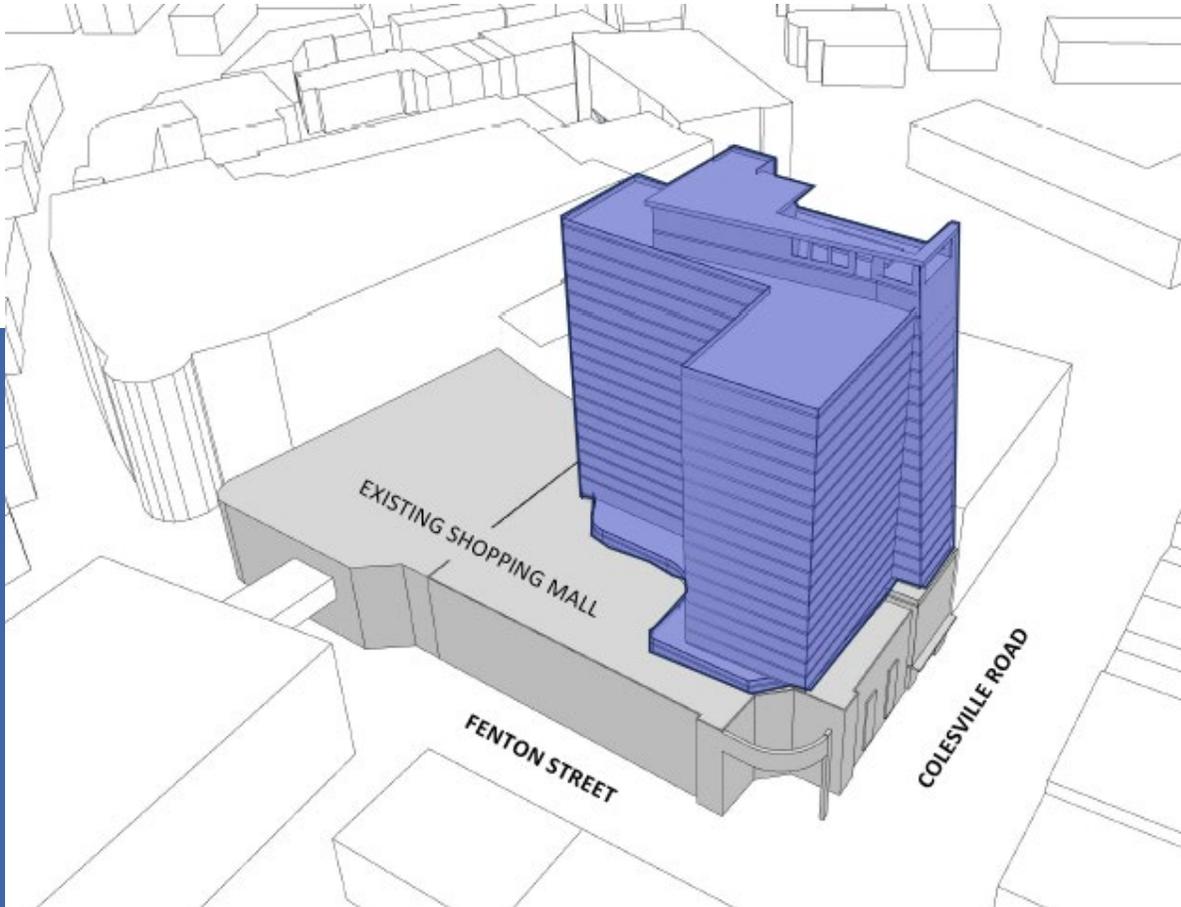


## ELLSWORTH PLACE (FORMERLY CITY PLACE)

### SKETCH PLAN NO. 320240060



#### Description

Request for up to 825,056 total square feet of density for a mixed-use development consisting of up to 425,593 square feet of residential uses with 15 percent MPDUs (proposed) and 399,462 square feet of non-residential density (existing to remain).

Sketch Plan No. 320240060

Completed: 05-06-2024

MCPB

Item No. 6

05-16-2024

Montgomery County

Planning Board

2425 Reedie Drive, Floor 14

Wheaton, MD 20902

## Planning Staff



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### LOCATION/ADDRESS

8661 Colesville Road, Silver Spring;  
SE quadrant, intersection of Colesville Road and  
Fenton Street

### MASTER PLAN

*2022 Silver Spring Downtown and Adjacent  
Communities Plan*

### ZONE

CR-8.0, C-8.0, R-8.0, H-300

### PROPERTY SIZE

2.48 Acres

### APPLICANT

Avante Ellsworth Venture I, LLC c/o GBT Realty  
Corporation

### ACCEPTANCE DATE

February 21, 2024

### REVIEW BASIS

Chapter 59 of the Montgomery County Code

### Summary:

- Staff recommends **approval** of Sketch Plan No. 320240060 with conditions.
- On August 11, 1988, the Montgomery County Planning Board approved Preliminary Plan No. 119871900 for the creation of one commercial lot for the construction of a retail mall as well as 221,444 sf of office space to be constructed in an eight-story tower above the mall.
- Although the mall and associated ground floor office space was built, the office tower proposed atop the mall was never built, though it was included in subsequent applications including a Project Plan, Site Plan, and associated amendments.
- The Subject Application proposes to add up to 425,593 square feet of residential use, with 15% MPDUs, atop the existing commercial development formerly known as City Place resulting in a mixed-use development of up to 825,056 total square feet. The residential use is proposed to be located in a tower atop the mall in place of the previously approved office space.
- This new Sketch Plan Application supersedes the previously approved Project Plan and will be followed by a new Site Plan Application.

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## SECTION 1: EXECUTIVE SUMMARY

The Subject Property is currently developed with an existing retail center Ellsworth Place, formerly known as City Place. Through a series of regulatory development plans, and associated amendments, beginning with Project Plan No. 91987001 in 1988, the Property has been approved for the construction of a commercial/retail development and an office tower atop the commercial ground floor. The retail portion of this development was built and currently exists on the Property (and is proposed to remain); however, the office tower phase was never built.

Approved under the former CBD-3 Zone, the office tower was approved for up to 192 feet in height and up to 299,307 square feet and has been included in the Application through various amendments throughout the years. Although the office tower was never built, the construction of the retail center included the structural supports for the tower to be constructed atop the base.

The current Sketch Plan includes the existing retail center to remain, and proposes a residential tower, of up to 425,593 square feet, atop the Ellsworth Place shopping mall, rather than the previously approved office space. The Subject Application will be reviewed under the requirements of the current zoning ordinance and Sector Plan.

## SECTION 2: RECOMMENDATIONS AND CONDITIONS

### SKETCH PLAN 320240060

Staff recommends approval of Ellsworth Place (formerly City Place), Sketch Plan No. 320240060, for up to 825,056 square feet of density (including 399,463 square feet of existing commercial density to remain) on 2.48 acres, zoned CR-8.0, C-8.0, R-8.0, H-300 in the 2022 *Silver Spring Downtown and Adjacent Communities Sector Plan*. The following site development elements shown on the latest electronic version of Sketch Plan No. 320240060, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the conditions below:

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

All other elements of the Sketch Plan are illustrative and subject to refinement at the time of Site Plan.

This approval is subject to the following conditions:

1. **Density**

The Sketch Plan is limited to a maximum of 825,056 square feet of total residential and non-residential development, including up to 399,463 square feet of existing commercial density to remain and up to 425,593 square feet of residential density with a minimum of 15% MPDUs.

2. **Height**

The development is limited to a maximum average building height of 300 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

3. **Incentive Density**

The development must be constructed with the public benefits listed below unless modifications are made under Section 59.7.3.3.I. and this Sketch Plan is amended. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a) Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance;
- b) Diversity of Uses & Activities, achieved through providing more than 12.5 percent of the residential units as MPDUs as required under Chapter 25A;
- c) Quality of Building and Site Design, achieved through exceptional design, public open space, and tower step-back;
- d) Protection and Enhancement of the Natural Environment, achieved through the purchase of building lot terminations, energy conservation via cool roof; and
- e) Building reuse, achieved through reuse of the existing building and support structures.

4. **Public Open Space**

The Applicant must meet the requirements of Public Open Space, as recommended by Section 4.1.12 of the *Silver Spring Downtown and Adjacent Communities Plan*. The form and amount of the contribution shall be a minimum of 4,789 sf of existing Public Open Space provided onsite and a fee-in-lieu of \$358,153 or other form and amount as determined at Site Plan through coordination with Planning Staff and consistent with Master Plan Interpretation / Policy Document M-NCPPC 2024-01

5. **Future Coordination for Preliminary/Site Plan**

In addition to any other requirements for Site Plans under Chapter 59, the following must be addressed in the Site Plan application:

- a) Silver Spring Downtown and Adjacent Communities Design Advisory Panel - At the time of Site Plan, the Applicant must demonstrate that comments from the Design Advisory Panel have been addressed as specified in their April 17, 2024 meeting minutes and that the project adheres to the Silver Spring and Adjacent Communities Design Guidelines as applicable.

- b) The Applicant must submit and receive approval of a Preliminary/Final Forest Conservation Plan.
- c) Unless Stormwater Management Requirements are waived by MCDPS, the Applicant must provide a Stormwater Management concept approval consistent with Chapter 19 of the Montgomery County Code which also addresses the recommendations of the *Silver Spring Downtown and Adjacent Communities Plan* Water Quality Section (3.7.5.) and the associated Design Guidelines Section (2.1.4.) of the Sector Plan.
- d) Green Cover - At the time of Site Plan, the Applicant must provide a minimum 35 percent of the new Site Area, associated with the proposed residential tower, as green cover as described in Section 2.4.1 of the *Silver Spring Downtown and Adjacent Communities Plan* and any proposed tree canopy must utilize tree species and canopy sizes at 20-year maturity per the M-NCPPC Approved Trees Technical Manual. Green roof areas credited towards the Green Cover requirement must consist of intensive green roof (six inches or greater).
- e) Incorporate Bird-Safe Design elements into the building's architecture with emphasis on Glass Coverage and Glazing, per the *Silver Spring Downtown and Adjacent Communities Plan Design Guidelines*.
- f) Address the SITES & LEED recommendations of the Sector Plan.
- g) Provide a noise analysis as part of the future Preliminary Plan submission or Site Plan submission if a Preliminary Plan is not required.

6. **Validity**

A new site plan application must be submitted within 36 months after the date the resolution is sent per Section 59.7.3.3.G.

## SECTION 2: SITE DESCRIPTION

### VICINITY

The Property (“Subject Property” or “Property” or “Site”) is located at 8661 Colesville Road, at the southeast quadrant of the intersection of Colesville Road and Fenton Street. This is within the Ellsworth district of the 2022 *Silver Spring Downtown and Adjacent Communities Plan* (“Sector Plan”), as shown in Figure 1. The Ellsworth District is Silver Spring’s primary activity center for shopping and entertainment that draws local and regional visitors to the retail center located on the Subject Property.

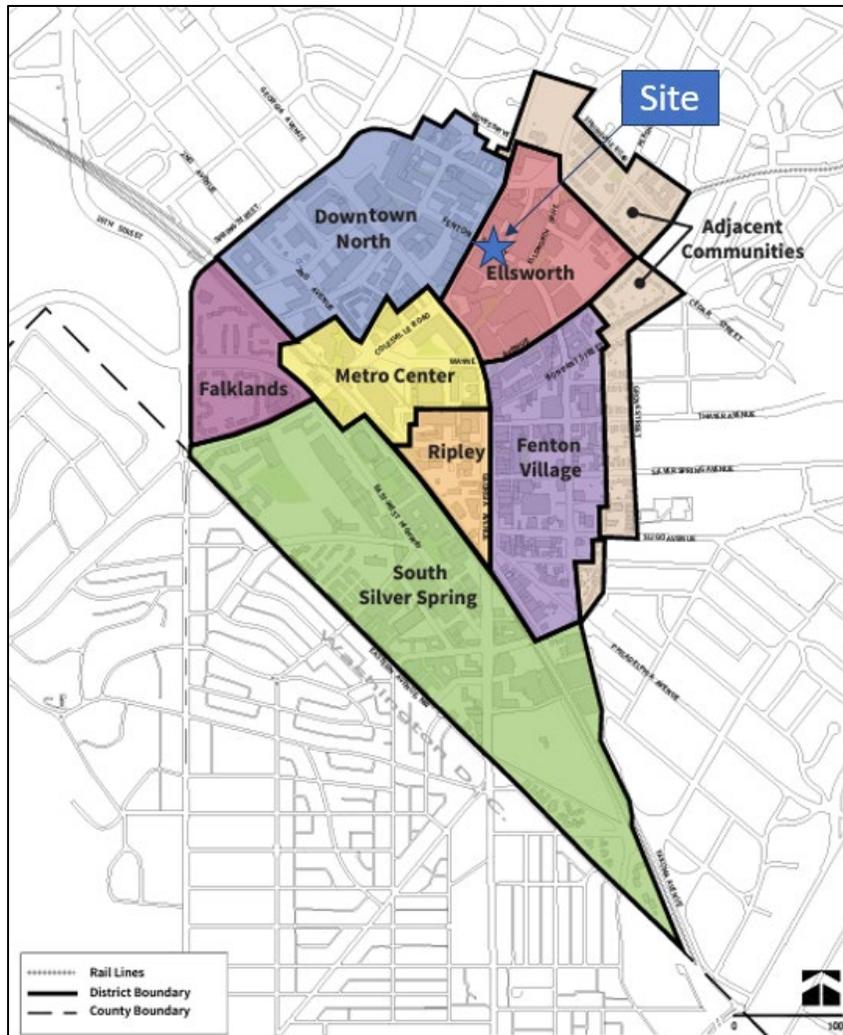


Figure 1 – Silver Spring Downtown and Adjacent Communities Plan Districts Map

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## PROPERTY DESCRIPTION

The Subject Property (Property) is currently improved with the Ellsworth Place, formerly City Place, a 399,463 square foot shopping mall which features entrances at the intersection of Fenton Street and Colesville Road, along Fenton Street, and at the intersection of Fenton Street and Ellsworth Drive. The mall is home to many department stores, restaurants, and other retail establishments, making the establishment a central destination for the Ellsworth District. The mall features no onsite parking, though street parking is available, and the Property connects, across Fenton Street, to the adjacent public parking garage (Garage 61) via a pedestrian bridge.

The Subject Property is located within two watersheds the Sligo Creek and Rock Creek watersheds, both are Class Use I<sup>1</sup> watersheds. The Site is not associated with any environmentally sensitive features such as forest areas, stream buffers, wetlands, 100-year floodplains, or steep slopes. Although numerous street trees border the Site, all are less than 24” diameter-at-breast-height (DBH). As the Site is situated within an urban area, the topography is generally flat with a gentle grade rising to the north and east along Colesville Road and Fenton Street. The soils associated with the Property are classified generally as urban land, which is not highly erodible or otherwise sensitive. There are no known rare, threatened, or endangered species on site. This Site is, however, located within the Silver Spring CBD Historic District.

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<sup>1</sup>WATER CONTACT RECREATION, PROTECTION OF NONTIDAL WARMWATER AQUATIC LIFE. Waters that are suitable for: water contact sports; play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply; and industrial water supply.



Figure 2 – Subject Property

## SECTION 3: PROJECT DESCRIPTION

### PREVIOUS APPROVALS

ORIGINAL APPROVALS - PROJECT PLAN 91870010, PRELIMINARY PLAN 119871900, SITE PLAN 819880460

Approved by the Planning Board in August of 1988, the Project Plan and Preliminary Plans were the first regulatory approvals for the City Place Development. The approvals created two (2) lots on 2.46 acres of land in the CBD-3 zone to develop 298,455 square feet of retail uses and 234,050 square feet of office uses. The approvals also included associated right-of-way improvements and dedication along Fenton Street.

Subsequently, on July 26<sup>th</sup>, 1990, the Planning Board approved Site Plan 819880460 for a two phased development. Phase 1 included partial demolition of the former Hecht building, with 60,000 square feet of office space to remain, construction of a retail mall containing 298,455 square feet of retail area, and construction of a pedestrian bridge. Phase 2, which was never completed, included construction of a multi-story building of up to 234,050 square feet of office space located above the retail mall. The approval also included a public use space requirement of 20% of the net lot area, or

18,415 square feet. At the time of approval, optional method projects historically required between 40% and 60% of net lot area as Public Use and Amenity Space, with 20% to be provided onsite and the balance to be provided offsite. In order to address the remaining offsite requirement, the Applicant entered into an agreement with the Planning Board to provide payment of \$250,000 for park improvements. However, this payment was never made.

## AMENDMENTS

### [2002 - Site Plan Amendment 81988046A](#)

Approved by the Planning Board on September 16, 2002, this Site Plan Amendment included various exterior façade renovations and updates to landscape plantings.

### [2007 - Project Plan Amendment 91987001A, Preliminary Plan Amendment 11987190A, Site Plan Amendment 81988046B](#)

Approved by the Planning Board on July 26, 2007, the Applicant proposed to amend Preliminary Plan to increase the proposed office tower square footage from the previously approved 221,444 square feet to 298,130 square feet. Additionally, the Project Plan was amended in order to allow the renovation of public use space and revise the site amenity package while the Site Plan was amended in order to update the record for the site data, included public use space, streetscapes, and landscape/lighting.

### [2008 - Site Plan Amendment 81988046C](#)

Administratively approved on May 13, 2008, this Minor Amendment approved the removal of one street tree for the relocation of a bus shelter at the corner of Fenton Street and Colesville Road.

### [2010 - Site Plan Amendment 81988046D](#)

This Limited Site Plan Amendment proposed modifications intended to enhance the entrance to City Place at the corner of Fenton Street and Colesville Road; the approved modifications included removal of a fountain from the entrance area, a new brick design for along the pedestrian entrance at the corner, and replacement of street trees.

### [2013 - Site Plan Amendment 81988046E](#)

This Administrative Amendment approved façade changes to signage and lighting, renovated entry doors and steps, and revised the public use space to update paving, and enhance the public area with the addition of trash receptacles, bike racks, and planters.

### [2017 - Site Plan Amendment 81988046F](#)

In response to a notice of violation, no. SP004, which found that some streetscape elements (including seating, plantings, lightings, and bike racks) were not installed as illustrated on previous approvals, the Applicant amended the Site Plan in order to update the locations of these elements.

### 2020 - Preliminary Plan Amendment 11987190B (withdrawn)

On July 1, 2020, the Application sought approval for a Preliminary Plan Amendment to extend the Adequate Public Facilities (APF) validity period for the construction of the office tower component of the project which was never realized due to market conditions. This APF extension request was subsequently withdrawn before it could be reviewed by the Planning Board.

### 2022 - Preliminary Plan Amendment 11987190C

On November 10, 2022, the Planning Board approved Preliminary Plan Amendment 11987190C for the extension of the APF validity period, which was set to expire on 11/16/22, by 30-months (2.5-years) per Section 50.4.3.J.7.d of the Subdivision Ordinance. This extension was supported by Staff as the Applicant demonstrated consistent reinvestment in the retail portion of the Property, though this area, without the office tower slated for phase 2, falls just shy of the 60% construction requirement. The Board agreed that the office portion of the project remained infeasible with current market demand and granted a waiver of 60% construction requirement in Section 50.4.3.J.7.d.i(c)(2).

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## PROPOSAL

As described above, the Subject Property originally included approval for construction of a retail mall as well as an office tower to be located atop the mall. As the office component, Phase 2 of the previous Applications, was never constructed, that approved density has gone unused. As part of a new sequence of Applications, the Applicant now proposes a residential tower, of up to 425,593 square feet, atop the retail mall. Following rezoning of the Subject Property from CBD-3 to CR and adoption of the 2022 *Silver Spring Downtown and Adjacent Communities Plan*, this proposal would result in the Property achieving up to its maximum mapped density of 8.0 FAR and 825,056 square feet.

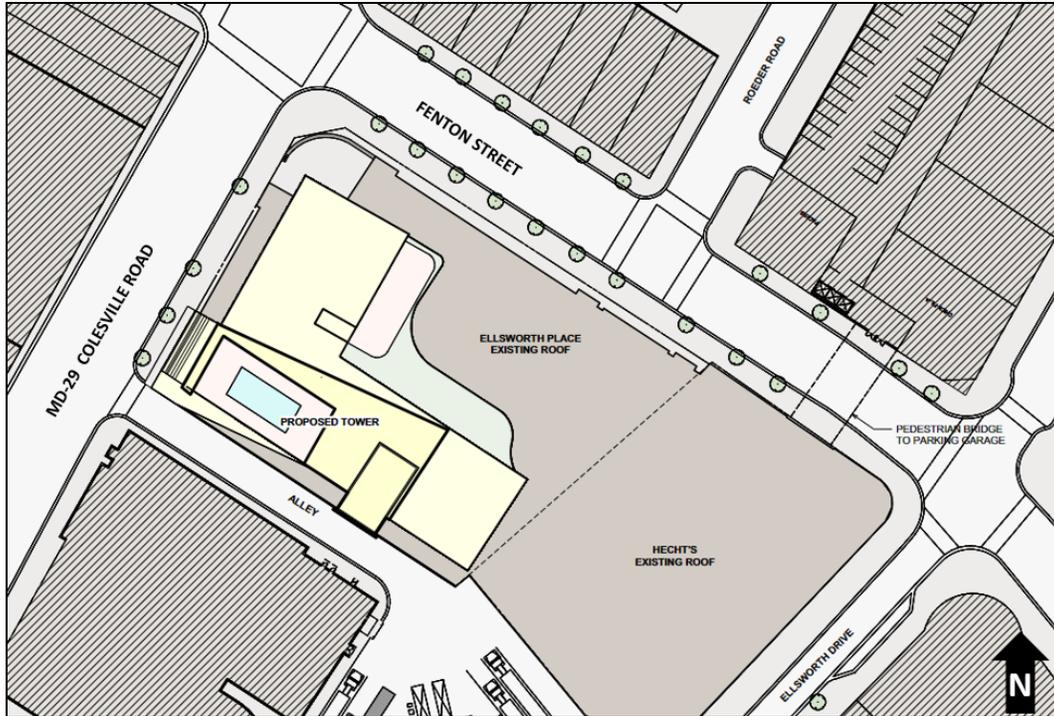
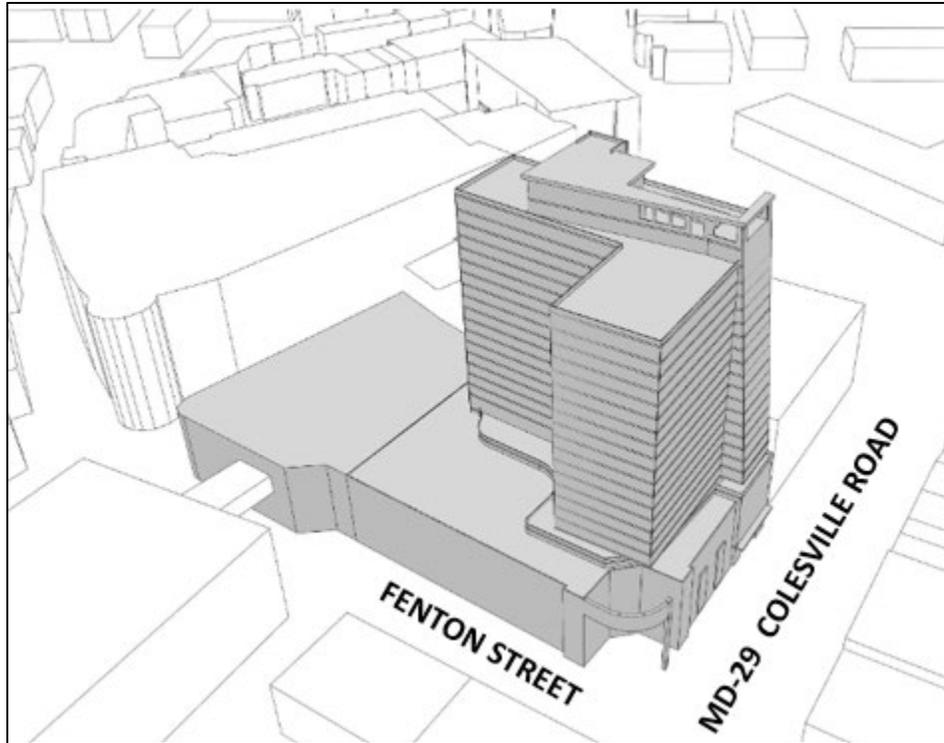


Figure 3 – Sketch Plan Site Diagram

## BUILDING/ARCHITECTURE

Through ongoing coordination with the Silver Spring Design Advisory Panel (DAP), the Applicant is exploring design features of the residential tower which will be further refined at time of Site Plan. Through massing explorations at this stage, the Applicant has thus far addressed the urban design comments by providing a residential tower which steps back above the retail base in a way which is compatible with the urban form and scale of the immediate surrounding neighborhood. The DAP has recommended that the design include elements which activate the base in order to further connect the street-level experience with the views and form of the proposed tower. The tower itself will include an innovative building form with setbacks, articulation, and materials which provide visual character as well as a lived experience with suitable access to light and air.



*Figure 4 – Proposed Tower Massing*



Figure 5 – Tower Rendering at intersection of Fenton and Colesville

## OPEN SPACE

Given the tract size and number of street frontages of this Property, Section 59-4.5.4.B.1 of the Zoning Ordinance requires ten percent (9,125 square feet) of the Site area to be provided as public open space. However, the *Silver Spring Downtown and Adjacent Communities Plan* provides that “for any Optional Method development project required to provide public open space on a site not recommended for a new public space in the Sector Plan, the Sector Plan recommends that in lieu of on-site open space, applicants contribute to the creation of new and improvement of existing public parks recommended by the Sector Plan, preferably within the same district. These contributions will be determined during the Site Plan review and approval process and will be based on the cost per square foot of constructing an equivalent area of the recommended public space.”

To provide further direction on the contribution and calculation for public open space requirements per the Sector Plan, the Planning Board approved the Master Plan Interpretation Policy M-NCPPC 2024-01 (Attachment C) which provides guidance to calculate and apply this fee-in-lieu requirement.

As this Proposal is required to provide public open space under the CR zone Optional Method of Development, but the Property is not recommended for new parkland or public open space by the Sector Plan, the fee-in-lieu contribution will be required. The previous Applications for the Subject Property, reviewed under the CBD-3 Zone and a previous Master Plan, required that the Applicant provide 20% (18,250 sf) of the Site Area as “Public Use Space”; with the construction of City Place, the Applicant provided 9,028 sf onsite and supplemented this with 11,295 sf of offsite parkland improvements. Additionally, the Applicant was required to provide a financial contribution of \$250,000, however this financial contribution has not yet been completed.

Although the Applicant has provided onsite contribution to previous Public Use Space requirements, not all of the existing areas identified as Public Open Space meet the requirements for Public Open Space in the Zoning Ordinance. Previously, the internal mall atrium and pedestrian bridge, which are both encapsulated by areas of private space, were counted as Public Use Space; per section 6.3.6.B.2 of the Zoning Ordinance, Public Open Space in an optional method development must abut a public sidewalk or other public pedestrian route. Up to 5% of Public Open Space can, however, also include areas designated as café seating; the Applicant has provided approximately 874 sf of outdoor café seating area which was previously not counted. Updating the provided Public Open Space based on this definition clarifies that currently 4,789 sf of qualifying Public Open Space exists onsite; this is depicted in Figure 6 below and provided as Attachment E to this Staff Report.

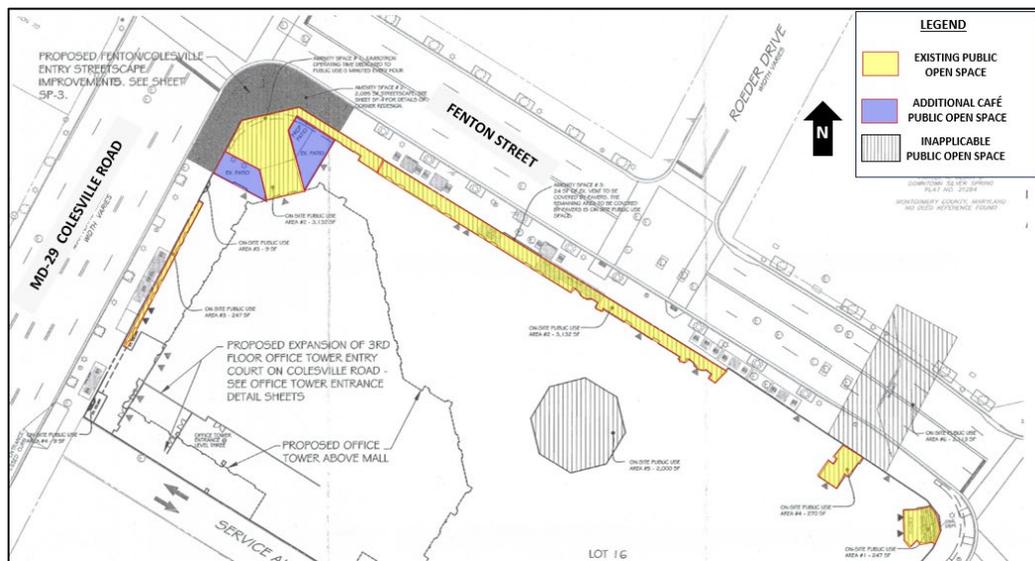


Figure 6 – Annotated Public Open Space Exhibit

The remaining area required for Public Open Space, when incorporated into the fee-in-lieu calculation<sup>2</sup> per the Master Plan Implementation Policy, results in a fee of \$358,153.6. As conditioned, this requirement shall be finalized at the time of Site Plan.

Given that the Applicant has provided contribution to previous Public Use Space requirements, which exist onsite and will remain with this new Application, the required Open Space fee-in-lieu will be based only on the proposed new density rather than include the existing retail development. The fee-in-lieu requirement associated with the Subject Application will be determined at Site Plan.

## TRANSPORTATION

The proposed changes to access and circulation for the Site will be minimal. All vehicular loading will continue to occur within the existing alley which is accessed from Colesville Road. The alley provides access to a shared loading space with six spaces shared between the Ellsworth Place Site and the adjoining Downtown Silver Spring Site, which is managed by a shared-use agreement.

Patrons of the existing retail establishments will continue to have access to the two retail lobby entrances at the corners of Fenton Street at Colesville Road, and Fenton Street at Ellsworth Drive. There is a third retail entrance on Fenton Street, approximately mid-block between Colesville Road and Ellsworth Drive, which is not proposed to change. The proposed residential lobby providing access to the new tower will be located on Colesville Road, just north of the existing alley.

Bicycle access to the Site will be improved by the two-way separated bike lane along the west (Site) side of Fenton Street, which will be constructed by the Montgomery County Department of Transportation (P502001). It will include improvements to the existing sidewalk and intersections, as well as the new bicycle facility. Construction is anticipated to begin by 2025.

The Project will be subject to the pending update to the Silver Spring Downtown Streetscape Standards. Participation in frontage improvements along the site frontages (Colesville Road, Fenton Street, and Ellsworth Drive) will be determined at the time of Site Plan.

The Site currently does not provide any off-street motor vehicle parking on-site and that is not proposed to change. No vehicular parking is required as the Site is located within the Parking Lot District. Bicycle Parking will be required, but the location, facility type and capacity will be determined at the time of Site Plan.

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<sup>2</sup> SSDAC Plan Public Open Space Fee-in-lieu Contribution = Square Feet of Required Public Open Space x (Normalized Base Rate [20] x Approved FAR) = (9,125 - 4,789) x 20 x 4.13 = \$358,153.6. Further Information found in Sector Plan Implementation Policy (Attachment D).

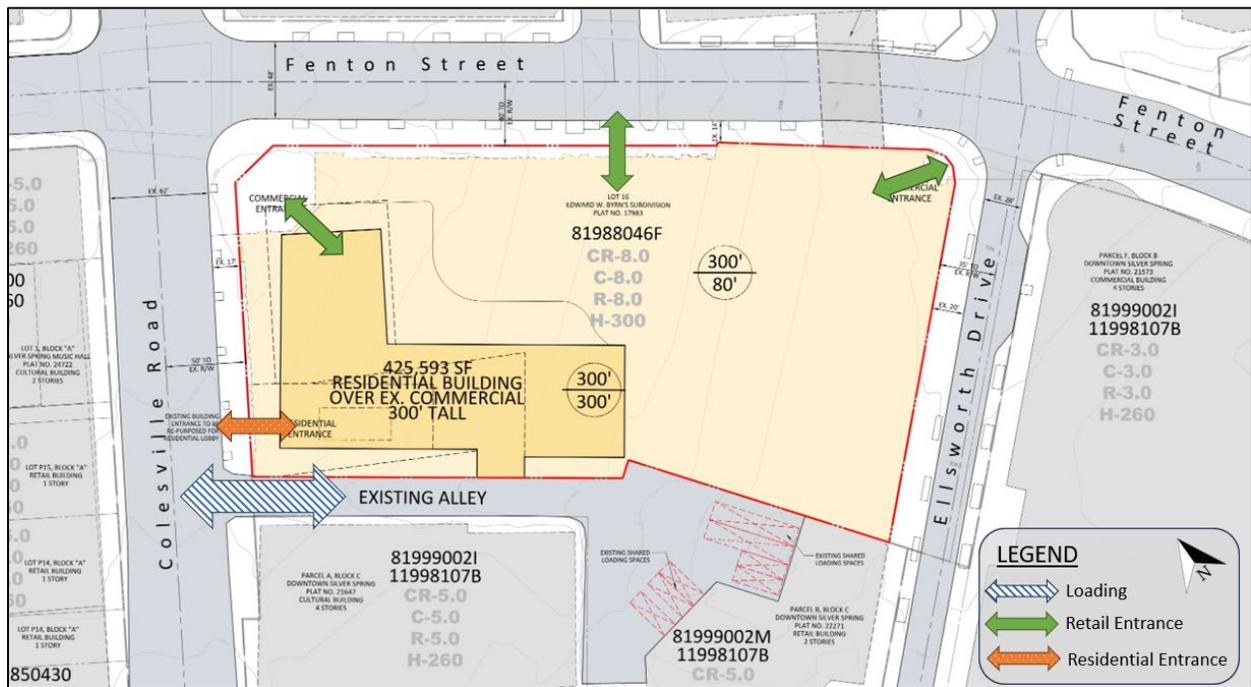


Figure 6: Site Access and Circulation Exhibit

## ENVIRONMENT

A Natural Resources Inventory/Forest Stand Delineation (NRI/FSD) No. 420231870 was approved for the Subject Property on November 11, 2023. There is no forest on the Site, but it is bordered by numerous street trees in the public right-of-way, which have a diameter-at-breast-height (DBH) of less than 24 inches. The site does not contain any streams, wetlands, 100-year flood plains, or their associated buffers. The property's soils are classified as urban land, which are neither highly erodible nor particularly sensitive. No known rare, threatened, or endangered species are present on the property. However, it is worth noting that this site is located within the Silver Spring CBD Historic District. Although, at this time, no ground level disturbance is anticipated, the Applicant is required to coordinate with Planning Staff for Historic Preservation Review and protection/mitigation of trees 1" and greater if this changes.

A Forest Conservation Plan must be submitted with the Preliminary Plan/Site Plan. A noise analysis will also be required with the Preliminary/Site Plan, due to the proximity to Colesville Road.

As construction for this project is set to occur entirely atop an existing development with minimal areas of disturbance, it is anticipated that a stormwater management concept plan will not be required; the Applicant will continue to coordinate with MCDPS in this regard throughout the Site Plan process.

## SECTION 4: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements. A pre-submittal public meeting was held on November 15, 2023 related to the Sketch Plan. At this meeting, the Applicant team briefly explained the planned submission of a Sketch Plan Application for redevelopment of the Subject Property, the related goals of the Master Plan, and conducted a PowerPoint presentation of the site and the proposed tower. Community representatives asked questions about parking, timing and method of construction atop the existing building, bird safe glass, affordable housing, and potential redevelopment of the existing mall. As of date of this Staff Report, no written correspondence has been received.

## SECTION 5: SKETCH PLAN 320240060 FINDINGS AND ANALYSIS

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

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

*Table 1: Ellsworth Place (Formerly City Place) Sketch Plan Data Table  
CR Zone, Optional Method, Section 59.4.5.4*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
<b>Tract Area</b>	n/a	2.48 ac (103,123 sf)
<b>Tract Area - Prior Dedication</b>	n/a	11,884 sf
<b>Tract Area - Proposed Dedication</b>	n/a	n/a
<b>Site Area<sup>1</sup> (tract area minus dedications)</b>	n/a	2.09 ac (91,248 sf)
<b>Mapped Density CR-8.0, C-8.0, R-8.0, H-300</b>		
<b>Residential (GFA/ FAR)</b>	825,056/8.00	425,593/4.13
<b>Commercial (GFA/FAR)</b>	825,056/8.00	399,463/3.87 (existing, to remain)
<b>Total Mapped Density (GFA/FAR)</b>	825,056/8.0	825,056/8.0
<b>MPDU requirement</b>	15%	15%

<b>Total GFA/FAR</b>	825,056/8.0	825,056/8.0
<b>Building Height, max</b>	300 ft	300 ft
<b>Public Open Space (min sf)</b>	10% (9,125 sf) or fee-in-lieu	fee-in-lieu

<sup>1</sup> Site area is determined by tract area minus any previous and proposed dedications.

**a) Implement the recommendations of applicable master plans (59.4.5.1.A)**

The 2022 *Silver Spring Downtown and Adjacent Communities Plan* includes general and specific recommendations that apply to the Property and Proposal as follows:

**General Recommendations**

**Land Use and Zoning**

***For Optional Method development projects required to provide public open space on a site not recommended for a new public open space in the Sector Plan, the Plan requires contribution to a recommended park preferably in the same district, unless the Planning Board determines the public open space will significantly contribute to the public open space network proposed in this Sector Plan. Refer to Section 4.1.12. Implementation.***

The Proposal is made under the Optional Method of development for the CR zone and is required to provide 10 percent of the site area as public open space. The 2022 *Silver Spring Downtown and Adjacent Communities Plan* does not recommend new public open space for the Site. As such, the Proposal is required to provide a fee-in-lieu contribution to the Parks Department. The fee-in-lieu contribution amount and associated calculations are described above and will be further addressed at the time of Site Plan.

**Housing**

***Require all Optional Method of Development projects to provide a minimum of 15 percent moderately priced dwelling units (MPDUs) or other DHCA-equivalent affordable housing.***

The Proposal is made under the Optional Method of development for the CR zone and provides 15 percent MPDUs.

**Economic Growth**

***Encourage the conversion of obsolete office space to other uses (short-term or long-term), including residential (condominiums or rentals), hotels/hospitality centers, healthcare facilities, laboratory/research facilities, education facilities, and non-profit***

***service centers***

This Application converts the previously approved plan for office uses on the Subject Property to a residential tower which will increase the pedestrian activity along Colesville Road and Fenton Street helping to enliven and activate businesses in the area.

**Urban Design**

***All new buildings in these neighborhoods should be compatible in scale with the surrounding development, regardless of building type.***

This project makes use of the additional allowable height while considering the pedestrian experience, views, and building form. The new development is compatible with the urban form and scale of the immediate surrounding neighborhood. Through the review processed aided by the DAP, the proposal envisions an innovative building form with appropriate setbacks and articulation which will complement the modern architecture in the neighborhood.

**Transportation**

This project is within quick walking distance to the Silver Spring Transit Center, the Library's forthcoming Purple Line station, the US 29 BRT Line, and multiple Metrobus and Ride On bus routes along Colesville Road (US 29) and Fenton Street. The residential tower, being proximate to this rich transit environment as well as to County public parking garages, will provide no onsite parking. The tower will provide onsite, private, indoor bicycle parking for its residents. Continued coordination with MCDOT on the Fenton Street Bikeway design will reinforce the Green Loop concept. Frontage improvements will be finalized at the time of Site Plan.

The Project is proposing no parking spaces, as the property is within the Silver Spring Parking Lot District (PLD), which allows for residential uses to be exempt from providing parking if located within a half-mile from a Metrorail or Purple Line Station or ¼-mile from a BRT station. The new residents will be able to utilize available County garages, making arrangements to secure parking permits as needed. The Applicant will encourage residents with cars to purchase monthly passes to park within the nearby public parking garages. No additional right-of-way dedication is necessary to implement the road elements of adjacent roadways.

**Resilient Downtown**

The Project will provide 35 percent Green Cover through green roof elements of the proposed tower and add a cool roof to the existing retail building.

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

This project proposes to complement the existing single-use retail development through the addition of a residential tower. This addition will serve to provide an increased pedestrian presence in the central Ellsworth District of Downtown Silver Spring.

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

Changes to the existing access and circulation are expected to be minimal. The required frontage improvements will be further analyzed at the time of Site Plan. Investments are planned along Fenton Street for bicycle access with the Fenton Street Cycletrack project, which includes a new two-way separated bike lane on the west (Site) side of the street, pedestrian and ADA accessibility improvements and safety upgrades at the intersections. The Downtown Silver Spring Streetscape Design Standards updates are underway and may require modifications at the time of Preliminary Plan.

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

This project balances the existing commercial use on the Site with a comparable residential presence housed in an architecturally engaging residential tower atop the existing retail base.

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

The Proposal, which includes affordable living units amongst the proposed residential density, provides increased housing opportunities as well as employment within the residential tower while adding to the local eligible workforce in the Downtown area.

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

The Project will provide the required 100 public benefit points from a minimum of four categories to achieve the desired incentive density above the standard method limit. Final

determination of public benefit points will be determined at the time of Site Plan.

**2. *Substantially conforms to the recommendations of the applicable master plan:***

The Project substantially conforms to the applicable recommendations of the 2022 *Silver Spring Downtown and Adjacent Communities Plan* as detailed in Finding 1a above.

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

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

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

The Sector Plan includes multiple recommendations focused on ensuring development proposals are compatible with the neighborhoods in which they are to be located. This Proposal is compatible with the existing onsite development as access to a tower atop the retail base was envisioned and designed from the conception of this development. The addition of permanent residential population, rather than office uses, serves to complement the existing retail center onsite and nearby in the Ellsworth District.

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

Loading will continue to be provided in the shared spaces accessed by the existing alley intersecting with Colesville Road. No off-street parking is proposed on-site, and none is required as the Site is located within the Silver Spring Parking Lot District. Bicycle access will be improved by the Fenton Street Cycletrack CIP project, with construction anticipated to begin by 2025. Participation in frontage improvements will be determined at the time of Site Plan.

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

Taking into account the considerations in Section 59.4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to

adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant’s request for incentive density and is appropriate for the community surrounding the Site, as described below.

For the proposed development, the Zoning Ordinance requires 100 points in four categories. The Applicant proposes to exceed the 100-point requirement utilizing five categories. Although at the time of Sketch Plan review only an outline of public benefits needs to be approved, the following table shows both the categories and points for the public benefits requested at Sketch Plan to demonstrate the project’s ability to meet the requirement to provide sufficient benefit points.

*Table 2: Public Benefit Calculations- Division 59-4.7*

<b>Public Benefit</b>	<b>Maximum Points Allowed</b>	<b>Proposed</b>
<b>Connectivity and Mobility</b>		
Minimum Parking	10	8
<b>Diversity of Uses and Activities</b>		
Moderately Price Dwelling Units	N/A	31
<b>Quality Building and Site Design</b>		
Exceptional Design	10	10
Public Open Space	20	12
Tower Step-Back	10	6
<b>Protection and Enhancement of the Natural Environment</b>		
Building Lot Terminations (BLT)	30	16
Cool Roof	10	5
<b>Building Reuse</b>	100	52
<b>Total Points</b>	<b>100 (required)</b>	<b>140</b>

## CONNECTIVITY AND MOBILITY

### Minimum Parking

The Applicant requests 8 point for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing maximum allowable number of on-site spaces to 20 points for providing no more than the minimum numbers of spaces on-site. Staff supports the subcategory at this time.

## DIVERSITY OF USES AND ACTIVITES

### Affordable Housing

The Applicant requests 31 points for providing affordable housing beyond the requirements of Chapter 25A. Points for this incentive are granted for every 1 percent of MPDUs greater than 12.5 percent. The Applicant will provide 15% MPDUs. Staff supports the category at this time.

## QUALITY OF BUILDING AND SITE DESIGN

### Exceptional Design

The Applicant requested 15 points for exceptional design and the Design Advisory Panel (DAP) felt the project was moving in the right direction and will further review at Site Plan. In support of the request for 10 points, the Applicant should address the following comments:

- Modify the massing of the tower so that visually the north-south bar appears to extend all the way to the ground by articulating the top/cap of the tower and articulation of the façade.
- Resolve the appearance of the tower overhanging the entry by pulling the tower back at the corner and possibly adding a projection at the eastern end of the tower to regain any lost square footage.
- Enhance the visual connection from the tower to the ground through façade design and material choice; consider allowing the base to extend up a few floors and connect the tower to the mall visually.

Staff supports the subcategory at this time, with final review and points to be determined at Site Plan.

### Public Open Space

The Applicant requests 12 points for open space. Up to 20 Points are granted in this category for providing, or making a payment for public open space, in excess of the minimum open space requirement of the zone. The Subject Property is currently required to provide 10% of the site area, or

9,125 square feet, for public open space. As discussed above, because the Site is not recommended for onsite public open space in the Master Plan, a fee-in-lieu is required. Additionally, previous Development Applications onsite resulted in the provision of 9,028 square feet of public open space (which were approved in the CBD-3 zone). As conditioned, the Applicant will coordinate with Staff to finalize the current Public Open Space requirements at time of Site Plan; as such, Staff supports the subcategory at this time, with further review at the time of Site Plan.

### Tower Stepback

The Applicant requests 20 points for providing a tower stepback. Up to 10 points can be granted for projects that step back a minimum 6 feet behind the first-floor façade. Additional points can be granted if other criteria are met such as deeper setbacks; setback at a lower level; integration of setbacks with reduced floor plate sizes on upper stories. The Project proposes one stepbacks, at the 3<sup>rd</sup> level. Final points will be evaluated at the time of Site Plan based on final building design and justification that all criteria have been met. Staff supports the subcategory at this time.

## PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT

### Building Lot Termination (BLT)

The Applicant requests 16 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. Staff supports the Applicant's request at this time.

### Cool Roof

The Applicant requests 5 points for proposing to provide a cool roof that will collectively meet or exceed a solar reflectance index (SRI) of 75. Staff supports the subcategory at this time with final review of size and location at the time of Site Plan.

## BUILDING REUSE

### Building Reuse

The Applicant requests 52 points for constructing a building that retains at least 75% of the structural system of the existing building and contracting an architectural deconstruction company to remove any reusable and recyclable material before any demolition. Points for this category area based on the retained gross floor area and proposed incentive density gross floor area. Staff supports the subcategory at this time with final review of areas and calculations at the time of Site Plan.

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

All site elements are proposed to be developed in a single phase. A Site Plan will be submitted following Sketch Plan approval.

## SECTION 6: CONCLUSION

As conditioned, the Sketch Plan application satisfies the findings under Sections 59.7.3.3 and the applicable standards of the Zoning Ordinance, and substantially conforms to the recommendations of the 2022 *Downtown Silver Spring and Adjacent Communities Sector Plan*. Therefore, Staff recommends approval of Sketch Plan 320240060, Ellsworth Place (Formerly City Place), with the conditions specified at the beginning of this report.

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### ATTACHMENTS

*Attachment A: Sketch Plan*

*Attachment B: Prior Approvals*

*Attachment C: Planning Board Sector Plan Interpretation Policy*

*Attachment D: Affidavit Regarding Community Meeting and Meeting Minutes*

*Attachment E: Annotated Public Open Space Exhibit*