

PROJECT DATA TABLE

	Zoning Ordinance Development Standard	Development Standard Approved by Planning Board and Binding on Applicant
Gross Tract Area (sf.):	22,000 min. (0.51 acre)	41,743* (0.96 acres)
Net Site Area (after dedication)(sf.):	N/A	28,526
Permitted Density Calculations (du/ac.):		
Mixed Non-Residential Density (FAR/SF): [Sect. 59-C-6.234(b)(3)]	2.0 (83,486)	0.80 (33,220) 15,020 Retail/ 18,200 Office
Residential Density (FAR/SF):	3.0 (112,251)	2.2+bonus density(2.68) (112,251)
Total Density (FAR/SF):	<u>3.0+ bonus density</u> (145,471)	<u>3.0+bonus density(3.48)</u> (145,471)
MPDUs (%):	15 15 MPDUs	15 15 MPDUs
Max. Building Height (ft.):		
For properties fronting Fenton St.	60	60**
For properties fronting Thayer Ave.	90	90**
Parking:		
Residential Uses (Mkt. Rate)		
1 BR @ 1.25 sp./unit (48 x 1.25)	60 spaces	
2 BR @ 1.50 sp./unit (29 x 1.50)	44 spaces	
3 BR @ 2.00 sp./unit (4 x 2.00)	8 spaces	
Residential Uses (MPDUs)		
1 BR @ 0.625 sp./unit (11 x 0.625)	7 spaces	
2 BR @ 0.75 sp./unit (4 x 0.75)	3 spaces	
(10% credit for residential in CBD 122 x .10 = 12)		
Residential subtotal:	110 spaces	122 spaces

	Zoning Ordinance Development Standard	Development Standard Approved by Planning Board and Binding on Applicant
Office Uses (18,000 gsf @ 2.4 sp./1000)	44 spaces	
Retail Uses (15,020 gsf @ 5 sp./1000)	<u>76 spaces</u>	<u>49 spaces</u>
Total Parking Spaces:	230 spaces***	171 spaces
Public Use Space (% of net lot area):		
On-site (sf):	5,705 (20%)	5,705 (20%)
Off-site (sf):		6,763 (23.7%)
Total On and Off-Site Public Use Space (sf):		12,468 (43.7%)****
Total Amenity Space (Private) (sf):		14,603 (51.2%)

* Includes previous street dedication (12,417 sf and 800 sf for the proposed Fenton Street right-of-way dedication).

** Section 59-C-18.192(b)(1)¹

*** The proposed development is within the Silver Spring Parking District and is not required to provide any parking on site; however, the project is subject to the Parking District Tax.

**** The Applicant is making a monetary contribution of \$70,000 toward the general park fund for park projects in the Silver Spring CBD as part of the off-site public use space.

1 (1) Building Height in the Overlay Zone:

- (A) along the east side of Georgia Avenue must not exceed 90 feet; along the west side of Fenton Street must not exceed 60 feet; within the area between Georgia Avenue and Fenton Street must not exceed 60 feet but may increase up to 90 feet for projects that are at least 33% residential and where the additional height is placed closest to Georgia Avenue and decreases as you move east to Fenton Street; and
- (B) along the east side of Fenton Street must not exceed 45 feet for all uses except housing, which must not exceed 60 feet.

(b) As conditioned, the Project Plan conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.

The Planning Board finds that the Project Plan implements the major principles and recommendations of the Silver Spring Central Business District and Vicinity Sector Plan, approved February 2000.

The Sector Plan recommended CBD-1 zoning for the Subject Property, which was applied through the Sectional Map Amendment adopted July 18, 2000, pursuant to County Council Resolution 14-600. The Board finds that mid- to high-rise multi-family residential, retail and office are permitted uses in the CBD-1 zone. The proposed mixed-use development is comprised of 96 residential units, 15,020 square feet of retail and 18,200 square feet of office space, and 171 parking spaces in a below-grade parking structure. The proposal will be implemented under the optional method of development and will have a density of 3.0 FAR plus the bonus density allowed for the additional MPDUs, resulting in 145,471 square feet of development, the maximum density allowed on the site. The Project Plan proposes 5,705 square feet of public use space on site, which equals 20% of the net lot area, the minimum required amount. However, the plan also proposes 6,763 square feet of off-site streetscape improvements, 23.7% of the net lot area, for a total of 12,468 square feet of public use space or 43.7% of the net lot area.

The Sector Plan outlines six themes, which articulate the shared goals and vision for a revitalized Silver Spring. Four of the themes directly apply to the proposed development, including a residential downtown, a green downtown, a commercial downtown, and a pedestrian-friendly downtown. The Project Plan includes housing, landscaping, street trees, the implementation of green roof technology, street-level retail and sidewalk and streetscape improvements and other amenities to enhance the pedestrian experience. Although the Sector Plan does not specifically identify the Subject Property as a potential housing site, the Sector Plan does encourage housing as an important component of the revitalization efforts and recommends height incentives for the construction of new housing in Fenton Village.

The Property is also located within the Fenton Village Overlay Zone ("Overlay Zone"), which encourages redevelopment by providing flexibility in development standards and uses, while addressing compatibility with nearby uses and incorporating design elements, streetscape and public use spaces. To ensure compatibility, the Overlay Zone limits building height of new construction to a maximum of 60 feet for properties fronting

on the west side of Fenton Street. However, building height may be increased up to 90 feet for projects that are at least 33% residential and where the increased height is placed toward Georgia Avenue.

The Project Plan includes new public open space, public art, and streetscape improvements. The proposed project will encourage the development of active urban streets by providing street-facing building entrances and easily accessible and highly visible public spaces as activity generators. This proposal will improve the quality of the pedestrian environment by providing the optional method streetscape treatment and other public amenities along Fenton Street and Thayer Avenue.

Overall, the development of the subject project will significantly further the objective of stabilizing the downtown core's residential component, while providing an appropriate transition between the mix of commercial uses north, west and south of the project site to the predominately residential neighborhoods to the east of the site.

- A. **Compatibility:** While the proposed project is larger than most existing buildings on Fenton Street, the Board finds that the proposed development, as conditioned, meets the intent of the Sector Plan in terms of building height, intensity and use, and will not adversely affect surrounding properties. The Board further finds that the proposed building height and uses satisfactorily meet the compatibility requirements of the Fenton Village Overlay Zone. The height of the Fenton Street frontage of the building will be 60 feet. The 80-foot portion of the building is placed further west on the site, toward Georgia Avenue, and set back at least 20 feet from Fenton Street. The 90-foot portion of the building fronts on Thayer Avenue and is adequately set back from Fenton Street.
- B. **Silver Spring Wayfinding System:** The Silver Spring Wayfinding Master Plan, prepared by the Silver Spring Regional Center, indicates that there is a Type C2 wayfinding sign (sign #73) programmed for Thayer Avenue. The Applicant will coordinate with the Silver Spring Regional Center for the placement of the proposed sign on the site.
- C. **Sector Plan Street Rights-of-Way:** The existing Fenton Street right-of-way varies from 72 to 80 feet. The Applicant will dedicate an additional 8 feet of right-of-way along a portion of Fenton Street so that the right-of-way will equal 40 feet measured from the centerline along the entire Fenton Street frontage of the Property in accordance with the Sector Plan recommendation for an 80 foot

right-of-way. The existing right-of-way for Thayer Avenue is 60 feet, which is the recommended width in the Sector Plan.

- D. **Streetscape:** As conditioned, the Project Plan will comply with streetscaping recommendations in the Sector Plan. The Applicant will improve the west side of Fenton Street and the south side of Thayer Avenue and extend the streetscape improvements by approximately 125 feet to the entrance to the County parking lot, using the Type B treatment recommended in the *Silver Spring Streetscape* (April 1992) technical manual. The Fenton Street frontage will be improved by replacing the existing concrete paving and ornamental fencing with brick and expanding the sidewalk to 26 feet wide. The Applicant also will implement some non-standard paving elements within the street rights-of-way located in proximity to the main public space.

The Board further finds that, with the Applicant's provision of the following amenities and facilities, the Project Plan Conforms to the Sector Plan:

On-Site Improvements

Fenton Street and Thayer Avenue Public Plaza

- Brick paved public plaza along majority of site frontage to complement streetscape improvements.
- Expand the existing streetscape improvements along Fenton Street to include specialty pavers.
- Provide a public walkway on the north side of the 20-foot-wide public alley from Fenton Street to the southwestern corner of the property. Walkway to include the same pavers proposed for Fenton Street.
- 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 the incorporation of glass or acrylic elements in the design of the benches and railings.
- 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, including the benches and railings.
- Landscape beds and planters with irrigation and plant material for seasonal accent and color. Plaza trees to be complementary to the existing Fenton Street and Thayer Avenue 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), and accommodations for outdoor entertainment.

Off-Site Improvements

Fenton Street Right-of-Way

- Streetscape (Type B) on the west side of Fenton Street along the entire property frontage to be expanded to include Brick Pavers consistent with Silver Spring Streetscape Plan Technical Manual.
- Brick driveway apron consistent with patterns approved along Fenton Street, entrance to parking garage from 20-foot-wide public alley.
- Existing overhead utilities and street level meters to be installed underground consistent with the Silver Spring Master Plan.

Thayer Avenue Right-of-Way

- Streetscape (Type B) on the south side of Thayer Avenue, 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.
- Granite sets within the tree pits as specified in the Silver Spring Streetscape Plan Technical Manual.
- Existing overhead utilities to be installed underground consistent with the Silver Spring Master Plan.

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

The Planning Board finds that the Project Plan is compatible with the existing and potential development occurring in downtown Silver Spring and will encourage the revitalization of the Fenton Village area. The adjacent and surrounding properties contain a mix of uses, building heights and massing that is integral to the vitality of an urban downtown area. Although the proposed building is larger than most of the existing buildings along Fenton Street, the building will provide an appropriate transition from the residential neighborhood east of Fenton Street to the higher density buildings and uses closer to Georgia Avenue. Moreover, the Sector Plan and the Overlay Zone encourage the redevelopment of many of the underutilized properties in Fenton Village. In addition, the

taller portions of the building are set back from Fenton Street, placed toward Georgia Avenue and front on Thayer Avenue in compliance with the provisions of the Sector Plan and Overlay Zone. The design of the building incorporates varied massing, articulation and a variety of architectural features to mitigate the visual impact of the building. The street-front retail and scale of the proposed building, pedestrian and vehicular circulation, public spaces, and improvements to the streetscape will enhance an interactive relationship with downtown Silver Spring and Fenton Village.

- (d) As conditioned, the Project Plan 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 Planning Board finds that the Project Plan will not overburden public services or facilities. The project proposes residential units, retail and office uses amid a number of housing projects and commercial businesses within the downtown Silver Spring area. On-site parking will be located in a below-grade 2-level parking garage that will contain 171 parking spaces. The remainder of the parking spaces needed to satisfy the County parking requirements for the proposed uses will take advantage of nearby County parking facilities, which include the adjacent surface parking lot and the recently completed Wayne Avenue Parking Garage. The County Code provides developments, such as the proposed development, that are located within the Parking Lot Districts with the ability to reduce the number of spaces provided on site. In addition, the proposed sidewalk and streetscape improvements will facilitate and encourage pedestrian accessibility to buses and Metro.

There is adequate water and sewer capacity within the Silver Spring CBD Policy Area to accommodate the proposed increase in residential units.

The Applicant will 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.

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

The Planning Board finds that the Project Plan would be more efficient and desirable than development that could be accomplished on the Subject Property under 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 Sector Plan. The plan maximizes the site potential by providing 145,471 square feet of development and 15 MPDUs on site.

In addition to the provision of additional market-rate residential units and MPDUs, office and retail space in downtown Silver Spring, the project will include a significant new public open space and art amenity on the site. The project is providing over 43% of new on and off-site public use space, which would not have been possible through the standard method of development. Additionally, the Applicant is making a monetary contribution of \$70,000 toward the general park fund for park projects in the Silver Spring CBD. The Applicant is maximizing the density for residential and office/retail development and providing public amenities on the site that would not have been possible through a standard method project.

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

The Planning Board finds that the Project Plan meets the requirements of Chapter 25A of the Code. The Applicant will provide 15 MPDUs or 15 percent of the proposed residential dwelling units within the development, which exceeds the 12.5% requirement.

- (g) **The Project Plan will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.**

The Planning Board finds that the Project Plan, which involves the assemblage of one lot and three parts-of-lots, provides for a unified redevelopment of the currently underutilized site, resulting in an overall land use configuration that is significantly superior to that which could otherwise be achieved.

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

The Subject 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.**

By letter dated March 10, 2005, the Montgomery County Department of Permitting Services (DPS) granted conditional approval of the Applicant's stormwater management concept plan. The Project Plan is proposing to implement green roof technology on a portion of the building rooftop. Approval of a Stormwater Management concept is required prior to submittal of the Site Plan application.

In approving the Application, and in making the above findings, the Planning Board considered, among other things:

- (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.
- (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 individual 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 parking 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.
- (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.

PLANNING BOARD ACTION AND CONDITIONS

The Montgomery County Planning Board **APPROVES** Project Plan Review #9-05003 for approximately 145,471 gross square feet of development, including 96 residential condominium units, of which 15 will be MPDUs, 15,020 square feet of retail and 18,200 square feet of office on 0.96 gross acres in the CBD-1 Zone with the following conditions:

1. Development Ceiling

The proposed development shall be limited to 145,471 gross square feet of development, including 96 residential condominium units, of which 15 will be MPDUs, and 33,220 square feet of retail and office space, on approximately 0.96 acres.

2. Building Height/Mass

The height of the proposed building shall not exceed 90 feet. Any portion of the building that exceeds 60 feet in height shall be set back at least 20 feet from the Fenton Street right-of-way.

3. Transportation Improvements

- a. The proposed development shall dedicate an additional 8 feet of right-of-way (40 feet from the centerline) to provide for a total of 80 feet right-of-way for Fenton Street, as recommended in the Silver Spring CBD Sector Plan.
- b. Provide standard Silver Spring streetscape along the property boundary on Thayer Avenue and Fenton Street, and extend the streetscape off-site, as shown on the approved Project Plan.