

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 proposed development is a high-rise condominium. High-density residential and commercial retail uses are permitted in the CBD-2 Zone.

The building will be a maximum of 143 feet in height (15 floors), which is in conformance with the Montgomery County Zoning Ordinance under the Optional Method of development. The project is proposing 312 dwelling units, including 39 or 12.5% Moderately Priced Dwelling Units (MPDUs) provided within the building. The proposal reflects a residential floor area ratio (FAR) of 4.89, and a non-residential FAR of 0.02. The maximum density permitted in the CBD-2 Zone for mixed-use projects on this site is 5.0 FAR.

The Project Plan will accomplish important Sector Plan objectives by providing a residential component, including Moderately Priced Dwelling Units, protecting nearby residential development, upgrading the physical environment and providing a pedestrian environment with local retail opportunities. The proposal improves the area by replacing an underutilized 3-story apartment complex with a modern mixed-use residential and commercial high-rise building, and complementing adjacent residential, retail and office uses at the northern end of the CBD.

- (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 housing and retail in Silver Spring and addresses the need for smart growth policies where infrastructure, community facilities and elements of an urban district already exist. The Sector Plan encourages housing and retail as an important component to the revitalization efforts in Silver Spring.

Under the optional method, this project encourages the development of active urban streets by providing public spaces along street edges and improves the quality of the pedestrian environment within the improved streetscapes. The improved streetscape, along with the amenities, addresses the need for public interaction and enhances the downtown Silver Spring area. The project supports the economic base in the downtown by making it easier for workers in Silver Spring to live near their jobs. This project will also increase the vitality of downtown Silver Spring and add an economic infrastructure for commercial and retail businesses near 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 strengthens the northern boundary of the CBD by complementing the scale and mix of existing design elements along Cameron Street while respecting the height limitations and providing a compatible and desirable relationship with adjacent and surrounding uses. The proposed design provides a retail component along Cameron Street that will blend in with the existing and planned retail and office uses. This provides the pedestrian friendly environment envisioned in the Sector Plan. The 143-foot building provides the necessary and applicable transition from the adjacent residential neighborhood north of Spring Street to the higher density uses and buildings fronting Georgia Avenue and Colesville Road.

The design creates an effective relationship with adjacent uses and amenities and allows for a more interactive pedestrian and vehicular pattern.

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

The proposed development is located approximately 2000 feet from the Silver Spring Metro Station. The proximity to transit facilities, as well as the downtown employment core, will reduce the dependency on vehicles for the residents of the development; however, the Applicant has chosen to provide the required number of parking spaces on the site. The streetscape improvements along Fenton Street and Cameron Street facilitate the desire for pedestrian connectivity to the metro station and the core areas of development within Silver Spring, and provide the vital connections to Georgia Avenue and Colesville Road.

The applicant will also enter into a traffic mitigation agreement (TMA) with the Planning Board to help the Project achieve the non-driver commuting goal for development in the Silver Spring CBD. The TMA will outline possible transit alternatives, monitoring of the program and commuter display information. A draft agreement has been submitted for review by our transportation planning staff and will be finalized during the record plat phase.

(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 Plan (April 1992) Technical Manual, as amended.

Vehicular circulation is enhanced with improved right-of-way along the west side of Cameron Street, directly along the frontage of the subject property. An additional 2.5 feet is being dedicated on the applicant's property line to expand the total right-of-way dedication to 37.5 feet from the centerline. The full width dedication achieves a total right-of-way of 72.5 feet on Cameron Street and will ensure complete accommodation of the optional method streetscape treatment on the applicant's side of each street. The Sector Plan only requires 70 feet of dedication; however, the adjacent property to the north provided the additional 2.5 feet due to the fact that the right-of-way widens near the intersection with Spring Street. The entrance to the parking garage is located at the northeastern end of the T-shaped building near the Cameron Street property line. The parking garage is a 5-level structure, with 1-level below grade, planned to accommodate 396 parking spaces, of which 359 will be dedicated for use by the residents. The remaining 37 spaces are dedicated to the retail patrons. Signs indicating traffic circulation in and out of the garage will be provided to promote safety for pedestrian activity in the public use space.

The streetscape improvements along Cameron Street and Fenton Street facilitate the desire for pedestrian connectivity to the bus and metro station. The streetscape improvements are being expanded along both sides of Fenton Street to Colesville Road and the east side of Cameron Street to Georgia Avenue. The full streetscape improvements along the east side of Cameron Street will complete a portion of the block, opposite the subject site, in context with the streetscape improvements proposed for the United Therapeutics project.

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

The objective of Montgomery County for moderately priced housing is to provide Moderately Priced Dwelling Units (MPDUs) in the CBD zones where public facilities, services and transit options are readily available. Consistent with Chapter 25A, the applicant is committed to providing 39 MPDUs within the building, representing 12.5% of the total number of dwelling units.

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

The project plan responds to the need for housing in downtown Silver Spring and addresses the need for smart growth policies where infrastructure, community facilities and elements of an urban district already exist. The Sector Plan encourages housing as an important component to the revitalization efforts for downtown Silver Spring and does recommend a zone where residential and commercial uses are permitted. The project plan introduces market-rate multi-family units and retail into an existing framework of commercial and retail use in downtown Silver Spring, further encouraging revitalization in the downtown corridor.

Requirements of the CBD-2 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-2 ZONE

	<u>Zoning Ordinance Development Standards</u>	<u>Proposed for Approval</u>
Gross Tract Area:	22,000 sf	77,383* sf
Net Site Area (after dedication)	N/A	70,462 sf
Max. Density:		
Max. Non-Residential Density		
FAR:	3.0	0.095
(SF)	(232,149)	(7,330)
Residential Density (FAR):	5.0	4.817
(s.f.)	(386,915)	(372,727)
Total Density (FAR):	<u>5.0</u>	<u>4.911</u>
(s.f.)	(386,915)	(380,057)
MPDUs (%):	12.5	12.5
(number of units)	39	39
Max. Building Height (ft.):	143	143 (as measured From Cameron Street)
Number of Floors	Not specified	15
Min. Building Setbacks (ft.):		
Front Yard (Cameron Street)	--	2
Rear yard	--	0
Side Yard (north)	--	10
Side Yard (south)	--	0

Parking (number of space)**:

Residential Uses (Mkt. Rate)	
1 BR @ 1.25 sp./unit (139 x 1.25)	174
1 BR + Den @ 1.25 sp./unit (19 x 1.25)	24
2 BR @ 1.50 sp./unit (114 x 1.50)	171
Residential Uses (MPDUs)	
1 BR @ 0.625 sp./unit (20 x 0.625)	13
1 BR + Den @ 0.625 sp./unit (2 x 0.625)	2
2 BR @ 0.75 sp./unit (17 x 0.75)	<u>13</u>
Residential subtotal:	397
10% credit for residential in CBD	<u>(39.7)</u>
Required residential parking	358

Retail Uses:	
(7,330 gsf @ 5 sp./1000)	<u>37</u>

Total Parking Required	395	396
------------------------	-----	-----

Public Use Space (% of net lot area):

On-Site	20% or 14,092 sf	23.2% or 16,334 sf
Off-Site		24.5% or 17,239 sf

Total On and Off-Site Public Use Space		47.7% or 33,573 sf
----------------------------------------	--	--------------------

- * Includes previous street dedication 12,417 sf and 800 sf for the proposed Fenton Street right-of-way dedication.
- ** The subject property is located in an Urban Parking District and the proposed development is not required to provide any off-street parking on site.

Amenities and Facilities Summary

On-Site Improvements

Cameron Street and Public Plaza Area

- Brick paved public plaza along majority of site frontage to complement streetscape improvements.
- Expand the existing streetscape improvements along Cameron Street to include specialty pavers.
- Public Art to highlight public’s interest in the revitalization efforts of downtown Silver Spring. A public art program shall be developed to include opportunities for sculptural elements in the design and seating areas.
- Specialty lighting in the plaza and up lighting of the art elements to softly accentuate and visually activate the plaza at night.
- The paving in the plaza will be designed to include patterns that complement the artwork and the benches.
- Landscape beds and planters with irrigation and plant material to add seasonal accent and color. Plaza trees to be complementary to the existing Cameron Street streetscape as well as providing a canopy for shade within the seating areas.

- Existing overhead utilities to be installed underground consistent with the Silver Spring Master Plan.
- Make available a space for public outdoor interaction and activities.
- Make available a space for entertainment, as needed in conjunction with the Silver Spring Urban District (SSUD).

Off-Site Improvements

Fenton Street Right-of-Way

- Modified Streetscape (Type B) on the north and south side of Fenton Street from Cameron Street to Colesville Road to include brick pavers, street trees and lighting consistent with Silver Spring Streetscape Plan Technical Manual.

Cameron Street Right-of-Way

- Streetscape (Type B) on the south/east side of Cameron Street, along the entire property frontage, to include street trees (Honey Locust), brick pavers and street lights (Washington Globe) consistent with Silver Spring Streetscape Plan Technical Manual.
- Existing overhead utilities to be installed underground consistent with the Silver Spring Master Plan.
- Extend the streetscape on the south side of Cameron Street from the alley entrance at the United Therapeutics site to Georgia Avenue.

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

Zoning and Land Use:

The approved CBD Sector Plan recommended CBD-2 (Central Business District, 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 residential and retail components in the project plan conform to the land uses permitted in the existing CBD-2 Zone. The plan proposes approximately 380,057 gross square feet of development, including 312 residential multi-family dwelling units, of which 39 will be MPDUs and 7,330 square feet of retail on approximately 1.6 acres.

The proposed development is utilizing the optional method of development in the CBD-2 Zone. The minimum required public use space for this project is 14,092 sf (20% of the net lot area). The project proposes 16,334 sf (23.2% of net lot area) of on-site public use space and 17,239 sf (24.5% of the net lot area) proposed for off-site streetscape improvements within the right-of-way of Fenton Street and Cameron Street. The total public use and amenity space provided by the applicant for this development is 33,573 sf or 47.7% 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 Commercial Downtown and a Pedestrian-friendly Downtown*) directly apply to this development. The Sector Plan encourages housing and retail as important components of the revitalization efforts in downtown Silver Spring.

The project plan will include new public open spaces 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 development of the Project will significantly further the objective of stabilizing the Core's residential component, while expanding the commercial base and providing an appropriate transition between the mix of commercial uses north and east of the project at the Spring Street/Cameron Street intersection to the predominately residential neighborhoods to the north.

- A. Sector Plan Street Rights-of-Way:** The Sector Plan recommends a 75-foot right-of-way for Cameron Street. Staff recommends additional street right-of-way dedication for Cameron Street equal to 37.5 feet as measured from the centerline of the existing street. The additional 2.5 feet is also consistent with the adjacent property to the north that required the same amount of dedication.
 - B. Streetscape:** The applicant proposes to improve the west side of Cameron Street directly along the property frontage, using the Type B treatment recommended in the *Silver Spring Streetscape* (April 1992) technical manual. In addition to their property frontage, the Applicant is proposing streetscape improvements to the east side of Cameron Street from the alley entrance adjacent to United Therapeutics to the Georgia Avenue right-of-way and on both sides of Fenton Street from Cameron Street to Colesville Road.
 - C. Sector Plan Bikeways:** The Sector Plan recommends a Class II or III (on-street) bikeway for Cameron Street. Staff recommends a Class III (signed, shared with motorized vehicles) bikeway.
- (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 and residential characteristics of the surrounding neighborhood. The proposed development is compatible with the existing development occurring in downtown Silver Spring and encourages redevelopment of adjacent properties in the CBD. The building configuration and placement reflects the sensitivity to the adjacent United Therapeutics building and architecture, in terms of shadow effects cast onto the photovoltaic design proposed for the adjacent rooftop.

The surrounding and adjacent properties are a mix of different uses, from commercial to residential. The height and massing of the surrounding buildings range from 2-story to 8-story with various building and architectural types that are integral to the vitality of an urban downtown area, including the proposed United Therapeutics at the intersection of Cameron and Spring Streets, as well as the existing 2-story C&P building directly across the street. In addition to the commercial buildings is the 4-6-story public parking structure that wraps around the southern and western end of the subject site. The buildings on the north side of Spring Street also vary in height from 2-8 stories and consist of mixed-use office, retail and residential uses and are zoned C-O (Commercial Office). Spring Street is the northern boundary for the Silver Spring CBD. The original residential houses at this intersection have been converted into medical office buildings, while retaining their residential appearance. However, the buildings range in size and mass and offer a transition to the uses that buffer the adjacent residential neighborhood to the mix of low to high-rise buildings closer toward the core.

The design and scale of the project, pedestrian and vehicular circulation and improvements to the streetscape provide an enhancing and interactive relationship with the northern boundary of the CBD and downtown Silver Spring.

- (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 project proposes multi-family residential units and ground floor retail space amid a number of nearby housing projects and commercial businesses within the downtown Silver Spring area. Parking for the proposed residential units will occur on-site within a 5-level parking garage. Four of the proposed parking levels will be above grade in the western rear of the site. The parking requirement for the proposed uses equals 395 spaces in concert with the unit mix and amount of retail proposed. The total parking required may change due to the final architectural design and final unit mix. A total of 396 parking spaces are being provided for the 321 units and 7,330 square feet of retail, of which 37 spaces are being designated for the retail component of the project. The parking spaces needed to satisfy the County Parking Ordinance for the proposed uses will take advantage of the nearby county parking facilities due to the fact that the site is located within the Silver Spring Parking Lot District. Sites within the Parking District are permitted to minimize the number of spaces provided on-site and take advantage of the County's facilities; however, the project is proposing to meet the entire demand on site. The closest County parking facilities are

Parking Lot No. 2 directly adjacent to the site, and the Spring-Colesville public parking garage (garage no. 21) at the intersection of Colesville Road and Spring Street.

The proposed project will not overburden existing public services because the Applicant is meeting their obligation of parking on site.

In addition, the improvements that are being made to the streetscape further facilitate and encourage pedestrian accessibility to the metro and encourage the future residents and retail patrons to take advantage of existing vehicular traffic conditions.

- (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 does not maximize its gross floor area (386,915 sf permitted) on site; however, the 380,057 square feet proposed is well above the permitted gross floor area for a standard method project on a site that is currently underutilized in terms of density. The permitted floor area ratio (FAR) for this site is 5.0 and 4.91 FAR is proposed. The proposal includes 12.5 percent or 39 Moderately Priced Dwelling Units on-site, which far exceeds the number that would have been required in a standard method project.

In addition to the provision of MPDUs, the project will include a significant new public open space and art amenity on the site. The project is providing over 47% of new on and off-site public use space, which would not have been possible through the standard method of development. Additionally, the streetscape improvements associated with this proposal greatly enhance the pedestrian connections from Spring Street to Colesville Road and Georgia Avenue.

- (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 proposal requires fifteen (39) Moderately Priced Dwelling Units (MPDUs) or 12.5% of the proposed residential dwelling units within the development.

- (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:***

This section is not applicable.

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

The property is satisfying the forest conservation requirements through street tree planting credits.

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

The applicant has been granted conditional approval from the Montgomery County Department of Permitting Services (DPS) for Stormwater Management by letter dated October 14, 2005. The concept consists of on-site water quality control via stormfilters and water quality units for pretreatment. On-site recharge is not required since the project is classified as redevelopment.

APPENDICES

- A-Memos from staff and other county agencies

GAPP_STAFFRPT\9-06003.doc