



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Office of the Executive Director

MCPB
Item # 4
12/18/03

DATE: December 12, 2003
TO: Montgomery County Planning Board
VIA: Carlton Gilbert, Zoning Supervisor *CG*
FROM: Greg Russ, Zoning Coordinator *GR*
REVIEW TYPE: Transmittal to County Council for introduction as a Zoning Text Amendment
PURPOSE: To permit additional height in the CBD-2 zone under the optional method of development for residential and commercial mixed-use projects located in revitalization areas, as designated in the relevant sector plan, and located within 800 feet of the entrance of a metro station.

TEXT AMENDMENT: Not applicable until introduced
REVIEW BASIS: Advisory to the County Council sitting as the District Council, Chapter 59 of the Zoning Ordinance
INTRODUCED BY: N/A
INTRODUCED DATE: N/A

PLANNING BOARD REVIEW: December 18, 2003
PUBLIC HEARING: N/A

STAFF RECOMMENDATION: TRANSMIT to County Council for introduction

PURPOSE OF THE TEXT AMENDMENT

To permit additional height in the CBD-2 zone under the optional method of development for residential and commercial mixed-use projects located in revitalization areas, as designated in the relevant sector plan, and located within 800 feet of the entrance of a metro station.

BACKGROUND

The proposed zoning text amendment was initiated by staff to address the need for additional height at the Silver Spring Transit Center (zoned CBD-2 and located in the southwest quadrant of the intersection of Georgia Avenue and Wayne Avenue) without

the need for an amendment to the CBD Sector Plan. The text amendment will enable the mixed-use air rights development at the future inter-modal transit station. Potentially, more than 143 feet is needed for the proposed towers. The Zoning Ordinance currently permits a maximum height in the CBD-2 Zone of 143 feet for a normal optional method of development. However, height may be increased to 200 feet at the time of site plan (or combined urban renewal) approval if the additional height is specifically recommended in the applicable sector or urban renewal plan and the Planning Board determines that surrounding properties will not be adversely affected. A number of additional criteria must also be met. The Silver Spring CBD Sector Plan does not specifically address additional height in this location.

ANALYSIS

The proposed text amendment proposes to amend footnote 11 associated with height limitations for the optional method of development in the CBD-2 Zone. The proposed language is as follows:

11 *Under the optional method of development process, the Planning Board may approve height over 143 feet, but not more than 200 feet. In order to approve height over 143 feet, the Planning Board must find that: be eligible for*

[(1) T]the additional height, [is specifically recommended for the] a property 1) must be specifically recommended for the additional height in the applicable sector plan or urban renewal plan; or 2) must be within a revitalization area designated in the approved and adopted sector plan and be located within 800 feet of an entrance to a metro station.

The Planning Board must also make the following findings:

[(2)](1) The additional height is consistent with the criteria and guidelines for the property as contained in the applicable sector plan or an urban renewal plan approved by the County Council under Chapter 56, or in the case of a site outside an urban renewal area, accomplishing the objectives of incorporating residential development with [limited] commercial development in a mixed use project in close proximity to of a metro station otherwise unobtainable due to site conditions, proximity of adjacent non-residential buildings, or other physical constraints which prevent the achievement of sector plan objectives;

[(3)](2) The proposed development is compatible with the surrounding development, considering but not limited to the relationship of the building or buildings to the surrounding uses, the need to preserve light and air for the residents of the development

and residents of surrounding properties, and any other factors relevant to the height of the building; and

[(4)](3) *The proposed development will provide additional public facilities and amenities beyond what could otherwise have been provided if the excess height were not approved. Such facilities must be accessible to and usable by the public in accordance with the applicable sector or master plan or urban renewal plan.*

The proposed ZTA would permit building height over the normal maximum for optional method projects in the CBD-2 Zone in revitalization areas without the requirement that the additional height be recommended for a property in the relevant master plan. Additionally, only CBD-2 properties located within 800' of a Metro station entrance would be eligible for the additional height. The Planning Board would still need to make specific compatibility findings in order to approve height in excess of the normal 143' height limit for optional method projects in the CBD-2 Zone.

Policy Basis

The draft Zoning Text Amendment seeks to encourage Transit Oriented Development (TOD) in revitalizing Central Business Districts (CBDs). It ensures compatibility with surrounding uses by requiring that the Planning Board make certain findings before approving for more than the normal building height.

Master Plan Guidance

The *February 2000 Approved and Adopted Silver Spring CBD Sector Plan* specifically calls for a transit oriented downtown that focuses the highest densities around the Metro station. The projects that benefit from the proposed ZTA will provide the mixed-use development envisioned by the Sector Plan in the CBD core and the adjoining Ripley District.

CBD Zone

The Zoning Ordinance separates the CBD zone into six categories with the intent of each zones described as follows:

- (a) *CBD-0.5 is intended to provide for a decrease in the density of development at the perimeter of the Central Business District.*
- (b) *CBD-R1 is intended for use in Central Business District where predominantly residential development is appropriate and compatible with adjacent existing and planned uses.*
- (c) *CBD-R2 is intended for use in areas of a central business district designated to accommodate high density residential development.*
- (d) *CBD-1 is intended for use in areas where higher densities are not appropriate.*

- (e) **CBD-2** is intended for land lying generally between the core area and the areas of the lowest density within the central business district.
- (f) **CBD-3** is intended for the core areas of central business districts.
- (g) In addition, **CBD-1** and **CBD-2** are intended to be used as the zone of highest density in those central business districts where higher densities are not appropriate.

In accordance with Section 59-C-6.213, additional intent of certain zones include the following:

- (a) In the **CBD-0.5**, **CBD-R1**, and **CBD-1** zones it is further the intent:
 - (1) To foster and promote the orderly development of the fringes of the Central Business Districts of the county so that these areas will provide land uses at a density and intensity which will encourage small business enterprises and diverse living accommodations, while complementing the uses in the interior portions of these districts; and
 - (2) To provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts.
- (b) In the **CBD-R1**, **CBD-R2**, **CBD-2** and **CBD-3** zones it is further the intent to foster and promote the orderly development of the Central Business Districts of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment.
- (c) In the **CBD-2** zone it is further the purpose:
 - (1) To provide a density and intensity of development which will permit an appropriate transition from the cores of central business districts to the less dense peripheral areas within and adjacent to the districts; and
 - (2) To provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment.

Staff believes that the proposed changes to the **CBD-2** zone are consistent with the aforementioned intent of these areas. The proposed language would allow for the orderly development of revitalization areas in the Central Business Districts of the County so that these areas can enhance the economic status of the County as well as provide an expanding source of employment and living opportunities for its citizens in a desirable urban environment.

Alternative Approaches

In lieu of the proposed ZTA, the Silver Spring CBD Sector Plan could be revised to recommend the necessary height flexibility on specific properties in the core and Ripley District. This would make it possible to be selective about which properties within the CBD-2 Zone should be suitable for the increased height.

Unfortunately, securing approval of a sector plan amendment would likely take longer than a ZTA and require more resources. Opening up the sector plan also invites others to request additional, unrelated changes to the plan which could slow down the process even more.

Impacts of the Proposed ZTA

a. Silver Spring CBD

At this time, only the Silver Spring CBD has designated revitalization areas. The Core and Ripley both include properties within 800' of the metro.

1. Core

The proposed ZTA will enable the mixed-use project over the future Transit Center to proceed through the approval process. The Sector Plan approved in 2000 did not recommend additional height for the Transit Center site because WMATA had no plans for a joint development.

2. Ripley District

The Sector Plan restricts building heights along Ripley Street and Dixon Avenue in the Ripley District in order to ensure attractive streets with adequate natural light and air. Although the proposed ZTA would allow taller buildings than those envisioned in the Sector Plan, the intent of the Sector Plan can still be accomplished and the additional building height can allow the future buildings to be compressed and set back further from the street so that Ripley Street and Dixon Avenue are not perceived as dark canyons.

b. Wheaton

The Wheaton CBD has a large portion of its area within the CBD-2 Zone. A majority of the CBD-2 property is also in a retail overlay zone that does not allow optional method development, and the proposed ZTA would not apply to this area. The area outside the overlay zone does not have any projects proposed or anticipated that would exceed six or seven stories. Even the projects that are currently under construction did not avail themselves of the Optional Method of Development. In conclusion, the proposed ZTA is likely to have no practical impact on Wheaton in the foreseeable future.

c. Bethesda and Friendship Heights CBDs

The proposed text amendment would not apply to the Friendship Heights and Bethesda CBDs. The Friendship Heights CBD does not include any vacant sites in the CBD-2 Zone. The Sector Plan for the Bethesda CBD includes specific guidelines for building height that would not allow the application of this text amendment.

RECOMMENDATION

The staff recommends the proposed text amendment to permit additional height in the CBD-2 zone under the optional method of development for residential and commercial mixed-use projects within revitalization areas and located within 800 feet of the entrance of a metro station be transmitted to the County Council for introduction.

Attachment 1 depicts the proposed text amendment as proposed by staff.

GR

Attachments

1. Proposed Text Amendment
2. Memorandum from Community-Based Planning to Greg Russ