

BASIS FOR CONSIDERATION OF ISSUES

Per Sec. 59-D-2.43, in making its decision on an application for an optional method development in making the required findings, the Planning Board must consider the following:

- (a) *The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under Chapter 56.*
- (b) *Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.*
- (c) *Whether the vehicular circulation system, including access and off-street and loading, is designed to provide an efficient, safe and convenient transportation system.*
- (d) *Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.*
- (e) *The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.*
- (f) *The adequacy of provisions for construction of moderately priced dwelling units in accordance with Chapter 25A if that Chapter applies.*
- (g) *The staging program and schedule of development.*
- (h) *The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.*
- (i) *The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.*

FINDINGS for Project Plan Review:

Section 59-D-2.42 of the Zoning Ordinance establishes the findings, which must be made by the Planning Board and forms the basis for the Board's consideration of approval. In accordance herewith, the staff makes the following findings:

- (a) *It would comply with all of the intents and requirements of the zone.*

Purpose Clause Section 59-C-6.212

The Montgomery County Zoning Ordinance states the purposes, which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

- (1) *"to encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board."*

The Project Plan proposes to use the optional method of development and is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan. The plan uses the more intense method of development standards conforming to the goals of the Sector Plan. The proposed development maximizes its permitted gross floor area and Floor Area Ratio "FAR", under the Optional Method of Development by providing the permitted 213,032 gsf and 2.0 FAR, which includes 21,396 gsf of cellar space for the laboratory. A total of 16,000 square feet of retail, 148,598 square feet of office and 48,434 square feet of laboratory is included in the development.

The standard height in the CBD-1 Zone is 60 feet but may be increased in accordance with the conditions in the Montgomery County Zoning Ordinance [Sect. 59-C-6.2]. For projects involving more than one lot, the Planning Board may approve a height over 90 feet, but not more than 143 feet. The height of the proposed buildings shall not exceed 90 feet. Staff believes the increase in height to 90 feet is in conformance with the CBD-1 Zone and is compatible with the existing surrounding structures and uses.

- (2) *"permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents."*

The project plan responds to the need for employment in downtown Silver Spring and addresses the need for smart growth policies where infrastructure, community

facilities and elements of an urban district already exist. Under the optional method, this project encourages the development of active urban streets by providing public spaces along the Cameron and Spring Street edges and improves the quality of pedestrian environment within the improved streetscapes. The proposed streetscape along with the public amenities addresses the need for public interaction in the downtown Silver Spring area. The project supports the economic base in the downtown area by making it more convenient for employees in Silver Spring to live near their work. This project will also increase the vitality of the downtown Silver Spring and add an economic infrastructure for commercial and retail businesses in the core area.

- (3) *“To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.”*

The proposed project creates a gateway into the core area of downtown Silver Spring by complementing the scale and mix of existing architecture. The proposed design, building façade, streetscape improvements, public use space and amenities integrate the existing framework of downtown Silver Spring with the design intent of this project. The 8-story and 3-story buildings will blend well with the mix of mid-rise buildings along the north side of Spring Street. The proposal seeks a height of 90 feet along the street frontage for both Cameron and Spring Streets for an optional method project, and is compatible with the adjacent zones and uses.

The compatibility of the building is enhanced by the existing mix of 2-8-story residential and commercial buildings to the north and south of the property. The improved streetscape will begin the gateway into Silver Spring and improve the pedestrian link on the south side of south side of Spring Street and the frontage along the east and west sides of Cameron Street. The design provides an effective relationship with adjacent uses and amenities and allows for a more interactive pedestrian and vehicular pattern. This development also prompts the redevelopment of the existing uses surrounding the site and creates a framework for an actual gateway into the core area of downtown Silver Spring.

- (4) *“To promote the effective use of transit facilities in the central business district and pedestrian access thereto.”*

The proposed development is located less than a half mile (10 minute walking distance) from the Silver Spring Metro Station. The proximity to transit facilities as well as the downtown employment core will reduce the dependency on the automobile for the residents of the development. The streetscape improvements along Cameron Street and Spring Street facilitate the desire for pedestrian connectivity to the bus and metro station at Colesville Road and 2nd Street.

Additionally, the adjacent parking garages will facilitate pedestrian circulation for the employees of the office, laboratory and retail components of the buildings. The

design of the buildings have incorporated a pedestrian covered arcade along the façade on Spring Street from the parking garage to encourage use of the parking garage and provide pedestrian interaction on the street.

(5) *"To improve pedestrian and vehicular circulation."*

This project plan encourages the development of active urban streets and improves the quality of the pedestrian environment by providing the enhancement to the streetscape as prescribed in the *Silver Spring Streetscape (April 1192) Technical Manual, as amended*. The streetscape will include street trees, street lights and specialty paving to integrate the site amenities with the pedestrian movement on the streets.

Vehicular circulation is enhanced with improved right-of-way along the south side of Spring Street and both sides of Cameron Street along the property frontage. Parking is provided on Lot 1 with an access from Spring Street adjacent to the present access into Parking Garage No. 21. The loading space is located south of the 3-story building and separate from the entrance to the parking garage. The loading space does not interfere with vehicular traffic in the garage and provides a separate area for the retail space and infrequent deliveries. Signs indicating traffic circulation in and out of the garage will promote safety for pedestrian activity in the public use space.

(6) *"To assist in the development of adequate residential areas for people with a range of different incomes."*

There is no housing on this project therefore this section does not apply.

(7) *"To encourage land assembly and most desirable use of land in accordance with a sector plan."*

This project expands the employment base within the CBD by providing a new sector (bio-tech) to a Central Business District as well as providing new retail opportunities. The project encourages active urban streets by providing street-facing retail and easily accessible and highly visible public spaces.

Requirements of the CBD-1 Zone

The following table demonstrates the conformance of the Project Plan with the development standards under the Optional Method of Development.

PROJECT DATA TABLE FOR CBD-1 ZONE

Site Data

Subject Property: Lot 1 (United Therapeutics)
 Lot 11 (Block A, J.C. Wilson Estate-Silver Spring)
 Existing Zoning: CBD-1

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>
Gross Tract Area:	22,000 sf	
Lot 11		39,080 sf
Lot 1		<u>56,738 sf</u>
Total		95,818 sf
Net Site Area (after dedication)	N/A	
Lot 11 (39,080 sf – 14,125 sf [prior dedication]) =		24,955 sf
Lot 1 (56,738 sf – 19,203 sf [prior dedication]) =		<u>37,535 sf</u>
Total		62,490 sf
Permitted Building Area:	191,636 sf	
Retail		16,000 sf
Office		148,598 sf
Laboratory		<u>48,434 sf*</u>
Total		213,032 sf*
Floor Area Ratio (FAR):		
Optional Method	2	2
Building Height (ft.):	90	90
Parking:		
Retail (16,000 sf @ 5/1000)	80	
Office (148,598 sf @ 2.4/1000)	357	
Laboratory (36,414 sf @ 1.5/1000)	<u>55</u>	
Total	492	23**
Public Use Space (% of net lot area):		
On-Site	20% or 12,498 sf	24.4% or 14,904 sf

Off-Site	19.8% or 12,112 sf
Total On and Off-Site Public Use Space	44.2% or 27,016 sf
* Laboratory space includes 21,396 s.f. of cellar space which is not included in the total FAR of the proposed development	
** The proposed development is within the Silver Spring Parking District and is not required to provide any parking on site if they are subject to the Parking District Tax.	

Amenities and Facilities Summary

On-Site Improvements

Public Plazas

- Paved public plaza areas along majority of site frontage to compliment streetscape improvements
- Public Art to highlight public’s interest of the revitalization efforts of downtown Silver Spring and design concept. Art to be designed in more detail at site plan and engage pedestrian activity. Art work may include sculptural seating “blocks”, paving elements, including the lighted paving elements that will be inscribed with the names of inductees for the Bio-Walk of Fame, water jets and features and special pavement including the radial arcs.
- Specialty lighting in the plaza and for the art elements to accentuate and visually activate the plaza at night.
- Raised planters of masonry material to compliment public art and amenities and social gatherings for pedestrians.
- Landscape beds and planters with irrigation and plant material for seasonal accent and color. Plaza trees to be complimentary to Spring Street and Cameron Street streetscape as well as providing a canopy for shade within the seating areas.
- Plaza areas to be effectively integrated with indoor/outdoor retail space
- Loading access area to provide brick paving complimentary of the streetscape improvements
- Existing overhead utilities to be installed underground consistent with the Silver Spring Master Plan
- Make available a space for public outdoor interaction
- Two feet of additional paving on lot 11 outside of the public right-of-way, consistent with the streetscape improvements on the west side of Cameron Street, extending the paving within the public right-of-way
- Make available a space for entertainment as needed in conjunction with the Silver Spring Urban District (SSUD), and accommodations for outdoor entertainment

Off-Site Improvements

Spring Street and Cameron Street Right-of-Way

- Streetscape on the south side of Spring Street along the entire property frontage, to include Street trees (Red Oaks), Brick Pavers and Street Lights (Washington Globe) consistent with Silver Spring Streetscape Technical Manual
- Streetscape on the east and west side of Cameron Street along the entire property frontage to include Street trees (Shademaster Honeylocust), Brick Pavers and Street Lights (Washington Globe) consistent with Silver Spring Streetscape Technical Manual
- Brick driveway apron consistent with patterns proposed in the plaza, entrance to parking garage from Spring Street and to parking garage south of Lot 1
- Existing overhead utilities to be installed underground consistent with the Silver Spring Master Plan

(b) *The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*

1) Zoning and Land Use:

The approved CBD Sector Plan recommended that the CBD-1 (Central Business District, 1.0) zoning for this site. This zoning was enacted through the Sectional Map Amendment (SMA) adopted July 18, 2000 per County Council Resolution 14-600.

The proposed commercial development will be the new corporate headquarters and laboratory for United Therapeutics, a bio-tech company currently headquartered at 1110 Spring Street. The proposed development is utilizing the optional method of development in the CBD-1 zone.

The proposed project plan conforms to the uses permitted in the existing CBD-1 Zone for the site. The development proposes 213,032 square feet of gross floor area (Floor Area Ratio "FAR" 2.0), including 16,000 square feet of retail, 148,598 square feet of office and 48,434 square feet of laboratory. The laboratory contains 21,396 square feet of cellar space and is not included in the total gross floor area and FAR. The minimum required public use space for this project is 12,225 sf (20% of the net lot area or 61,124). The project proposes 14,904 sf or 24.4% of the net lot area on site, dedicated to public use space, in addition to the 12,112 sf or 19.8% proposed for off-site streetscape improvements within the right-of-way of Spring Street and Cameron Street. The total public use and amenity space provided by the applicant for this development is 27,016 sf or 44.2% of the net lot area.

2) **Sector Plan Conformance:**

The Silver Spring Central Business District and Vicinity Sector Plan, approved by the County Council on February 1, 2000 outlines six themes, which articulate the shared goals and vision for a revitalized Silver Spring (See Appendix A-Community-Based Planning Memorandum dated June 28, 2004). Three of these six themes (i.e. a commercial downtown, a green downtown and a pedestrian-friendly downtown) directly apply to this proposed development. This project expands the employment base within the CBD by providing a new sector (bio-tech) to a Central Business District as well as providing new retail opportunities. This project is being developed under the optional method of development and proposes new public open spaces and an engaging streetscape design. This project encourages the development of active urban streets by providing street-facing retail and easily accessible and highly visible public spaces as activity generators. This proposal improves the quality of the pedestrian environment by providing high-quality streetscape.

- a) **Compatibility:** The Sector Plan address issues relevant to compatibility by requiring special development standards with regard to building heights and setbacks. The height of the proposed building meets the intent of the zone and requirements within the CBD.

The proposed 8-story buildings will be 90 feet in height from the street grade at Cameron and Spring Streets. The standard height in the CBD-1 Zone is 60 feet but may be increased in accordance with the conditions in the Montgomery County Zoning Ordinance [Sect. 59-C-6.2]. For projects involving more than one lot, the Planning Board may approve a height over 90 feet, but not more than 143 feet. The surrounding office buildings, adjacent parking garages and apartment complex range in height from 2-8 stories. The buildings on Spring Street will be set back approximately 15 from the curb and approximately 15-20 feet from the Cameron Street right-of-way.

The St. Charles apartments, a garden apartment complex south of lot 11 on Cameron Street, is zoned CBD-2. If the residential property is re-developed, the proposed development, under the optional method of development, could have a potential height of 143 feet. The proposed United Therapeutics building will have photovoltaic solar panels on the roof that could potentially be in the shadow cast by a taller building should the adjacent property redevelop. The applicant may need to re-evaluate the future functions of these panels and plan for their potential ineffectiveness.

The applicant proposes to improve the streetscape with street trees, specialty pavers and lighting to assist in integrating the proposed building with the surrounding environment including employment and residential communities. The applicant has committed to enhancing their public participation and enjoyment by proposing a series of public plazas with art, seating and landscaping.

- b) **Streetscape:** This development proposes improvement to the south side of Spring Street and the east and west sides of Cameron Street along the frontage of the property, consistent with the design guidelines of the *Silver Spring Streetscape (Adopted April 1992) Technical Manual*.

The applicant proposes to improve the Spring Street streetscape using the Type B treatment as specified in the Silver Spring Streetscape Plan Technical Manual. The applicant is proposing Red Oaks within the amended soil panels, brick pavers and streetlights (Washington Globe) along the Spring Street frontage. Cameron Street will be improved as specified in the Silver Spring Streetscape Plan Technical Manual with the recommended species of Shademaster Honeylocust within the amended soil panels, brick pavers and streetlights (Washington Globe). Undergrounding of utilities is proposed with the streetscape improvements along the entire frontage of the property on Cameron and Spring Streets.

The applicant is also proposing to implement some standard and non-standard elements within the street right-of-way such as sculptural glass seating, a Bio-Walk of Fame, granite or concrete pavers, planted tree pits and benches. The proposal does not maintain the quantity and spacing conventions for the street trees. The applicant has met with staff, the Department of Public Works and Transportation (DPWT) and the Department of Permitting Services (DPS) regarding the use of the non-standard streetscape elements. Staff believes that the non-standard elements will compliment the proposed public use spaces and encourage pedestrian circulation. The applicant should continue to coordinate with staff prior to and during the site plan process to determine the final elements being proposed. Staff recommends that the applicant submit a request for waiver to non-standard streetscape elements and provide maintenance and liability, in the form of an agreement, for the non-standard elements within the public right-of-way.

- c) **Silver Spring Wayfinding System:** Coordinate with the Silver Spring Regional Service Center regarding the placement of any way finding signs as described by the Silver Spring Way finding System.
- d) **Public Art:** The Planning Commission has formed an Art Review Panel composed of representatives from the development, academic and arts

community. The Panel provides input on the location, type and community context for all public art proposed for Optional Method Development projects in Silver Spring. The applicant met with the Silver Spring CBD Art Review Panel on June 11, 2004 for review for guidance. The public art components will be presented again in more detail to the Art Review Panel for review prior to submittal of the site plan. Details of the final artwork will be reviewed prior at Site Plan by the Planning Board.

- (c) ***Because of its location size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.***

The project is complementary to the range of commercial characteristics of the surrounding neighborhood. The design and scale of the project, pedestrian and vehicular circulation and improvements to the streetscape provide an enhancing and interactive relationship and act as a gateway into downtown Silver Spring. The proposed development is compatible with the existing development occurring in downtown Silver Spring and encourages redevelopment of adjacent properties in the CBD.

- (d) ***As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.***

The property will not overburden existing public services by the improvements that are being made to the streetscape for pedestrian accessibility to the metro and taking advantage of existing vehicular traffic conditions.

The project proposes 213,032 square feet of office, retail and laboratory space within the Central Business District of downtown Silver Spring. Twenty-three parking spaces are proposed for the employees on-site, within a sub-surface parking garage. A total of 492 spaces are required by the zoning ordinance, although the property is within the Silver Spring Parking District, relieving the applicant from providing all of the parking on site and using the adjacent county parking facilities. This encourages the use of the county parking facilities and provides incentive for employees to ride public transportation such as metro bus, ride-on and the metro.

The applicant is also required to enter into a Transportation management Agreement with the Planning Board and the Montgomery County Department of Public Works and Transportation (DPWT) to participate in the Silver Spring Transportation Management District in achieving and maintaining its traffic mitigation goal for new development of auto drivers being no more than 50% of all employees arriving and departing during peak hours.

- (e) ***The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.***

The Optional Method of Development permits a more efficient and desirable product than by using the standard method of development. The Project Plan proposes to use the optional method of development and is in conformance with the goals and objectives of the Silver Spring Sector Plan. The proposed development intends to maximize its' gross floor area on site to 213,032 square feet, including cellar space, which would not have been permitted under the standard method of development. The laboratory portion of the site on lot 1 is being developed under the standard method of development in-lieu-of time constraints associated with the applicant's current research and production. The 3-story laboratory building was submitted as part of the overall development to show context of the site and design features and provide the permitted FAR on the two lots. The remainder of the site, including the two 8-story buildings, streetscape improvements, pedestrian connector and public amenities are being provided under the current application using the optional method of development.

- (f) ***The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.***

This section does not apply to the project plan application.

- (g) ***When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from on lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:***

The application for the three buildings is proposed on two separate lots, separated by Cameron Street. Lot 11 is located on the west side of Cameron Street while Lot 1 is located on the east side of the street. Both lots have frontage on Cameron Street and Spring Street and each lot meets the minimum requirements for development using the optional method. The original headquarters of United Therapeutics is located at 1110 Spring Street, which is situated on Lot 11. Lot 1 was purchased by the applicant from Montgomery County to expand their needs for office and laboratory space in Silver Spring. The two lots will be linked on the seventh-story by a pedestrian connector crossing Cameron Street. The consolidation of the two lots by the pedestrian connection and streetscape improvements provide a campus-like effect, combining the land uses and activities into one site. In addition, many of the design elements are repeated throughout the site creating a blend of artistic, architectural and landscape architectural patterns.

- (h) ***As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.***

The property is exempt from the forest conservation requirements.

- (i) *As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

Conditional approval from the Montgomery County Department of Permitting Services (DPS) for Stormwater Management is pending. Approval of final Stormwater Management is required prior to submittal of the Site Plan application. Consideration of Green Roof Technology is recommended by DPS to address quality and quantity management.

APPENDICES

- A. Memos from Staff
- B. Letters from Downtown Silver Spring Urban District and the Silver Spring Citizens Advisory Board

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