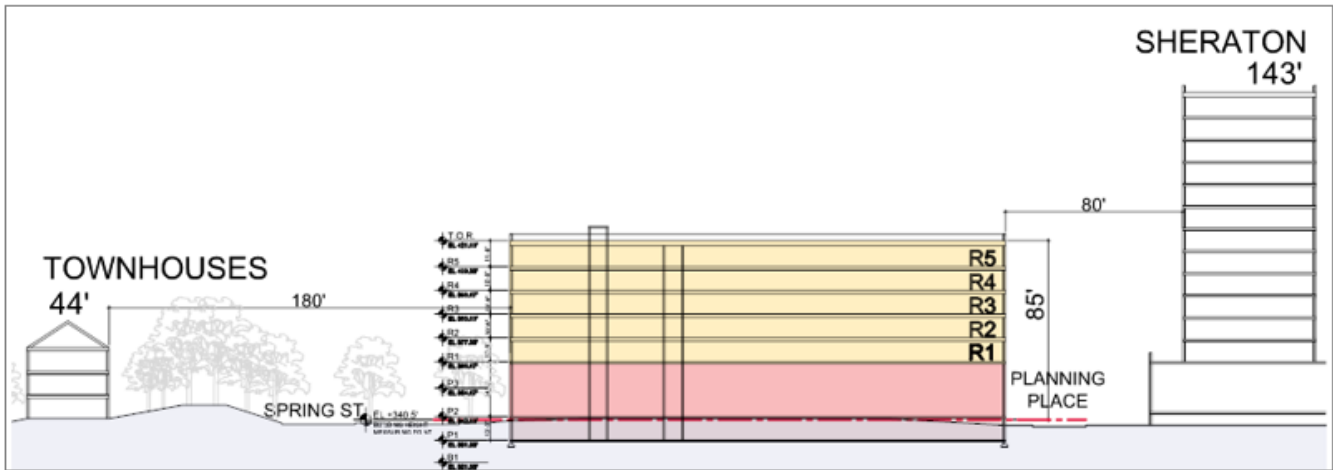


Figure 9 – Building Section with Surrounding Context  
(Georgia Avenue looking east)

The western and eastern buildings are separated by the Project’s central open space, the Mews. This area functions as both a central gathering area and a through-block connection of regional importance. The Mews will be limited to pedestrian and bicycle access and will include activated facades at the ground level.

Open Space

With a Site area of 138,994 square feet or 3.19 acres and frontage on three public roadways, the Applicant must provide 10% of the Site, or 13,899 square feet, as public open space. Due to the Applicant’s requested public benefit points for the provision of 3.4% public open space beyond the minimum requirement, the Project will provide an additional 4,753 square feet of public open space, or a total of 18,653 square feet (13.4% of the Site).



Figure 10 – The Mews  
(Spring Street at Woodland Drive, looking south)





*Figure 11 – The Mews  
(Planning Place, looking north)*



*Figure 12 – The Mews  
(Northern terminus, looking south)*

Circulation

Vehicular access to the Property is proposed directly from Planning Place via Spring Street and Georgia Avenue. This access configuration allows the Site to function with two consolidated access points, which presents a safe

and highly efficient development proposal. From the west (Georgia Avenue), Planning Place is an existing public street (terminating at Parking Lot #2) and from the east (Spring Street), Planning Place extended will be a new private driveway. A private driveway, rather than a private road, is appropriate on this Site because of the limited utility Planning Place offers to the adjacent street network. Planning Place is located too closely to the Georgia Avenue and Spring Street intersection to provide a full-movement access point and, as a result, will primarily serve as a point of origin and destination for Site users rather than a through street for the general public. Nevertheless, the private driveway portion of Spring Street will be built to the structural standards of a public business district street and will be encumbered with a public access easement to ensure unrestricted public access to the driveway. As a result of the proposed access configuration, the Site will be accessed from a full-movement intersection on Spring Street, adjacent to the Garage #2 entrance, a right-in/right-out access point on Georgia Avenue for northbound traffic, and a left-in access point for southbound Georgia Avenue traffic.

Pedestrian access to the Property is proposed directly from the existing sidewalks along Georgia Avenue, Spring Street, and Planning Place. Both Spring Street and Georgia Avenue are improved with center medians adjacent to the Property, which provide some pedestrian refuge from vehicular traffic. Bicycle access to the Property is from each of the street frontages and will be improved by the Project's provision of enhanced separated bicycle lanes on Spring Street. As a result of the Subject Project, the Spring Street bicycle lanes will be increased in width to 6 feet, with a 2.5-foot wide concrete buffer from Spring Street vehicular traffic, and a 6-foot wide buffer between the bicycle lane and adjacent sidewalk. All parking will be eliminated on the south side of Spring Street to accommodate the enhanced separated bicycle lanes.

The Mews will improve pedestrian and bicycle access between the CBD and points north (Figure 13). In addition to the separated bicycle lanes proposed through the site, the Project proposes a private extension of Planning Place, as an internal driveway, to connect the existing terminus with Spring Street. This street extension will help consolidate access points for the Project and improve internal circulation.

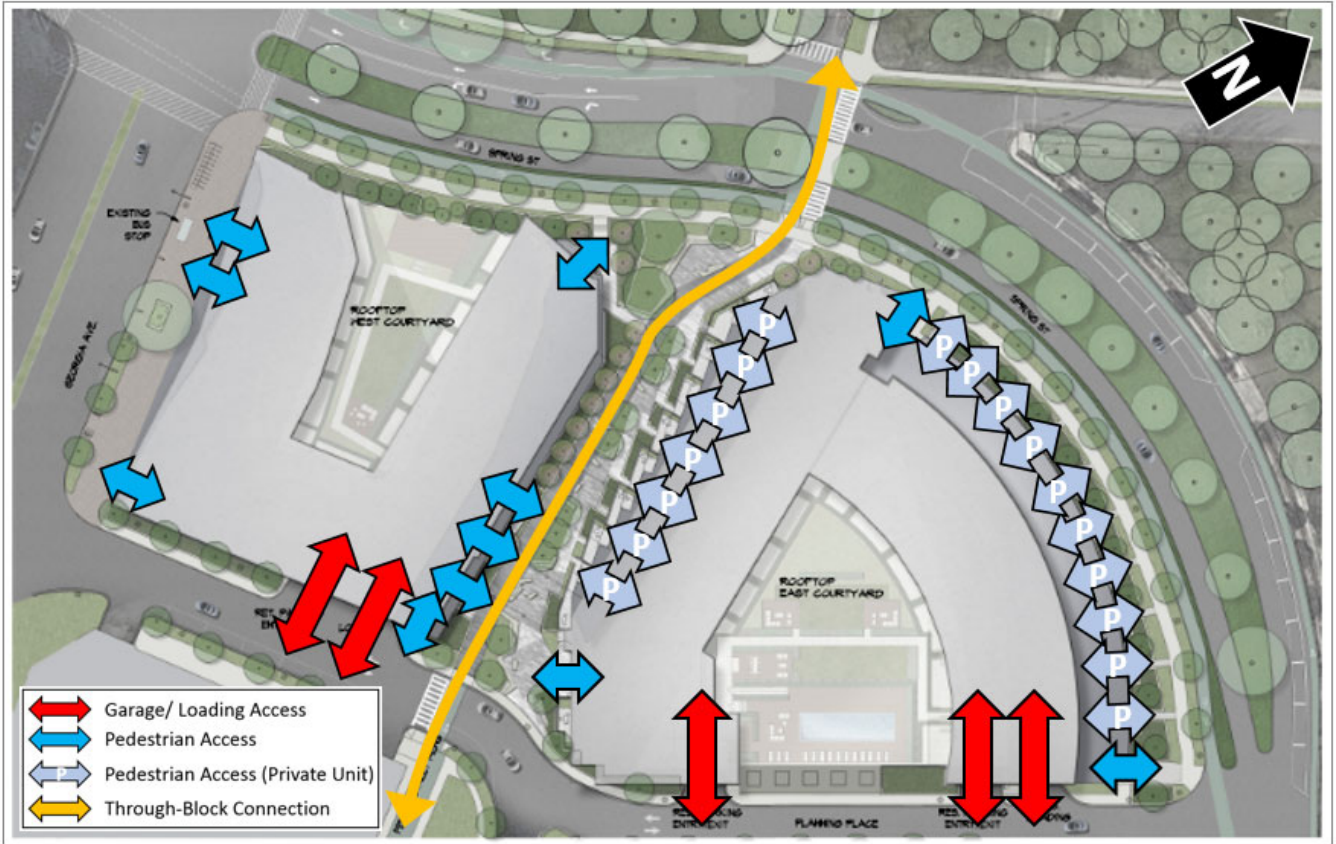


Figure 13 - Pedestrian and Vehicular Circulation

**SECTION 4: PRELIMINARY PLAN 120180100**

**ANALYSIS AND FINDINGS**

The Preliminary Plan will create one lot (138,994 square feet or 3.19 acres of net lot area) to allow for a maximum density of up to 413,821 square feet of development consisting of up to 413,821 square feet of residential development (up to 400 dwelling units) and up to 32,000 square feet of non-residential development. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the proposed lot is appropriate for the location of the subdivision taking into account the recommendations included in the applicable Master Plan, and for the type of development or use contemplated. The Application has been reviewed by other applicable County agencies, all of whom have recommended approval of the Preliminary Plan.

Section 50.4.3.E.2.F.iii of the Subdivision Regulations requires that the property lines of corner lots be truncated 25 feet from the intersection. This provides additional right-of-way area at intersections that ensures adequate sight distance is available and creates space for traffic channelization and other traffic control devices. The regulation also allows the Planning Board to specify a greater or lesser truncation depending on the specific sight distance and traffic operation needs at the intersections adjacent to the Subject Property. The proposed non-standard truncation at the intersections of Georgia Avenue and Spring Street and Georgia Avenue and Planning Place is appropriate because adequate sight distance exists at these locations. The intersection of Georgia Avenue and Spring Street is signalized, which further enhances safe operations and removes the concern that there is not sufficient room within the right-of-way to place signal equipment. Additionally, the Subject Project’s corner at the intersection of Georgia Avenue and Planning Place is “downstream” of oncoming traffic limited to right-in/right-out in the northbound direction and left-in in the southbound direction. Providing truncation at these locations would negatively impact the design of the proposed project without an appreciable safety enhancement.

1. *The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.*

Staff finds the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the 2000 *Silver Spring Sector Plan* and the type of development and use contemplated. The lot was reviewed under and found to be in compliance with the dimensional requirements for the CR zone as specified in the Zoning Ordinance.

Table 1: Development Standards in the CR 3.0 C 2.0 R 2.75 H90 Zone

<b>Standard</b>	<b>Required/Permitted</b>	<b>Proposed</b>
Residential Density	591,032 sf	413,821 sf
Commercial Density	429,842 sf	32,000 sf
Total Density	644,763 sf	413,821 sf
Residential Dwelling Units	NA	400
Front setbacks	0	Must meet minimum <sup>1</sup>
Side setbacks	0	Must meet minimum <sup>1</sup>
Rear setbacks	0	Must meet minimum <sup>1</sup>
Open Space	10%	13.4%
Site Plan Required	Yes	
MPDUs Required	Yes	Yes (Determined at Site Plan)

<sup>1</sup>As determined by MCDPS at the time of building permit.

2. *The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan.*

The Subject Property is within the portion of the Silver Spring CBD described as “Other Areas of the CBD” and is adjacent to the Georgia Avenue Corridor/ Gateway (Sector Plan, page 72). Although the Sector Plan did not anticipate redevelopment of the entire M-NCPPC office building site, Map 28 of the Sector Plan showed potential housing on the Site and identified the mid-block connections included as part of the Subject Application. The Project provides a mixed-use, mid-rise residential development with ground floor retail or other non-residential uses consistent with the Sector Plan recommendations. The Project provides up to 413,821 square feet of total development, comprised of up to 413,821 square feet of residential uses (final unit count and unit mix to be determined at Site Plan) with 12.5% on-site MPDUs and up to 32,000 square feet of non-residential uses.

As conditioned, the Project will improve upon the Site’s street frontage on Georgia Avenue, Spring Street, and Planning Place to provide an enhanced pedestrian environment. Loading and vehicular access points will be located on Planning Place, which will be extended to connect with Spring Street as a private driveway opposite Fairview Urban Park.

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

Urban Design Recommendations

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

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

The development will create an attractive pedestrian environment defined by well-designed buildings that provide pedestrian entrances to residential, retail, and service uses, accessible open space, and building elements to stimulate visual interest. A central landscaped Mews will bisect the Project and will provide a portion of the Silver Spring Separated Bicycle Network. The building height will be stepped-down to a three-story townhouse-style base along Spring Street to break-down the mass of the building and provide a transition from the single-family residential neighborhood to the north and the taller commercial and mixed-use buildings in the core.

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

The development provides safe and efficient site access and circulation by placing all vehicular access on Planning Place and the associated private driveway. As conditioned, the Project includes appropriate streetscape elements, including the undergrounding of overhead utility lines.

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

The Project fosters an improved relationship with Fairview Urban Park by providing a building that activates and contributes to the parkland through the use of architectural elements and pedestrian connections. The Project will provide a high quality public open space, in the form of the through-block Mews, that will also facilitate connection to the broader community. The Project’s public use spaces will enhance the community, enliven the area, and connect to other downtown area uses.

#### General Recommendations

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

#### *Transit-Oriented Downtown*

The Site is situated at the corner of Georgia Avenue and Spring Street: the northern gateway to the CBD. The Sector Plan’s transit-oriented downtown theme strives to balance the needs of commuter and local traffic, of walkers and drivers and to maximize the investment in Silver Spring’s transit infrastructure. “Creating a transit-oriented community is not only a transportation effort, but also a land use effort” (Sector Plan, page 16). The Sector Plan further states that transportation choices go beyond the car to link local and regional buses, trains, bikes and foot travel. The Property is one ½ mile of the Silver Spring Metro Station and is served well by transit that includes Metro, Metrobus, RideOn, the VanGo Circulator and future Purple Line.

As conditioned, the development will create an attractive pedestrian environment defined by well-designed buildings that provide pedestrian entrances to residential, retail, and service uses, accessible open space, and building elements to stimulate visual interest. A central landscaped Mews will bisect the Project and will provide a portion of the Silver Spring Separated Bicycle Network.

#### *Commercial Downtown*

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

#### *Residential Downtown*

The Sector Plan’s residential downtown theme seeks to create a mix of housing choices supported by parks, shopping, cultural, civic and employment uses with transit. “A green and pedestrian friendly downtown will create parks, plazas, and streets of a desirable residential community” (Sector Plan, page 19). The Project will provide up to 413,821 square feet of residential uses (with final unit count and unit mix to be determined at Site Plan) with 12.5% on-site MPDUs and up to 32,000 square feet of non-residential uses.

### *Green Downtown*

The green downtown theme of the Sector Plan envisions shaded, tree-lined streets and well-placed green parks and plazas, creating a comprehensive system of open spaces that provide economic, environmental and aesthetic benefits throughout downtown. The Sector Plan states “Landscaped plazas are incorporated into building and site design to create visual and physical respite, to create formal and informal gathering places, and to complement street and building design” (Sector Plan, page 23).

The streetscape along Georgia Avenue and Spring Street will be upgraded as necessary with street trees, paving, and lighting to improve the pedestrian experience and to interact with their neighbors. The Project transitions the higher-density CBD to the lower-density residential neighborhoods by providing a two-to-three story base before stepping back to mid-rise multi-family dwelling units; function as a gateway into the CBD by providing a focal point at the intersection of Georgia Avenue and Spring Street; and provide a public open space in the form of a mid-block pedestrian/ bicycle connection, the “Mews.”

### *Civic Downtown*

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

### *Pedestrian-Friendly Downtown*

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

- Sidewalks sized to accommodate walking traffic with landscaping, edged by buildings, and connecting urban parks, plazas and activities.
- Street crossings promoting safety and access for pedestrians.
- Street definition formed with harmonious proportions of buildings edging the street and sidewalk and the activities created.
- Street patterns to create easy pedestrian connections.
- Urban plazas to provide breaks in the street patterns to attract groups of people.
- Street furniture to add architectural and streetscape details that contribute visual interest and texture.
- On street parking to buffer pedestrians from moving traffic.
- The scale of buildings and streets in relations to people to create a comfortable urban environment.

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

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

As conditioned, the Application is consistent with the six themes identified in the 2000 *Silver Spring CBD Sector Plan*.

#### Circulation Systems Recommendations

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

The Project includes a central pedestrian Mews through the Property as a projection of Fenton Street, which will include separated bicycle lanes that will improve pedestrian and bicycle access between the CBD and lower density neighborhoods to the north. In addition to the separated bicycle lanes, the Project proposes a private driveway extension of Planning Place to connect the existing terminus with Spring Street. This street extension will help consolidate access points for the Project and improve internal circulation. The Project will provide streetscape improvements along Georgia Avenue, Spring Street, and Planning Place, which will create an inviting pedestrian environment that will activate the street and support the ground-floor retail included as part of the Project. As conditioned, the Application conforms to the Sector Plan recommendations for Circulation Systems.

#### Housing Recommendations

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

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

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

The Preliminary Plan Application substantially conforms to the 2000 *Silver Spring Sector Plan*. The Preliminary Plan Application complies with the specific density recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. The Site is not subject to an Urban Renewal Plan.

3. *Public facilities will be adequate to support and service the area of the subdivision.*

Vehicular access to the Property is proposed directly from Planning Place and a new private driveway, which will create a continuous Planning Place connection between Georgia Avenue and Spring Street. The



Project's access concept limits new vehicular access points in the urban downtown and respects the existing street hierarchy established through the Sector Plan.

#### *Transit Connectivity*

The immediate area is well served by transit that includes the Red Line Silver Spring Metrorail Station (located approximately 1,850 feet to the southwest of the Site), Metrobus, RideOn, the VanGo Circulator and future Purple Line. Specific transit routes near the Site include:

1. RideOn Bus Routes 8, 9, 12, 13, 14, 21, 22,
2. WMATA Metrobus Routes J5, Q1, Q2, Q4, Y2, Y7, Y8, 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*, and the 2005 *Countywide Bikeways Functional Master Plan* recommend the following master plan facilities along property frontage:

1. Spring Street, along the north and east site frontages, as an Arterial with a minimum right-of-way width of 100' (50' from center line).
2. Georgia Avenue, along the west site frontage, as a Major Highway with a minimum right-of-way width of 126' (63' from centerline).
3. Planning Place, along the south site frontage, as a Business District street, with a minimum right-of-way width of 60'.
4. Fenton Street extended, as a publicly accessible dual bikeway from Cameron Street to Woodland Drive.

In addition to the recommendations in the 2005 *Countywide Bikeways Functional Master Plan*, the County Council has endorsed, and the 2018 *Planning Board Draft Bicycle Master Plan* recommend, a network of new separated bicycle infrastructure within the Silver Spring Central Business District. That network identifies Fenton Street extended (including the pedestrian Mews proposed as part of the Project) and Spring Street as bikeways that should be improved in the future with separated bicycle lanes. The Applicant is implementing this vision by enhancing the Spring Street separated bicycle lanes with physical separation and constructing the Project around a central Mews/ bicycle connection.

#### *Sector-Planned Transportation Demand Management*

As a mixed-use development with more than 100 dwelling units within the Silver Spring Transportation Management District (TMD), the Applicant is required to enter into a Traffic Mitigation Agreement to participate in the Silver Spring TMD.

#### *Adequate Public Facilities*

A transportation study, dated May 25, 2018, was submitted to analyze the Project. The proposed development is estimated to generate 245 net new morning peak-hour person trips (115 vehicle trips) and 534 net new evening peak-hour person trips (238 vehicle trips) (Tables 1 and 2). Because the estimated transportation impact of the Project exceeds 50 net new trips for the vehicular, pedestrian, bicycle and transit ridership modes, the Project evaluated the adequacy of each of these modes to satisfy the Local Area Transportation Review requirement.

Table 2: Project Peak Hour Trip Generation

Existing	Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
	AM	PM	AM	PM	AM	PM
35,600 SF General Office	84	118	55	77	111	155
<b>Existing Trips</b>	<b>84</b>	<b>118</b>	<b>55</b>	<b>77</b>	<b>111</b>	<b>155</b>
<b>Proposed</b>						
	AM	PM	AM	PM	AM	PM
250 Mid-Rise Apartments	89	109	69	84	138	168
150 Residential Condo/ Townhouse-style Units	71	84	55	65	110	130
Residential Subtotal	160	193	124	149	248	298
33,250 SF Retail	80	286	46	166	108	391
<b>Proposed Trips</b>	<b>240</b>	<b>479</b>	<b>170</b>	<b>315</b>	<b>356</b>	<b>689</b>
<b>Net New Trips</b>						
	<b>156</b>	<b>361</b>	<b>115</b>	<b>238</b>	<b>245</b>	<b>534</b>

Source: Wells & Associates Transportation Study, dated May 25, 2018.

Table 2: Peak Hour Trip Generation by Mode

	Person Trips	Auto Driver	Pedestrian*	Transit	Bike
AM	245	115	79	27	52
PM	534	238	205	82	123

\* Pedestrian trips are the sum of all transit and bicycle trips generated by the project.

Source: Wells & Associates Transportation Study, dated May 25, 2018.

Vehicle Adequacy

As a project that generates more than 250 net new peak hour vehicle trips, the Applicant was required to evaluate two tiers of intersections within Downtown Silver Spring, resulting in a total of eight intersections, including the site access points. In accordance with the 2016-2020 Subdivision Staging Policy, the study locations are presented in Figure 14, below, and results of the HCM methodology are presented in Table 3.

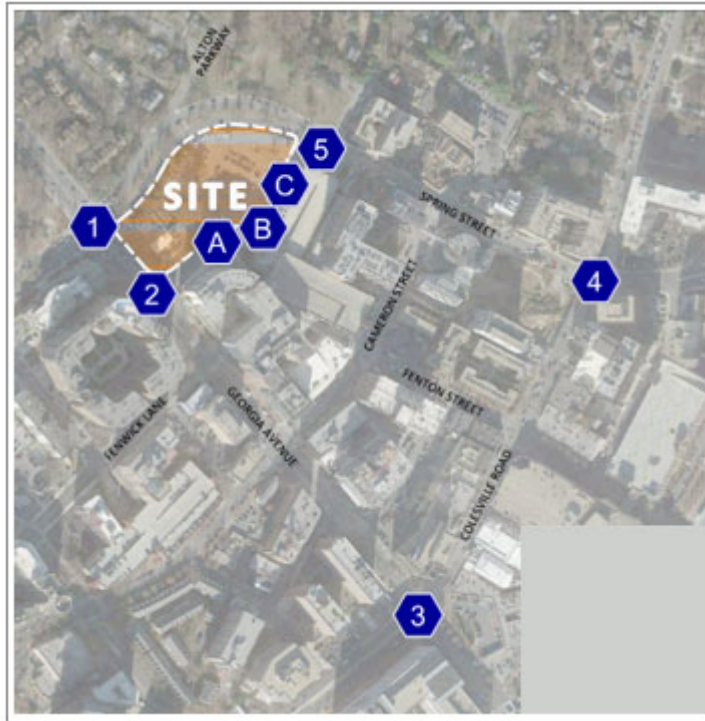


Figure 14 – Intersection Analysis Map

Table 3: Intersection Capacity  
Highway Capacity Manual Methodology  
Control Delay (seconds)

Intersection/Corridor		Delay Standard	Existing Conditions		Background Conditions		Future Conditions	
			AM	PM	AM	PM	AM	PM
1	Georgia Avenue/ Spring Street	120	43.9	44.5	62.1	59.5	69.7	65.4
2	Georgia Avenue/ Planning Place	120	0.5	0.9	0.5	1.4	0.7	2.5
3	Georgia Avenue/ Colesville Road	120	32.2	38.2	38.5	43.3	40.7	43.6
4	Colesville Road/ Spring Street	120	42.6	47.5	99.7	97.9	104.3	106.3
5	Spring Street/ Planning Place	120	--	--	--	--	1.3	1.5
A	Planning Place/ Site Driveway (West)	120	--	--	--	--	1.6	3.7
B	Planning Place/ Site Driveway (Middle)	120	--	--	--	--	2.6	1.6
C	Planning Place/ Site Driveway (East)	120	--	--	--	--	2.2	1.2

Source: Wells & Associates Transportation Study, dated May 25, 2018.

Pedestrian Adequacy

Because the Project generates more than 50 peak hour pedestrian trips, the Applicant evaluated each of the crosswalk level of service at LATR study intersections within 500 feet of the Site and determined that each of the pedestrian crossings would operate at a level of service “C” or better in the future condition. The Applicant must fix or fund improvements to non-compliant ADA infrastructure pedestrian infrastructure within 500 feet of the Subject Property, in accordance with the 2016-2020 Subdivision Staging Policy and supplemental guidance issued by the Montgomery County Department of

Transportation. Final determination of the required improvements must be made by MCDOT and/ or MD SHA prior to certification of the Site Plan. The pedestrian adequacy area is depicted in Figure 15.

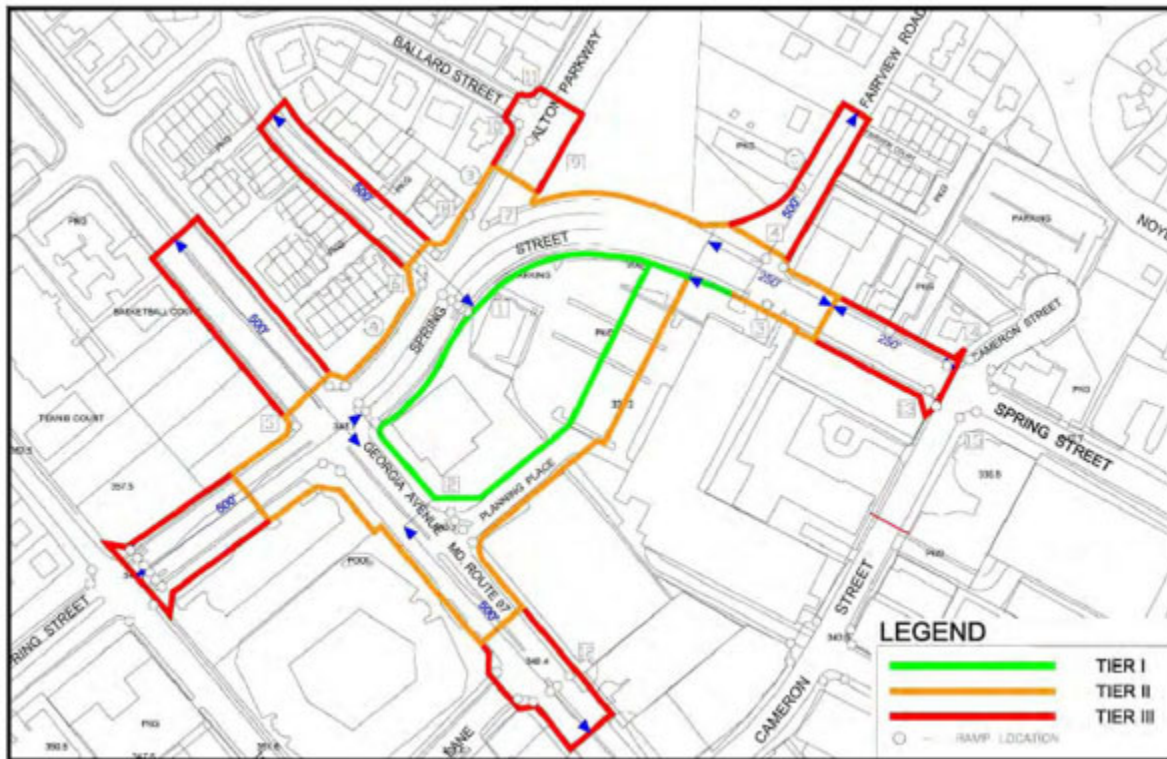


Figure 15 – Pedestrian Adequacy Area

#### Bicycle Adequacy

The Applicant evaluated bicycle travel in accordance with the Planning Department’s “Level of Traffic Stress” analysis, which recognizes the effect different roadways have on bicyclists’ comfort. That analysis determined that bicycle facilities within 750 feet of the Site were Level of Traffic Stress “2” or better. This low level of traffic stress is due, in large part, to the provision of new physically separated bicycle lanes on Spring Street and the new through-block connector within the Project’s Mews.

#### Transit Adequacy

The Applicant evaluated transit capacity within 1,000 feet of the Site and determined that all transit routes will continue to operate within acceptable limits during the peak periods. The route with the highest ridership in the “build” condition is the southbound WMATA Metrobus Q4 during the morning peak hour. The WMATA Q4 will have a maximum passenger load of 1.025 riders per seat, which is well within the maximum 1.25 riders per seat capacity established by the LATR Guidelines.

#### **School Capacity**

The Project is subject to the FY19 Annual School Test, approved by the Planning Board on June 21, 2018 and effective July 1, 2018.

#### **Calculation of Student Generation**

To calculate the number of students generated by the proposed development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-

rise multifamily unit, or high-rise multifamily unit and assigned rates based on a project's location in Montgomery County (Table 4). The Subject Project is estimated to generate 39 new elementary school students, 15 new middle school students, and 20 new high school students (Table 5).

Table 4: Student Generation Rates Per Unit – East Region

	Elementary School	Middle School	High School
<b>SF Detached</b>	0.207	0.099	0.139
<b>SF Attached</b>	0.217	0.108	0.149
<b>MF Low- to Mid-Rise</b>	0.268	0.108	0.146
<b>MF High-Rise</b>	0.099	0.039	0.051

Table 5: 8787 Georgia Avenue Student Generation

Type of Unit	Net new Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
<b>Multifamily High-Rise</b>	400	0.099	39.6	0.039	15.6	0.051	20.4
<b>TOTAL</b>	<b>400</b>		<b>39</b>		<b>15</b>		<b>20</b>

#### Cluster Adequacy Test

The project is located in the Albert Einstein High School Cluster, which is part of the Downcounty Consortium. The student enrollment and capacity projections from the FY19 Annual School Test for the Einstein Cluster are noted in Table 6.

Table 6: Einstein Cluster Capacity Projections

School Level	Projected Cluster Totals, September 2023			Moratorium Enrollment Threshold	Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	2,953	3,037	97.2%	3,645	<b>2,992</b>
Middle	1,311	1,475	88.9%	1,771	<b>1,326</b>
High	2,260	1,927 <sup>1</sup>	117.3%	2,313	<b>2,280</b>

Sufficient capacity exists at each of the elementary, middle, and high school cluster levels to accommodate the Project. The Moratorium Enrollment Threshold, identified in Table 7, is the enrollment at which 120% utilization is exceeded, resulting in a cluster-wide residential development moratorium. As indicated in the last column of the table, the projected enrollment plus the estimated impact of the Subject Application fall below the moratorium thresholds at all three school levels.

#### Individual School Adequacy Test

The applicable elementary school for this project is Woodlin ES. The home middle school is Sligo MS. Based on the FY19 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

<sup>1</sup> The projected cluster high school capacity of 1,612 has been modified to reflect the impact of a 14-classroom placeholder projected included by the County Council in the FY 2019-2024 Capital Improvements Program.

Table 7: Student Enrollment and Capacity Projections

School	Projected School Totals, September 2023				Moratorium Enrollment Thresholds		Projected Enrollment + Application Impact
	Enrollment	Program Capacity	% Utilization	Seat Deficit	120% Utilization	Seat Deficit	
Woodlin ES	627	635	98.7%	+8	763	745	666
Sligo MS	930	928	100.2%	-2	1,114	1,108	945

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and if the school seat deficit meets or exceeds 110 seats for the elementary school or 180 seats for the middle school. If a school’s projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column, the projected enrollment plus the estimated impact of this application falls below both applicable moratorium thresholds for both Woodlin ES and Sligo MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project.

**Analysis Conclusion**

Based on the school cluster and individual school capacity analysis performed, using the FY2019 Annual School Test, there is adequate school capacity for the amount and type of development proposed by this application.

**Other Public Facilities**

Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as electrical, telecommunications, gas, police stations, firehouses, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Property.

- 4. All Forest Conservation Law, Chapter 22A requirements are satisfied.

**Environment**

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD), designated 420141580, was approved by Staff on May 8, 2014. There are 5-specimen trees on-site, one of which is a large Willow oak that is 81% the size of the State champion tree. There are three additional specimen trees affected by the Project within the median of Spring Street. There are no stream valleys, streams, forests, wetlands, floodplains, or rare, threatened or endangered species on site. The Property is within the Sligo Creek watershed and Lower Sligo Creek sub-watershed; a Use I watershed.

*Forest Conservation*

On June 5, 2014, as part of Mandatory Referral MR2014047, the Planning Board approved a Preliminary Forest Conservation Plan and tree variance for impacts to five (5) specimen trees, including trees 1, 2, 3, 4, and 7, as designated on the NRI/FSD (Resolution No 14-47). Since then, the net tract area of impact for the Site has increased to 4.41 acres, triggering the need for a revised variance and increased the

afforestation requirement to 0.66 acres. The Applicant is proposing to meet the afforestation requirements via fee-in-lieu.

#### *Forest Conservation Variance*

The original tree variance, granted as part of the 2014 Mandatory Referral, approved impacts to five (5) specimen trees (measuring greater than 30-inch diameter). Of the five trees identified for the variance, three on-site specimen trees, designated as 1, 2, and 3 on the NRI/FSD, were identified for removal. The remaining two trees, designated 4 and 7, were street trees located on Georgia Avenue and Spring Street, respectively. The Board requested protection of these two trees, though impacts to the critical root zones (CRZ) were permitted.

Since the 2014 tree variance was granted, the site design changed in response to staff and community comments. These changes resulted in additional impacts to the critical root zones of specimen trees #4 and #7, as well as two additional specimen trees (#60 and #61) located in the median of Spring Street. In light of the increased impacts, the Applicant submitted a revised variance request on October 17, 2018 (Attachment D). Each of these additional impacts are discussed below:

- Tree 4  
The additional construction work proposed within the CRZ of tree #4 (Georgia Avenue), necessitated inclusion in the revised variance request. Reasonable efforts will be made to preserve Tree 4.
  
- Tree 7  
The additional construction work proposed within the CRZ of tree #7 (Spring Street), along with its ailing health, have reduced the likelihood of its survival and Staff therefore recommends its removal.
  
- Tress 60 and 61  
The additional construction work proposed to implement the new pedestrian and bicycle crossing, between the Mews and Woodland Drive, expanded the limits of disturbance within the CRZ of trees #60 and #61 (Spring Street median). Reasonable efforts will be made to preserve these trees.

The Final Forest Conservation Plan will outline specific measures to save trees 4, 60, and 61. The variance approved by the Planning Board in 2014 dictates mitigation requirements to compensate for removal and impacts to five (5) on-site specimen trees: 1, 2, 3, 4, and 7. Mitigation for these trees includes: the planting of 18 (3") caliper trees on-site, the planting of two (2) replacement Willow oaks (*Quercus phellos*) with a minimum diameter of 4-6 inches. Each replacement Willow oak must have a minimum soil volume of 1,000 cubic feet.

In addition to the increased impacts associated with the Project, Tree #59 (a 31.5-inch Pin oak), located in the Spring Street median at Georgia Avenue, is showing significant die-back. The Department of Transportation has identified this tree for removal independent of the Subject Project.

#### *Noise*

The Applicant requested to have the exterior noise guidelines waived (Attachment C), under Section 2.2.2 of the 1983 Noise Guidelines, due to the nature of the urban downtown. The Project proposes outdoor amenity space separated from transportation noise on Georgia Avenue and buffered by the surrounding building, however, some noise will be inevitable. Construction methods and materials on the proposed

building will be subject to conditions designed to attenuate noise in interior spaces. Staff recommends approval of the waiver.

1. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied.*

Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on October 17, 2018 (Attachment E). The Preliminary Plan proposes to meet stormwater management requirements through the use of micro-bioretenion planter boxes.

2. *Any other applicable provisions specific to the property and necessary for approval of the subdivision is satisfied.*

No other provisions apply to the Subdivision



## SECTION 5: SITE PLAN 820180100

### FINDINGS

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*

2. *To approve a site plan, the Planning Board must find that the proposed development:*

*a. satisfies any previous approval that applies to the site;*

The Site Plan conforms to all binding elements of Sketch Plan No. 320170060.

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

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

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

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

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

*i. Division 4.5. Commercial/Residential Zones*

#### Development Standards

The Tract is approximately 4.93 acres, zoned CR 3.0, C 2.0, R 2.75, H 90T. The following Data Table shows the Application's conformance to the development standards of the zone.

Table 8: Data Table

<b>Data Table</b>			
<b>Section 59.4</b>	<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
	<b>Tract Area</b> CR 3.0, C 2.0, R 2.75, H 90T	n/a	214,921 sf (4.93 ac)
	Prior Dedication Abandonment Area Proposed Dedication <b>Site Area</b>	n/a n/a n/a n/a	73,809 sf (1.69) 1,743 sf (0.04 ac) 3,861 (0.08 ac) 138,994 sf (3.19 ac)
	<b>Residential Density (GFA/ FAR)</b> CR 3.0, C 2.0, R 2.75, H 90T	591,032 (2.75)	413,821 sf/ (1.93) <sup>1</sup>
	<b>Commercial Density (GFA/ FAR)</b> CR 3.0, C 2.0, R 2.75, H 90T	429,842 (2.0)	32,000/ (0.15) <sup>1</sup>
	<b>Total GFA/ FAR</b>	<b>644,763 (3.0)</b>	<b>413,821 sf/ (1.93)</b>
	<b>MPDUs</b>	12.5%	12.5%
	<b>Building Height</b>	90 feet	Up to 90 feet
	<b>Public Open Space (min)</b>	10% (13,900 sf)	13.4% (18,653 sf)
	<b>Minimum Setbacks</b>	0	0

<sup>1</sup> Final residential and non-residential density to be determined at the time of building permit. Densities stated in the data table are maximums with the total site density limited to a maximum of 413,821 square feet.

Table 8 (Continued): Parking

Parking <sup>1</sup>	Spaces Required	Spaces Provided
Vehicle Parking		
Residential		
Efficiency (48 market rate units)	(48 minimum/ 48 maximum)	--
1 Bedroom (214 market rate units)	(214 minimum/ 268 maximum)	--
2 Bedroom (123 market rate units)	(123 minimum/ 185 maximum)	--
3 Bedroom (15 market rate units)	(15 minimum/ 30 maximum)	--
<b>400 Dwelling Units</b>	<b>(400 minimum/ 530 maximum)</b>	--
Commercial		
32,000 SF of Retail	<b>(112 minimum/ 192 maximum)</b>	--
<b>Maximum Total Parking</b>	<b>512/722</b>	<b>426</b>
Bicycle Parking (Long Term/ Short Term)		
Residential	<b>(95/5) 100</b>	<b>(95/5) 100</b>
Retail	<b>(1/3) 4</b>	<b>(1/3) 4</b>
Loading Spaces		
Residential	1	1
Retail	1	1

ii. *Division 4.7. Optional Method Public Benefits*

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

<sup>1</sup> Final number of vehicle and bicycle parking spaces to be determined at building permit based on final number of dwelling units.

Table 9: Public Benefits

<b>Public Benefits Calculations</b>			
<b>Public Benefit</b>	<b>Incentive Density Points</b>		
	<b>Max Allowed</b>	<b>Requested</b>	<b>Recommended</b>
<b>59.4.7.3A: Major Public Facilities</b>			
<b>Bicycle Improvements</b>	<b>70</b>	<b>23</b>	<b>23</b>
<b>59.4.7.3B: Transit Proximity</b>			
<b>¼ to ½ Mile from Transit</b>	<b>30</b>	<b>30</b>	<b>30</b>
<b>59.4.7.3C: Connectivity and Mobility</b>			
<b>Through-Block Connection</b>	<b>20</b>	<b>20</b>	<b>20</b>
<b>59.4.7.3E: Quality of Building and Site Design</b>			
<b>Public Open Space</b>	<b>20</b>	<b>5</b>	<b>3.4</b>
<b>Exceptional Design</b>	<b>10</b>	<b>10</b>	<b>10</b>
<b>Structured Parking</b>	<b>20</b>	<b>10</b>	<b>10</b>
<b>Tower Step-Back</b>	<b>10</b>	<b>10</b>	<b>10</b>
<b>Architectural Elevations</b>	<b>20</b>	<b>15</b>	<b>15</b>
<b>59.4.7.3F: Protection and Enhancement of the Natural Environment</b>			
<b>Building Lot Terminations (BLTs)</b>	<b>30</b>	<b>6.6</b>	<b>6.56</b>
<b>Cool Roof</b>	<b>10</b>	<b>5</b>	<b>5</b>
<b>TOTAL</b>			<b>132</b>

#### Major Public Facilities

*Bicycle Improvements:* The Applicant requests 23 points for upgrading the Spring Street separated bicycle lanes and associated Spring Street crossing at Woodland Drive to enhance bicycle access within the immediate vicinity of the Project. This improvement includes separation from the vehicular travel way in the form of a 2.5' wide curb as well as a directly aligned crosswalk that conveys pedestrians and bicyclists between Woodland Drive and "Fenton Street Extended" connection through the Subject Property. This facility is a master planned pedestrian/ bicycle connection and constitutes a portion of the Council endorsed Silver Spring Separated Bicycle Network. Staff supports the Applicant's request. A calculation demonstrating compliance with the points available through the Commercial/Residential and Employment Zone Design Implementation Guidelines (CR Guidelines) is provided below:

$$[(\text{Constructed Area} / \text{Net Lot Area}) * 4] * 100 \text{ or} \\ [(8,075 \text{ square feet} / 138,994 \text{ square feet}) * 4] * 100 = 23 \text{ points}$$

#### Transit Proximity

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

#### Connectivity and Mobility

*Through-Block Connection:* The Applicant requests 20 points for providing a through-block pedestrian connection of at approximately 48-feet in width along the alignment of Fenton Street extended, between Planning Place and Spring Street. This facility is a master planned pedestrian/ bicycle connection and constitutes a portion of the Council endorsed Silver Spring Separated Bicycle Network. At least 35% of the ground floor façade facing the interior pedestrian space will have clear, unobstructed windows and both

residential and retail entries will open directly onto the Mews. Staff supports granting 20 points for this category.

#### Quality of Building and Site Design

*Public Open Space:* The Applicant requests 5 points for providing 13.4%, an additional 3.4% beyond the minimum Zoning Ordinance requirement, of the net lot area as Public Open Space. As a result, the Application will provide an additional 4,753 square feet of Public Open Space, or a total of 18,653 square feet (13.4% of the Site). Staff supports 3.4 points after reducing the amount of additional open space to exclude “back of house” space.

$$\left(\frac{\text{Public Open Space in Excess of Code Requirement}}{\text{Net Lot Area}}\right)*100$$
$$\left(\frac{4,753 \text{ square feet}}{138,994 \text{ square feet}}\right)*100 = 3.4 \text{ points}$$

*Exceptional Design:* The Applicant requests 10 points for building or site design that enhances the character of a setting. Per the CR Guidelines, 10 incentive density points are appropriate for a development that meets all guideline criteria. Each of the criteria is described below:

- *Provides innovative solutions in response to the immediate context*  
The Property serves as a transition between the Silver Spring CBD and residential neighborhoods located just outside of the CBD boundary. In response to the role this Site plays in mediating its surrounding context, the Project massing breaks-up the proposed building into two distinct blocks and minimizes the perceived mass, as viewed from the north, by orienting one of the courtyards toward the residential neighborhood. Additionally, the Project serves as the master plan envisioned “gateway” into the Silver Spring downtown by providing a dramatic roofline along the Georgia Avenue façade and through the use of interesting materials that give prominence as a gateway into the downtown area.
- *Creates a sense of place and serving as a landmark*  
The Project will create a sense of place by providing the central Mews between Planning Place and Spring Street. This will be a unique space within downtown Silver Spring that will serve as both a destination and pedestrian/ bicycle connection between the residential neighborhoods to the north and downtown to the south. The Mews is approximately 250 feet in length and 48 feet in width, opening up to more than 100’ at both ends with chamfered public plazas and residential lobby spaces.
- *Enhances the public realm in a distinct and original manner*  
The Project will activate the street by orienting activating uses and a highly articulated base along frontage sidewalks and the central Mews. Ground floor retail is strategically located along Georgia Avenue and the western side of the Mews while residential entries line Spring Street along the eastern portion of the Project and the eastern side of the Mews. This design places building activity directly on the street and brings the building elements to a human scale along the sidewalk.
- *Introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way*  
The Project uses traditional building materials, such as masonry, cement, metal, glass, and wood, to blend architectural styles from both the residential community and downtown. Additionally, the Project uses building geometry, material patterns, and scale of building elements to present a fresh, contemporary, and contextual design.

- Achieves compact, infill development so living, working, and shopping environments are more pleasurable and desirable on a problematic site*

The Project redevelops an existing low-density office building and associated surface parking lot with a mixed-use residential project. The Subject Application proposes a truly sustainable downtown by including up to 32,000 square feet of ground-floor retail uses and additional housing options in close proximity to transit and existing commercial uses within the Silver Spring downtown area.
- Integrates low impact design development methods into the overall design of the site and building, beyond green building or site requirements*

The Project incorporates stormwater management through the use of micro-bioretenion facilities in the form of multiple planter boxes and a green buffer around the perimeter of the building. These elements will include ornamental plantings and will substantially minimize stormwater runoff impact of the Project.

Staff supports the Applicant’s request for 10 exceptional design points.

*Structured Parking:* The Applicant requests 10 points for providing all on-site parking within a parking structure. The exposed façades of the garage will be treated to improve the aesthetic appearance of the building. Staff supports the Applicant’s request.

$$[(\text{Above-grade spaces} / \text{Total Spaces}) * 10] = [(426 / 426) * 10] = 10 \text{ points.}$$

*Tower Step-Back:* The Applicant requests 10 points for providing a 25-foot deep tower step-back above the three-story multi-family dwelling units along Spring Street as a means of breaking-up the building façade as it is viewed from Spring Street. As proposed, the building exceeds the minimum requirements for 10 points and Staff supports the Applicant’s request.

*Architectural Elevations:* The Applicant requests 15 points for providing a design that is bound by architectural elevations as part of a certified site plan showing elements of the façade. In order to achieve 10 points, the Project will be bound to:

- Minimum amount of transparency on the first floor,
- Minimal spacing between operable doors, and
- Design priorities of the applicable master plan or implementing design guidelines.

An additional five points is awarded to the project in recognition of steps taken to respond to community design concerns and the Site’s role as a transition between the Silver Spring downtown and adjacent residential neighborhoods.

The architectural elevations are intricately connected and respond to a very articulated building massing. The building architecture emphasizes the distinct character of the west and east building components as well as the Mews. Brick, metal, and glass will articulate the base and middle portions, while lighter rain-screen materials will articulate the building tops. The corners will be treated as three dimensional objects, emphasizing its vertical potential to anchor the buildings and create visual identity. The buildings base will notch in and out from the building footprint, generating visual porosity and architectural contrast. The three-dimensional massing shapes and steps will be emphasized though the architecture. Staff supports the Applicant’s request.

Protection and Enhancement of the Natural Environment

*Building Lot Terminations (BLTs)*: The Applicant requests 6.6 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. Based on the calculation shown below, Staff supports 6.56 points for this benefit.

$$\begin{aligned} 413,821 - 107,460 &= 306,361 \text{ square feet of Incentive Density;} \\ 306,361 * 0.075 &= 22,977 \text{ square feet;} \\ 22,977/31,500 &= 0.7290 \text{ BLTs;} \\ 0.7290 \text{ BLTs} * 9 \text{ points per BLT} &= 6.56 \text{ Public Benefit points} \end{aligned}$$

*Cool Roof*: The Applicant requests 5 points for providing a cool roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum of SRI of 25 for slopes above 2:12, Staff supports the Applicant's request.

iii. *Division 6.1. Site Access*

Vehicular access and loading will occur via consolidated access points on Planning Place and the associated private extension, via Georgia Avenue and Spring Street. Pedestrians and bicyclists will be able to enter the Project from the lobbies on either Georgia Avenue, Spring Street, or the through-block Mews. Short-term bicycle parking will be provided along the public sidewalks and within the Mews, the exact location of which will be shown on the Certified Site Plan. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

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

Parking for the residential building will be provided in a structured parking facility. Vehicular and loading access will occur on Planning Place along the south side of the Property via Georgia Avenue and Spring Street to limit new driveways on either of the two higher volume public roadways.

v. *Division 6.3. Open Space and Recreation*

The Application will exceed its 10% open space requirement on-site by providing 13.4% open space. A portion of the open space will be provided in the Project's through-block connection, the Mews.

The Application is in conformance with the *Recreation Guidelines*, as demonstrated in the Recreation Facilities Data table provided with the Application (Scenario ID 6972). The Applicant is providing bicycle amenities; interior courtyards, an urban plaza, through-block connection, lounge pool, and picnic/ seating areas. Final locations and quantities of each of these amenities will be shown on the Certified Site Plan.

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

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by residents and visitors. The Project will transform existing streetscape along the Georgia Avenue, Spring Street, and Planning Place frontages with new street trees, improved, wider sidewalks, street lighting, and street furniture. The on-site lighting will limit the necessary light levels to streets and sidewalks.

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

e. *satisfies the applicable requirements of:*

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

Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on October 17, 2018 (Attachment E). The Preliminary Plan proposes to meet stormwater management requirements through the use of micro-bioretenion planter boxes.

ii. *Chapter 22A, Forest Conservation.*

Forest Conservation Tree Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. The law requires no impact to trees that: measure 30 inches or greater, DBH; are part of an historic site or designated with an historic structure; are designated as national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species (“Protected Trees”). Any impact to a Protected Tree, including removal or disturbance within the Tree’s critical root zone (“CRZ”) requires a variance. An application for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Staff recommends that a variance be granted.

*Variance Request* - The Applicant submitted a revised variance request in a letter dated October 17, 2018, for the impacts/removal of trees. This variance is a revision to the previously approved variance and highlights only those trees with additional impacts. The Applicant proposes to impact three trees and remove one tree (Protected Trees) that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law. The Protected Trees described in the revised variance are shown graphically in Figure 16 and listed in Table 10.

Table 10: Protected Trees

Tree Number	Species	DBH Inches	CRZ Impact		Status
			On-Site	Right-of-Way	
4	Pin Oak	34.5”	37.7%	32.2%	To Remain
7	Pin Oak	33”			To Be Removed
60	Pin Oak	36”	1.8%	33.2%	To Remain
61	Pin Oak	31”	0%	14.6%	To Remain

<sup>1</sup>In addition to those identified in the Board’s previously granted variance request.



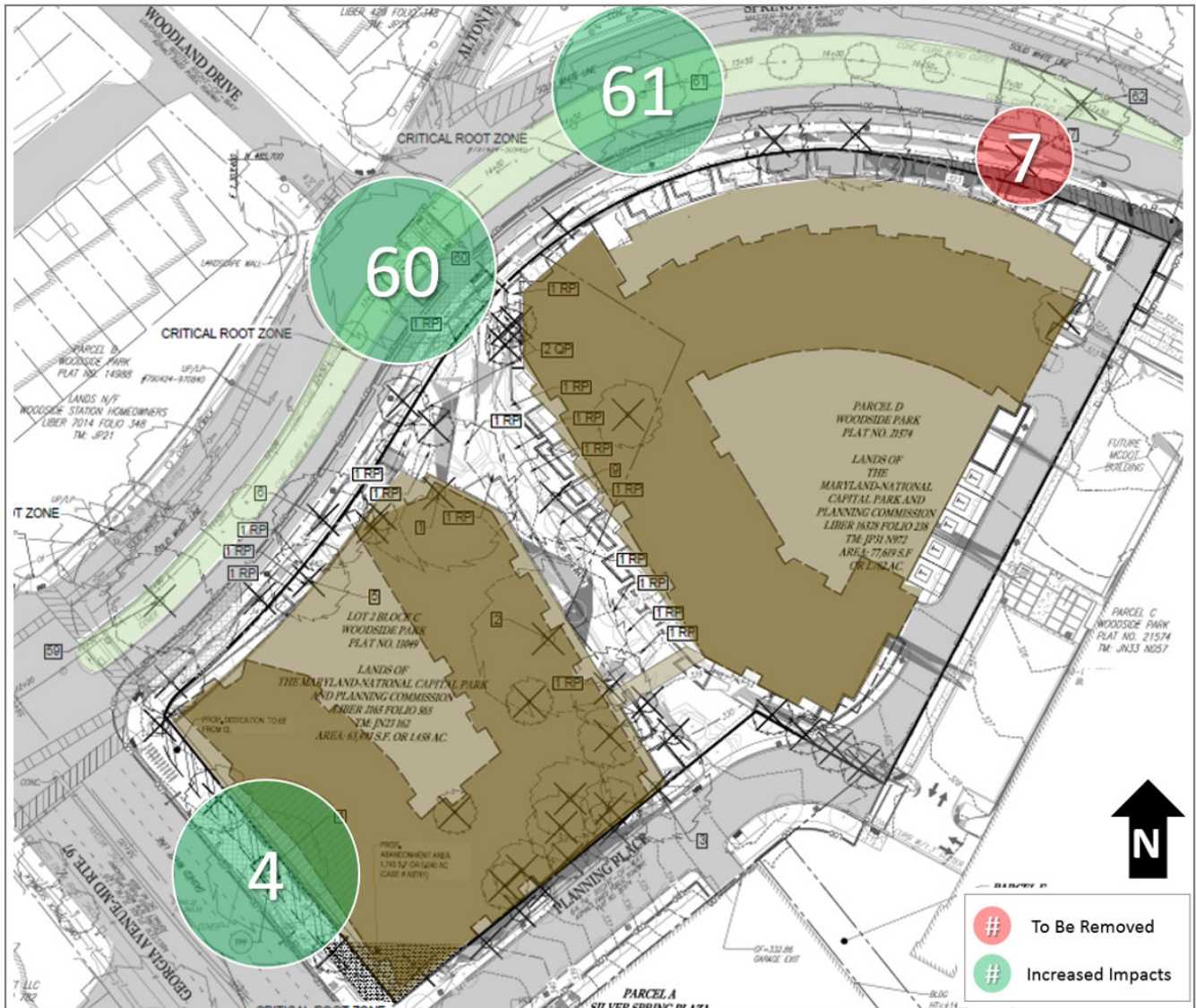


Figure 16 – Protected Trees

**Unwarranted Hardship Basis** - Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the Protected Trees in an undisturbed state would result in an unwarranted hardship, denying an applicant reasonable and significant use of a property.

The requested tree variance is necessary for implementation of this redevelopment project consistent with the existing Sketch Plan approval for it and overall planning principles for the site. There is no forest on the subject property nor are there any environmental buffers. The conditions related to this request are the unavoidable consequence of the development process under the zoning. Not granting the variance is an unwarranted hardship. The four subject trees are impacted by proposed sidewalk, bikeways, pedestrian facilities and necessary location of buildings to meet planning objectives.

Staff has reviewed this Application and finds that there would be an unwarranted hardship if a variance were not considered.

**Variance Findings** - Section 22A-21 of the County Forest Conservation Law sets forth the findings that must

be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determination based on the required findings in the review of the variance request and the preliminary forest conservation plan:

Granting of the requested variance:

1. *Will not confer on the applicant a special privilege that would be denied to other applicants.*

Granting the variance will not confer a special privilege on the Applicant as the disturbance to the Protected Trees is due to the reasonable development of the Property. The Site is located in a highly developed urban downtown and, as such, must provide high quality pedestrian and bicycle infrastructure to promote the safe and efficient transportation system. Increased impacts to tree 4, and the ultimate removal of tree 7, are directly related to improved sidewalks. Impacts to trees 60 and 61 are directly related to a new bicycle connection across Spring Street, connecting the Fenton Street corridor, to the south, and residential neighborhoods, to the north. These impacts would be expected with any potential development on the Subject Property.

2. *Is not based on conditions or circumstances which are the result of the actions by the applicant.*

The need for the variance is not based on conditions or circumstances which are the result of actions by the Applicant. The subject variance request is based on development plans that are consistent with the zoning approved through the County planning process, and the previously approved Sketch Plan. Strict protection of the variance trees would deprive the applicant from making significant changes to the site and complying with planning objectives. The removal of tree 7 and the impacts to trees 60 and 61 are required to implement the separated bike lane specified by the proposed Bicycle Master Plan.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The need for the variance is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The variance will not violate State water quality standards or cause measurable degradation in water quality. The Site is located in a dense urban area that was developed before modern stormwater management regulations were enacted and no stormwater management is currently provided on the Site in the existing condition. The stormwater management plan incorporates environmental site design. The specimen trees being impacted are not in a stream valley buffer, wetland or special protection area. The plan provides stormwater treatment to the MEP of the Site. Therefore, granting the variance will not result in any violation of state water quality standards or degradation of water quality.

County Arborist's Recommendation on the Variance - In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist. Although the County Arborist had not provided comments as of the date of this Staff Report, Staff

anticipates comments prior to the November 1, 2018 Planning Board Hearing.

Variance Recommendation - Staff recommends that the variance be granted

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

The Project provides adequate, safe, and efficient parking and circulation patterns. The Project consolidates the garage and loading entrances on Planning Place to limit impacts to the pedestrian environment and improves public streetscape along its frontages. The Building provides entrances and stoops to activate the Project along the Spring Street façade.

The Project provides a safe and well-integrated building, open spaces and site amenities. The Project presents as a highly articulated building along each of its frontages, providing a gateway feature at the corner of Georgia Avenue and Spring Street, and stepping-back above the third floor along Spring Street to reduce the perceived height of the building opposite Fairview Urban Park. The Project provides amenities for the residents of the Project internal to the building, along the eastern façade, and on the elevated courtyards.

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

As discussed in the Preliminary Plan Findings of this staff report, the Site Plan substantially conforms with the recommendations of the Sector Plan. The Site Plan proposes a mixed-use development of up to 413,821 square feet of total development comprised of up to 400 multi-family residential dwelling units with 12.5% on-site MPDUs, and up to 32,000 square feet of non-residential development. The development includes structured parking, on-site amenities for the residents, and public open space.

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

As discussed in the Preliminary Plan No. 120180100 findings, the development will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

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

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

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

The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The Project's design and scale is compatible with adjacent buildings in the both downtown Silver Spring and Woodside Park residential neighborhood.

3. *To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

4. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

### **Community Outreach**

The Applicant has met all signage, noticing, and submission meeting requirements. On December 14, 2017, the Applicant held a pre-submittal public meeting at the Silver Spring Civic Building. Staff was copied on correspondence between the community and MCDOT regarding the Spring Street median project. As of the date of this Staff Report, Staff has not received correspondence specific to the Subject Application.

### **CONCLUSION**

The proposed development complies with the general requirements and development standards of Section 4.5, the optional method public benefits provisions of Division 4.7, and the general development requirements of Article 59-6 of the Zoning Ordinance. The proposed development satisfies the findings of the Subdivision Regulations and is consistent with the goals and recommendations of the 2000 *Silver Spring CBD Sector Plan*. Therefore, Staff recommends approval of Preliminary Plan No. 120180100 and Site Plan No. 820180100 with the conditions specified at the beginning of this report.

### **ATTACHMENTS**

- A. Previous Approvals
- B. Planning Place Right-of-Way Abandonment Resolution
- C. Noise Waiver Request
- D. Revised Tree Variance
- E. Agency Letters