



Elizabeth Square, Sketch Plan No. 320170090, Preliminary Plan Amendment No. 12015003B and Site Plan No. 820170140

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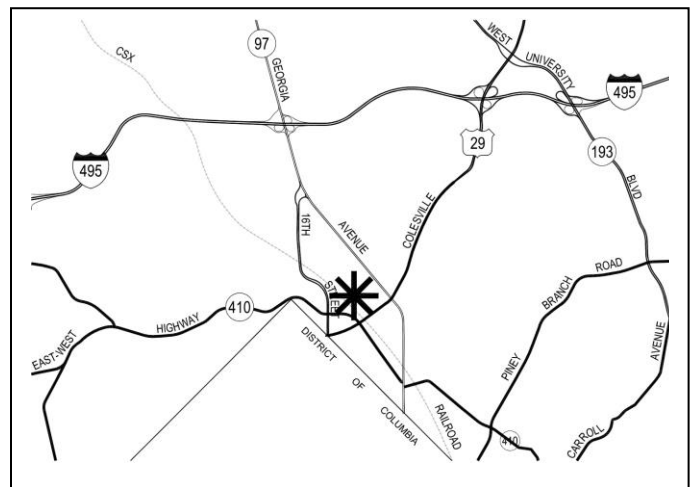
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Completed: 11/27/2017

Description

- Sketch Plan: Construction of up to 996,109 square feet of total development including up to 853,510 square feet of residential development, up to 5,451 square feet of non-residential uses, and 137,148 square feet of publicly owned or operated facilities;
- Preliminary Plan: Combine 5 existing lots into 1 2.68-acre lot (net area);
- Site Plan: Construction of up to 853,510 square feet of residential development with up to 906 dwelling units, up to 5,451 square feet of non-residential uses, and 137,148 square feet of publicly owned or operated facilities;
- Current use: two high-rise multi-family residential buildings, the Elizabeth House and the Alexander House and three two-story commercial buildings, Fenwick Professional Park;
- Located at the at northwest quadrant of the intersection of Second Avenue and Apple Avenue;
- 3.62 acres zoned CR 3.0: C 2.0, R 2.75, H 90T and CR 5.0: C 4.0, R 4.75, H 145T in the *Silver Spring CBD Sector Plan*;
- Applicant: The Housing Opportunities Commission of Montgomery County, Alexander House Development Corporation, and Acorn Storage No. 1 LLC;
- Acceptance date: June 28, 2017.



Summary

- The Elizabeth Square project is a public-private partnership, mixed-use optional method of development project that will provide 25% MPDUs or other MCDHCA approved Affordable Housing (234 units) and 120,058 square feet for a regional recreation and aquatic center within the Silver Spring CBD in close proximity to the Silver Spring Metro.
- The Elizabeth Square project includes the full-size South County Regional Recreation and Aquatic Center (SCRRAC).
- In accordance with Section 59.7.3.4.C of the Zoning Ordinance, the Sketch Plan received two Planning Board extensions to the public hearing date, postponing the hearing date from September 27, 2017 to November 16, 2017 and from November 16, 2017 to December 15, 2017.
- In accordance with Section 59.7.3.4.C of the Zoning Ordinance, the Preliminary Plan Amendment and Site Plan received a Planning Director extension to public hearing, postponing the hearing date from October 26, 2017, to November 16, 2017 and a Planning Board extension postponing the hearing date from November 16, 2017 to December 15, 2017.
- The Applicant is requesting an extension of the APFO validity period in accordance with Section 50.4.3.J.5.b. of the Subdivision Regulations.
- The Applicant originally requested a waiver from the required number of vehicular parking, which has been withdrawn per compliance with Section 59.6.2.10 of the Zoning Ordinance.

EXECUTIVE SUMMARY

Site and Proposal

The Elizabeth Square project is a public-private partnership between the Housing Opportunities Commission of Montgomery County (HOC) and Lee Development Group, Inc. (collectively, the Applicant) that includes up to 996,109 square feet of total development, with up to 853,510 square feet of residential development for up to 906 dwelling units, up to 5,451 square feet of non-residential uses, and up to 137,148 square feet of publicly owned or operated facilities including the public amenities provided in the existing Alexander House, 120,058 square feet of the publicly owned or operated facilities for the full-size South County Regional Recreation and Aquatic Center (sometimes referred to as SCRRAC), and associated SCRRAC amenities. The South County Regional Recreation and Aquatic Center will be under the operation, management and programming of Montgomery County Department of Recreation (MCDR). Pursuant to Section 59.1.4.2 of the Zoning Ordinance, the 137,148 square feet of publicly owned or operated facilities (uses) provided as a public benefit under the optional method of development are not counted towards the maximum FAR for the site. The Property is located in the Silver Spring Central Business District (CBD) and is currently zoned a combination of CR-3.0, C-2.0, R-2.75, H-90T and CR-5.0, C-4.0, R-4.75, H-145T. The Property is within the boundaries of the 2000 *Silver Spring Central Business District and Vicinity Sector Plan* (Sector Plan) and the Silver Spring Parking Lot District (PLD).



Aerial Map

Sketch Plan No. 320170090

The Sketch Plan proposes construction of up to 996,109 total square feet of development including up to 853,510 square feet of residential development, up to 5,451 square feet of non-residential uses, and 137,148 square feet of publicly owned or operated facilities, including the SCRRAC. The Sketch Plan satisfies the findings under Section 59.4.5.4 of the Zoning Ordinance and substantially conforms to the recommendations of the *Silver Spring CBD Sector Plan*. Staff recommends approval with conditions.

Preliminary Plan Amendment No. 12015003B

The Preliminary Plan Amendment will create one lot consisting of 2.84 acres (123,502 square feet) to allow for a maximum development density of 996,109 square feet. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations in the *Silver Spring CBD Sector Plan* and for the type of development or use contemplated. The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the Sector Plan. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable County agencies, all of whom have recommended approval of the Preliminary Plan. Staff recommends approval with conditions.

Site Plan No. 820170140

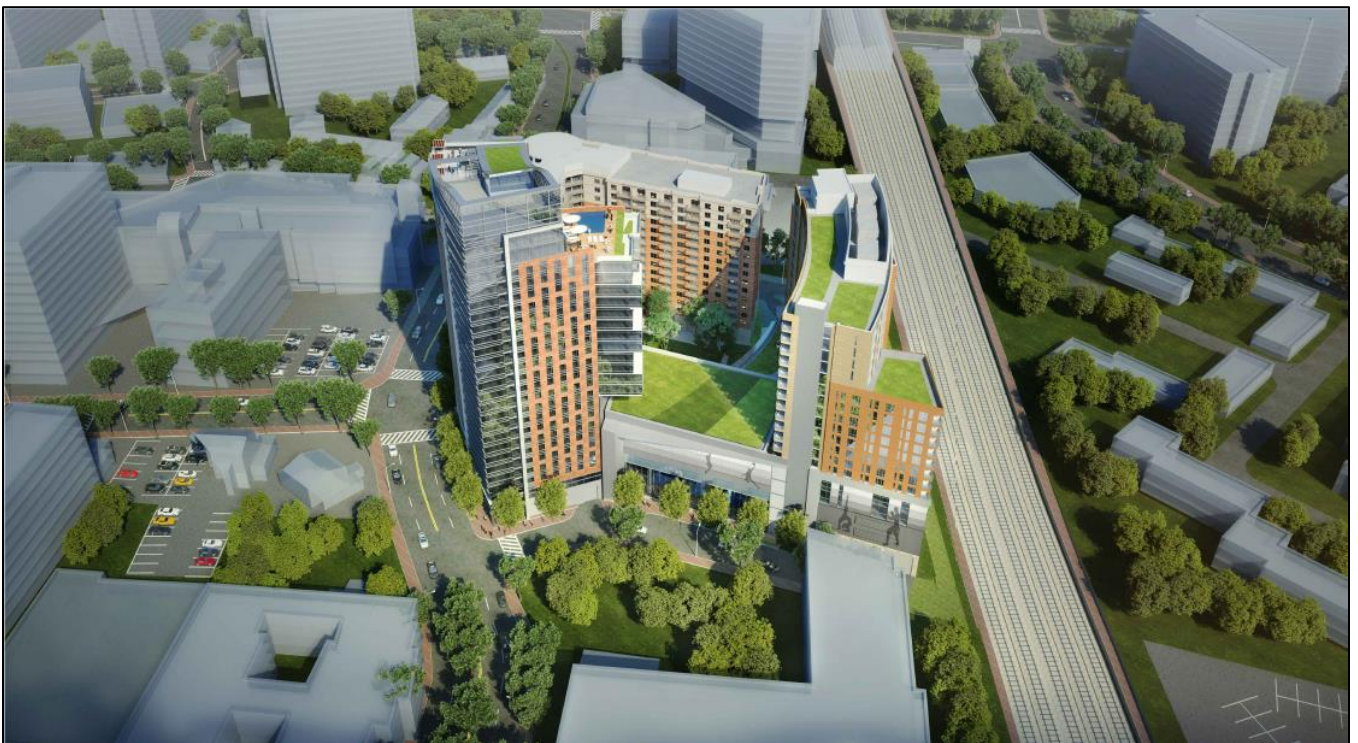
The Site Plan proposes up to 996,109 square feet of total development, with up to 853,510 square feet of residential development for up to 906 dwelling units, up to 5,451 square feet of non-residential uses, and up to 137,148 square feet of publicly owned or operated facilities. The Site Plan is consistent with the Sketch Plan, meets all of the general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance. Staff recommends approval with conditions.

Community Outreach

On April 11, 2017, and April 19, 2017, the Applicant held pre-submittal public meetings at Lee Plaza (8601 Georgia Avenue). The Applicant has complied with all submittal and noticing requirements. Staff received a letter on November 6, 2017, in opposition of the originally submitted parking waiver (Attachment A). The Applicant has withdrawn the waiver request, per compliance with Section 59.6.2.10 of the Zoning Ordinance, which states parking requirements within a Parking Lot District cannot be waived. The Project is located within the Silver Spring Parking Lot District and will be subject to the parking district tax regulations in lieu of providing the full minimum parking. Staff has not received any additional correspondence from community groups or citizens as of the date of this report.



Project Perspective-Bird's Eye from Southeast



Project Perspective-Bird's Eye from North

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SECTION 1: RECOMMENDATION AND CONDITIONS

SKETCH PLAN 320170090

Staff recommends approval of the Elizabeth Square, Sketch Plan No. 320170090, for a mixed-use project for up to 996,109 square feet of total development including up to 853,510 square feet of residential development with up to 906 dwelling units, up to 5,451 square feet of non-residential uses, and up to 137,148 square feet of publicly owned or operated facilities including the South County Regional Recreation and Aquatic Center on 3.62 acres, zoned CR 3.0: C 2.0, R 2.75, H 90T and CR 5.0, C 4.0, R 4.75, H 145T. The following site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the conditions below:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements of the Sketch Plan are illustrative and subject to refinement at the time of Site Plan.

This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 996,109 square feet of total development on the Subject Property, including 137,148 square feet of publicly owned or operated facilities not counted towards the maximum FAR for the site.

2. Height

- a. The existing Alexander House building, within the Subject Property, is limited to a maximum building height of 143 feet as measured from the building height measurement point to be illustrated on the Certified Site Plan for that building.
- b. The CR 3.0, C 2.0, R 2.75, H 90T-zoned building ("Elizabeth House III"), is limited to an average maximum building height of 135 feet as measured from the building height measurement point to be illustrated on the Certified Site Plan for that building.
- c. The CR 5.0, C 4.0, R 4.75, H 145T-zoned building ("Elizabeth House IV") is limited to an average maximum building height of 218 feet as measured from the building height measurement point to be illustrated on the Certified Site Plan for that buildings.

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 5.7.3.3.I at the time of Site Plan. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. However, pursuant to Section 59.4.7.3.D.6.v, a project that provides a minimum of 20% MPDUs does not have to satisfy any other public benefit category. The Sketch Plan proposes a minimum of 25% MPDUs. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

- a. Transit Proximity, achieved through location within ¼ mile of the Silver Spring Metro Station; and
- b. Diversity of Uses and Activities, achieved through Moderately Priced Dwelling Units.

4. Moderately Priced Dwelling Units

The Applicant must provide on-site a minimum of 25% of the total number of the dwelling units as Moderately Priced Dwelling Units or Montgomery County Department of Housing and Community Affairs (MCDHCA)-approved equivalent, consistent with the requirements of Chapter 25A, in accordance with the MCDHCA letter dated September 6, 2017.

5. Workforce Housing

- a. The Applicant must provide a minimum of 10% of the total number of market-rate units as Workforce Housing Units (WFHUs) or MCDHCA-approved equivalent.
- b. All units that are considered WFHUs or MCDHCA-approved equivalent, must comply with the requirements of Chapter 25B of the Montgomery County Code, in accordance with the MCDHCA letter dated September 6, 2017.

6. Public Open Space, Facilities, and Amenities

The Applicant must provide on-site a minimum of 14,858 square feet of public open space (12% of the site).

PRELIMINARY PLAN 12015003B

Staff recommends approval of Preliminary Plan No. 12015003B, subject to the following conditions, which supersede the conditions included in Preliminary Plan No. 120150030 and 12015003A:

1. Approval is limited to one lot, which may be platted in up to two phases, with a maximum density of 996,109 square feet of total development. The subdivision includes: i) up to 853,510 square feet of residential uses for up to 906 high rise residential dwelling units, including 25% moderately priced dwelling units (MPDUs) and 10% workforce housing units (WFHUs), or MCDHCA approved equivalent for either; and ii) up to 5,451 square feet of non-residential uses; with up to an additional 137,148 square feet of publicly owned or operated facilities, including a regional recreation and aquatic center.
2. The Applicant must comply with the conditions of approval for Sketch Plan 320170090.
3. Prior to recordation of the Phase II plat, the County Council must abandon the portion of public right-of-way subject to Right-of-Way abandonment case # AB 758, "Second Avenue and Fenwick Lane."
4. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) – Water Resources Section in its stormwater management concept letter dated July 7, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letters dated October 6, 2017 (as amended via e-mail dated October 9, 2017), and November 22, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

6. The Planning Board accepts the recommendations of the Montgomery County Department of Fire and Rescue (MCFRS) in its letter dated September 18, 2017, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCFRS, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. No above-grade building permit for new development on the Subject Property may be released prior to recordation of plat(s) for the portion of the property associated with the applicable building permit, except for any sheeting and shoring permit and any permit for renovation of the existing Alexander House.
8. The Applicant must satisfy the provisions for access and improvements which are associated with each plat, as required by MCDOT.
9. The Applicant must dedicate and show on the applicable final record plat(s) the following right-of-way dedications consistent with the *Silver Spring CBD Sector Plan* and Montgomery County Code Chapter 50 Subdivision Regulation requirements:
 - a. A dedication of the Apple Avenue frontage necessary to provide the Sector Plan-recommended 30-foot-wide right-of-way between the Subject Property line and right-of-way centerline.
 - b. Prior to recordation of the plat, the Applicant must record in the Montgomery County Land Records an easement, for the full width and extent of the Capital Crescent Trail on the Subject Property, granted to and approved by Montgomery County, in trust for the public, in a recordable form containing provisions to address the following:
 - i. Entitlement for open and unobstructed public use of the easement for all customary pedestrian, bicycle, general public, and emergency access. The easement is a surface easement, intended to permit use of the area beneath the shared use path as structured parking;
 - ii. Obligation for the Applicant to design and construct the shared use path as shown on the Preliminary Plan pursuant to comparable MCDOT structural construction standards, at the Applicant's expense, unless such obligation has been assumed by another entity as part of the overall trail construction;
 - iii. Obligation for the Applicant to maintain and repair the shared use path, as shown on the Preliminary Plan, in a condition acceptable to MCDOT for all access, at the Applicant's expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;
 - iv. Obligation for the Applicant to keep the shared use path free of snow, litter and other obstructions and hazards at all reasonable times, at its expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;
 - v. Entitlement for the Applicant or its designee to close the shared use path for normal maintenance and repair at reasonable times and upon reasonable prior notice to the public.
10. The Applicant must install short-term public bicycle parking along the retail and regional recreation and aquatic center frontages and near public use space, and secure long-term bicycle parking, internal to the residential buildings or garages, for use by staff and residents. The exact number and location of bicycle parking will be determined at the time of Site Plan.
11. The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Silver Spring Transportation Management District and must execute the TMAg prior to the release of any above-grade building permit for new development on the Subject Property except

for any sheeting and shoring permit and any permit for renovation of an existing Alexander House. The TMAg must include trip mitigation measures recommended by MCDOT.

12. The certified Preliminary Plan must contain the following note:
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
13. The record plat must show necessary easements.
14. No clearing, grading, or recording of plats prior to Certified Site Plan approval, unless the Property to be cleared, graded or subject to a new record plat is covered by an existing Certified Site Plan.
15. Final approval of the number and location of buildings, dwelling units including MPDUs and WFHUs, or MCDHCA-approved alternatives, on-site parking, site circulation, and sidewalks will be determined at site plan for the relevant phase.
16. In accordance with the *2016-2020 Subdivision Staging Policy*, the Applicant must "fix or fund" the improvements of all public pedestrian infrastructure within 500-feet of the Subject Property that does not comply with the Americans with Disabilities Act ("ADA") requirements, as shown on the Certified Site Plan, as determined by MCDPS ROW Permitting, prior to issuance of first above-grade building permit.
17. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for one hundred twenty-one (121) months from the date of mailing of the Planning Board resolution, in accordance with the phasing plan and justification statement submitted by the Applicant on November 20, 2017.

SITE PLAN 820170140

Staff recommends approval of Site Plan 820170140 for a mixed-use project for up to 996,109 square feet of total development including up to 853,510 square feet of residential development with up to 906 dwelling units, up to 5,451 square feet of non-residential uses, and up to 137,148 square feet of publicly owned or operated facilities including the South County Regional Recreation and Aquatic Center on 3.62 acres, zoned CR 3.0: C 2.0, R 2.75, H 90T and CR 5.0, C 4.0, R 4.75, H 145T. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

Conformance with Previous Approvals

1. Sketch Plan Conformance
The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320170090 and any subsequent amendments.
2. Preliminary Plan Conformance
The development must comply with the conditions of approval for Preliminary Plan No. 12015003B and any subsequent amendments.

Environment

3. Forest Conservation

Prior to Certified Site Plan approval and prior to clearing, grading or demolition, the Applicant must obtain Staff certification of the approved Final Forest Conservation Plan (FFCP). The Certified Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan and must:

- a. Show all grading and disturbance as being contained within the Limits of Disturbance (LOD). Address any associated changes to the net tract area, worksheet and FCP requirements as applicable.
- b. Shift the plan elements and/or the locations of trees credited towards variance mitigation plantings as applicable so that all the subject trees are at least 5 feet away from any structures, stormwater management facilities, utility lines, and/or their associated easements.
- c. Revise the net tract area for the forest conservation worksheet and associated notes to clearly reflect the net tract area as being the area contained within the current property boundaries plus the offsite LOD.
- d. Address impacts to offsite trees with a tree save plan component prepared by a Maryland-licensed tree care expert who is also an International Society of Arboriculture (ISA) certified arborist.
- e. Address any protection measures and/or removals associated with the construction impacts at the edge of the tree stand along the railway corridor. Plan notes must also reference necessary coordination with WMATA/CSX for access and scheduling of tree care/removal work, including the conducting of post construction inspections of any retained existing trees along the limit of disturbance line between the project and WMATA/CSX by an ISA certified arborist who is also a Maryland Licensed Tree Care Expert, to determine survivability, and if appropriate any additional required actions.
- f. Clearly identify which of the trees are for variance mitigation. The mitigation plantings must consist of native canopy trees and also be reflected on the Landscape Plan sheets of the Certified Site Plan.

4. Prior to any clearing, grading or demolition within the project area, the Applicant must submit a fee-in-lieu payment or certificate of compliance which satisfies the approximately ½ acre afforestation requirements (final amount to be shown on the Staff certified Final Forest Conservation Plan). If a certificate of compliance is used, the approved document must be recorded in the Land Records of Montgomery County prior to any clearing, grading, or demolition.
5. The soil depth for the variance mitigation trees (along west side of building/CCT) must be reviewed at Certified Site Plan to ensure proper tree survivability and reflected in the Final Forest Conservation Plan. Soil depths must be a minimum of five (5) feet for the credited trees.

6. Noise Attenuation

- a. Prior to issuance of any above-grade building permit, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell that is subject to the permit has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. Prior to issuance of any above-grade building permit, the Applicant must provide a signed commitment to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved in Condition 6a, by the engineer and Staff in advance of installation.
- c. If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features which may be required.

- d. Before issuance of any Use and Occupancy Certificate for dwelling units, the Applicant must certify that the noise-impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments. The testing and certification must be based on at least 5 representative units from each building.

7. Stormwater Management

Prior to above-grade building permit, the Applicant shall make good faith efforts to provide additional green roof area and also follow the methodology of Option A as referenced in Items 6 & 7 of the July 7, 2017, MCDPS stormwater management concept approval letter.

Open Space, Facilities and Amenities

8. Public Open Space, Facilities, and Amenities

- a. The Applicant must complete the on-site public open space improvements associated with each building prior to issuance of the final Use and Occupancy Certificate for that building.
- b. Within the public open space on the Subject Property, the Applicant may post reasonable rules of conduct that permit public use of the space in a manner that does not unreasonably interfere with others' use and enjoyment of the space and surrounding buildings. Before they are posted, rules of conduct must be reviewed by the M-NCPPC Office of the General Counsel and approved in writing by the Planning Director or the Director's designee, along with the number, size, and locations of all signs displaying rules of conduct. The Applicant may incorporate approved rules of conduct into signage advertising the public's right to use the space and applicable hours of operation. Rules of conduct may be amended from time to time with the written approval of the Planning Director or the Director's designee.
- c. As a public amenity, the Applicant must provide streetscape improvements consistent with the Silver Spring CBD Streetscape Standards, including the undergrounding of public utilities along the property's frontage. Phasing of the streetscape improvements will be determined at the time of issuance of the any above-grade building permit for the applicable building permit for each particular portion of the frontage.

9. Recreation Facilities

- a. Prior to Certified Site Plan approval, the Applicant must demonstrate conformance with the M-NCPPC Recreation Guidelines.
- b. The Applicant must provide the recreation facilities on-site as shown on the Certified Site Plan.

10. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities (not including the SCRRAC) on the Subject Property including, but not limited to, pedestrian pathways, landscaping, hardscape, recreation facilities, and public open space.

11. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the 2015 *CR Zone Incentive Density Implementation Guidelines* for each one:

a. Transit Proximity

The Subject Property is located within one-quarter mile to one-half mile of the Silver Spring Transit Center and Metro Station, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. Final distance calculations must be included on the Certified Site Plan.

- b. Diversity of Uses and Activities
 - i. Affordable Housing/MPDUs
 - a. The Applicant must provide a minimum of 25% MPDUs or Montgomery County Department of Housing and Community Affairs (MCDHCA) approved equivalent on the Subject Property.
 - b. The Applicant must provide affordable housing units in accordance with the MPDU recommendations in Montgomery County's Department of Housing and Community Affairs' (MCDHCA) letter dated September 6, 2017, which the Planning Board accepts and hereby incorporates as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.
 - c. Prior to issuance of any above-grade residential building permit, except for a renovation permit for an existing building, the MPDU agreement to build between the Applicant and the MCDHCA for that building must be executed.

Transportation & Circulation

12. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 99 long-term bicycle parking spaces and 17 short-term public bicycle parking spaces.
- b. The secure long-term bicycle parking must be installed internal to the proposed residential buildings, for resident and retail employee use, as shown on the Certified Site Plan.
- c. The short-term public bicycle parking must be installed near the main residential entrances, retail frontage and regional recreation and aquatic center frontage (weather-protected preferred), as shown on the Certified Site Plan. The short-term spaces must be inverted-U racks (or Staff approved equal).
- d. The Applicant must provide a minimum 5-foot-wide clearance within the sidewalks along the Subject Property frontages on Fenwick Lane, Second Avenue and Apple Avenue, as shown on the Certified Site Plan.

13. Department of Transportation

The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letters dated October 6, 2017 (as amended via e-mail dated October 9, 2017), and November 22, 2017, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Site Plan approval.

14. Department of Permitting Services

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Permitting and Plan Review Section (MCDPS-RPP) in its letter dated September 15, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

Density & Housing

15. Workforce Housing Units

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated September 6, 2017, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a. The Applicant must provide a minimum of 10% of the total number of market-rate units as Workforce Housing Units (WFHUs) or MCDHCA approved equivalent.
- b. All units that are considered WFHUs or MCDHCA approved equivalent must comply with the requirements of Chapter 25B of the Montgomery County Code and/or the applicable regulations relating to MCDHCA approved equivalent units.

Site Plan

16. Building Height

- a. The existing Alexander House building, is limited to a maximum building height of 143 feet as measured from the building height measurement point to be illustrated on the Certified Site Plan for that building.
- b. The CR 3.0: C 2.0, R 2.75, H 90T zoned building (proposed Elizabeth House III), is limited to an average maximum building height of 135 feet as measured from the building height measurement point to be illustrated on the Certified Site Plan for that building.
- c. The CR 5.0, C 4.0, R 4.75, H 145T zoned building (proposed Elizabeth House IV) is limited to an average maximum building height of 218 feet as measured from the building height measurement point to be illustrated on the Certified Site Plan for that building.

17. Architecture

- a. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan, as determined by Staff.
- b. The Applicant may install artwork or other decorative façade surface treatment to the existing blank façades of the Alexander House without a site plan amendment.

18. Landscaping

- a. Prior to issuance of the final residential Use and Occupancy Certificate, all on-site amenities shown on the Certified Site Plan including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, and recreation amenities associated with each building must be installed.
- b. Prior to issuance of the final residential Use and Occupancy Certificate, all rooftop amenities associated with each building must be installed.
- c. The Applicant must install landscaping no later than the next growing season after completion of the site work associated with each phase.

19. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in

accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).

- b. All onsite down-lights must have full cut-off fixtures.
- c. Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d. On the rooftop of each building, the light pole height must not exceed the height illustrated for that building on the Certified Site Plan.

20. Site Plan Surety and Maintenance Agreement

- a. Prior to issuance of any building permit for the Elizabeth House III building, the Applicant must provide an updated cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. After satisfaction of Condition 20a and prior to issuance of any building permit or Sediment Control Permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety as required by Section 59-7.3.4.G.1 of the Montgomery County Zoning Ordinance, with the following provisions:
 - i. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
 - ii. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, paving/hardscape, outdoor recreational facilities, rooftop amenities, CCT, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, paths and associated improvements.
 - iii. The Applicant may submit the surety for the CCT separately and may petition the Planning Department to release the surety if another implementing entity assumes responsibility for construction.
 - iv. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
 - v. The bond or surety must be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

21. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan.

22. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the MCDOT letters, MCDHCA letter and other applicable agency letters, development program, Sketch Plan resolution, Preliminary Plan Amendment resolution and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note stating that "Minor modifications to the limits of disturbance shown on the Certified Site Plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c. Address all MCDPS-RPP comments, dated September 15, 2017.
- d. Prior to approval of the Certified Site Plan & Staff certification of the Final Forest Conservation Plan, the Applicant must coordinate with Staff on necessary corrections/clarifications to plan notes, details,

figures and graphics.

- e. Modify data table to reflect development standards approved by the Planning Board.
- f. Ensure consistency of all details and layout between Site and Landscape Plans.

SECTION 2: SITE DESCRIPTION

Site Vicinity and Analysis

The Subject Property is bordered by Second Avenue on the east, Fenwick Lane on the north, Apple Avenue on the south, and the CSX railroad right-of-way on the west, all in the 2000 *Silver Spring CBD and Vicinity Sector Plan* (Sector Plan) area. The Property is located near the northern edge of the CBD, approximately 700 feet north of the Silver Spring Transit Center.

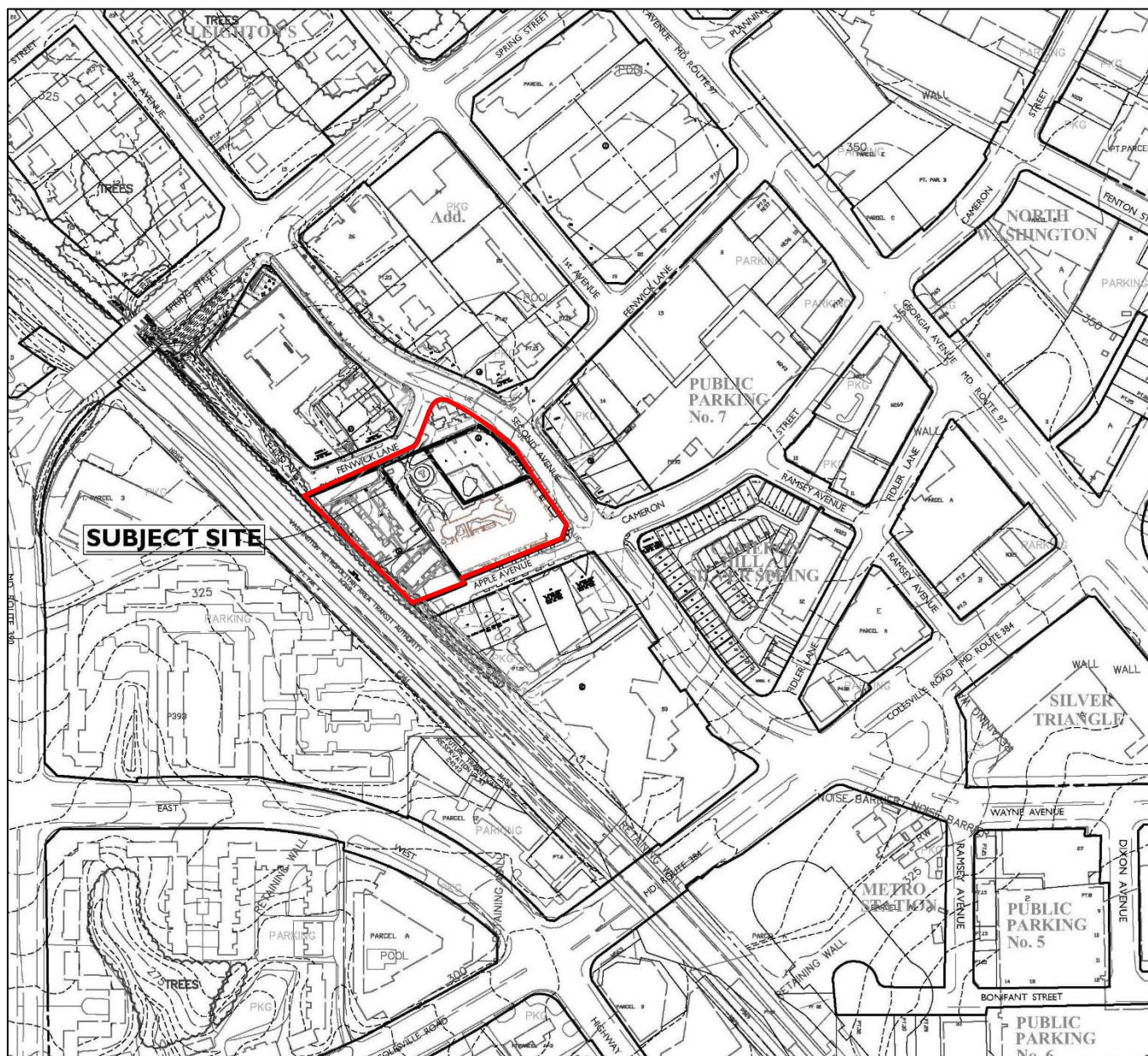


Figure 1-Vicinity Map

The neighborhood surrounding the Subject Property includes multi-family residential uses, commercial uses, and retail uses. The recently constructed mixed-use development project, Fenwick Station, across Fenwick Lane to the north is zoned CR-3.0, C-2.0, R-2.75, H-90T. The southeastern portion of that adjoining block on which Fenwick

Station is located, contains older, small, residential-style buildings, now used for commercial purposes, and is zoned CR-3.0, C-2.0, R-2.75, H-90T. Across Second Avenue to the northeast are a few older, small commercial buildings, also zoned CR-3.0, C-2.0, R-2.75, H-90T. To the north of and adjacent to the small commercial buildings on Second Avenue is a commercial condominium building. Across Second Avenue to the east and southeast is a surface parking lot that serves an 8-story building that was converted to residential units located along the south side of Fenwick Lane, both are zoned CR-5.0, C-4.0, R-4.75, H-145T. Adjacent to the surface parking lot is County Parking Garage No. 7, also zoned CR-5.0, C-4.0, R-4.75, H-145T. To the south across Apple Avenue is the District Court of Maryland courthouse, zoned CR-5.0, C-4.0, R-4.75, H-145T. To the immediate west of the property is the Capital Crescent Trail (CCT) and further to the west and adjacent to the CCT is right-of-way owned by WMATA.

The Property is currently improved with two high-rise multi-family residential buildings known as Elizabeth House and Alexander House (the latter to remain), and three two-story commercial buildings known as Fenwick Professional Park.

The site contains no forest, streams, wetlands, or environmental buffers. There are no known rare, threatened, or endangered species on site; there are no 100-year floodplains, stream buffers, or wetlands on site. There are no historic properties on site.

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

In 1989, the Planning Board approved a Project Plan, Preliminary Plan, and Site Plan on a portion of the current site for the Alexander House, for a 16-story multi-family building, currently containing 311 residential units (Project Plan No. 919880020, Preliminary Plan No. 119881410 and Site Plan No. 819890710). The Alexander House is approximately 22 years old and is home to a mixed-income population – 40% of the units are income-restricted. Of the income-restricted units, half are rented to residents with incomes at or below 60% of Area Median Income (AMI) and half to residents with incomes between 60% and 90% of AMI. The remaining units are market rate.

In expanding the development to include the entire block, the Applicant elected not to amend the prior Project and Preliminary Plan approvals for the Alexander House, but to incorporate the Alexander House into the new Sketch Plan and Preliminary Plan applications. The Alexander House Site Plan Amendment No. 81989071B received approval from the Planning Board on December 8, 2016 (Resolution MCPB 16-30) for a reduction from the total number of dwelling units in the existing Alexander House.

In July 2015, the Planning Board approved the Elizabeth Square Project Plan No. 920150010 and Preliminary Plan No. 120150030 for a mixed-use project under the Optional Method of Development of the CBD Zones. The Project and Preliminary Plans included three buildings, the existing Alexander House and Elizabeth House III and Elizabeth House IV. The Site Plan Application for the Elizabeth House III component of the project, was approved by the Planning Board on October 20, 2016 (Site Plan No. 820160160).



Figure 2-Approved Project Plan (Aerial View Looking East)

The CBD Project was approved to be a phased, mixed-use development for the construction of up to 772,078 square feet of total development, including 766,046 square feet of residential development. The residential portion of the development was approved for up to 907 dwelling units, including a minimum of 15% moderately priced dwelling units and 10% workforce housing units as approved by the Montgomery County Department of Housing and Community Affairs, and "other affordable" units under other guaranteed programs. The non-residential portion of the development was approved for up to 6,032 square feet of non-residential use, and an additional 63,896 square feet of indoor public use space that will be a government-operated recreation and service facility that would include an indoor pool and associated public spaces to be operated by the HOC, and the Wellness Center through a partnership with Holy Cross Hospital. The CBD Project ultimately would be located on one lot comprised of 3.12 acres of land.

Proposal

After the Previous Approvals were obtained, representatives from the Montgomery County Department of Recreation (MCDR) met with the Applicant to propose locating a full-size South County Regional Recreation and Aquatic Center (referred to as SCRRAC) in lieu of the previously approved public recreational indoor pool and related facilities. After meetings with various County officials, the CBD Project was redesigned to incorporate the larger SCRRAC and additional land area, described below, was incorporated into the revised project.

On April 12, 2017, HOC and ADHC filed a joint petition for abandonment with Montgomery County, designated AB 758, (Attachment B) to the Montgomery County Council for 6,693 square feet of right-of-way that includes the southwest corner of the Fenwick Lane and Second Avenue intersection (Figure 3), which is currently improved as a small space informally referred to as “Kramer Park” (not a park). As conditioned, the Phase II subdivision cannot proceed unless the County Council abandons the right-of-way subject to Petition AB 758. If the Council denies the abandonment petition or abandons any portion less than the full extent described in the petition, the Applicant must seek an amendment to the subject Preliminary Plan.

Staff supports the Applicant’s right-of-way abandonment petition because the subject right-of-way is no longer necessary for public use. As a result, Staff recommends that the Planning Board issue a letter to the County Council recommending abandonment of the right-of-way.

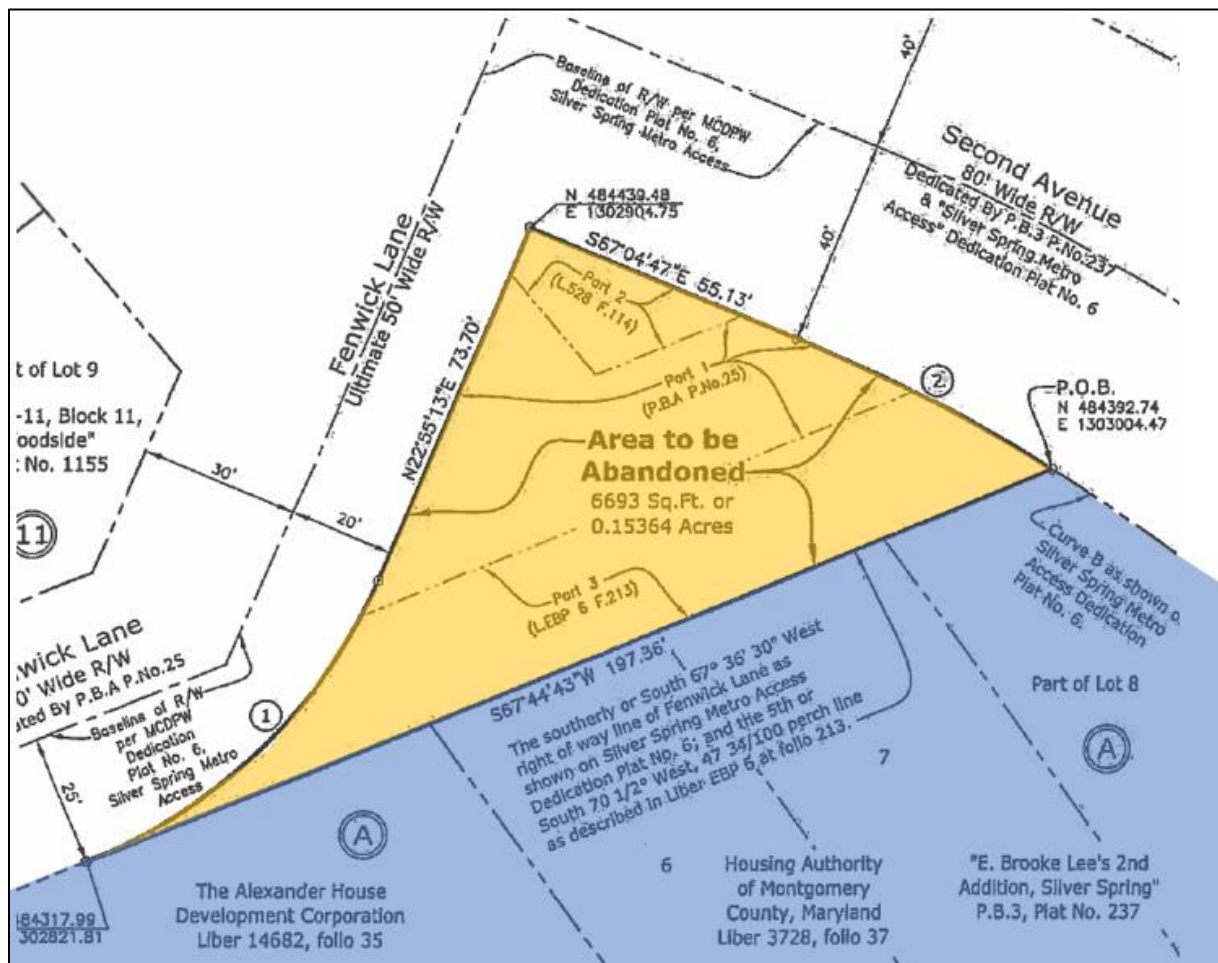


Figure 3 – Area Subject to Right-of-Way Abandonment Petition AB 758
(Abandonment area shown in Orange; Site shown in Blue)

Subdivision

The Preliminary Plan Amendment (Attachment C) will create one lot consisting of 2.84 acres (123,502 square feet) for a maximum development density of 996,109 square feet. This density will be comprised of up to 853,510 square feet of residential uses (up to 906 high rise residential dwelling units), up to 5,451 square feet of non-residential uses, and up to 137,148 square feet of public owned or operated facilities including 120,058 square feet for a regional recreation and aquatic center.

The subdivision may be platted in two phases to enable construction on the western portion of the site (proposed Elizabeth House III) prior to abandonment of County right-of-way at the corner of Fenwick Lane and Second Avenue (Abandonment Petition AB 758) and demolition of the existing Elizabeth House. Although the Applicant requests this phased approach for flexibility, future conditions may render the “interim” Phase I plat unnecessary and Phase II may be recorded without recordation of Phase I. Each of the two proposed subdivision phases are described and shown in Figures 4 and 5 below.

Phase I (Interim) Subdivision

The interim subdivision, for the western portion of the site, would create Lot 117 from existing Lots 17 and 116, which are part of Block “A,” E. Brook Lee’s 2nd Addition, Silver Spring. The Phase I plat resulting from this subdivision would consist of 96,187 Square Feet (2.20 acres).

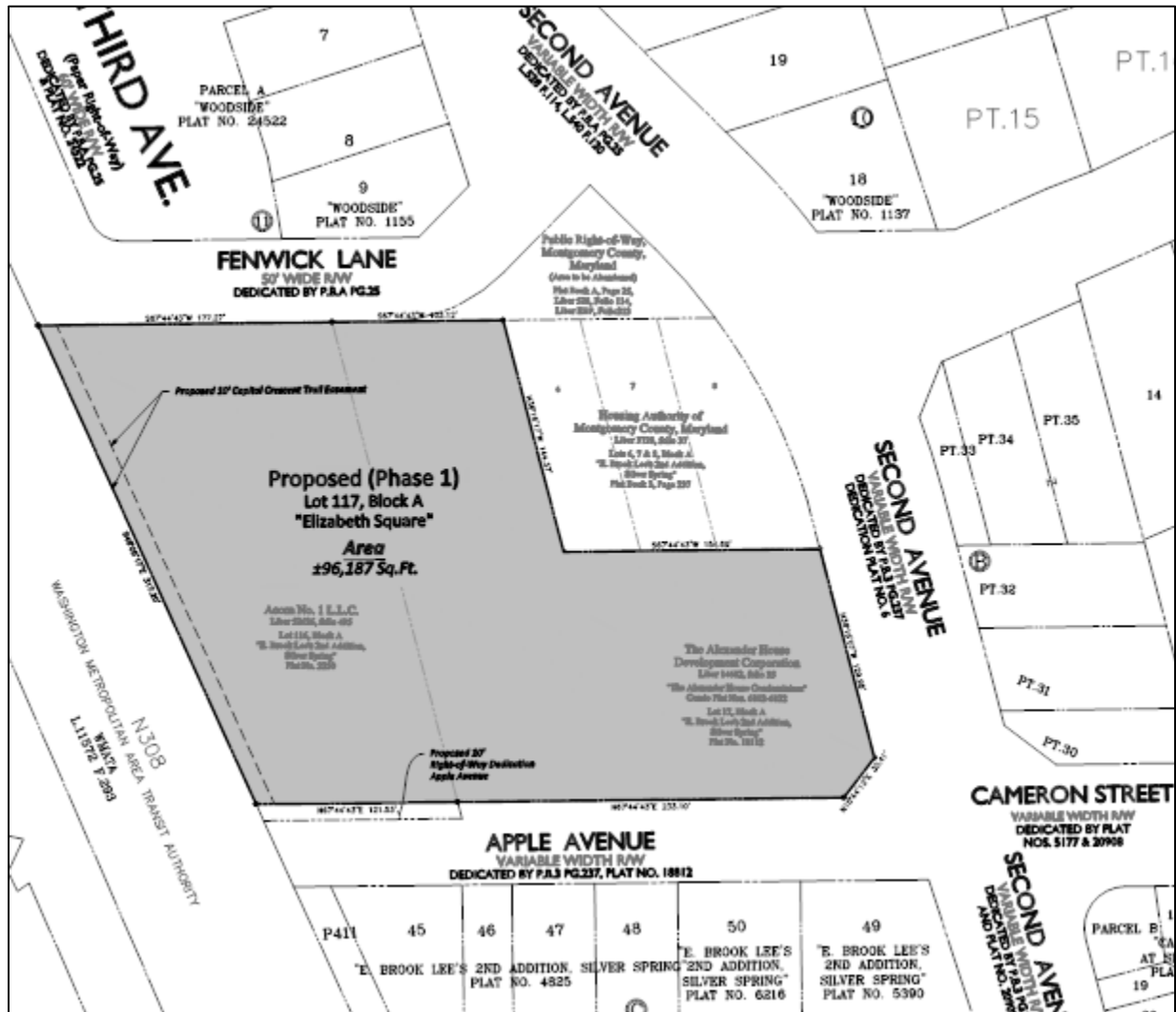


Figure 4 – Phase I Subdivision Lotting Diagram

Phase II (Ultimate) Subdivision

The ultimate subdivision would create Lot 118 from a) existing Lots 6, 7, and 8 (proposed Lot 117/ Phase I subdivision), b) Lots 17 and 116, and c) the area subject to Abandonment Petition AB 758. Each of these areas are part of Block “A,” E. Brook Lee’s 2nd Addition, Silver Spring. The Phase II plat resulting from this subdivision would consist of 123,502 Square Feet (2.83 acres).

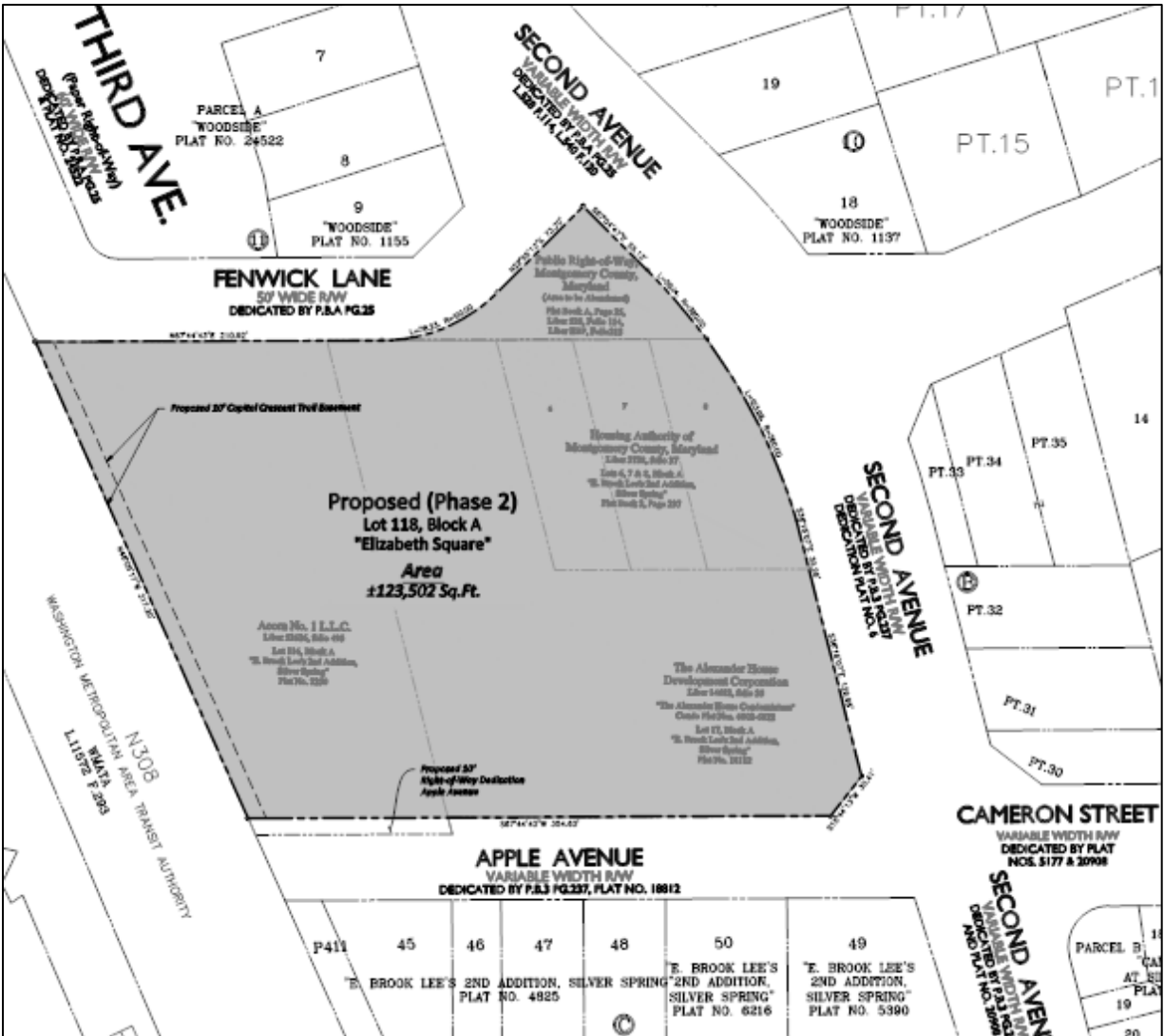


Figure 5 – Phase II Subdivision Lotting Diagram

Uses and Density

The Project will redevelop and revitalize of an older urban block in the CBD. The Project will provide a new, transit-oriented, mixed-use, inter-generational, mixed-income community that provides affordable, workforce, and market-rate housing opportunities, including units for a large number of senior citizens already living on the Property. The Project's indoor and outdoor public facilities and amenities and public open spaces are designed around the themes of health, wellness, and art. The South County Regional Recreation and Aquatic Center will include a full-size recreation and aquatic center and related spaces.

The Applications propose to redevelop the Property with up to 996,109 square feet of total development including up to 853,510 square feet of residential development with up to 906 dwelling units, up to 5,451 square feet of non-residential uses, and up to 137,148 square feet of publicly owned or operated facilities and associated amenities.

Buildings

Elizabeth House III

The Elizabeth House III building (Phase I) will be located at the rear of the site along the CSX tracks, and rises 16 stories with up to 267 residential units, including WFHUs, MPDUs, other affordable units, and market-rate units (Figure 6). As the western face of the central plaza, the building massing will step down from the 16 stories on the north side of the building to 11 stories on the south to allow as much direct western light as possible into the proposed central plaza space. Elizabeth House III will be the new home for the current senior citizen occupants of the existing Elizabeth House. The new Elizabeth House III building will be operational before the demolition of the existing Elizabeth House begins. Access to the Elizabeth House III building will be from Fenwick Lane and Apple Avenue. The entrance to the shared underground parking garage and loading/service access will be located on Fenwick Lane.



Figure 6 - West Elevation- Elizabeth House III view from CCT

Elizabeth House III includes the SCRRAC, a government-operated recreation and service facility that will contain an 11-lane competition pool, a recreation pool, a leisure pool, sauna and spas with locker rooms; a gymnasium with a high-school-sized basketball court; a social hall with a teaching kitchen; activity rooms which include an art room, game room, and community lounge that will be available for rent by the community or residents; a fitness area with exercise rooms; and a Senior Wellness Center (through a partnership with Holy Cross Hospital). The SCRRAC public facilities and amenities will be under the operation, management, and programming of MCDR, under a lease from HOC.

Community spaces in the SCRRAC portion of the building are designed to visually connect the inside and outside and will be articulated in rich, textural materials. On each floor of the residential tower, a residents' lounge with views to the central plaza will act as a visual anchor in both directions.

The primary pedestrian entrances to the SCRRAC will be from Second Avenue and through the central plaza. The accessible path is lined with trees to help guide the public toward the main entrance to the SCRRAC. The residential tenants of Elizabeth House III may utilize the Apple Avenue drop-off or the central plaza to access the main residential lobby.

The upper residential portions of the building are proposed to be clad in cement panels and masonry, and will remain simple and clean, so as to highlight and frame the more vibrant and active community components within the Project. A wood panel cladding is planned along the canopies at the base of the building to provide a sense of warmth. Metal cladding will be used as an accent material along the canopies at the base of the building as well.



Figure 7 - South Elevation- Elizabeth House III and Alexander House view from Apple Avenue

Elizabeth House IV

Elizabeth House IV (Phase II) is a 23-story, mixed use building with 334 dwelling units. Elizabeth House IV sits along Second Avenue and allows for a visual link between the landscape plaza to downtown Silver Spring. The building will be made of two distinct masses: one that touches the ground along Fenwick Lane while the other sits along Second Avenue and frames the central plaza on the east. Similar materials will unify the two masses and will create a strong relation to the materials used in Phase I, such as perforated metal panel and masonry. The plaza level of the building will house the most public functions: commercial space along the Second Avenue entry; and amenity space for the Phase II residents. The main residential lobby of Phase II will be located at the corner of Fenwick Lane and Second Avenue. The 21st floor will house the pool and pool deck and the 23rd floor will house the community room, the catering kitchen, and an outdoor terrace.



Figure 8 - North Elevation-Elizabeth House IV and Elizabeth House III view from Fenwick Lane



Figure 9 - East Elevation-Elizabeth House IV and Alexander House view from Second Avenue



Figure 10 - Perspective view from Fenwick Lane east

Alexander House

While the overall building footprint of the Alexander House remains unchanged, the Applicant will be making exterior upgrades, including new windows and balconies. Renovations include a reduction in the total number of units from 311 to 305, minor modifications to the exterior and interior, modifications to the parking requirements, and the addition of interior publicly owned or operated facilities and associated amenities, including digital arts and education spaces. Staff recommends, as conditioned, that the Applicant install artwork or other decorative façade surface treatment to the existing blank façades of the Alexander House without a site plan amendment.



Figure 11 - Perspective view from Fenwick Lane and Second Avenue

Open Space and Amenities

The Project includes a mix of open space and public amenities to serve residents and the surrounding community.

Central Plaza

The central plaza includes a large lawn area with trees planted along the entrance path from Second Avenue to the SCRRAC, and gardens along the building faces, and provides an open and flexible area for informal gathering, occasional events, and lawn games. The gardens, which frame the space, provide a buffer between the existing residences and the open lawn area.



Figure 12 - Perspective view from the Central Plaza

Street Level Plaza at Second Avenue

The street level plaza at Second Avenue acts as the gateway to the central plaza and the overall project, mediating between the bustle of the street and the quieter upper gardens and lawn areas. The upper garden is slightly raised from the street level plaza, and accessible by ramp. The area contains shaded seating and chess/game tables.



Figure 13 - Perspective view from Second Avenue entry

Entry Court/Drop-Off Areas at Fenwick Lane and Apple Avenue

There is a drop-off area at Apple Avenue and a pedestrian entry court along Second Avenue. The Second Avenue entry court provides pedestrian access to the central plaza and to the SCRRAC. The Apple Avenue drop-off provides access to the Wellness Center, to the Elizabeth House III residential lobby, and to the central plaza and gardens by way of a short path that runs along an artfully crafted screen wall to be installed on the now-blank wall of Alexander House. The entry court and drop-off allow for access to the bike path, which runs along the southwestern edge of the Property adjacent to the railroad right-of-way.



Figure 14 - Perspective view from Fenwick Lane entry



Figure 15 - Perspective view from Apple Avenue

Public Realm Improvements

On-site and off-site streetscape improvements, such as brick paving, seating, bicycle racks, trash receptacles, and lighting, will enhance the pedestrian experience, and are consistent with the Silver Spring Streetscape Guidelines. Street trees will strengthen the urban pattern and form, as well as provide a green canopy for pedestrians traveling from and to other areas of the CBD, the Metro Station and Transit Center, and areas to the east across Second Avenue. The streetscapes are a major component in the downtown Silver Spring area and will be ADA accessible. The streetscape improvements to the streets surrounding the Property will conform to the Silver Spring Streetscape Guidelines (or as otherwise approved by the Planning Board). A public bike path will be located adjacent to the western Property line. The CCT bike path is proposed to be accessible from the Property at both north and south ends of the Project.

Environment

Forest Conservation

The Preliminary/Final Forest Conservation Plan for this project was originally approved by the Board during the public hearing on October 20, 2016. The current scope of the project has been expanded slightly to incorporate the 0.15-acre triangular portion of the Fenwick Lane ROW. The original Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) # 420141320 was approved on April 15, 2014. The NRI/FSD # 420180420 addressing the project expansion was approved on September 28, 2017. The cumulative Property contains no forest, streams, wetland, floodplains or associated buffers. Furthermore, there are no known rare, threatened, or endangered

species on or near the site. There are five significant trees and two specimen trees identified within the study area of the NRI/FSDs. The project area is within the Lower Rock Creek watershed which is a use I watershed¹.

Although no forest exists onsite, the Sketch Plan is subject to the Forest Conservation Law and there is an afforestation requirement of approximately 1/2 acres. Given the relatively small size of the Property, the lack of environmentally sensitive areas, and the modest amount of afforestation requirements, the afforestation will be satisfied offsite by either a fee-in-lieu payment or the use of a forest conservation bank. Due to the proposed density of the development and the priority to provide onsite mitigation plantings under Section 22A-12b(3), the Subject Property is not an appropriate setting to also accommodate landscape plantings applied toward forest conservation requirements.

Staff notes that the current FCP is substantially similar to the previously approved version, and there are no changes from the previously approved variance request. The project already obtained the permission for the removal of 2 subject trees, therefore, no variance request or findings need to be made as part of the current project. The previous planting mitigation of seven (7) 3" caliper native canopy trees are still shown/required on the current plans. As conditioned, Staff recommends approval of amended Final Forest Conservation Plan.

Stormwater Management

The MCDPS Stormwater Management Section approved the stormwater management concept on July 7, 2017. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent possible through the use of green roof, micro-bioretenion (including planter boxes) and Silva Cells (Attachment D). The letter also notes: Due to site constraints, full stormwater management treatment cannot be provided, so a waiver is granted.

However, Staff notes that the Item 6 of the letter states *"You are providing 24,308 square [feet] of 8-inch green roof. At time of plan submittal try to provide additional green roof."* Furthermore Item 7 of letter notes two proposed options (A & B) and that Option A would provide enhanced/additional SWM storage which would be credited towards the overall requirements (and lessen the payments associated with the waiver requirements).

Given that the Silver Spring CBD Sector Plan states on page 143 that "Stormwater management is the most important environmental issue to address in the Silver Spring CBD."....and "Incorporate innovative stormwater management techniques when possible", Staff fully supports the DPS request for additional green roof area, which will aid in compliance with the Sector Plans recommendations. Furthermore, Staff is also recommending that the Applicant make good faith efforts to follow the methodology outlined in Option A which maximizes the SWM, and is more in line the related Sector Plan recommendations.

Noise Analysis

The project proposes residential units adjacent to existing/future railway corridors; therefore, the application is subject to the noise regulations associated with residential development. Additionally, the Silver Spring CBD Sector Plan states "Effective noise control is instrumental in assuring the extended sustainability of a community as a desirable place to live, work, and conduct business." (Sector Plan, p. 142).

A revised noise analysis dated September 11, 2017 was prepared by Cerami Associates and cover the entire proposed development. The report indicates that Property will be subject to a high level of noise impact, however

¹ Use I:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply and industrial water supply.

the noise impacts to the interiors of the residential units can be mitigated as needed by appropriate treatment of the building facade, such as the use of specialized windows.

The courtyard and most of the rooftop amenity areas are either situated high enough from the noise sources or shielded by the buildings themselves, so that the noise levels for the amenity spaces are below the required thresholds (65 dBA Ldn) and do not require any mitigation. Only a minor portion of a rooftop amenity area for the Elizabeth House III, which is closest to the rail corridor will be exposed to noise levels between 65 and 69 dBA Ldn. However, providing noise mitigation for the rooftop amenity area would adversely affect the design intent of the space which is activated by both the visual connection with the dynamic railway corridor and the physical connection with the open environment. Therefore, Staff does not recommend noise mitigation for the minor portion of affected rooftop area. Standard conditions of approval are recommended to address the interior noise mitigation.

Circulation

Vehicular access to the project will be provided via Fenwick Lane and Apple Avenue in the following configuration: The renovated Alexander House will retain its current parking and loading access from Apple Avenue (Figure 16). Elizabeth House III will have garage and loading access from Fenwick Lane. Elizabeth House IV will have its own loading access from Fenwick Lane and parking access through Elizabeth House III. There will also be a vehicular drop-off point on Apple Avenue. Pedestrian access to the Property will be provided along the frontage sidewalks and central plaza and bicycle access into the long-term storage rooms will be separate from vehicular entrances.

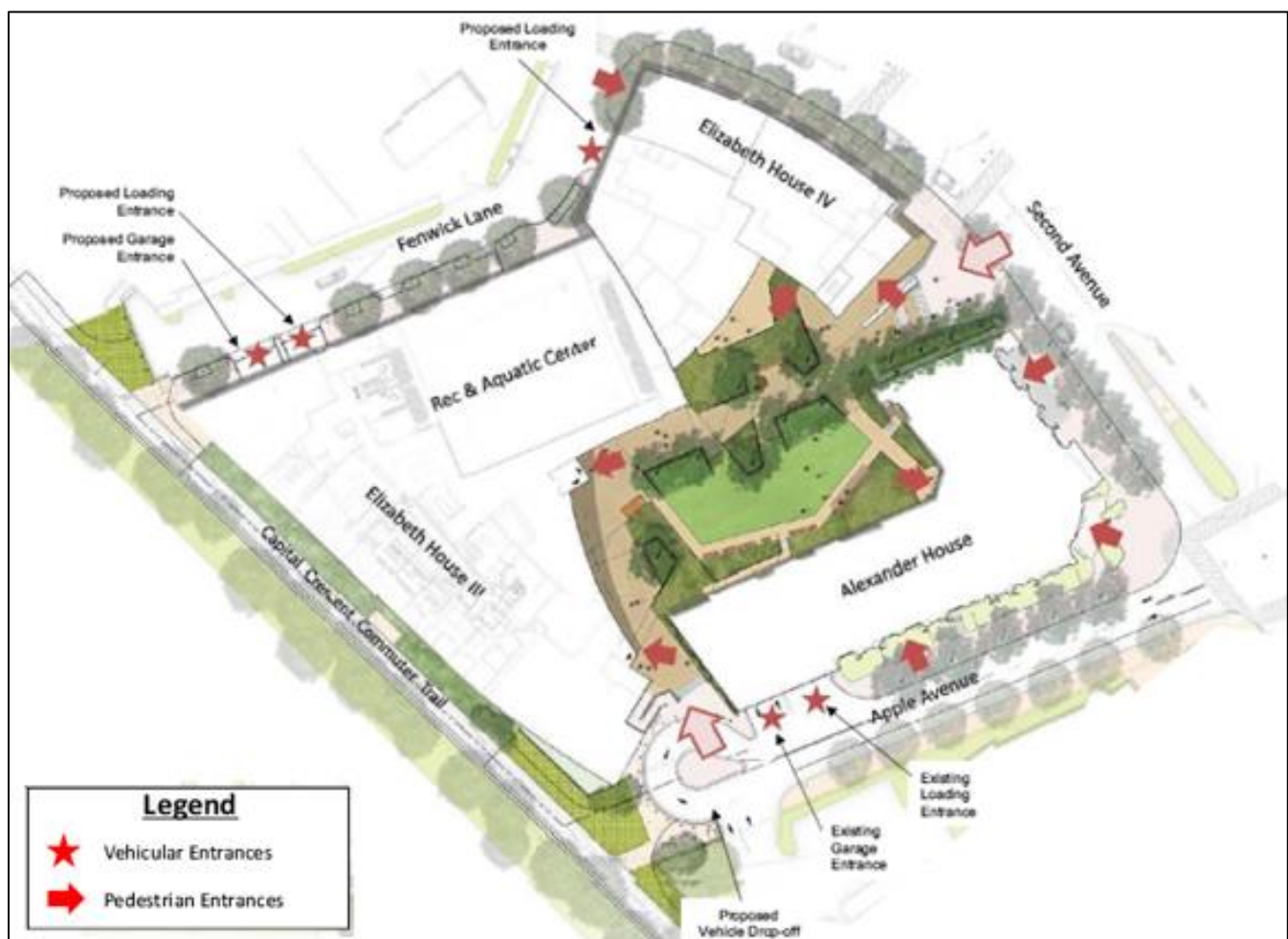


Figure 16 – Access and Loading Diagram

SECTION 4: SKETCH PLAN ANALYSIS AND FINDINGS

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF or LSC Zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, heights and anticipated uses, the locations of open and public use spaces, the general circulation patterns for all modes of transportation, an estimated range of peak hour trips and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Preliminary and Site Plan review. Section 59-7.3.3.E of the Zoning Ordinance states: “To approve a sketch plan the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at site plan. The sketch plan must:”

1. *meet the objectives, general requirements, and standards of this Chapter;*

The Sketch Plan meets the development standards of Section 59.4.5.4, as shown in the following data table:

Sketch Plan Data Table			
Section 59.4	Development Standard	Permitted/ Required	Proposed
	Gross Tract Area per Zone (square feet) CR3.0, C2.0, R2.75, H90T CR5.0, C4.0, R4.75, H145T	n/a n/a	51,478 106,323
	Gross Tract Area (square feet) Prior Dedications (Apple & Second Avenue) Proposed Dedication Net Lot Area	n/a n/a n/a n/a	157,801 sf (3.62 acres) 33,093 sf (0.76 acres) 1,206 sf (0.03 acres) 123,502 sf (2.84 acres)
4.5.4.B.2.b	Density CR3.0, C2.0, R2.75, H90T-Elizabeth House III Commercial FAR/GFA Residential FAR/GFA CR5.0, C4.0, R4.75, H145T-Existing Alexander House Commercial FAR/GFA Residential FAR/GFA CR5.0, C4.0, R4.75, H145T-Elizabeth House IV Commercial FAR/GFA Residential FAR/GFA TOTAL Commercial FAR/GFA TOTAL Residential FAR/GFA <hr/> TOTAL GFA Publicly owned or operated facilities FLOOR AREA ² TOTAL ELIZABETH SQUARE FLOOR AREA	 2.0/102,956 2.75/141,565 4.0/258,324 4.75/306,760 4.0/166,968 4.75/198,275 2.7/425,292 4.1/646,600 <hr/> 1,071,892 <hr/> 137,148 996,109	 0/0 1.43/225,277 ¹ 0.01/451 1.71/269,360 ¹ 0.03/5,000 2.27/358,873 ¹ 0.03/5,451 5.4/853,510 <hr/> 858,961 137,148 <hr/> 996,109
4.5.4.B.2.b	Building Height (feet) CR3.0, C2.0, R2.75, H90T-Elizabeth House III CR5.0, C4.0, R4.75, H145T-Alexander House CR5.0, C4.0, R4.75, H145T-Elizabeth House IV	90 145 145	135 ^{3,4} 143 ^{3,4} 218 ^{3,4}
4.5.4.B.1	Open Space (minimum)		

	Public Open Space (%/sq. ft.)	10/12,350	12/14,858
4.5.4.B.3	Minimum setbacks		
	Existing Alexander House		0 feet
	Elizabeth House III		0 feet
	Elizabeth House IV		0 feet

¹ Per Section 59.4.5.2.C: Residential density may be increased above the number following the R on the zooming map in proportion to any MPDU density bonus achieved under Chapter 25A for providing more than 12.5% of the residential units as MPDUs. In addition, residential density may be increased above the number following the R on the zooming map in proportion to any workforce housing floor area that satisfies Chapter 25B; however, the increased residential density under this provision is limited to 10% of the floor area indicated on the zoning map.

²The gross floor area of the publicly owned or operated facilities provided as a public benefit under the optional method of development, per Section 59.1.4.1, is not counted in the gross floor area of the optional method project.

³Per Section 59.4.5.2.C: Height may be increased above the number following the H on the zoning map by up to 1.5 times if the height is the minimum necessary for both the floor area devoted to a publicly owned and operated facility and the floor area provided for workforce housing units, divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase in 12 feet.

⁴Per Section 59.4.5.2.C: Height on a portion of a building may be increased above the number following the H on the zoning map so long as the average height of the building is no greater than the maximum height allowed by the mapped zone.

The Application will provide the minimum required number of bicycle parking spaces within the building, which will be determined at the time of Site Plan. The final number of vehicular parking spaces will be determined at Site Plan based on the residential units and retail square footage.

The Sketch Plan conforms to the intent of the CR zone as described below.

- a) *Implement the recommendations of applicable master plans.*

Site-Specific Recommendations

The site lies within the “Other Areas of the CBD” section identified in the 2000 *Silver Spring CBD Sector Plan*. The Sector Plan reconfirmed the zoning applied to all parcels in the remaining areas of the CBD outside the Revitalization Areas defined in the Plan and contained no other specific recommendation.

This proposed development in the “Other Areas” portion of the CBD will expand the availability of diverse living opportunities in the CBD by providing market rate dwelling units, MPDUs, and WFHUs within easy walking distance to public transportation. The ground level interior public use space in Phase I: the SCRRAC, the Holy Cross Wellness Center, the teaching kitchen and the social hall, may provide some employment and economic opportunities for residents in the CBD, as well as provide needed services. Through the on-site partnerships, HOC may be able to create employment opportunities for its residents both on and off-site.

Urban Design Recommendations

The Sector Plan provides general urban design recommendations for redevelopment projects in the Silver Spring CBD. The guidelines most applicable to the application site are listed below with analysis immediately following.

- *Create an attractive pedestrian environment by creating a system of short blocks, and defining streets with buildings, open spaces, and streetscaping at a human scale created by street-front retail, frequent doors and windows, architectural detail, and appropriately scaled building heights* (Page 73)

The development will create an attractive pedestrian environment defined by well-designed buildings providing pedestrian residential, retail, and service entrances, open space connections, and other visual interest. A central landscaped plaza will be accessible from the three surrounding streets, and the Capital Crescent Trail will pass behind the building. The building heights are maximized along the train tracks and step down towards Fenwick Avenue. The site continues the transition from the single-family and mid-rise residential buildings to the north and the taller commercial and mixed-use buildings in the core.

- *Through urban design treatments, establish streetscapes that emphasize the hierarchy of the circulation system*

Although streetscape specifications will be finalized at the site plan stage, the Applicant has shown on the Sketch Plan appropriate streetscape. On-site and off-site streetscape improvements, such as brick paving, seating, bicycle racks, trash receptacles, and lighting, will enhance the pedestrian experience, and are consistent with the Silver Spring Streetscape Guidelines.

The Project's streetscape plan reinforces the identity of the community by providing a unified streetscape around the Property and well-located vehicular drop-off points at two locations in the Project.

- *Create formal and informal civic spaces—buildings and open spaces—that add to property values, provide amenity, and improve downtown's aesthetic appearance*

The Project is designed to create a welcoming environment to the community by offering a strong public program, managed by the MCDR and a highly activated central plaza that will be located in the center of the Project and adjacent to all three buildings. The majority of the public facilities and amenities for the Project will be located on the levels B1 through 3 of Elizabeth House III. This indoor space, the SCRRAC, will be a government-operated recreation and service facility, that will contain an 11 lane competition pool, a recreation pool, a leisure pool, sauna and spas with locker rooms, a gymnasium with high school-sized basketball court, a social hall with a teaching kitchen, activity rooms which include an art room, game room, and community lounge that will be available for rent by the community or residents, a fitness area with exercise rooms, and a Senior Wellness Center (through a partnership with Holy Cross Hospital). The SCRRAC public facilities and amenities will be under the operation, management, and programming of MCDR, under a lease from HOC.

The outdoor public amenity space for the Project will have several components that include: a main central plaza area framed by existing residences and the Phase I building; the streetscape and entry court along the south side of Fenwick Lane between the Phase I and Phase II buildings; the entry court at the terminus of Apple Avenue; pedestrian connections to the Capital Crescent Trail; and the distance-measured walking circuits on the Property and in the public right-of-way.

The Project will provide public open spaces, public amenity spaces, and other features that will enhance the community, enliven the area, and connect to other downtown area uses.

General Recommendations

For the general goals of the Plan, the Sector Plan's vision for Silver Spring's future is "to create a development environment that invites revitalization" (page 28). The Plan outlines six themes: transit-oriented downtown, residential downtown, commercial downtown, green downtown, civic downtown

and pedestrian friendly downtown that guide the vision for the Silver Spring CBD, all which apply to the Project.

The Property is within a short walking distance to the Silver Spring Transit Center, 2 ½ blocks away, that includes Metro, the MARC Line, Metrobus, Ride-on Bus, and the future Purple Line. The Project will provide 906 residential units, an increase of 435 more than those existing on the Property today, as well as 137,148 square feet of publicly owned or operated facilities, and up to 5,451 square feet of non-residential uses. The Project will help to activate the streets of Second Avenue, Fenwick Lane, and Apple Avenue. Along Second Avenue, the Project proposes a retail café. The café will be accessible from the plaza and street level on Second Avenue. The public use space will be strategically located on the ground level of the Phase I building, accessible to residents and open to the public. The indoor public use space includes an 11 lane competition pool, a recreation pool, a leisure pool, sauna and spas with locker rooms, a gymnasium with high school-sized basketball court, a social hall with a teaching kitchen, activity rooms which include an art room, game room, and community lounge that will be available for rent by the community or residents, a fitness area with exercise rooms, and a Senior Wellness Center. The streetscape along Second Avenue, Fenwick Lane, and Apple Avenue will be upgraded as necessary with street trees, paving, and lighting to improve the pedestrian experience, to interact with their neighbors, and to frequent the retail establishments in the Project and near the Property. The public amenity spaces in the central plaza and along the streetscape will enhance the experience of residents and the public when walking along the streets or enjoying the plaza space. The Application is consistent with the six themes.

Circulation Systems Recommendations

The Sector Plan recommends creating a system of trails and bike routes, implementing streetscape to create a safe and pleasant pedestrian environment to assess, and where appropriate, reuse public parking facilities, and to make circulation improvements to local roads. (Page 93) The Project will upgrade the physical environment and pedestrian access to and from the trail and other CBD facilities with upgraded sidewalks along all frontages, to be improved to the Silver Spring streetscape standard. The Application conforms to the Sector Plan recommendations for Circulation Systems.

Housing Recommendations

The housing objective of the Sector Plan is to develop new residential projects to provide housing and encourage maintenance of existing housing, creating Silver Spring as an even more desirable residential market. The recommendations include:

- provide housing choice and market-feasible development options, including apartments and townhouses;
- rezone CBD properties to encourage residential development; and
- convert selected public sector surface parking lots to housing.

The Plan identified the Subject Property as an existing housing site and potential housing site. The Application proposes a new mixed-use project with up to 906 residential units with 25.8% on-site MPDUs or Montgomery County Department of Housing and Community Affairs approved equivalent, with the existing Alexander House to remain with 305 residential units, that will offer housing opportunities proximate to the numerous transit options of downtown Silver Spring. The Application meets the Sector Plan's housing objective.

- b) *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*

Currently, the Elizabeth House building on the HOC Property is more than 40 years old. Elizabeth House is home to 194 senior citizens who occupy all 160 dwelling units and who qualify for public housing. Due to the age of the structure and its need to be modernized to serve its older residents, the Elizabeth House is in need of replacement. The Alexander House is approximately 22 years old and is home to a mixed-income population – 40% of the units are income-restricted. Of these units, half are rented to residents with incomes at or below 60% of Area Median Income (AMI) and half are rented to residents with incomes between 60% and 90% of AMI. The remaining units are market rate. The Fenwick Professional Park structures adjacent to the HOC Property are 60 years old. The assemblage of the LDG Property and the HOC Property will create a unified development. The Project proposes underground parking in close proximity to the Metro. The Project meets the objective of this finding.

- c) *Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.*

The proposed use contains a variety of housing including housing for seniors, individuals, and families. The Project will offer housing at a variety of levels of affordability -- from deeply affordable to market rate -- and a variety of unit types -- from efficiencies to two-bedroom units. The Project will include MPDUs, WFHUs, other affordable units, and market-rate units. The Project is well-situated for its residents and visitors to take advantage of several modes of transit – pedestrian, bicycle, and vehicular, including walking on improved sidewalks or on the CCT, biking on public streets or on the CCT, commuting via public bus, METRO, MARC, or the future Purple Line. The Application does not propose any parking between the building and the street frontages.

- d) *Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods.*

The mix of uses, height and density proposed by the Project are compatible with the desired character of the Silver Spring CBD area. This proposed development will expand the available diversity of living opportunities in the CBD by providing affordable and market rate dwelling units, including MPDUs and WFHUs and "other affordable" units, in modern, attractive buildings within easy walking distance to public transportation. The interior public use spaces in Phase I -- the SCRRAC, the Holy Cross Wellness Center, the teaching kitchen, and the social hall -- will provide some employment and economic opportunities for residents in the CBD, as well as provide needed civic spaces, recreational amenities, and services for the community. The Property is located within the "Other Areas" portion of the CBD and redevelopment has not occurred on this block in many years. Care has been taken in designing the Project so that it would be compatible with surrounding properties. The property to the north across Fenwick Lane, known as "Fenwick Station", is developed under the optional method of development in the CBD-1 Zone. The Fenwick Station development will provide a transition from the Property, zoned a combination of CR-5.0, C-4.0, R-4.75, H-145T and CR-3.0, C-2.0, R- 2.75, H-90T, to the properties on the next block to the north, zoned CR-3.0, C-2.0, R-2.75, H-90T, by stepping down in height from the Second Avenue side of the Property to the railroad side of the Property, thus taking advantage of the opportunity to place the lower Phase I building closest to the residential project known as Fenwick Station. It will also provide a transition from the properties south of the Property that are zoned CR-5.0, C-1.0, R-5.0, H-200T and CR-8.0, C-6.0, R-7.5, H-200T, located two blocks away at the intersection of East-West Highway and Colesville Road, the locations of Metro and the Transit Center.

The heights of the two new buildings responds to the surroundings. The scale of the Project will be compatible to the existing development in the area as it will be lower in height along the western side of the Property, including along Apple Avenue and along the westernmost portion of Fenwick Lane. Elizabeth House III, the Phase I building on the CR-3.0 zoned portion of the Property, is limited to an average height of 135 feet to accommodate the inclusion of WFHUs, other affordable housing units accepted by MCDHCA as WFHU equivalent, and on-site private amenities available to the WFHUs, in addition to the stepping of the building to allow sunlight to reach the internal central plaza. The lower massing of the Phase I building along Apple Avenue will allow greater sun exposure into the central plaza that is an integral part of the outdoor public amenity space for the Project. Elizabeth House IV, the Phase II building on the CR-5.0 zoned portion of the Property, is limited to an average height of 218 feet to accommodate the inclusion of WFHUs, other affordable housing units accepted by MCDHCA as WFHU equivalent, and on-site private amenities available to the WFHUs. Additionally, by utilizing the Abandonment Area and bringing Elizabeth House IV building towards the street corner and away from Alexander House allows for the pedestrian entrance to be opened to the sky and to the central plaza.

- e) *Integrate an appropriate balance of employment and housing opportunities.*

Elizabeth Square will have a variety of housing opportunities available at a variety of price levels. Employment opportunities within the Project may be found at the SCRRAC, the Wellness Center, one of the smaller public use spaces, or the small commercial space.

- f) *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.*

Section 59.4.7.3. D.6.a.v. of the Zoning Ordinance states that a project that provides a minimum of 20% MPDUs does not have to satisfy any other public benefit category. The Sketch Plan proposes 25.8% MPDUs or Montgomery County Department of Housing and Community Affairs approved equivalent on the Subject Property, and therefore does not have to satisfy any other category. The Project will provide the required public benefits to achieve the desired incentive density above the standard method limit.

2. *substantially conform with the recommendations of the applicable master plan;*

As discussed in Finding 1 above, the Project substantially conforms to recommendations of the *Silver Spring CBD Sector Plan*. The Project proposes a mixed-use development with high-rise residential uses, including affordable and market rate dwelling units, including MPDUs and WFHUs and "other affordable" units, in modern, attractive buildings within easy walking distance to public transportation. The Project supports the use of transit, bicycles, and walking in lieu of automobile transportation. The Project provides connectivity improvements that improve the safety and character of the existing streets. The Sketch Plan conforms to the intent and recommendations of the Sector Plan.

3. *satisfy any development plan or schematic development plan in effect on October 29, 2014;*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *achieve compatible internal and external relationships between existing and pending nearby development;*

The building is compatible in height and scale with the existing and pending nearby development in the downtown Silver Spring area. The location, size, intensity, design, and operational characteristics proposed

for this Project are compatible with the existing and potential development in the general neighborhood. The heights, massing and orientation of the two new buildings responds to the surroundings. The scale of the Project will be compatible to the existing development in the area as it will be lower in height along the western side of the Property, including along Apple Avenue and along the westernmost portion of Fenwick Lane. Elizabeth House III, the Phase I building, is limited to an average height of 135 feet to accommodate the inclusion of WFHUs, other affordable housing units accepted by MCDHCA as WFHU equivalent, and on-site private amenities available to the WFHUs, in addition to the stepping of the building to allow sunlight to reach the internal central plaza. The lower massing of the Phase I building along Apple Avenue will allow greater sun exposure into the central plaza that is an integral part of the outdoor public amenity space for the Project. Elizabeth House IV, the Phase II building, is limited to an average height of 218 feet to accommodate the inclusion of WFHUs, other affordable housing units accepted by MCDHCA as WFHU equivalent, and on-site private amenities available to the WFHUs. The site continues the transition from the single-family and mid-rise residential buildings to the north and the taller commercial and mixed-use buildings in the core.

The ground floor retail space will have entry and exit points from the roadways and public open space areas of the Property, where visibility and pedestrian activity will be greatest. The garage entry and loading dock entry points are appropriately located off Fenwick Lane and Apple Avenue.

Staging of construction will occur in such a way that the necessary public use spaces adjacent to each building will be completed prior to use and occupancy of each building. The Project achieves compatibility with the building heights and the street edge already established by the surrounding development.

5. *provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;*

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The Project is located in the Silver Spring Parking Lot District and is close to public parking Garage 7, located at 8530 Cameron Street, one block away. Garage 7 contains a total of 1,386 parking spaces. The Applicant has the option to pay a parking lot district tax in lieu of providing the on-site parking otherwise required by the Zoning Ordinance. Nonetheless, the Project will provide a total of 469 parking spaces, as well as motorcycle parking, and long-term and short-term bicycle spaces. Parking will be located beneath each of the buildings, but will be connected so as to function as a single garage for the complex. Vehicular access ingress/egress to the unified parking garage will be from Apple Avenue and from Fenwick Lane. The Project will also provide loading bays with access from Apple Avenue and Fenwick Lane. The Project includes streetscape improvements along Second Avenue, Fenwick Lane, and Apple Avenue in accordance with the Silver Spring Streetscape Standards. The main pedestrian entrances to the Project will be from Second Avenue and Apple Avenue.

6. *propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;*

Taking into account the considerations in Section 59-4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, Staff finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. The Project provides diversity of housing, connectivity improvements that enhance the pedestrian environment and underground parking in close proximity to the Metro. The

buildings have designed at an appropriate scale for the surroundings that complements the existing character of the area.

For the proposed development, the Zoning Ordinance requires 100 points in four categories. Section 59.4.7.3. D.6.a.v. of the Zoning Ordinance states that a project that provides a minimum of 20% MPDUs does not have to satisfy any other public benefit category. The Sketch Plan proposes 25.8% MPDUs or Montgomery County Department of Housing and Community Affairs approved equivalent on the Subject Property, and therefore does not have to satisfy any other category. Although at the time of the Sketch Plan review only the categories need be approved, the following table, shows both the categories and points for the public benefits recommended at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

Sketch Plan Public Benefits Table		
Public Benefit	Incentive Density Points	
	Max Allowed	Requested
59.4.7.3B: Transit Proximity	50	40
59.4.7.3D: Diversity of Uses and Activities		
Moderately Priced Dwelling Units	TBD	161
TOTAL	100 (min)	201

Transit Proximity

The Property is located within one-quarter mile of the Silver Spring Transit Center (and Metro Station). Staff supports the Applicant's request for 40 points as suggested in the CR Guidelines.

Diversity of Uses and Activities

Moderately Priced Dwelling Units: The Applicant requests 161 points for providing 25.8% of the multi-family units as MPDUs or Montgomery County Department of Housing and Community Affairs approved equivalent. The incentive density points for MPDUs are calculated as a percentage of the total number of dwelling units. Final number of MPDU units to be determined at Site Plan. Staff supports the Applicant's request.

7. *establish a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The Project will be built in two phases. Phase I of the Project will be the demolition of the Fenwick Professional Park and the construction of Elizabeth House III. Phase I, Elizabeth House III will be the new home for the current senior citizen occupants of the Elizabeth House. The new Elizabeth House III building will be operational before the demolition of the existing Elizabeth House begins. The Alexander House is being renovated contemporaneously with Phase I.

Phase II of the Project will be the demolition of the current Elizabeth House and the construction of the Phase II building, Elizabeth House IV. The existing public open space for the Alexander House, located along the face of the building on Second Avenue and Apple Avenue and the majority of the outdoor public amenity space and amenity area for the Project will be upgraded during Phase II.

SECTION 5: PRELIMINARY PLAN AMENDMENT 12015003B

1. *The layout of the subdivision, including size, width, shape, orientation and diversity of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59*

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations including the technical review standards in Section 50.4.3. The application meets all applicable sections. The size, width, shape and orientation of the proposed lot is appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated. As discussed in the Sketch Plan findings, the application substantially conforms to the *Silver Spring CBD Sector Plan*. The application complies with the land use recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. This Preliminary Plan Amendment creates one lot that fills the entire block. Within this block, there is adequate room to accommodate three residential high-rise structures (two new and one existing to remain), the government operated facility, parking and the required amount of public open space. Transportation access is adequate to serve the proposed development by this Preliminary Plan Amendment. Water and sewer and other utilities are available to and currently serve the Property. The application meets the Environmental Guidelines and Forest Conservation Law.

The lot was reviewed for compliance with the dimensional requirements for the CR 3.0: C 2.0, R 2.75, H 90T and CR 5.0: C 4.0, R 4.75, H 145T zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in following table. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Development Standards in the CR 3.0: C 2.0, R 2.75, H 90T and CR 5.0: C 4.0, R 4.75, H 145T Zone

Standard	Required/Permitted	Proposed
Total Density (square feet)	686,049 ¹	996,109
Residential Dwelling Units	NA	910
Non-residential density (square feet)	425,292	6,032
Public facilities (square feet)	NA	137,148
Front setbacks	0	Must meet minimum ²
Side setbacks	0	Must meet minimum ²
Rear setbacks	0	Must meet minimum ²
Open Space	10%	Determined at Site Plan
Site Plan Required	Yes	
MPDUs Required	Yes	Yes (Determined at Site Plan)

¹ Per Section 59.4.5.2.C: Residential density may be increased above the number following the R on the zooming map in proportion to any MPDU density bonus achieved under Chapter 25A for providing more than 12.5% of the residential units as MPDUs. In addition, residential density may be increased above the number following the R on the zooming map in proportion to any workforce housing floor area that satisfies Chapter 25B; however, the increased residential density under this provision is limited to 10% of the floor area indicated on the zoning map.

²As determined by MCDPS at the time of building permit.

2. *The Preliminary Plan substantially conforms to the Master Plan*

As discussed in the concurrently filed Sketch Plan No. 320170090, the Preliminary Plan Amendment substantially conforms with the recommendations of the Sector Plan.

a. Land Use

As discussed in the Sketch Plan section of this report, the Project will provide 906 residential units, an increase of 435 more than those existing on the Property today, as well as 137,148 square feet of publicly owned or operated facilities, and up to 5,451 square feet of non-residential uses.

b. Environment

As discussed in the Sketch Plan section of this report, the application meets the Sector Plan recommendations, the Environmental Guidelines and Forest Conservation Law. Staff recommends that the Planning Board approve the Forest Conservation Plan with the conditions cited in this staff report as part of the Sketch and Preliminary Plans, respectively. The variance approval is assumed in the Planning Board's approval of the Forest Conservation Plan.

c. Transportation

The 2000 Approved and Adopted *Silver Spring CBD Sector Plan* and the 2005 *Countywide Bikeways Functional Master Plan* include the following nearby roadway/bikeway facilities:

- a. Second Avenue: a Business District roadway, between Spring Street and Colesville Road, with a minimum master planned right-of-way of 80 feet. The east side of Second Avenue (opposite the subject property) is the site of the Silver Spring Green Trail (SP-10).
- b. Apple Avenue: a Business District roadway with master planned on-road bicycle facilities located along the southern Site frontage, west of Second Avenue, with a minimum master planned right-of-way of 60 feet.
- c. Fenwick Lane: a Business District roadway with master planned on-road bicycle facilities located along the northern Site frontage, west of Second Avenue, with a minimum master planned right-of-way of 50 feet.
- d. Capital Crescent Trail (SP-12): A regional shared use path, located along the west site frontage, that connects between Silver Spring, Maryland and Union Station in the District of Columbia. SP-12 will be constructed as a 12-foot wide path within a public use and access easement as part of the subject project.

The Application is consistent with the above recommendations and will provide the necessary right-of-way dedications and streetscape improvements. In addition, the Applicant will continue to coordinate with MTA/MCDOT plans for construction of the CCT across the Property.

d. Sector-Planned Transportation Demand Management

As a mixed-use development within the Silver Spring Transportation Management District (TMD), the applicant is required to enter into a Traffic Mitigation Agreement to participate in the Silver Spring TMD.

3. *Public Facilities will be adequate to support and service the area of the subdivision*

a. Roads and Other Transportation Facilities

Transportation access is adequate to serve the proposed development by this Preliminary Plan Amendment.

i. *Existing Facilities*

The site has vehicular access points on Apple Avenue and Fenwick Lane. The Application proposes to maintain the existing Apple Avenue garage and loading entrances for the Alexander House and to reconfigure the western terminus of Apple Avenue to accommodate a drop-off cul-de-sac between Elizabeth House III and the Alexander House. On Fenwick Lane, access points are configured as follows: a single garage access point (24-feet wide) for both Phase I and Phase II near the western terminus of Fenwick Lane, two loading access points (one each for Phase I and Phase II). Parking will be provided within structured garages, accessed via Apple Avenue and Fenwick Lane, internal to the site. Pedestrian and bicycle access to the site will be provided on all frontages via public sidewalks and low-volume urban streets, respectively. Additionally, the west (rear) face of the Property will include the regional Capital Crescent Trail shared use path within a public access easement.

The immediate area is well served by transit that includes the Red Line Silver Spring Metrorail Station, Metrobus, RideOn, and the Silver Spring VanGo Circulator. Future transit in the area includes a proposed Purple Line station at the existing Metrorail Redline station. Specific transit routes near the site include:

1. RideOn Bus Routes 1, 2, 3, 4, 5, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 28
2. WMATA Metrobus Routes F4, J1, J2, J3, J4, J5, Q2, S2, S4, Y2, Y7, Z2, Z6, Z8, Z9, Z29, Z11, Z13, 70, 71, 79

ii. *Proposed public transportation infrastructure*

The streetscape improvements to the streets surrounding the Property will conform to the Silver Spring Streetscape Guidelines (or as otherwise approved by the Planning Board). A public bike path will be located adjacent to the western Property line. The CCT bike path is proposed to be accessible from the Property at both north and south ends of the Project.

iii. *Proposed private transportation infrastructure*

The Project proposes outdoor amenities consisting of several components that include a central plaza area framed by existing residences and the Phase I building, the entry court at Second Avenue and drop off at the terminus of Apple Avenue, pedestrian connections to the bike trail, and distance-measured walking circuits on the Property and in the public right-of-way.

b. Local Area Transportation Review (LATR)

The Preliminary Plan Amendment for 906 high rise dwelling units, 5,451 square feet of non-residential uses, and 137,148 square feet of regional recreation and aquatic center is estimated to generate 249 person trips during the AM weekday peak period and 331 person trips during the PM weekday peak period based on the trip generation rates included in the M-NCPPC LATR Guidelines and Institute of Transportation Engineers Trip Generation Manual. Because the application generates over 50 peak hour person trips, a traffic study was required for Local Area Transportation Review. The analysis completed for this project found that all study intersections will remain within Subdivision Staging Policy standards and therefore no mitigation is required.

The Applicant revised the traffic study dated June 12, 2017, to account for additional publicly owned or operated uses (e.g. an increase from 120,000 SF to 137,148 SF for the SCRRAC). This increase was offset by a previously unaccounted for existing use on the Subject Property for which the Applicant is eligible for a trip credit (e.g. 10,000 SF of office). After accounting for the credit and the increase in SCRRAC density, the trip generation is still within the limits of the June 2017 traffic study, and

therefore no additional traffic analysis was necessary. A trip generation summary is provided in the following table.

Summary of Site Vehicular Trip Generation

	AM Peak Hour Trips			PM Peak Hour Trips		
	In	Out	Total	In	Out	Total
Proposed						
910 High Rise Dwelling Units	52	158	210	150	95	245
137,148 SF Recreation Center	121	62	183	120	124	244
6,032 SF Retail	1	1	2	4	5	9
Total	174	221	395	274	224	498
Existing (Credit)						
471 High Rise Dwelling Units	(27)	(82)	(109)	(77)	(50)	(127)
10,000 SF Recreational Community Center	(9)	(5)	(14)	(9)	(9)	(18)
23,101 SF Office	(20)	(3)	(23)	(4)	(18)	(22)
Total	(56)	(90)	(146)	(90)	(77)	(167)
Net New	118	131	249	184	147	331

Source: Kimley Horn & Associates, Inc. Traffic Study dated June 12, 2017; revised October 27, 2017.

The Preliminary Plan Amendment is a modification to the Adequate Public Facilities findings made in Preliminary Plan 120150030. That Preliminary Plan was subject to the previous Subdivision Staging Policy (SSP) and the Amendment is subject to the current 2016-2020 SSP. Therefore, the increment of new development associated with this Amendment is subject to the new SSP Peak Hour Person Trip criteria. A summary of the Peak Hour Person Trips is provided in the following table.

Summary of Peak Hour Person Trips (Subject Amendment)

Use	Quantity	Auto Driver		Pedestrian ¹		Transit		Bike ²		Person Trips	
		AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
High Rise Apts.	3 units	1	1	0	0	0	0	0	0	1	1
Rec Center	64,104 SF	75	101	64	86	41	55	23	31	152	205
Total		76	102	64	86	41	55	23	31	153	206

¹ Pedestrian is calculated by adding "non-motorized" and "transit" trips together.

²Bike is calculated by applying the "non-motorized" percentage from the 2017 LATR Guidelines.

Source: Kimley Horn & Associates, Inc. Traffic Study dated June 12, 2017; revised November 8, 2017.

Summary of Intersection Congestion (Vehicle) Analysis

Intersection	Policy Area Congestion Standard	Traffic Conditions: Average Vehicle Delay (Seconds/ Vehicle)					
		Existing		Background		Total Future	
		AM	PM	AM	PM	AM	PM
Spring Street/ 16 th Street	120.0	13.1	12.2	13.7	14.9	13.7	15.2
Spring Street/ Second Avenue	120.0	15.3	23.3	17.7	28.3	18.4	30.0
Spring Street/ Georgia Avenue	120.0	44.5	44.9	69.2	53.8	70.8	53.9
Spring Street/ Colesville Road	120.0	43.6	58.6	104.9	101.6	106.7	103.4
Georgia Avenue/ Cameron Street	120.0	28.0	29.1	34.4	33.0	34.6	33.5
Georgia Avenue/ Colesville Road	120.0	22.6	32.2	26.3	34.2	26.5	34.0
Georgia Avenue/ Wayne Avenue	120.0	38.0	42.8	46.7	49.6	48.0	50.6
Colesville Road/ Wayne Avenue	120.0	52.1	47.3	59.5	53.3	59.7	53.3

Source: Kimley Horn & Associates, Inc. Traffic Study dated June 12, 2017.

c. Other Public Facilities and Services

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. The application has been reviewed by MCFRS, and emergency vehicle access has been deemed adequate. Electrical and telecommunications services are also available to serve the subject property. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Subdivision Staging Policy.

The Project will be served by Woodlin Elementary School, Sligo Middle School, and Einstein High School. Pursuant to the Schools Test for FY 2018, the elementary and middle schools serving the Project have adequate capacity and the high school serving the Project is inadequate, but open conditionally due to a placeholder project for a 14-classroom addition preventing this cluster from entering moratoria. Water and sewer and other utilities are available to and currently serve the Property. Water and sewer and other utilities are located in Apple Avenue, Second Avenue and Fenwick Lane. Connections (one or multiple connections) off one or more of these roads adjoining the Property will service the Property. Montgomery County Fire Station No. 1 is located approximately ¼ mile from the Property on Georgia Avenue. An auxiliary office of the 3rd District Police Station serving the Silver Spring CBD is located within the same building.

d. Adequate Public Facilities Ordinance Validity Period

In accordance with the Subdivision Regulations, Section 50.4.3.J.5.b, an Applicant may request an Adequate Public Facilities Ordinance validity period longer than the minimum by submitting a development schedule or phasing plan for completion of the Project. To approve the extended validity period, the Planning Board must find that it is warranted given the size or complexity of the subdivision and that an extension would not be adverse to the public interest. The Planning Board's approval must be conditioned on adherence to the proposed development schedule or phasing plan, and the Planning Board may impose other improvements or mitigation conditions if those conditions are needed to assure adequate levels of transportation or school service during the validity period.

The Applicant submitted a phasing plan and justification statement on November 20, 2017, requesting a longer validity period than the minimum period specified in the Subdivision Regulations. Under the proposed phasing plan, Phase I (63% of the Project) will be completed within five years following approval of the Preliminary Plan Amendment and Phase II will likely be completed between five and

ten years after approval of the Preliminary Plan Amendment. Under this phasing plan, the Project will be implemented as follows:

- i. Phase I: Construction of Elizabeth House III, including the South County Regional Recreation and Aquatic Center and renovation of the existing Alexander House, and
- ii. Phase II: Demolition and replacement of the existing Elizabeth House building with the new Elizabeth House IV building.

Extension of the Adequate Public Facilities Validity Period is warranted for this Project given the size and complexity of the proposal and because the phased approach will allow residents of the existing Elizabeth House to be relocated to the Elizabeth House III building (Phase I) before the existing Elizabeth House is demolished. This is in the public interest because it provides the Applicant flexibility to coordinate construction of this Project that provides significant public benefits in the form of the SCRRAC.

4. *All Forest Conservation Law, Chapter 22A requirements are satisfied*

The Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, and as conditioned, the Project satisfies the requirements.

5. *All stormwater management, water quality plan, and floodplain requirements of Chapter 19 are satisfied*

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on July 7, 2017. The plan proposes to meet stormwater management goals via ESD to the MEP with the use of green roof, micro-bio retention (including planter boxes), and Silva Cells. Due to site constraints, full stormwater management treatment cannot be provided, so a waiver was also granted.

6. *Any other applicable provision specific to the property and necessary for approval of the subdivision is satisfied*

There are no other applicable provisions specific to this Property necessary for approval of the subdivision.

SECTION 6: SITE PLAN 820170140

ANALYSIS AND FINDINGS

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*

2. *To approve a site plan, the Planning Board must find that the proposed development:*

a. *satisfies any previous approval that applies to the site;*

The Site Plan conforms to all binding elements of Sketch Plan No. 320170090 and Preliminary Plan 12015003B.

b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This section is not applicable as there are no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

- c. *satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;*

This section is not applicable as the Subject Property's zoning classification on October 29, 2014, was not the result of a Local Map Amendment.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

- i. *Division 4.5. Commercial/Residential Zones*

Development Standards

The Subject Project is approximately 3.62 acres, zoned CR3.0, C2.0, R2.75, H90T and CR-5.0, C-4.0, R-4.75, H-145T. The following data table shows the Application's conformance to the development standards of the zone.

Site Plan Data Table			
Section 59.4	Development Standard	Permitted/ Required	Proposed
	Gross Tract Area per Zone CR3.0, C2.0, R2.75, H90T CR5.0, C4.0, R4.75, H145T	n/a n/a	51,478 106,323
	Gross Tract Area (Square Feet) Prior Dedications (Apple & Second Avenue) Proposed Dedication Net Lot Area	n/a n/a n/a n/a	157,801 sf (3.62 acres) 33,093 sf (0.76 acres) 1,206 sf (0.03 acres) 123,502 sf (2.84 acres)
4.5.4.B.2.b	Density CR3.0, C2.0, R2.75, H90T-Elizabeth House III Commercial FAR/GFA Residential FAR/GFA CR5.0, C4.0, R4.75, H145T-Existing Alexander House Commercial FAR/GFA Residential FAR/GFA CR5.0, C4.0, R4.75, H145T-Elizabeth House IV Commercial FAR/GFA Residential FAR/GFA TOTAL Commercial GFA TOTAL Residential GFA TOTAL GFA Publicly owned or operated facilities FLOOR AREA ² TOTAL ELIZABETH SQUARE FLOOR AREA	 2.0/102,956 2.75/141,565 4.0/258,324 4.75/306,760 4.0/166,968 4.75/198,275 2.7/425,292 4.1/646,600 1,071,892	 0/0 1.43/225,277 ¹ 0.01/451 1.71/269,360 ¹ 0.03/5,000 2.27/358,873 ¹ 0.03/5,451 5.4/853,510 ¹ 858,961 137,148 996,109
	Dwelling Units Existing Alexander House		305

	Loading, Accessible Spaces, Motorcycle & Bicycle		
	Loading	4	5
	ADA spaces	9	19
	Car Share Spaces	5	7
	Electric Vehicle Charging Station	5	7
	Motorcycle/Scooter	10	10
	Bicycle-Public	17	17
	Bicycle-Private	99	99

¹ Per Section 59.4.5.2.C: Residential density may be increased above the number following the R on the zooming map in proportion to any MPDU density bonus achieved under Chapter 25A for providing more than 12.5% of the residential units as MPDUs. In addition, residential density may be increased above the number following the R on the zooming map in proportion to any workforce housing floor area that satisfies Chapter 25B; however, the increased residential density under this provision is limited to 10% of the floor area indicated on the zoning map.

²The gross floor area of the publicly owned or operated facilities provided as a public benefit under the optional method of development, per Section 59.1.4.1, is not counted in the gross floor area of the optional method project.

³Per Section 59.4.5.2.C: Height maybe increased above the number following the H on the zoning map by up 1.5 times if the height is the minimum necessary for both the floor area devoted to a publicly owned and operated facility and the floor area provided for workforce housing units, divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase in 12 feet.

⁴Per Section 59.4.5.2.C: Height on a portion of a building may be increased above the number following the H on the zoning map so long as the average height of the building is no greater than the maximum height allowed by the mapped zone.

⁵The final number of parking spaces may be adjusted between the minimum and maximum allowed under Section 6.3 of the Zoning Ordinance at the time of building permit based on final unit count and/or bedroom mix.

⁶The Project is located within the Silver Spring Parking Lot District and will be subject to the parking district tax regulations in lieu of providing the full minimum parking, per compliance with Section 6.2.10 of the Zoning Ordinance, which states parking requirements within a Parking Lot District cannot be waived.

Section 4.5.2.C – Special Provisions for “T” Zones Translated from Certain Zones Existing Before October 31, 2014

Per Section 59.4.5.2.C: Residential density may be increased above the number following the R on the zoning map in proportion to any MPDU density bonus achieved under Chapter 25A for providing more than 12.5% of the residential units as MPDUs. In addition, residential density may be increased above the number following the R on the zoning map in proportion to any workforce housing floor area that satisfies Chapter 25B; however, the increased residential density under this provision is limited to 10% of the floor area indicated on the zoning map. The Project contains a total of 139 MPDUs, 91 Workforce Housing Units, and 96 MCDHCA approved other affordable units. The MPDUs qualifies for a 22% density bonus of 142,252 square feet. The project also contains workforce housing units that qualify for a 10% density bonus of 64,660 square feet.

Per Section 59.4.5.2.C: Height maybe increased above the number following the H on the zoning map by up to 1.5 times if the height is the minimum necessary for both the floor area devoted to a publicly owned and operated facility and the floor area provided for workforce housing units, divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase in 12 feet. Additional height is allowed for floor area devoted to a publicly owned or operated facility and for floor area provided for Workforce Housing Units, which the Project provides. Per Section 59.4.5.2.C: Height on a portion of a building may be increased above the number following the H on the zoning map so long as the average height of the building is no greater than the maximum height allowed by the mapped zone. The heights of the proposed buildings fall within the maximum allowable heights permitted under Section 59.4.5.2.C.2.f. of the Zoning Ordinance.

In the case of Elizabeth Square, floor area devoted to both SCRRAC (necessarily located on the ground level and adjacent floors), and the WFHUs, as calculated, (spread throughout each building) has been added to the height mapped by the zone up to a maximum of 1.5 increase, in accordance with this Section. This new, increased height becomes the "H" amount for the Property, as the "height allowed by the mapped zone," so that the building remains in compliance with the mapped zone.

Once the building heights allowed by the zone have been determined by the method in Section 59.4.5.2.C.2.d., the buildings are then allowed to average their heights, creating more visual interest in the skyline, and also allowing a building to take advantage of natural features (such as view corridors, or lowering part of a building to allow sun to reach the ground plane) without penalizing density.

This is accomplished by Section 59.4.5.2.C.2.f., by allowing height on a portion of a building to be increased above the height on the zoning map, as long as the average height is not greater than the maximum height allowed by the mapped zone including as it may have been adjusted by Section d. This averaging calculation is done by computing the surface area at each roof height and calculating the weighted average.

CR5.0, C4.0, R4.75, H 145T - Elizabeth House IV

Workforce Housing & Publicly owned or operated facilities		74,541 sf
Average Residential Floor Plate		14,620 sf
Equivalent Floors		5.10 Floors
Additional Height	12'/Floor	72'
Initial Mapped Height		145'
Adjusted Mapped Height		218'

CR3.0, C2.0, R2.75, H90T - Elizabeth House III

Workforce Housing & Publicly owned or operated facilities		155,671 sf
Average Residential Floor Plate		16,059 sf
Equivalent Floors		9.69 Floors
Additional Height	12'/Floor	120'
Initial Mapped Height		90'
Adjusted Mapped Height		210'

Adjusted Mapped Height (Increased Mapped Height limited to 1.5 times the Initial) 135'

Section 4.5.4.B.4 - Form Standards

The Site Plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. The Project proposes significant glass features at the ground-level for transparency as well as activating features on the ground-floor level, including street activating cafe along Second Avenue. An artfully crafted screen wall will be installed on the now-blank wall of Alexander House near the Apple Avenue drop-off. Once the current Elizabeth House is demolished, an additional blank wall on the Alexander House north elevation at the Central Plaza entrance from Second Avenue will be exposed. The north elevation will be updated to be consistent with the existing architecture and the lower portion will be treated with the pedestrian scale in mind. The Project will improve upon the existing street frontages along Fenwick Lane, Second Avenue and Apple Avenue adjacent to the Property, through wide sidewalks and attractive streetscaping features, providing connectivity improvements that improve the safety and character of the existing streets. As conditioned, the

exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan, as determined by Staff.

ii. *Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59-4.7.1, the Site Plan proposes the following public benefits to satisfy the requirements: Transit Proximity and Diversity of Uses and Activities. Section 59.4.7.3. D.6.a.v. of the Zoning Ordinance states that a project that provides a minimum of 20% MPDUs does not have to satisfy any other public benefit category. The Sketch Plan proposes 25.8% MPDUs or Montgomery County Department of Housing and Community Affairs approved equivalent on the Subject Property, and therefore does not have to satisfy any other category.

Transit Proximity

The Property is located within one-quarter mile of the Silver Spring Metro Station. Staff supports the Applicant's request for 40 points as suggested in the *2015 Commercial/Residential Zones Incentive Density Implementation Guidelines*.

Diversity of Uses and Activities

Moderately Priced Dwelling Units: Section 59-4.7.3.D.6.a.i of the Zoning Ordinance permits 12 public benefit points for every 1% of MPDUs greater than 12.5%, with any fraction of 1% increase in MPDUs entitling an applicant to an equal fraction of 12 points. The Applicant requests 161 points for providing 25.8% of the multi-family units as MPDUs or Montgomery County Department of Housing and Community Affairs approved equivalent. The incentive density points for MPDUs are calculated as a percentage of the total number of dwelling units (906 multi-family units). The Applicant will provide 234 MPDUs, which yields 161 points. Staff supports the Applicant's request.

Site Plan Public Benefits Table			
Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Recommended
59.4.7.3B: Transit Proximity	50	40	40
59.4.7.3D: Diversity of Uses and Activities			
Moderately Priced Dwelling Units	TBD	161	161
TOTAL	100 (min)	201	201

iii. *Division 6.1. Site Access*

There will be two vehicular entrances into the parking garage. One located along Apple Avenue at the southwest corner of Alexander House and one along Fenwick Lane at the northwest corner of the Elizabeth House III building. There will be three service entrances, one along Fenwick Lane to the immediate east of the vehicular entrance that will service Elizabeth House III and the SCRRAC, one along Fenwick on the northwest side of Elizabeth House IV, and one along Apple Avenue to the immediate east of the vehicular entrance.

Pedestrians will be invited into the Project by the large pedestrian entrance along Second Avenue. The entrance opens into a large, landscaped courtyard that faces the SCRRAC, positioned at the western end of the courtyard. By utilizing the Abandonment Area and bringing Elizabeth House IV building towards the street corner and away from Alexander House allows for the pedestrian entrance to be opened to the sky. Pedestrians are also invited into the Project by the large entrance located along Apple Avenue from the turnaround abutting the southwest corner of the Property. From either

location, pedestrians can reach any of the buildings in the Project along a landscaped amenity path. Residents of Elizabeth Square will be able to enter their buildings from the plaza level or from the adjacent streets. The Project provides connections to the CCT and the Application will provide the minimum required number of long-term bicycle parking spaces within the building and short-term spaces on-site.

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

iv. *Division 6.2. Parking, Queuing, and Loading*

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The Project is located in the Silver Spring Parking Lot District and is close to public parking Garage 7, located at 8530 Cameron Street, one block away. Garage 7 contains a total of 1,386 parking spaces. The Project will provide up to 469 parking spaces, as well as motorcycle parking, and long-term and short-term bicycle spaces. The Applicant will continue to coordinate with the Purple Line Transit Partners in regards to implementation of the Purple Line, which may impact the number of parking spaces to be provided for the Elizabeth House III building. Nonetheless, the Project is located in the Silver Spring Parking Lot District and will be subject to the parking district tax regulations in lieu of providing the full minimum parking otherwise required by the Zoning Ordinance. Parking will be located beneath each of the buildings, but will be connected to function as a single garage for the complex. Vehicular access ingress/egress to the unified parking garage will be from Apple Avenue and from Fenwick Lane. The Project will also provide loading bays with access from Apple Avenue and Fenwick Lane. The Project includes streetscape improvements along Second Avenue, Fenwick Lane, and Apple Avenue in accordance with the Silver Spring Streetscape Standards. The main pedestrian entrances to the Project will be from Second Avenue and Apple Avenue.

v. *Division 6.3. Open Space and Recreation*

Because the Property's net lot area is 2.86 acres and the Property has three right-of-way frontages, the Applicant is required to provide 10% open space on-site. The Project proposes 12% (14,858 square feet) on-site public open space along the Second Avenue frontage, Fenwick Lane frontage, Apple Avenue frontage and along the Capital Crescent Trail.

In addition to the on-site public open space, the Project will contain significant on-site amenity areas or outdoor public facilities and amenities (including the central plaza, Second Avenue courtyard, and Apple Avenue courtyard) for a total of 29,899 square feet. The Project will also provide off-site public open space along the Second Avenue frontage, Fenwick Lane frontage, and Apple Avenue frontage, for a total of 14,923 square feet.

In addition, the Project meets the active and passive recreation space required by the zone. The proposed development includes, but is not limited to, bikeways, picnic and seating areas, indoor community spaces, an indoor exercise room, indoor fitness rooms, an open grass lawn area, interior courtyards, rooftop amenities, a community kitchen, an urban plaza, swimming pools, a wading pool, a lap pool, a lounge pool, and an indoor community recreation center, as shown on the Certified Site Plan. The development meets the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. The development will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

vi. *Division 6.4. General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for residents and visitors to the Project. Brick paving, planting, and outdoor lighting will comply with the Silver Spring Streetscape Guidelines and new sidewalks will be installed along Second Avenue, Fenwick Lane, and Apple Avenue, as shown on the Certified Site Plan.

As shown in the Development Standards table, the Site Plan meets all of the general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

e. *satisfies the applicable requirements of:*

i. *Chapter 19, Erosion, Sediment Control, and Stormwater Management; and*

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on July 7, 2017. The plan proposes to meet stormwater management goals via ESD to the MEP with the use of green roof, micro-bioretenment (including planter boxes), and Silvia Cells. Due to site constraints, full stormwater management treatment cannot be provided, so a waiver was also granted.

ii. *Chapter 22A, Forest Conservation.*

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, and as conditioned the project satisfies the requirements.

f. *provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The Project provides adequate, safe, and efficient parking and circulation patterns, building massing, open spaces and site amenities. The Application will improve the pedestrian circulation along Second Avenue, Apple Avenue and Fenwick Lane. The Project will upgrade the physical environment and pedestrian access to and from the CCT and other CBD facilities with upgraded sidewalks along all frontages, to be improved to the Silver Spring streetscape standard.

The Site Plan proposes approximately 500 linear feet of trail, consisting of a 12- foot asphalt path with 2-foot shoulders, along the west side of the site. The Capital Crescent Trail adjacent to the Elizabeth House III building, to be constructed by others, as a 12-foot wide path within a public use and access easement. The path joins with the recently constructed 8-foot wide bike path along the west side of the adjacent Fenwick Station Project, heading north to Spring Street's existing Bikesharing station. An at-grade connection is provided from the trail to the public rights-of-way at both Fenwick Lane to the north and Apple Avenue to the south. The trail will also widen into two 20-foot-wide path sections at the terminus of Fenwick Lane and Apple Avenue that are designed to provide a means of fire and rescue apparatus turn-around, having collapsible bollards to provide access in emergency situations, while restricting any public vehicular traffic. The east side of the trail will be flanked with newly planted ornamental trees, lights, and storm water management bio-filter boxes and storm drain infrastructure. Midway along the trail, a pedestrian respite has been proposed. The Applicant will continue to coordinate its building construction with MTA/MCDOT plans for construction of the CCT across the Property. The Project provides a safe and well-integrated building, open spaces and site amenities.

There will be two vehicular entrances into the parking garage. One located along Apple Avenue at the southwest corner of Alexander House and one along Fenwick Lane at the northwest corner of the Elizabeth House III building. There will be three service entrances, one along Fenwick Lane to the immediate east of the vehicular entrance that will service Elizabeth House III and the SCRRAC, one along Fenwick on the northwest side of Elizabeth House IV, and one along Apple Avenue to the immediate east of the vehicular entrance.

The desire to engage the community is the catalyst for the design of the buildings and will be reflected in the massing and materials proposed. The massing of the Elizabeth House III will step down from 16 stories on the north side of the building, to 11 stories on the south side of the building to allow as much direct western and southern light as possible into the central plaza. The Elizabeth House IV building will be made of two distinct masses: one that touches the ground along Fenwick Lane and backs up the plaza, the other sits along Second Avenue and frames the central plaza on the east. Similar materials will unify the two masses and will create a strong relation to the materials proposed in Elizabeth House III building.

The Project proposes 12% (14,858 square feet) on-site public open space along the Second Avenue frontage, Fenwick Lane frontage, Apple Avenue frontage and along the Capital Crescent Trail. In addition to the on-site public open space, the Project will contain significant on-site amenity areas or outdoor public facilities and amenities (including the central plaza, Second Avenue courtyard, and Apple Avenue courtyard) for a total of 29,899 square feet. The Project will also provide off-site public open space along the Second Avenue frontage, Fenwick Lane frontage, and Apple Avenue frontage, for a total of 14,923 square feet.

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

As discussed in the concurrently filed Sketch Plan No. 320170090, the Site Plan substantially conforms with the recommendations of the Sector Plan.

- h. will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As discussed in the Preliminary Plan Amendment No. 12015003B findings, the proposed development in the Site Plan will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Subject Property is not located in a Rural Residential or Residential zone.

- j. on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The Project's design and scale is compatible with the existing buildings and approved or pending adjacent development. The Property is located within the "Other Areas" portion of the Sector Plan and redevelopment has not occurred on this block in many years. The property to the north across Fenwick Lane is zoned CR-3.0, C-2.0, R-2.75, H-90T and is developed under the optional method of development in the former CBD-1 Zone. The proposed development will provide a transition from the Property, zoned CR-3.0, C-2.0, R-.275, H-90T and CR-5.0, C-4.0, R-4.75, H-145T, to the properties on the next block to the north, zoned CR-3.0, C-2.0, R-2.75, H-90T by stepping down in height from the Second Avenue side of the Property to the railroad side of the Property, thus taking advantage of the opportunity to place the lower Phase I building closest to the residential project known as Fenwick Station. The Project will also provide a transition from the properties south of the Property that are zoned CR-5.0, C-1.0, R-5.0, H-200T and CR-8.0, C-6.0, R-7.5, H-200T, located two blocks away at the intersection of East-West Highway and Colesville Road, the locations of Metro and the Transit Center.

3. *To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

4. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

CONCLUSION

The Sketch Plan satisfies the findings under Section 59.4.5.4 of the Zoning Ordinance and substantially conforms to the recommendations of the *Silver Spring CBD Sector Plan* area. Therefore, Staff recommends approval of Sketch Plan 320170090 with the conditions specified at the beginning of this report.

The Preliminary Plan Amendment satisfies the findings of the Subdivision Regulations and substantially conforms to the recommendations of the *Silver Spring CBD Sector Plan* area. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Staff recommends approval of the Preliminary Plan Amendment No. 12015003B with the conditions specified at the beginning of this report.

The Site Plan complies with the general requirements and development standards of Section 4.5, the optional method public benefits provisions of Division 4.7, and the general development requirements of Article 59-6 of the Zoning Ordinance. The project substantially conforms with the goals and recommendations of the *Silver Spring CBD Sector Plan*. Therefore, Staff recommends approval of Site Plan No. 820170140 with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Community Correspondence
- B. Abandonment Petition AB 758
- C. Preliminary Plan Amendment
- D. Stormwater Management Letter
- E. APFO Validity Period extension request and Phasing Plan
- F. Site Plan
- G. Agency Letters