**MEMORANDUM**

**DATE:** April 15, 2004  
**TO:** Montgomery County Planning Board  
**VIA:** Rick Hawthorne, Chief  
 Michael Ma, Supervisor *Ma*  
 Development Review Division  
**FROM:** Robert A. Kronenberg, RLA *RK*  
 Planning Department Staff  
 (301) 495-2187



**PROJECT NAME:** 930 Wayne Avenue  
**CASE #:** 9-04005  
**REVIEW TYPE:** Project Plan  
**ZONE:** CBD-2  
**APPLYING FOR:** Approval of 151,140 gross square feet of development, including 143 residential condo units and 1,740 square feet of commercial on approximately 0.46 acres  
**LOCATION:** 930 Wayne Avenue, Located on Wayne Avenue 300 feet east of Georgia Avenue in Downtown Silver Spring  
**MASTER PLAN:** Silver Spring Central Business District  
**REVIEW BASIS:** Division 59-D-2.11 of the Zoning Ordinance requires submission of a Project Plan as part of the application for the use of optional method of development for a CBD zoned property.  
**APPLICANT:** 930 Wayne Avenue, LLC  
 C/o Patriot Group, LLC  
**FILING DATE:** December 15, 2003  
**HEARING DATE:** April 29, 2004

Attached is the staff report for the proposed 930 Wayne Project Plan. The Planning Board public hearing for this application is scheduled for April 29, 2004. A draft Planning Board opinion for the Project Plan will be available on April 15, 2004. The staff recommends Approval with conditions as delineated in the staff report.

**930 Wayne Avenue**  
Silver Spring, Maryland



**Staff Report**  
for the review of

Project Plan 9-04005  
Utilizing the Optional Method of Development

930 Wayne Avenue, LLC  
c/o Patriot Group, LLC, Applicant

Gutschick, Little & Weber, P.A., Engineer and Landscape Architect  
Dorsky Hodgson & Partners, AIA, Architect  
Linowes & Blocher, LLP, Attorney

Prepared for  
**The Montgomery County Planning Board**  
April 29, 2004

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**STAFF RECOMMENDATION FOR PROJECT PLAN:** Approval of Project Plan #9-04005 for 151,140 gross square feet, including 143 condominium apartments units, of which 18 are MPDUs and 1,740 square feet of commercial, with the following conditions:

**1. Development Ceiling**

The proposed development shall be limited to 151,140 square feet of gross floor area (Floor Area Ratio 5.0), for a total of 143 condominium apartments and 1,740 square feet of commercial.

**2. Building Height/Mass**

The height of the proposed building shall not exceed the maximum permitted height of 143 feet.

**3. Transportation Improvements**

The applicant shall dedicate 40 feet from the centerline to provide for a total of 80 feet right-of-way for Wayne Avenue as shown on the plan.

**4. Public Use Space**

The proposed public use space must be easily and readily accessible to the general public and used for public enjoyment. All streetscape improvements shall be in accordance with the *Silver Spring Streetscape Plan (April 1992) Technical Manual* or as amended.

**5. Staging of Amenity Features**

- a. The proposed project shall be developed in one phase.
- b. Landscaping to be installed no later than the next growing season after completion of building and public plaza.
- c. Art work to be installed prior to occupancy of the building.

**6. Management Organization**

Initially, the applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member of the Silver Spring Urban District for the purpose of maintaining public open spaces and participating in community events.

**7. Streetscape**

The applicant shall provide the full streetscape improvements along the Wayne Avenue frontage using the *Silver Spring Streetscape Plan (April 1992) Technical Manual*. The following elements are proposed: stone, precast concrete, brick pavers, street trees, lighting, and any other details that are necessary, including the undergrounding of utilities along the frontage of the property, to fulfill the streetscape standards. Off-site

improvements shall be provided from the west property line of the subject site, on the south side of Wayne Avenue to the access alley at the intersection with Georgia Avenue. The following elements for off-site improvements are proposed: brick pavers, street trees, lighting, and any other details that are necessary, including the undergrounding of utilities on the south side of Wayne Avenue to Georgia Avenue, to fulfill the streetscape standards.

**8. Coordination for Additional Approvals Required Prior to Site Plan Approvals**

The applicant shall secure the following additional approvals prior to Site Plan Review:

- a. Coordinate with the Silver Spring Regional Service Center on the placement of the proposed way finding signs;
- b. Present the public art components to the Silver Spring CBD Art Review Panel for review and comment to be available to the Planning Board prior to the submittal of site plan;
- c. Submit a revised Preliminary Plan (#1-89288) concurrently with the Site Plan, specifically to correct the previously approved land-use for a hotel and amount of retail.

**9. Public Art**

A public art program shall be developed to include a stainless steel structure measuring 85 feet wide, 22 feet tall and 34 feet deep, or as recommended by the Art Review Panel. The sculpture will be designed as an open latticework and curvilinear geometry of stainless steel pipe to complement the height and mass of the building. The public art shall enrich the pedestrian experience and be integrated with the design of the proposed building and public use space. The art proposals for the project shall be fully developed and reviewed by the Planning Board's Art Panel prior to site plan review.

**10. Moderately Priced Dwelling Units (MPDUs)**

The applicant shall provide 12.5% or 18 MPDUs per the requirements of Chapter 25 A on-site.

**11. Maintenance of Public Open Spaces**

Prior to occupancy of the building, the applicant, and subsequently within ninety days of formation, the Condominium Association shall enter into an agreement with the Silver Spring Urban District for the on-going maintenance of public open spaces associated with this project.

## SUMMARY

The applicant, 930 Wayne Avenue, LLC, requests the use of the Optional Method of Development and Project Plan approval for 151,140 gross floor area (gsf), including 1,740 gsf of retail development on 0.69 acres. The development will consist of 143 condominium condo units, 18 (12.5%) of which will be Moderately Priced Dwelling Units (MPDUs). The 930 Wayne Avenue development proposes to construct an L-shaped building on the vacant site. The new building will be 143 feet in height, in accordance with the CBD-2 Zone. The site is not within the Fenton Village Overlay Zone.

The majority of the building will be set back approximately 45 feet from the curb on Wayne Avenue, with the exception of the entrance to the garage and subsequent units above the entry. A lobby and main entrance will be located on Wayne Avenue with condo units above on the second through fourteenth stories. The retail space is also located near the entrance overlooking the open space plaza between Wayne Avenue and the building edge. A party room, fitness room and offices will also be located on the first floor. Recreation will consist of private work out areas and private seating areas within the courtyard and plaza.

The proposal will improve full streetscape frontage along Wayne Avenue with brick sidewalks, street trees and streetlights. Additional streetscape improvements will continue from the subject property to the intersection with Georgia Avenue within the Wayne Avenue right-of-way. Public amenity space will include expansion of the streetscape improvements, which lead into the outdoor plaza areas at the front of the building. The streetscape improvements will lead pedestrians into a public plaza containing public art, a special paving treatment to accentuate the street and building, and specialty landscaping. The plan also includes 140 underground parking spaces and a separate loading entrance from Wayne Avenue. The proposed building does not provide any access from the private alley in the rear of the building.

## Development Issues

### 1. **Community Outreach**

The applicant has presented the proposed development to various civic groups including the Silver Spring Chamber of Commerce, the Silver Spring Citizens Advisory Board and the Silver Spring Urban District, as requested by staff. The associations and civic groups are supportive of the proposed development, especially with respect to market-rate units, and the provision of additional MPDUs with the CBD. (See Appendix B).

Additional housing and the associated activity will help to promote urban activity and enliven the downtown Silver Spring revitalization area.

### 2. **Building setbacks to adjacent properties**

The adjacent property to the west has addressed concerns over the proximity of their existing 2-story building to the proposed building on the subject site. (See letter from AV Investments Maryland LLC and Linowes and Blocher-Appendix C) According to the Montgomery County Department of Permitting Services and a private consultant to the applicant, a three-foot set back from the building satisfies the requirements of the building code. The proposed building conforms to the zoning requirements. The proposed condo building is proposing to set back 8-13 from the adjacent building providing ample distance to satisfy the necessary requirements.

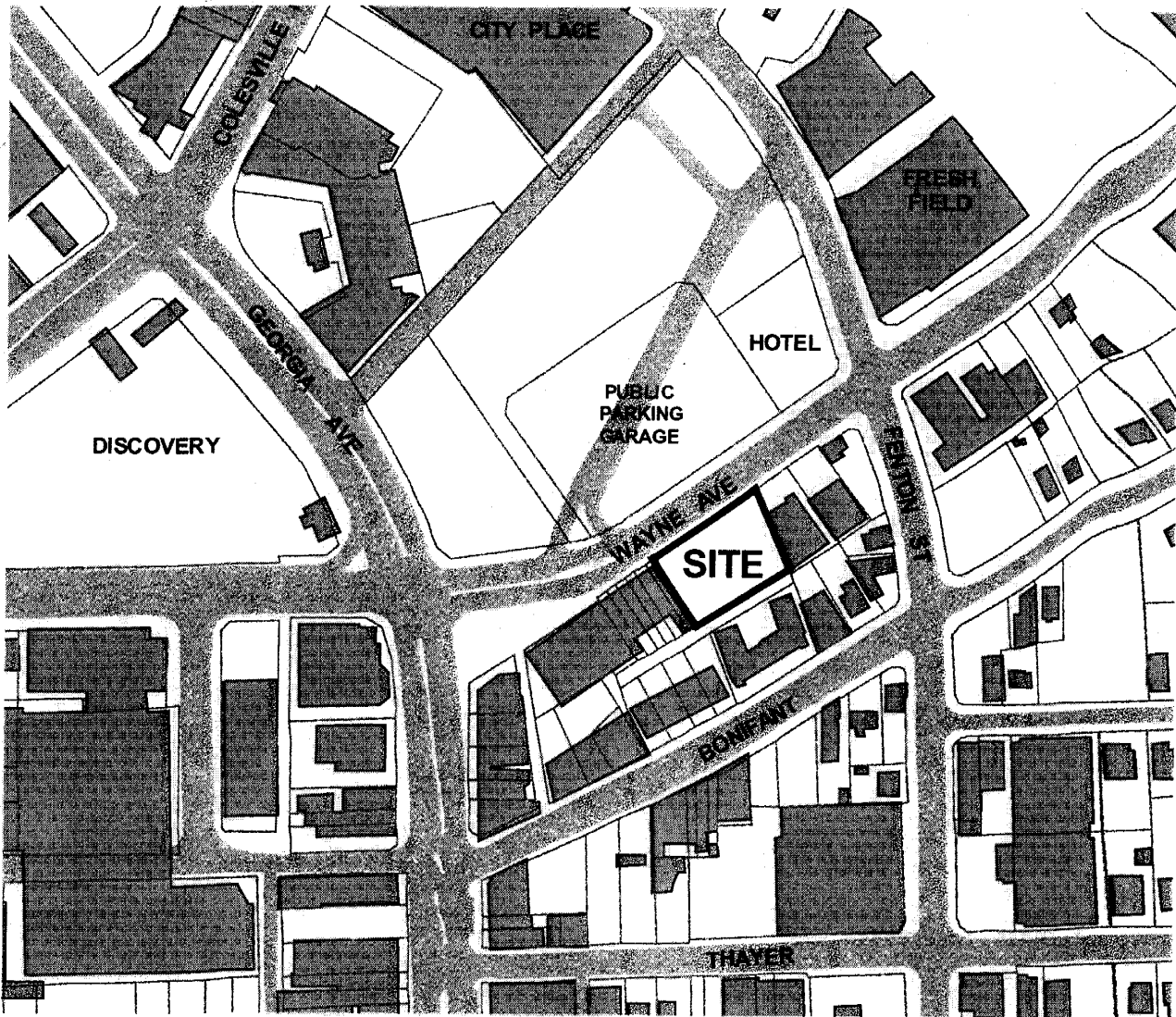
### 3. **Lot size requirement in the CBD**

The zoning ordinance requires a minimum of 22, 000 square feet for minimum lot size in the CBD for optional method of development projects. The applicant's site area equals 20,828 square, approximately 1,200 square short of the required amount. However, the applicant and staff believe that this site qualifies for the optional method of development because previous right-of-way and land area was dedicated for Wayne Avenue and the rear alley as part of a previous application and record plat. (See letter from Linowes and Blocher dated February 5, 2004- Appendix D) Standard practice including other optional method projects have included the previously dedicated area toward density calculations. Furthermore, the previous application for project plan (9-89004) included the same lot area as the subject site and assumed the same dedications. The dedications include half of the right-of-way for Wayne Avenue (7,738 sf) and half of the rear alley (1,662 sf) to the south of the property. The total square footage, including the previous dedications equal 30,228 sf, well above the lot requirement for the zone.

Staff believes this project plan meets the intent of the zone

**PROJECT DESCRIPTION: Surrounding Vicinity**

The 930 Wayne Avenue, LLC development is within the CBD-2 Zone in downtown Silver Spring. The site is surrounded by CBD-2 property to the west to Georgia Avenue for the sites fronting on Wayne Avenue. The properties directly east of the site, across Wayne Avenue and directly behind the property to the south are zoned CBD-1. The CBD-1 properties to the east and south are within the Fenton Village Overlay Zone and consist of a mix of retail and commercial buildings. Located to the north, is the downtown Silver Spring project (8-99002) consisting of eight-level commercial retail buildings along the Wayne Avenue and Georgia Avenue frontage, with the retail portion consisting of the first two levels on the street. Directly across from the subject property will be a seven-level county parking garage with an eleven-story hotel site adjacent to the garage. The downtown Silver Spring project is currently under construction. The properties to the east on Wayne Avenue consist of primarily existing one and two-story retail and commercial buildings. The property to the west on Wayne Avenue is an existing one-story retail building.

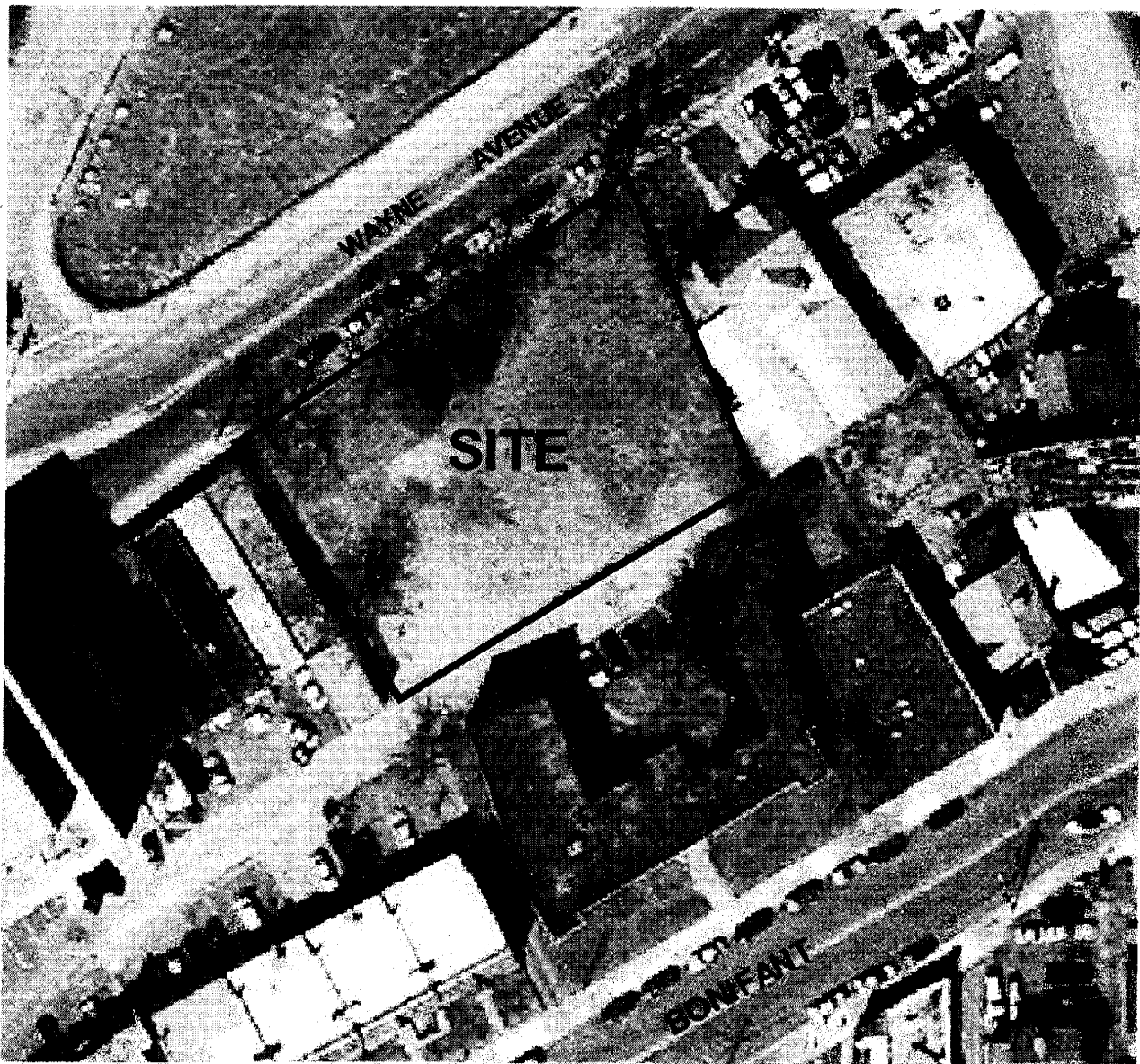




**PROJECT DESCRIPTION:      Site Description**

The site consists of one recorded lot (Lot 30, Block I) of Jordan and Smith's Addition to Silver Spring (Plat Book 590, Page 39), recorded in January 1993. The original property consisted of nine lots in Block I of the same tract. The property is a vacant site with concrete sidewalks along the frontage of the property and two concrete lead-walks into the site. There are no improvements on the site. An 8" sewer and associated right-of-way is located on the eastern boundary of the lot, connecting Wayne Avenue and Bonifant Street.

The topography on the property slopes from north to south by approximately 7 feet. The high point of the site is at the northwest corner adjacent to Wayne Avenue. There is no significant vegetation on the property with the exception of some larger shade and evergreen trees near Wayne Avenue.



**PROJECT DESCRIPTION: Proposal**

The 930 Wayne Avenue Development proposes a 151,140 gross square foot building, including 143 residential condominium dwelling units, of which (12.5%) 18 will be MPDUs, and 1,740 square feet of retail. The total FAR will be 5.0 for the proposed building, consistent with the 5.0 FAR permitted in the CBD-2 Zone for projects utilizing the optional method of development.

**Building Design**

The “L” shaped building will be fourteen stories with the residential units starting on the second floor. The height of the building conforms to the setbacks required in the CBD-2 Zone. The main entry into the building is from Wayne Avenue and will be at street grade. A lobby is proposed at the Wayne Avenue entry to welcome residents who wish to access the apartments. The fitness room, office and party room are also located on the first floor and situated around the lobby. The retail is on the first floor with a separate access from Wayne Avenue and an additional access through the lobby area. The retail space slightly protrudes into the public use space to provide more visibility and greater access for pedestrians.



## **Vehicular Access/Parking**

Vehicular access for the residents will consist of a below-grade parking structure accommodating 140 parking spaces, including 3 handicapped spaces. The access to the garage will be from Wayne Avenue adjacent to the one-story commercial building to the west. The apron to the garage will contain the brick pavers and granite sets for a continuous treatment within the Wayne Avenue right-of-way. A separate loading entrance to serve the residents and ground floor retail will be located directly adjacent to the residential entrance from the structured parking. The pavers and banding will be continued through this access area to visually enlarge and accentuate the plaza.

## **Public Use Space**

The on-site public use space consists of a plaza located directly in front of the building, expanding the streetscape of Wayne Avenue and incorporating the public art as an element of the design. The plaza will be interactive for pedestrians and residents of the building, as well as the patrons of the retail space. The proposed plaza will consist of specialty paving and lighting, landscaping and other design elements such as art to invite the public into the space and blend architectural features relating to the building design. The public space will also include seating areas, blended with landscaping and specialty lighting, for pedestrians and patrons of the retail space. The total on-site public use space being provided is 4,999 square feet or 24% of the net lot area.

Off-site improvements will include streetscape improvements along the south side of Wayne Avenue directly in front of the property and continued to the intersection with Georgia Avenue. All of the on and off-site improvements will consist of street trees, specialty pavers and specialty lighting as outlined in the *Silver Spring Streetscape Plan (April 1992) Technical Manual, as amended*. The applicant is also undergrounding the utilities within the Wayne Avenue right-of-way that correspond to the off-site improvements. The total off-site improvement being provided is 4,985 square feet or 23.9% of the net lot area. The combined totals for on and off-site improvements equal 47.9%, which exceeds the requirement of 20% in the CBD for optional method developments and complements the combined totals for other projects in the CBD with similar requirements.