**MEMORANDUM**

DATE: March 25, 2005
 TO: Montgomery County Planning Board
 VIA: Rose Krasnow, Chief *RK*
 Michael Ma, Supervisor
 Development Review Division
 FROM: Robert A. Kronenberg, RLA *RAK*
 Development Review Division
 (301) 495-2187



REVIEW TYPE: **Site Plan Review**
 CASE #: **8-05020**
 PROJECT NAME: **Portico**
 APPLYING FOR: Approval of 151 multi-family dwelling units, including 23 MPDUs on 0.65 acres
 REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance
 ZONE: CBD-R2
 LOCATION: 1203 Fidler Lane, 100 feet southwest of the intersection with Ramsey Avenue on Fidler Lane in Downtown Silver Spring
 MASTER PLAN: Silver Spring Central Business District
 APPLICANT: Centex Homes
 CO-APPLICANT: 1203 Fidler Lane, LLC
 FILING DATE: December 15, 2004
 HEARING DATE: March 31, 2005

STAFF RECOMMENDATION: Approval of 151, including 23 Moderately Priced Dwelling Units (MPDUs), on 0.65 acres, with the following conditions:

1. Project Plan Conformance

The proposed development shall comply with the conditions of approval for Project Plan 9-04003A as listed in the Planning Board opinion dated February 22, 2005 [Appendix B].

a. 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.

Public use space The applicant shall provide 26.3 percent of on-site public use space and 20.3 percent of off-site public use space.

b. Streetscape Improvements

The applicant shall provide the full streetscape improvements along the Fidler Lane 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. Off-site improvements shall be provided from the northeast property line of the subject site to the intersection with Ramsey Avenue in front of Lot 5 (currently Cubanos Restaurant).

c. Public Art

The public art shall be a 16-foot-tall, hand-carved stone sculpture in the form of a graceful "Arc" reaching skyward and six hand-carved benches made of cut stone.

2. Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plan 1-04040A as listed in the Planning Board opinion dated February 22, 2005.

3. Site Design

Replace the existing masonry and wood fence, on the western boundary adjacent to Cameron Hill Court, with a variable 6-8 foot masonry and wrought-iron fence, if approved by the Cameron Hill Homeowner's Association. If the Cameron Hill HOA does not agree to the replacement of the fence, then an alternative masonry and wrought-iron fence shall be designed on the subject property adjacent to the existing fence and approved by the M-NCPPC staff. Written confirmation shall accompany the approved plans.

4. Landscaping

a. Provide a detail of the tree pit over the top of the vaulted parking space on Fidler Lane, including the amended soil panel.

b. Provide a detail of the connections of the picket fence to the brick piers.

5. Lighting

a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development. The summary report shall be separated into four zones that cover the public plaza area, private amenity area in the rear of the building, entrance of the building and north side of the building adjacent to Cubanos restaurant. The plaza area and entrance to the building shall maintain a max./min. ratio of 4:1 or 5:1 with a maximum footcandle level of 10.0 to comply with illuminance levels for floodlighting and up lighting. The private amenity area zone and northern zone shall provide a max./min. ratio of 2:1 with a maximum footcandle level of 5.0, to comply with illuminance levels for pedestrian ways.

b. All light fixtures shall be full cut-off fixtures or shall be able to be equipped with deflectors, refractors or reflectors, on all fixtures causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent residential property.

c. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting adjacent residential properties.

d. The height of the light poles in the public plaza shall not exceed 12 feet including the mounting base.

6. Recreation Facilities

The applicant shall provide four picnic/seating areas within the plaza, an indoor community space and an indoor fitness facility on the site to satisfy the requirements for the Recreation Guidelines.

7. Maintenance Responsibility

Initially, the applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member and enter into an agreement with the Silver Spring Urban District for the purpose of maintaining the on-site public open spaces, including the public art, seating areas, landscaping and lighting and participating in community events.

8. Moderately Priced Dwelling Units (MPDUs)

The proposed development shall provide 23 (or 15 percent) MPDUs on-site in accordance with the requirements of Chapter 25A. The applicant is receiving a 22 percent density bonus for providing 15 percent MPDUs on-site.

9. Forest Conservation

The property is exempt from the Forest Conservation requirements by letter dated January 18, 2005 (Appendix C).

10. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated July 8, 2004 [Appendix C].

11. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the 1st building permit that Applicant's recorded Condominium Association Documents incorporate by reference the Covenant.

12. Development Program

Applicant shall construct the proposed development in accordance with the Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. The Development Program shall include a phasing schedule as follows:

- a. All elements of the site plan shall be installed prior to issuance of all occupancy permits for the first seven floors or fifty (50) percent occupancy of the units, but no later than twelve (12) months after the occupancy of the first unit, whichever comes first. Applicant shall provide the use and occupancy permits to M-NCPPC staff in order to inspect the site for streetscape in the Fidler Lane right-of-way, including the street trees, street lights and pavers, as well as construction of the public plaza and art, on-site landscaping, lighting, recreation and paver materials.
- b. Street tree planting for Fidler Lane shall progress as site construction is completed, but no later than six months after completion of the building.
- c. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- d. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.

13. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of signature set of plans.

14. Signature Set

Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Opinion.
- b. Limits of disturbance.
- c. MPDU and recreation facility calculations.
- d. Details of an alternative masonry and wrought-iron fence on the subject site, if the adjacent Cameron Hills Homeowners' Association does not allow the removal of the existing masonry and wood fence on their property. The detail must be presented, by letter or orally, to the Cameron Hills Homeowners' Association for response to M-NCPPC staff. The fence design must not deviate from the overall design, including the height and material.
- e. All of the items specified in the site design, landscape, lighting and recreation conditions of approval.
- f. Provide written approval from the Silver Spring Urban District for the maintenance of the non-standard elements within the Fidler Lane right-of-way.

SITE PLAN REVIEW ISSUES

Building compatibility to surrounding and adjacent development

The surrounding neighborhood is a mix of architecture, height and massing within the Cameron Street, Georgia Avenue and Colesville Road corridor. The Cameron Hill Community is a townhouse community, which developed as a standard method project, amid a mix of building heights that range from 3-stories to 17-stories. The adjacent office building to the east across



Fidler Lane is 14-stories while the Silver Spring Metro Plaza across Second Avenue is 17-stories. Parking Garage No. 7 is a 6-level parking facility across Cameron Street. The intersection of Second Avenue and Cameron is comprised of the 5-story District Court House and the 15-story Alexander House, a high-rise residential complex. Directly across Ramsey Avenue consists of 1-

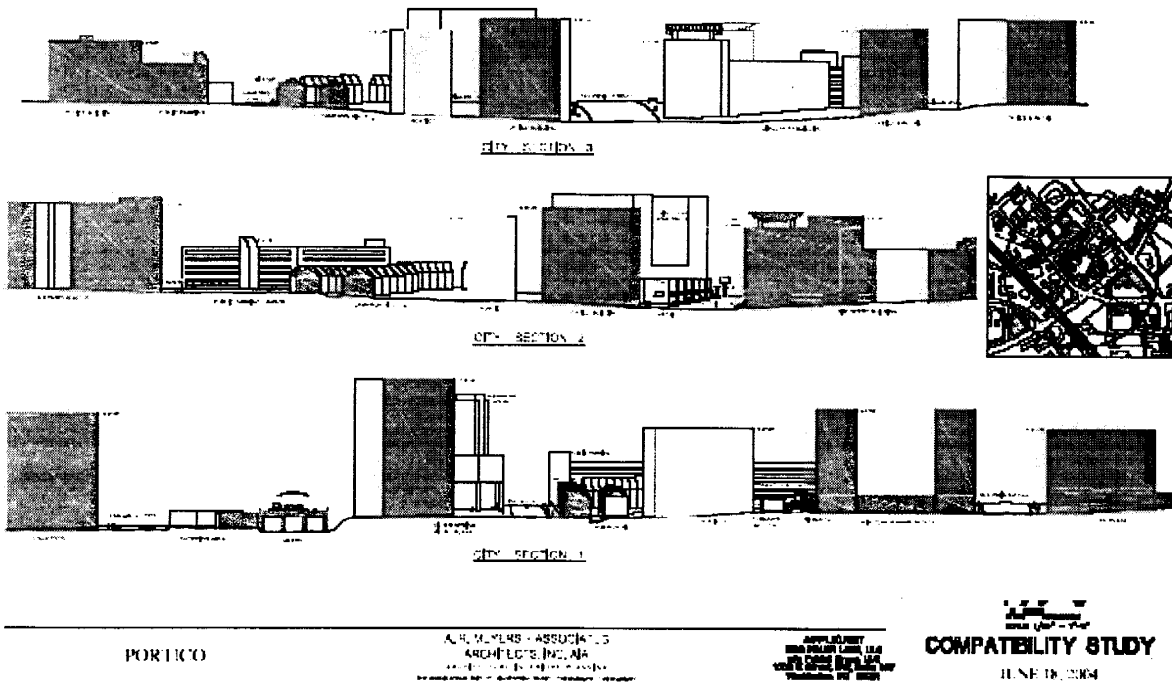
story restaurants, including Mi Rancho and Tastee Diner, with the 15-story Twin Towers residential complex as a backdrop. The proposed building is sited in a southwest to northeast orientation that corresponds to the alignment of Fidler Lane.

Community Position

The Cameron Hill townhouse community, adjacent to the subject site, previously testified and noted that the density and height of the proposed building is not compatible with the smaller scale townhouses. The community believes the townhouses are too close to the existing townhouses and that the proposed building will have a detrimental impact on their property in the form of increased shadows over their development.

Applicant's Position

The applicant believes the proposed development is compatible to the adjacent properties and surrounding development in terms of height, zoning, setbacks, use and massing. Additionally, the applicant believes this building is an appropriate use in an urban environment, such as the Silver Spring CBD, to build a 13-story building adjacent to residential townhouses. The applicant presented shadow studies to staff and the community, which show there is no significant additional impact on the adjacent community as a direct result of the height of the proposed building. The greatest impact of shadows from the proposed 13-story building will be in the latter parts of June and July with the greatest impact on Cameron Hill Court and two of the townhouses that have side yards to Cameron Hill Court. The shadow study shows there would be minimal impact on the community from shadows cast by the proposed building, because of the orientation of the proposed building, and the location of the taller (15-story) building to the south of the property.



Staff Position

The project is complementary to and compatible with existing development, including the Cameron Hill townhouse community and is in accordance with the goals and recommendations of the Silver Spring CBD and Vicinity Sector Plan. Both the Cameron Hill site and the subject property are zoned CBD-R2. Although the existing townhouse community developed under the standard method of development, the Portico site is proposing to develop under the optional method of development. Both development methods are permitted in the CBD in terms of use, height, density and setbacks. The design and scale of the project, pedestrian and vehicular circulation and improvements to the streetscape provide an enhancing and interactive relationship with downtown Silver Spring. The proposed development is compatible with the current development occurring in downtown Silver Spring and encourages redevelopment of vacant properties in the CBD.

The proposed development is similar to other sites within the CBD; however, no site will portray the exact relationship, in terms of height, massing, density and setbacks or buffers. The Silver Spring CBD is similar to other business districts, in that it encourages higher density, height and massing within the core area, while lessening the intensity near the perimeter edges and near existing neighborhoods, such as Fenton Village. The subject site exemplifies the “tent effect” within a business district that does provide higher density in the core areas.

The design elements, such as the masonry materials on the building, landscaping, location of the public plaza and proffers made to the community in terms of architectural features enhance the general area and add to the compatibility of the project.

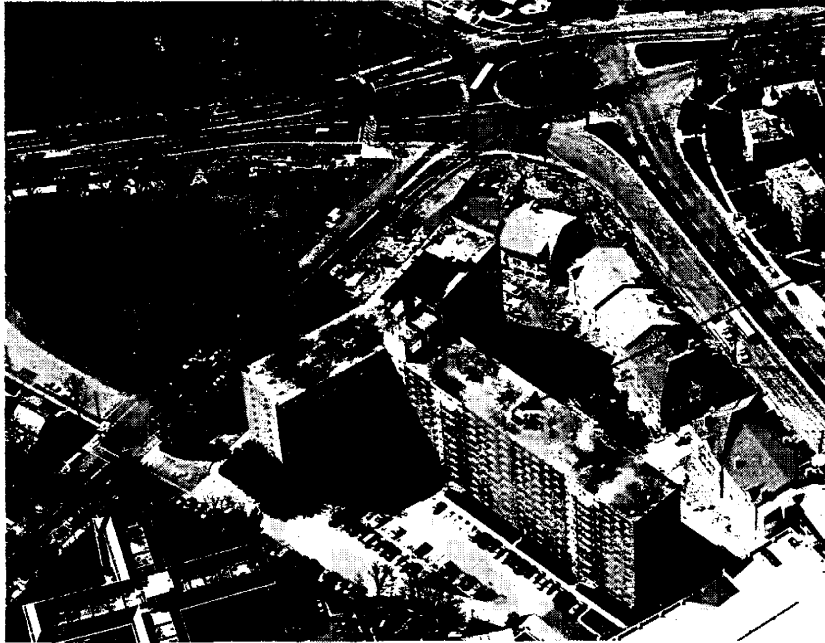
Staff has identified other existing sites in the CBD that are comparable with the proposal in terms of massing, height, location and relationship of buildings, types of buildings and setbacks. Although other comparable sites exist throughout the County, staff believed there were sufficient examples of sites located within the Silver Spring CBD. Below are four examples of residential projects that resemble the proposed application:



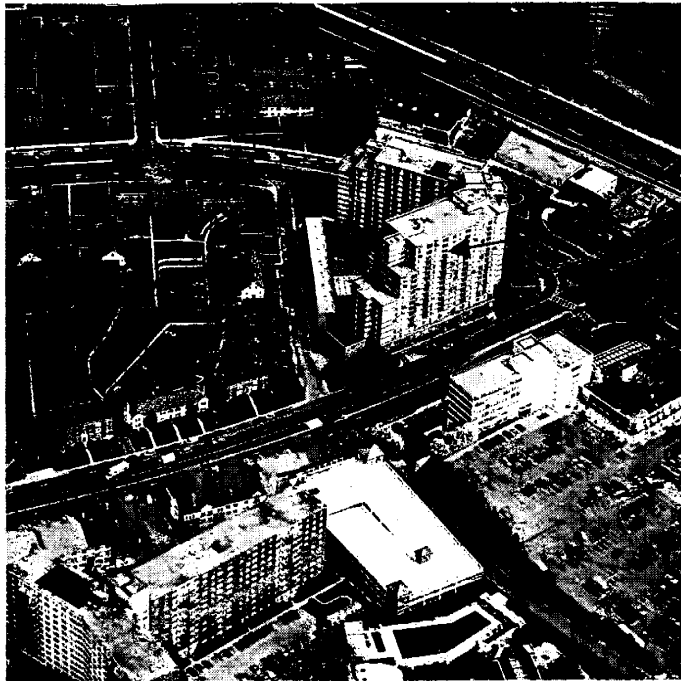
Jemal building (CBD-2, 12-story) adjacent to Montgomery Arms apartments (CBD-2, 4-story)



Alexander House (Site Plan #8-89071, CBD-R2, 15-story) adjacent to townhouse apartment complex



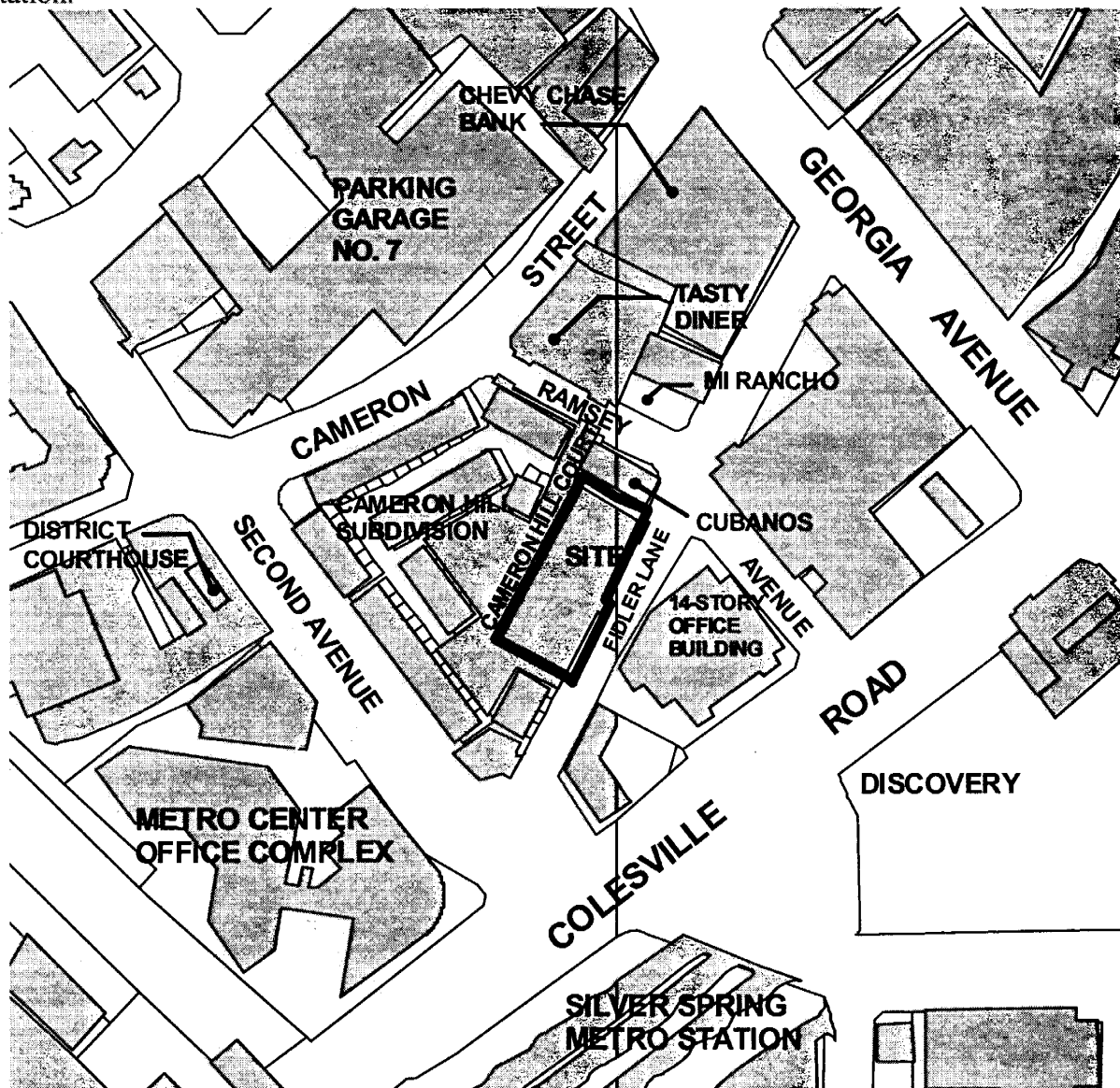
Blair Towers (CBD-R2, 12-story) adjacent to currently constructed townhouses that front onto Colesville Road. The towers serve a backdrop and are part of the same development.



Lennox Park (Site Plan #8-89040, CBD-2, 17-story) adjacent to Falkland Manor (R-60 Zone). The towers are set back with a transition from the apartment buildings.

PROJECT DESCRIPTION: Site Vicinity

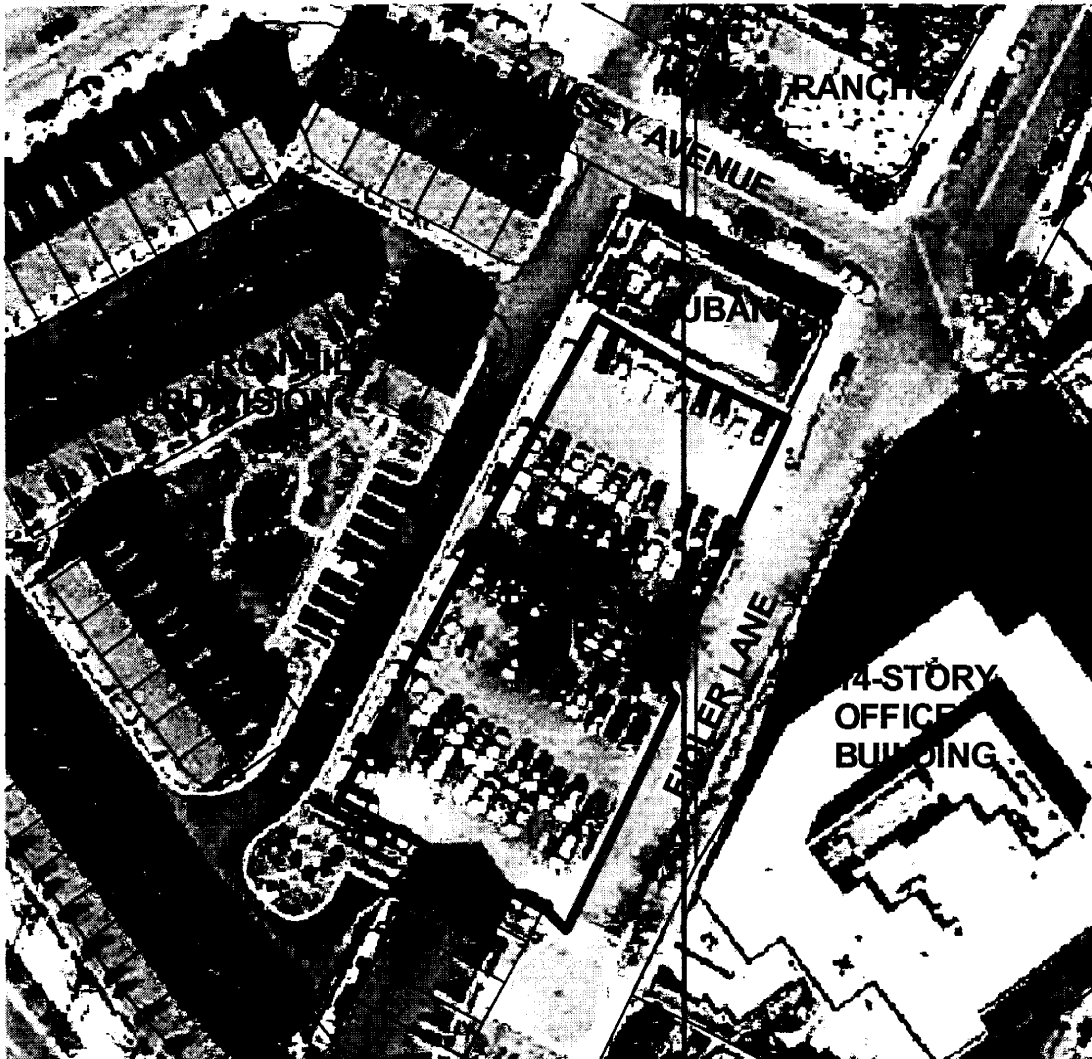
The proposed development is within the CBD-R2 Zone in downtown Silver Spring. The site is surrounded by CBD-R2 properties directly to the west and across Ramsey Avenue that include the Cameron Hill (Plat Book 607, Page 86 and preliminary plan #1-98104), Cubanos Restaurant (part of Lot 5, Plat Book 2, No. 147), Mi Rancho Restaurant (Plat Book 615, Page 9) and the Tasty Diner (Plat Book 148, Page 13). The 14-story commercial office (Plat book 559, page 50) located to the south across Fidler Lane is zoned CBD-3 and the McDonald's site at Route 29 and Second Avenue is zoned CBD-2. The 17-story office complex across Second Avenue is zoned CBD-3 as is the 15-story residential complex known as Alexander House, located at Ramsey Avenue and Second Avenue. The 6-level County parking garage (identified as Garage No. 7) and commercial building (preliminary plan #1-84190) across Cameron Street is zoned CBD-2. The property is a five-minute walk (within a ¼ mile) from the Silver Spring Metro Station.



PROJECT DESCRIPTION: Site Description

The site, at 1203 Fidler Lane, originally consisted of parts of Lots 1 and 2 of Fidler's subdivision and part of "Labyrinth" (Parcels N351 and N352 in (Plat Book 2, No. 147) recorded in May 1912. The Preliminary Plan (#1-04040A) consolidated the property into one lot. The record plat has not been recorded. The property is an unimproved site currently being used as a surface parking facility. There are no permanent structures on the property. The site is separated from Cameron Hill Court, a private alley that serves Cameron Hill, by a retaining wall and wood fence. The property has direct frontage on Fidler Lane, and is unimproved along the property frontage. The opposite side of Fidler Lane is improved with the standard Silver Spring streetscape including street trees and paving. Cuban's restaurant directly abuts the subject site to the north.

The topography on the property slopes from north to south by approximately 16 feet. The high point of the site is at the northwest corner adjacent to Cameron Hill Court and the corner of Cuban's Restaurant (Lot 5). There is no significant vegetation on the property with the exception of three large shade trees on the existing lot line of Lots 1 and 2 from Fidler Lane to Cameron Hill Court.



PROJECT DESCRIPTION: Proposal

The Plan requires approval of 170,000 square feet for residential condominium units, including 151 dwelling units, of which 23 (15%) will be MPDUs. The project plan (9-04003A) was approved for 158 dwelling units, including 24 MPDUs. The applicant is receiving a 22% density bonus for providing additional MPDUs on the site.

Building Design

The rectangular-shaped building will be 138 feet in height (13 stories), in accordance with the maximum height requirements of 143 feet in the CBD-R2 Zone. The first floor of the building will include a fitness room, social room, business room and office, as well as three residential units. The remainder of the residential units is located on the second through thirteenth floors.



The main entry into the building is located directly on Fidler Lane, approximately 2-3 feet above the proposed street grade. The entry plaza is partially covered and protected by a canopy, extending out to the property line and inviting pedestrians into the site. The floor-to-ceiling height of the entry plaza is approximately 13 feet. Curved balconies and bays of floor-to-ceiling glass punctuate the façade of the building, composed of masonry and glass. The rusticated, two-tone masonry will emphasize the corner glass bays, while the vertical element reinforce the glass corners. The base of the building is strongly expressed, with post and beam articulating

the stair towers on the southern end and graceful arches on both ends of the building. The decks on the perimeter of the building also emphasize the arches, which are repeated in the art sculpture and benches in the public plaza.

Vehicular Access/Parking

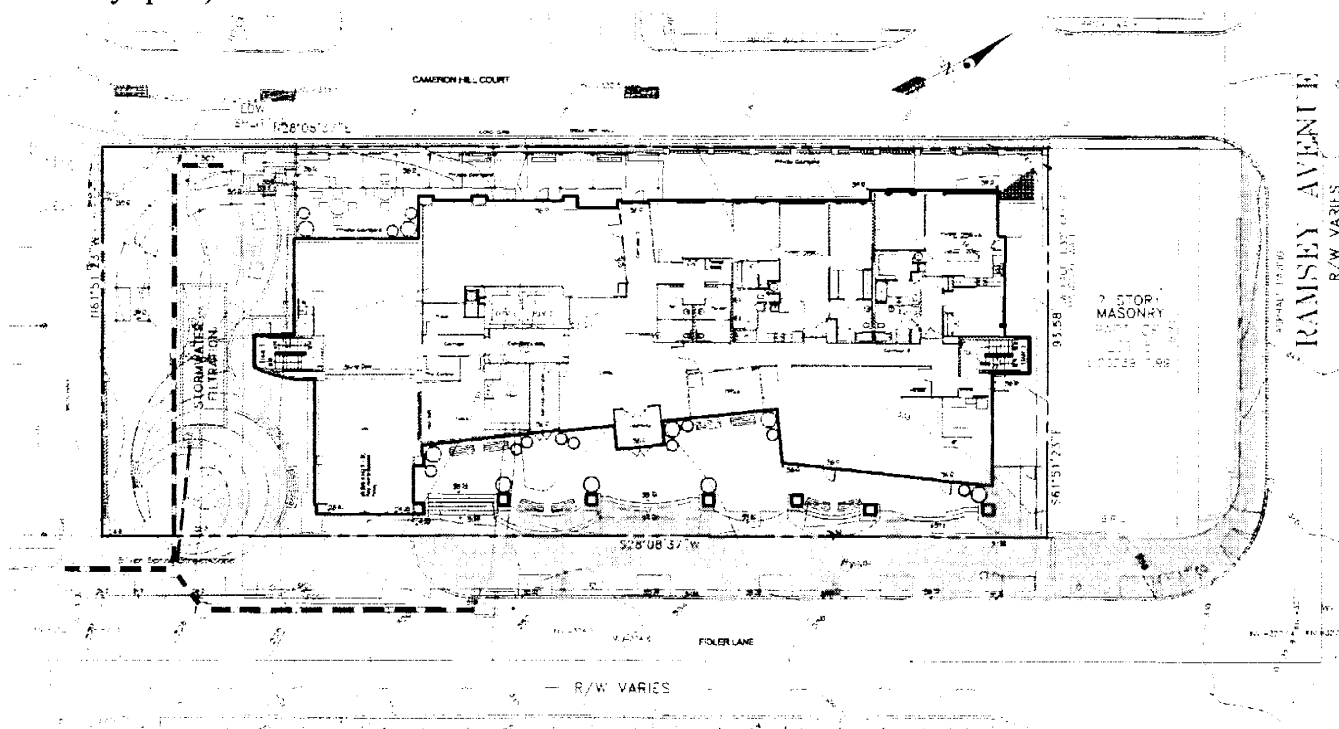


Vehicular access for the residents will consist of a two-level below-grade parking structure accommodating 89 parking spaces. The parking garage access is located adjacent to the public

plaza at the southern end of Fidler Lane. The apron to the garage will contain the brick pavers and granite sets for a continuous treatment within the Fidler Lane right-of-way to visually enlarge and accentuate the plaza. The site is located within the Silver Spring Parking Lot District, allowing the applicant to provide less parking in the CBD and encouraging the use of the local public parking facilities.

Public Use Space

The on-site public use space consists of a public plaza, located at the southeastern end of the site, that consists of public art, benches, amenity landscaping and lighting and ornamental paving as well as the area located directly in front of the building, that expands the streetscape of Fidler Lane to the building entrance. The plaza will be interactive for pedestrians and residents of the building, specifically those walking from the metro through the site to the restaurants and downtown area. The proposed plaza incorporates design elements to invite the public into the space and blend architectural features relating to the building design. The public space will also include benches that emphasize and complement the sculpture, blended with landscaping and specialty lighting to accentuate the area. The total on-site public use space being provided is 5,674 square feet or 26.3% of the net lot area. The areas represented are as follows: green (on-site public use space); blue (off-site public use space); and yellow and brown (on-site private amenity space).



Off-site improvements will include streetscape improvements along the west side of Fidler Lane directly in front of the property and continued to the intersection with Ramsey Avenue. The streetscape improvements will continue in front of Lot 5 (presently Cubanos restaurant) along the public right-of-way of Ramsey Avenue. All of the on and off-site improvements, with the exception of the area in front of Cubanos Restaurant on Ramsey Avenue, 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 area in front of the restaurant is only wide enough for the Type B Silver Spring streetscape pavers. The applicant is also undergrounding the utilities within the Ramsey Avenue right-of-way that correspond to the off-site improvements. The total off-site improvement being provided is 4,363 square feet or 20.3% of the net lot area. The combined totals for on and off-site improvements equal 46.6%, 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. In addition to the public use space, the applicant is providing private amenity space for the residents that will consist of a private courtyard and amenity landscape area on the north side of the building and a covered entry plaza at the entrance to the building on Fidler Lane.

Public Art/Plaza

The urban pocket park designed at the southern end of the property will serve as a vital urban open space link and part of the pedestrian system in the community. The park will be part of an interconnected pedestrian system of green spaces between the Metro Station and areas of Georgia Avenue south of Colesville Road. The park will be a continuation of the pedestrian green space created by the 2nd Avenue park adjacent to McDonalds, and will visually create a focal point or destination point for pedestrians traversing Fidler Lane uphill to Georgia Avenue from the Metro Station. The urban pocket park is designed with two interconnected pedestrian spaces: a multi-circular paving pattern, designed to interact with the public streetscape to distinctly focus on the art element; and a more quiet and contemplative section near Cameron Hill Court. This quiet seating space is enclosed by an overhead Pergola and trellis structure to act as a backdrop to the pedestrian space as well as a transition and connection to the private courtyard at the rear of the building. The edges of the park will contain raised planters with attractive deciduous/evergreen plant material as well as colorful perennials and groundcovers. Both park spaces will contain specialty paving of brick or stone, sculptural seating benches and street-style lighting.

The applicant presented the art elements to the Art Review Panel on February 14, 2005 (See memo dated February 14, 2005 in Appendix D), as a condition of the Project Plan. The Art Review Panel recommended approval of the artwork but had concerns regarding

use of the space, security, lighting and landscaping. All of these issues and concerns were addressed during the Project Plan process, as well as during the site plan review process.



The main feature of the urban pocket park is a 16-foot-tall, hand-carved stone sculpture in the form of a graceful "Arc" reaching skyward. This elegant structure acts as a marker for the outdoor public space, being created as a pocket park with this new building structure as

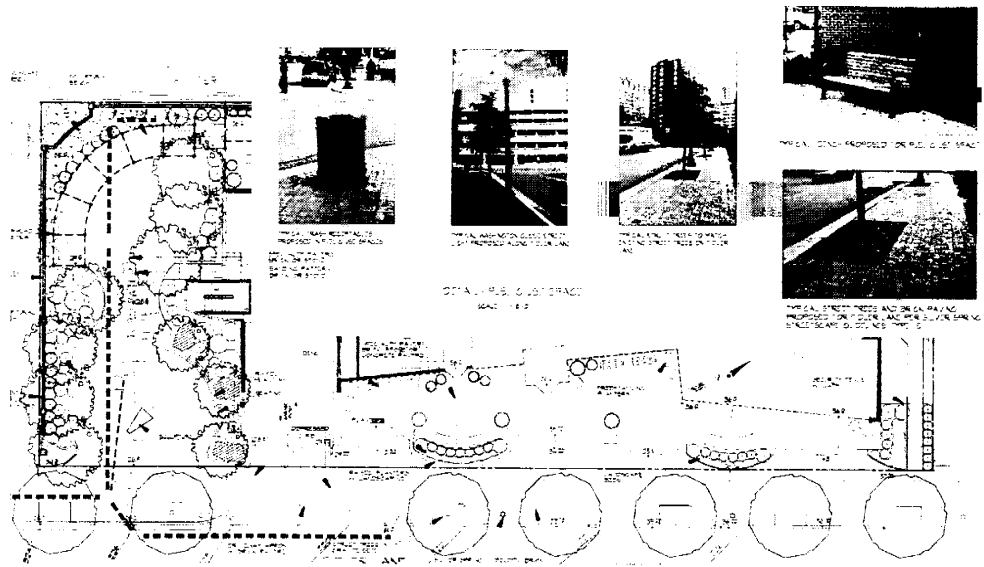
a backdrop. The arc-form echoes the distinctive curved balconies that distinguish this building and is located to be visible from the Silver Spring Metro Station. Visibility of the artwork is a key element of the design and safety aspects of the neighborhood. The surface will be a thermal and bush-hammer finish with a semi-rough texture. The park and sculpture will be softly lit in the evening to enhance the streetscape, inviting pedestrians and commuters to enjoy and relax. Deciduous trees will be placed to allow filtered glimpses of the art and space while providing shade and ornamental treatment for the backdrop.

The public space will also feature six hand-carved benches made of cut stone to reinforce the “Arc” concept. The paving will be designed with a curving pattern that complements the sculpture and the benches. This park will create an oasis of quiet and reflection immediately adjacent to the bustling downtown transportation hub.

Landscape and Lighting

Landscaping consists of Honeylocust as the shade tree on Fidler Lane, consistent with the Silver Spring streetscape standards, as well as the associated pavers and light fixtures within the right-of-way. The planting on the southern and western perimeter of the plaza provides a buffer to the adjacent

townhouses, in conjunction with the planted pergola. All of the plant material within the plaza and private amenity area in the rear of the building will be located on top of structured parking, limiting the soil depth between the ground plane and top of the structure.



The southwestern rear of the site contains an 8-foot tall pergola on masonry columns, planted with vines, to form a perimeter edge as well as provide filtered shade for the plaza and seating. The pergola wraps around the rear of the building to provide a gateway into the public plaza from the private amenity area.

The masonry and wrought iron fence will replace the existing masonry and wood fence and separate the public plaza and private amenity area from the Cameron Hill community. The fence will vary in height from six to eight feet in order to accommodate the grade difference on the site.

Private on-site lighting consists of a mix of freestanding fixtures at the southeastern corner of the site by the entrance into the plaza, up-lighting to accent the art sculpture and ornamental trees

and security lighting from the pergola oriented in a downward position southwestern corner of the plaza. Recessed lighting is proposed at the entrance to the building under the canopy.

PROJECT DESCRIPTION: Prior Approvals

Project Plan

The Project Plan (9-04003A) was approved by the Planning Board on September 23, 2004 for approximately 170,000 square feet of development, including 158 multi-family dwelling units, of which 24 were to be MPDUs on approximately 0.65 acres. A Reconsideration Request was filed for the Project Plan on behalf of the adjacent Cameron Hill Homeowners' Association and presented to the Planning Board on March 17, 2005. The Planning Board decided not to reconsider the request.

Preliminary Plan

The Preliminary Plan of subdivision (1-04040A) was approved concurrently with the Project Plan on September 23, 2004. The proposed development is zoned CBD-R2 (Central Business District-Residential 2). This property consists of two parcels; N351 and N352 and described as parts of lot 1 and 2 and recorded in Plat Book 147, Page 2. A Reconsideration Request was filed for the Preliminary Plan on behalf of the adjacent Cameron Hill Homeowners' Association and presented to the Planning Board on March 17, 2005. The Planning Board decided not to reconsider the request.

ANALYSIS: Conformance to Development Standards

PROJECT DATA TABLE (CBD-R-2 Zone)

Development Standard	Permitted/ Required	Proposed
Min. Tract Area (sf.):	22,000	28,423*
Net Site Area (after dedication)	N/A	21,523 sf
Max. Density of Development (d.u./ac.)	200	243
Number of Dwelling Units		
Multi-family units	158**	151
MPDUs (%):	15	15
Required number of MPDUs	23	23
Floor Area (du):		
Optional Method	N/A	170,000 sf
Min. Building Setbacks (ft.)		
from street		15
rear yard		20
side yard		5
Max. Building Height (ft.):	143	139
Parking:	N/A***	89
Public Use Space (% of net lot area):		
On-Site	20% or 4,305 sf	26.3% or 5,674 sf
Off-Site		20.3% or 4,363 sf
Total On and Off-Site Public Use Space		46.6% or 10,037 sf
Total Private Amenity Space	N/A	11.0% or 2,377 sf

- * Includes previous dedication 5,150 sf for previous dedication and 1,750 sf for the proposed Fidler Lane right-of-way dedication).
- ** The proposed development includes a density bonus for additional MPDUs provided on the site. The applicant is providing 15 percent of the total number of units (151 du's @ 15%= 23 du's) as MPDUs.
- *** 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.

RECREATION CALCULATIONS

	Tots	Children	Teens	Adults	Seniors
Demand Points					
<u>Multi-family units (151)</u>	<u>6.04</u>	<u>6.04</u>	<u>6.04</u>	<u>116.30</u>	<u>69.50</u>
Total Required Points	6.04	6.04	6.04	116.30	69.50
Supply Points					
Indoor Community Space (1.3)	0.79	1.18	2.36	45.35	36.12
Indoor Fitness Facility (3.1)	0.0	1.87	1.87	72.09	32.30
<u>Picnic/Sitting Area (9.5)</u>	<u>9.5</u>	<u>9.5</u>	<u>14.25</u>	<u>47.50</u>	<u>19.00</u>
Total Supply Points	10.29	12.55	18.48	164.94	87.42
% of demand met on-site	170	208	306	141	126

No credit is being taken for off-site recreational facilities.

MPDU CALCULATION

Base Density:	130 dwelling units
Bonus Density:	28 dwelling units
(130 x .22 [density bonus for additional 15% MPDUs])	
Number of Dwelling Units Permitted:	158 dwelling units
Number of Dwelling Units Proposed:	151 dwelling units
Number of MPDUs Required:	23 dwelling units
(151 d.u. x .15)	
Number of MPDUs Proposed:	23 dwelling units*

* All of the MPDUs are located on site

ANALYSIS:

Conformance to Master Plan

The approved CBD Sector Plan recommended the CBD-R2 (Central Business District, Residential 2.0) 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 project plan conforms to the uses permitted in the existing CBD-R2 Zone for the site. The development proposes approximately 170,000 square feet for 151 residential condominium apartments including 23 MPDUs or 15% of the total number of units proposed in the building. The applicant is receiving a 22% density bonus for providing 15% MPDUs on the site. The proposed development is utilizing the optional method of development in the CBD-R2 zone. The minimum required public use space for this project is 4,305 sf (20% of the net lot

area). The project proposes 5,674 sf or 26.3% of the net lot area on site, dedicated to public use space, in addition to the 4,363 sf or 20.3% proposed for off-site streetscape improvements within the right-of-way of Fidler Lane and Ramsey Avenue. The total public use and amenity space provided by the applicant for this development is 10,037 sf or 46.6% of the net lot area.

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. Four of these six themes (*i.e. a Residential Downtown, a Green Downtown, a Transit-Oriented Downtown and a Pedestrian-friendly Downtown*) directly apply to this development. The Sector Plan does not specifically identify the proposed project site as a potential housing site. However, the Sector Plan does encourage housing as an important component to the revitalization efforts and does recommend a residential zone for the property.

The proposed project will include a significant new public open space and an art amenity. This project encourages the development of active urban streets by providing a street-facing building entrance and easily accessible and highly visible public spaces as activity generators. This proposal improves the quality of the pedestrian environment by providing the Silver Spring streetscape treatment required for optional method projects. The proposed development is located less than a quarter mile (5 minute walking distance) from the Silver Spring Metro Station. The proximity to transit facilities and to the downtown employment core will reduce the dependency on the automobile for the residents of the development.

Overall, the development of the Project will significantly further the objective of stabilizing the core’s residential component, while providing an appropriate transition between the office uses and more intense commercial activity south and east of the project to the predominately residential neighborhoods to the north and west of the Project.

- A. Silver Spring Wayfinding System:** There are no wayfinding signs programmed for Fidler Lane according to the Silver Spring Wayfinding Master Plan prepared by the Silver Spring Regional Center.
- B. Sector Plan Bikeways:** The Sector Plan is silent regarding bikeways for Fidler Lane.
- C. Sector Plan Street Rights-of-Way:** The existing Fidler Lane right-of-way varies from 42.5 feet to 60 feet. The streetscape was improved per the *Silver Spring Streetscape* on the south side of Fidler Lane as part of the optional method improvements for the Silver Spring Center. The Sector Plan does not specifically recommend additional right-of-way dedication for Fidler Lane. However, staff feels that an additional 17.5 feet of dedication is needed (where the right-of-way is 42.5 feet) to provide a consistent total right-of-way of 60 feet on Fidler Lane. This will insure the complete accommodation of the optional method streetscape treatment on the applicant’s side of Fidler Lane. The Sector Plan recommends that Fidler Lane be designed as a “mixed street” in order to emphasize pedestrian circulation through streetscaping while accommodating limited, slow vehicular traffic.

- D. Streetscape:** The applicant proposes to improve Fidler Lane and Ramsey Avenue in front of Cubano's Restaurant using the Type B treatment recommended in the *Silver Spring Streetscape* (April 1992) technical manual. The applicant proposes to implement some non-standard paving elements within the Fidler Lane right-of-way located in proximity to their main public space. The non-standard paving elements are minor in scope and will complement the proposed public space by visually drawing pedestrians into the space.

Local Area Transportation Review

A traffic study was submitted to determine the impact of the proposed development on the local area transportation network. Four intersections were evaluated with the study and determined to operate within the congestion standards for critical lane volumes within the Silver Spring CBD. Vehicular and pedestrian access was evaluated for safe and efficient movements to avoid potential conflicts.

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required.*

If amended in accordance with recommended conditions, the proposed development is consistent with the approved Project Plan (9-04003A) in land use, density, location, building height and development guidelines.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan meets all of the requirements of the CBD-R2 Zone as demonstrated in the project Data Table above.

3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

- a. **Buildings**

The rectangular-shaped building is comprised of 13 stories including a fitness room, social room, business room and office on the first floor as well as two residential units. The remainder of the residential units is located on the second through thirteenth floors. The height of the building conforms to the setbacks required in the CBD-R2 Zone. The main entry into the building is located directly on Fidler Lane and leads from the proposed streetscape into the main lobby area of the building. The plaza is partially covered and protected, extending out to the property line and inviting pedestrians into the site. Curved balconies and bays of floor-to-ceiling glass punctuate the façade of the building, composed of masonry and glass. The rusticated, two-tone masonry is utilized to emphasize the corner glass bays, while the vertical element reinforces the glass corners. The base of the building is strongly expressed, with post and beam articulating the stair towers on the southern end and graceful arches on the ends of the building. The decks on the perimeter of the building also emphasize the arches, which are repeated in the art sculpture and benches in the public plaza.

- b. **Open Space**

The plan proposed 0.18 acres of open space, or 34 percent of the net lot area, primarily along the southern and western perimeter of the property. The open space consists of the required 20 percent public use space and the additional private amenity space in the rear of the building adjacent to Cameron Hill Court. The public use and private amenity space includes hardscape elements within the public plaza, planter areas, seating elements and landscape beds.

The proposed stormwater management concept consists of on-site water quality control via a separator sand filter. Onsite recharge is not required since this is considered to be redevelopment. Channel protection is not required because the post development peak discharge is less than or equal to 2.0 cfs.

c. Landscaping and Lighting

The proposed landscaping on the site is adequate, safe and efficient and consists of foundation planting in the private amenity areas at the entrance to the building on Fidler Lane and in the rear of the site adjacent to Cameron Hill Court. The public plaza, which includes the public art, is designed so as to accentuate the art sculpture and paving design. The planting on the southern and western perimeter of the plaza provides a buffer to the adjacent townhouses, in conjunction with the planted pergola.

The masonry and wrought iron also serve as a visual and physical barrier between the Cameron Hill community and the proposed development. The fence will vary in height from six to eight feet in order to accommodate the grade difference on the site and will be more attractive than the existing masonry and wood fence that exists today.

The streetscape on Fidler Lane consists of the standard Type B Silver Spring Streetscape with street trees in tree pits, specialty lighting and paving.

The lighting plan addresses safety and security issues within the public plaza as well as the avoidance of negative glare onto the adjacent townhouses within the Cameron Hill community. Private on-site lighting consists of a mix of freestanding fixtures at the southeastern corner of the site by the entrance into the plaza, up-lighting to accent the art sculpture, and ornamental trees and security lighting from the pergola oriented in a downward position at the southwestern corner of the plaza. Recessed lighting is proposed at the entrance to the building under the canopy.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table above. The proposed recreation facilities, including four seating areas, an indoor community facility and an indoor fitness facility meet the requirements of the Recreation Guidelines.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is adequate, safe and efficient. This 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 Plan (April 1992) Technical Manual, as amended.

Vehicular circulation is enhanced with improved right-of-way along the west side of Fidler Lane. The entrance to the parking garage is located at the southeastern end of Fidler Lane toward the end of the proposed building so as to accommodate existing grading on the site and maximize the number of parking spaces in the 2-level below grade parking garage. Signs indicating traffic circulation in and out of the garage will promote safety for pedestrian activity in the public use space. The Sector Plan recommends that Fidler Lane be designed as a “mixed street” in order to emphasize pedestrian circulation through streetscaping while accommodating limited, slow vehicular traffic.

The streetscape improvements along Fidler Lane and Ramsey Avenue facilitate the desire for pedestrian connectivity to the bus and metro station. The mixed street provides pedestrian movement as well as minimal vehicular traffic on Fidler Lane. The completed streetscapes along the north side of Ramsey and on both sides of Cameron Street direct pedestrian circulation to Georgia Avenue and the other businesses in the downtown corridor.

4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*

The project is complementary to the range of commercial and residential 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 with 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 (“Central Business District”).

The surrounding and adjacent properties are a mix of different uses, building heights and massing that is integral to the vitality of an urban downtown area. The adjacent Cameron Hills Community is an underdeveloped site relative to development sites within the CBD and could have achieved a higher density under the optional method of development. The one-story commercial restaurants on Ramsey Avenue and Cameron Street add to the mix of varying heights that is prevalent throughout many areas of the CBD, especially where 15 to 17-story residential and office buildings act as a backdrop to these restaurants. The office building directly across Fidler Lane is a 14-story structure that encompasses almost the entire block from Ramsey Avenue to Second Avenue.

The applicant also presented shadow studies, which show there is no detrimental impact on the adjacent community as a direct result of the height of the proposed building. The building is sited in a southwest to northeast orientation that corresponds to the alignment of Fidler Lane. The greatest impact of shadows from the proposed 13-story building will

be in the latter parts of June and July with the greatest impact on Cameron Hill Court and two of the townhouses that have side yards to Cameron Hill Court.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The property is exempt from the forest conservation requirements.

APPENDICES

- A. Affordable Housing Impact Statement.
- B. Planning Board opinion for Project Plan 9-04003A.
- C. Planning Board opinion for Preliminary Plan 1-04040A.
- D. Memorandums from Agencies.