




850 Sligo Avenue, Preliminary Plan No. 120190090 and Site Plan No. 820190050

 Matthew Folden, Planner Coordinator, Area 1, Matthew.Folden@montgomeryplanning.org, 301.495.4539

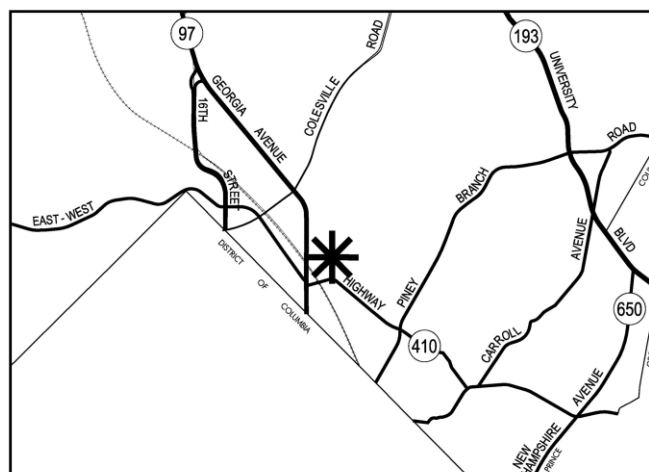
 Elza Hisel-McCoy, Supervisor, Area 1, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

 Mark Pfefferle, Interim Chief, Area 1, Mark.Pfefferle@montgomeryplanning.org, 301.495.4730

Description

Completed: 3.15.19

- Creation of one lot for up to 82,941 total square feet of mixed-use development including conversion of an existing office building, including up to 76,029 square feet of residential development for up to 85 age-restricted multi-family dwelling units with 12.5 percent MPDUs, and up to 6,912 square feet of non-residential uses;
- Current use: abandoned office building and surface parking;
- Located at the southeast corner of the intersection of Fenton Street and Sligo Avenue;
- 0.63 acres zoned CR 3.0 C 2.0 R 2.75 H 60T, in the Fenton Village Overlay Zone and in the *Silver Spring CBD Sector Plan* area;
- Applicant: Moonlight, Inc.; and
- Acceptance date: November 8, 2018



Summary

- Staff recommends approval of the 850 Sligo Avenue Preliminary Plan and Site Plan with conditions.
- The Project will redevelop the site with a mixed-use, age-restricted residential building including 12.5% moderately priced dwelling units, structured parking, exceptional design, and a cool roof. The Project includes the adaptive reuse of a vacant office building.
- The Project will provide public open space off-site in accordance with 59.6.3.6.C of the Zoning Ordinance.
- The Site is located within the Blair School Cluster, which is presently subject to a residential subdivision moratorium. As discussed in the staff report, the designation of the residential units as age-restricted means they do not generate students.
- The Planning Director extended the 120-day review period by 30 days, on February 18, 2019, pursuant to 59.7.3.4.C of the Zoning Ordinance and Section 50.4.1.E of the Subdivision Regulations.

SECTION 1: RECOMMENDATION AND CONDITIONS

Preliminary Plan No. 120190090

Staff recommends approval of Preliminary Plan No. 120190090 subject to the following conditions:

1. This Preliminary Plan is limited to 1 lot for up to 85 age-restricted multi-family residential dwelling units and up to 6,912 square feet of non-residential uses.
2. Prior to record plat, the Applicant must record a covenant in the Land Records of Montgomery County restricting the multi-family units to residents aged 55 and over. The covenant must be in a form approved by the M-NCPPC Office of the General Counsel, and its book and page must be shown on the record plat.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter, dated March 15, 2019, 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 letters, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements as required by MCDOT.
5. The Applicant must dedicate right-of-way, as shown on the Certified Preliminary Plan, necessary to accommodate the Sector Plan recommended 40-foot wide right-of-way between the Subject Property line and Sligo Avenue right-of-way, except where 40 feet of right-of-way cannot be achieved due to the location of the existing office tower.
6. The record plat must show necessary easements.
7. Prior to recordation of any plat, Site Plan No. 820190050 must be certified by Staff.
8. 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 February 11, 2019, 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.
9. 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.
10. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for sixty (60) months from the date of mailing of this Resolution.

Site Plan No. 820190050

Staff recommends approval of Site Plan 820190050 for a mixed-use building of up to a mixed-use development of up to 82,941 square feet of total development, including the existing repurposed office building, comprised of up to 85 age-restricted multi-family residential dwelling units with 12.5% MPDUs, and up to 6,912 square feet of non-residential development, on 27,647 square feet of land (0.63 ac), zoned CR 3.0 C 2.0 R 2.75 H 60T and the Fenton Village Overlay zone. The development must comply with the binding elements and conditions of approval for Sketch Plan 320180090, as listed in the MCPB Resolution No. 18-025, dated November 8, 2018, and Preliminary

Plan No. 120190090. 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.¹

Density, Height & Housing

1. Density

The Site Plan is limited to a maximum of up to 82,941 square feet of total development comprised of up to 76,029 square feet of residential uses with up to 85 age-restricted multi-family residential dwelling units, including 12.5% MPDUs, and up to 6,912 square feet of non-residential development.

2. Height

New construction on the Subject Property is limited to a maximum height of 60 feet, as measured from the building height measuring point illustrated on the Certified Site Plan. Existing structures being retained are limited to their existing height.

3. Age Restricted Occupancy Provisions

a) The age of the residents of the project is restricted to persons who are 55 years of age or older, pursuant to Section 59.1.4.2 of the Zoning Ordinance, as amended.

4. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated February 14, 2019, and 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 development must provide 12.5 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.

b. Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

Open Space, Facilities and Amenities

5. Public Open Space, Facilities, and Amenities

a. The Applicant must provide a minimum of 970 square feet of public open space (5% of site area) off-site, as shown on the Certified Site Plan.

b. Except as specified herein, prior to the final use and occupancy permit, the Applicant must construct streetscape improvements, including the undergrounding of utilities, along the property's frontage on Fenton Street, Sligo Avenue, and Gist Avenue, consistent with the Silver Spring CBD Streetscape Standards. The existing utility pole located on the northeast corner of the property, on the Sligo Avenue frontage, may remain in place as shown on the Certified Site Plan.

c. Before the issuance of the final use and occupancy certificates for the residential development, all public open space areas provided off-site must be completed and accepted by the Montgomery County Department of Transportation.

d. If the Montgomery County Department of Transportation modifies the area of right-of-way used for public open space in a manner inconsistent with the definition of public open space, the Applicant

¹ For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

must pay \$154,890 dollars to M-NCPPC in accordance with 59.6.3.6.C., or seek a site plan amendment to reflect an alternative location to construct public open space improvements.

6. Public Benefits

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

- a. Transit Proximity – The Subject Property is located within a ½ mile of the Silver Spring Metrorail station
- b. Connectivity between Uses, Activities, and Mobility Options
 - i. Minimum Parking – The Application must provide no more than 29 parking spaces for the residential use and 0 parking spaces for the ancillary retail use.
- c. Quality Building and Site Design
 - i. Architectural Elevations –The exterior architectural elements must be substantially similar to architectural elevations shown on the Certified Site Plan, as determined by Staff.
 - ii. The Applicant must provide and maintain a mural, architectural feature, or comparable visual amenity that breaks up the mass of the tower element of the existing building (to remain). This visual amenity must be installed prior to the final Use and Occupancy permit, and may change over time without amending the Site Plan.
 - iii. Exceptional Design –The Applicant must construct the building in a manner substantially similar to the building shown on the Certified Site Plan, as determined by Staff.
 - iv. Structured Parking –The Applicant must provide all required on-site parking spaces within the parking structure.
- d. Protection and Enhancement of the Natural Environment
 - i. Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 0.1646 BLTs to the MCDPS.
 - ii. Cool Roof – The Applicant must provide a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum SRI of 25 for slopes above 2:12.
- e. Building Reuse –The Application will adaptively reuse a minimum of 75% of the vacant existing office building and will utilize an architectural deconstruction company to remove reusable and recyclable materials before any demolition, if applicable.

7. Recreation Facilities

Before Certified Site Plan approval, the Applicant must demonstrate substantial conformance with the M-NCPPC Recreation Guidelines.

8. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to: internal walks, public open space, and streetscape, as shown on the Certified Site Plan.

9. 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 on-site 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 on-site down-lights must have full cut-off, or BUG-equivalent, fixtures.
- c. Deflectors will be installed on all proposed fixtures to prevent excess illumination and glare.

- d. Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at any property line abutting residentially developed properties.
- e. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

Environment

10. Landscaping

- a. Ensure consistency between the landscaping plans (planting beds, open space, etc.) and site plans.
- b. The Applicant must install landscaping no later than the next growing season after completion of site work.

11. Noise Attenuation

- a. Before issuance of the any building permit, the Applicant must provide certification to Staff from an engineer who specializes in acoustical treatment that the building shell for residential dwelling units affected by exterior noise levels projected above 65 or 55 (based on map in guidelines) dBA Ldn will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. 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 may be required.
- c. Before issuance of any Use and Occupancy Certificate for residents, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

Transportation & Circulation

12. Transportation

- a. Before the release of any building permit, 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 (TMD).
- b. The Subject Property's Gist Avenue access point must be constructed to restrict site-generated trips to "left-in/ right-out" maneuvers to direct traffic toward Fenton Street.

13. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 42 long-term and 2 short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room within the garage, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's main retail and residential entrances (weather protected preferred). The specific location(s) of the bicycle parking must be identified on the Certified Site Plan.

14. Department of Permitting Services-Right-of-Way

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated January 30, 2019, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

15. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated October 9, 2018, 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 Preliminary Plan approval.

16. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, 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 in accordance with Section 59.7.3.4.K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, the tower element visual amenity, offsite public open space payment set forth in Site Plan Condition #5.d., indoor and outdoor recreational facilities, site furniture, trash enclosures, retaining walls, railings, private utilities, paths and associated improvements of development, including sidewalks, storm drainage facilities, street trees, and street lights. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.

17. Development Program

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

18. Certified Site Plan

Before 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 stormwater management concept approval letter, development program, Sketch Plan resolution, Preliminary Plan 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 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. Modify data table to reflect development standards approved by the Planning Board.

SECTION 2: SITE DESCRIPTION

Site Vicinity and Analysis

The Site is located at 850 Sligo Avenue (Property or Subject Property) within the 2000 *Silver Spring CBD* Sector Plan area and Fenton Village Overlay District. The Site is within a ½ mile of the Metrorail station and two proposed Purple Line stations (Figure 1).

Surrounding Uses

Directly to the north of the Property, across Sligo Avenue, is a strip-commercial shopping center building including a convenience store, quick-service restaurant, and other retail/service uses. Confronting the Property across Fenton Street are various commercial uses, including a Greyhound Bus terminal, hair salon, laundromat, and restaurant. The Property shares a block with single-family houses and faces single-family detached homes across Gist Avenue.

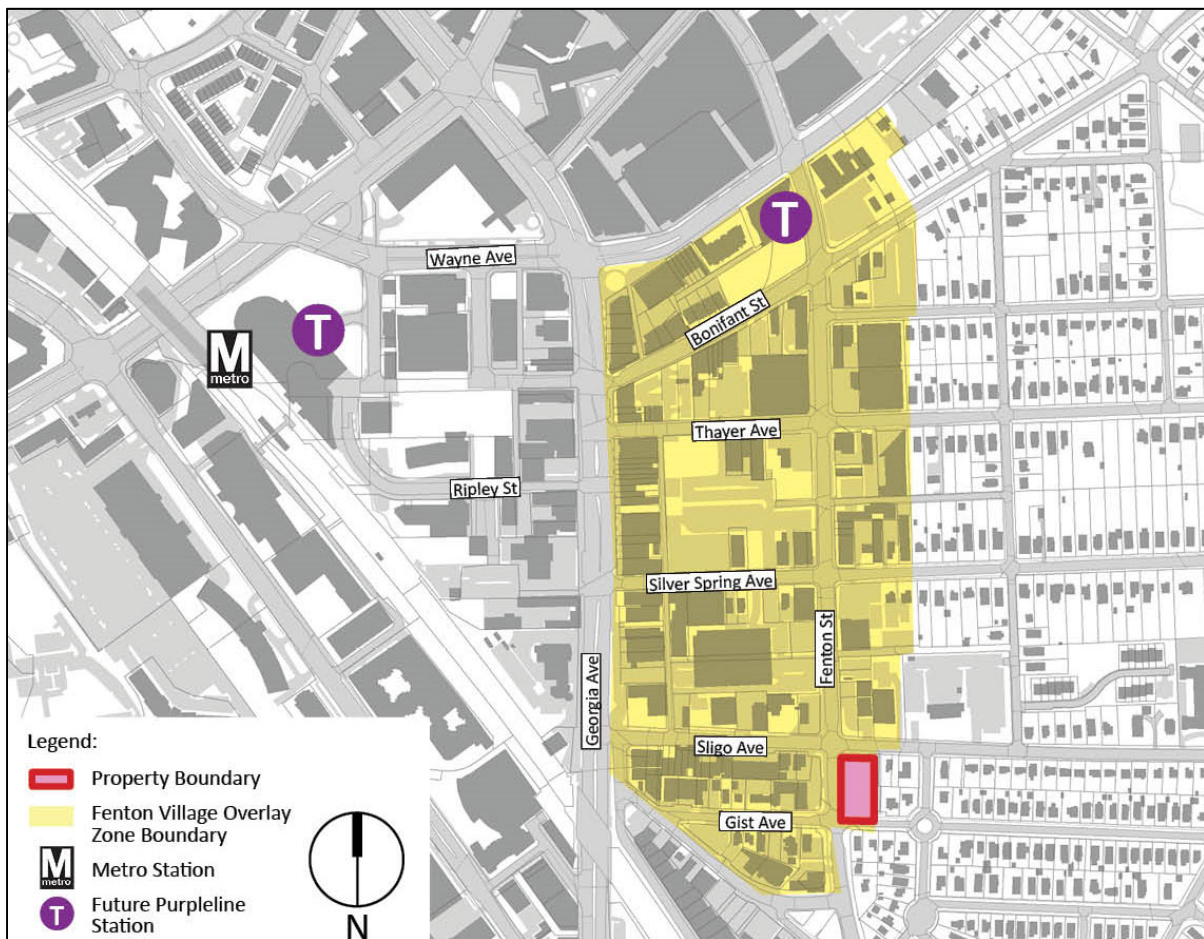


Figure 1 – Area context plan

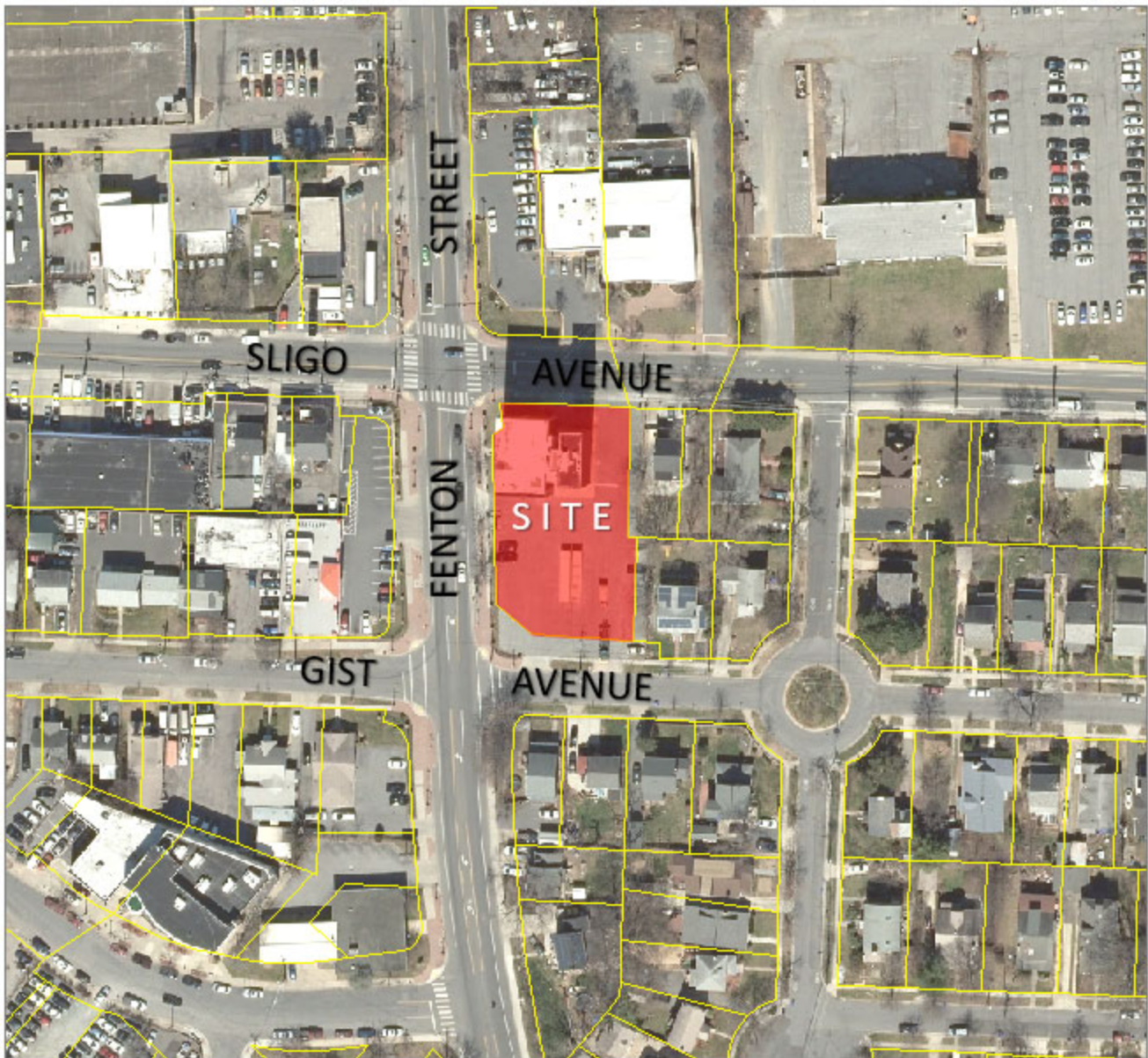


Figure 2 – Site context map

Site Analysis

The Site Area is approximately 0.45 acres (0.63 acre tract), zoned CR 3.0 C 2.0 R 2.75 H 60T. The Property is located in the southeast quadrant of the intersection of Fenton Street and Sligo Avenue within the Silver Spring Central Business District. The Property consists of part of Lots 14, 18-19, 25-28, and 49 in the "Blair" subdivision, as recorded among the Land Records of Montgomery County at Plat Nos. 229 and 624. The Property currently is improved with a vacant 8-story office building and associated surface parking lot. The Property has frontage on three public rights-of-way: Sligo Avenue to the north, Fenton Street to the west, and Gist Avenue to the south. Currently, vehicular access is provided through four curb cuts – two on Gist Avenue, one on Sligo Avenue, and one on Fenton Street.

SECTION 3: PROJECT DESCRIPTION

Previous Approvals

The Planning Board approved Sketch Plan No. 320180090 by resolution dated May 3, 2018 for a maximum of up to 82,941 square feet of total development comprised of up to 85 multi-family residential dwelling units with 12.5% MPDUs, and up to 6,912 square feet of non-residential development, subject to binding elements and conditions (Attachment A).

Proposal

Uses and Density

The Applicant proposes to create one (1) lot, measuring approximately 19,401 square feet or 0.45 acres, to allow for a maximum density of up to 82,941 square feet of total development comprised of up to 85 age-restricted multi-family residential dwelling units with 12.5% MPDUs, and up to 6,912 square feet of non-residential development.



Figure 3 – Illustrative Site Plan

Buildings

The Project will revitalize a blighted and vacant office building and accompanying surface parking lot into an engaging mixed-use, age-restricted residential building. The proposed building will serve as a transition between the higher heights and densities of the Silver Spring CBD and lower-scale development of the adjacent residential neighborhood. This transition will be accomplished through the Project's height, massing, and the use of contemporary architectural materials, such as masonry and metal panels, that will relate to both the Silver Spring CBD and residential neighborhood.

The Project's highest height will be located on the existing 99-foot tall office tower, which is grandfathered to its current height. The next tallest portions of the proposed building will be located on Fenton Street at 60 feet. From Fenton Street, the building steps-down to a height of 35 feet adjacent to the residential zones abutting the eastern portion of the Site. As the building steps-down on the eastern side, it also pulls back from the Gist Avenue right-of-way and abutting residential property to ensure an acceptable transition between the two uses. As proposed, the Project complies with Section 59.4.1.8.B.2.a. of the Zoning Ordinance, which mandates a minimum 45-degree angular plane for the transition.

At the ground level on the eastern side, adjacent to the existing single family homes, the building will feature "walk-up units" with entries. This feature was added in response to the adjacent property owner's request for more activation along that side of the building. Additionally, the upper floors of the tower element includes space for a visual amenity, such as a mural, to break-up the mass of the wall. The area of the visual amenity is shown for illustrative purposes (Figure 4); the content of the amenity may change overtime to keep the building façade fresh and interesting.



Figure 4 – Visual Amenity Area (Illustrative)

The overall approach to the Project includes adaptively reusing the existing 99-foot tall office tower as part of the new building. The office tower's footprint will remain unchanged. The new mid-rise portion of the building will be built around the tower's base on the existing surface parking lot. In order to promote a unified architectural concept, the exterior of the office tower will be broken down with vertical and horizontal relief, utilizing both planar and material changes, to reflect the scale and context on all sides of the property.

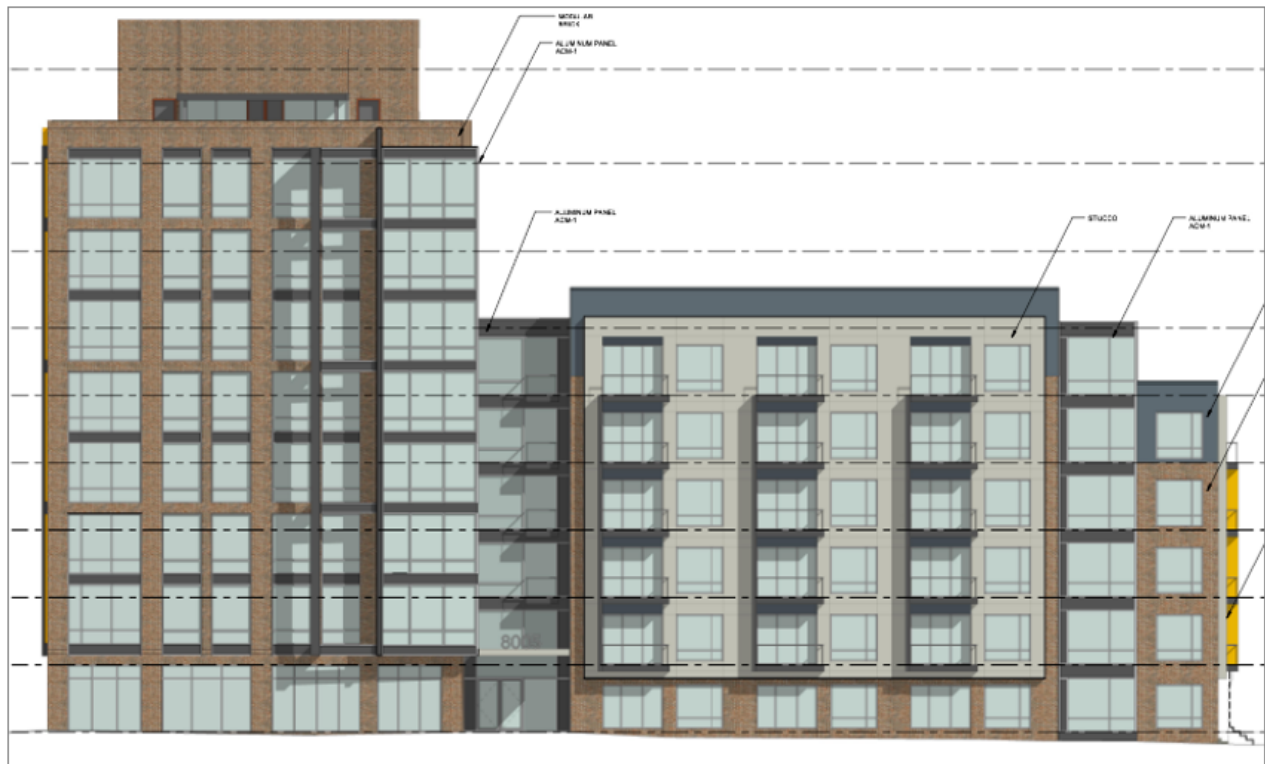


Figure 5 – Fenton Street Elevation



Figure 6 – Sligo Avenue Elevation

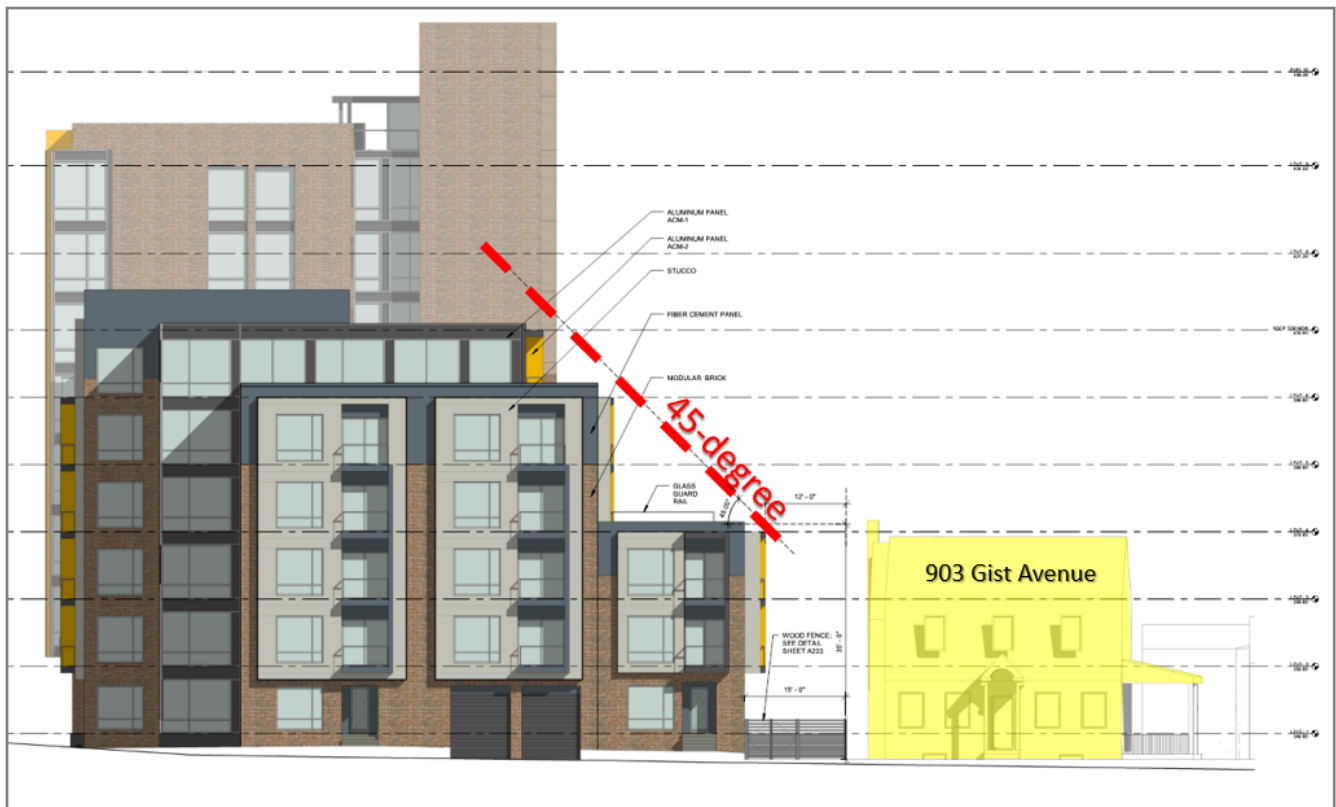


Figure 7 – Gist Avenue Elevation



Figure 8 – Eastern Elevation (Adjacent to Single Family Detached)

Open Space

The Applicant is required to provide at least 5% of the site area, a minimum of 970 square feet, as public open space. The Sector Plan and Fenton Village Overlay Zone allow the transfer of public open space off-site per section 59.4.9.8.A.4. The Project includes the provision of 1,075 square feet of public open space improvements off-site within the Gist Avenue right-of-way. If the Applicant is unable to secure MCDOT permission for the off-site open space prior to certification of the Site Plan, the open space requirement must be met in accordance with Section 59.6.3.6.C.2 of the Zoning Ordinance and consistent with the recommendations of the Fenton Village Overlay Zone.



Figure 9 – Fenton Street Perspective



Figure 10 – Gist Avenue Perspective



Figure 11 – Sligo Avenue Perspective

Circulation

Vehicular access to the Property is proposed via Gist Avenue and Sligo Avenue, which will operate in the following configuration: loading and service access will occur via the Sligo Avenue access point and residential garage access will be provided via a driveway on Gist Avenue. This configuration orients non-residential traffic toward Sligo Avenue, a business district street, and residential traffic toward Gist Avenue, a residential street. Additionally, the Gist Avenue access point will be restricted to a “left-in/ Right-out” maneuver to direct site-generated traffic to Fenton Street and away from the adjacent residential neighborhood. Pedestrians and bicyclists will be able to enter the Project from the lobbies on Fenton Street.

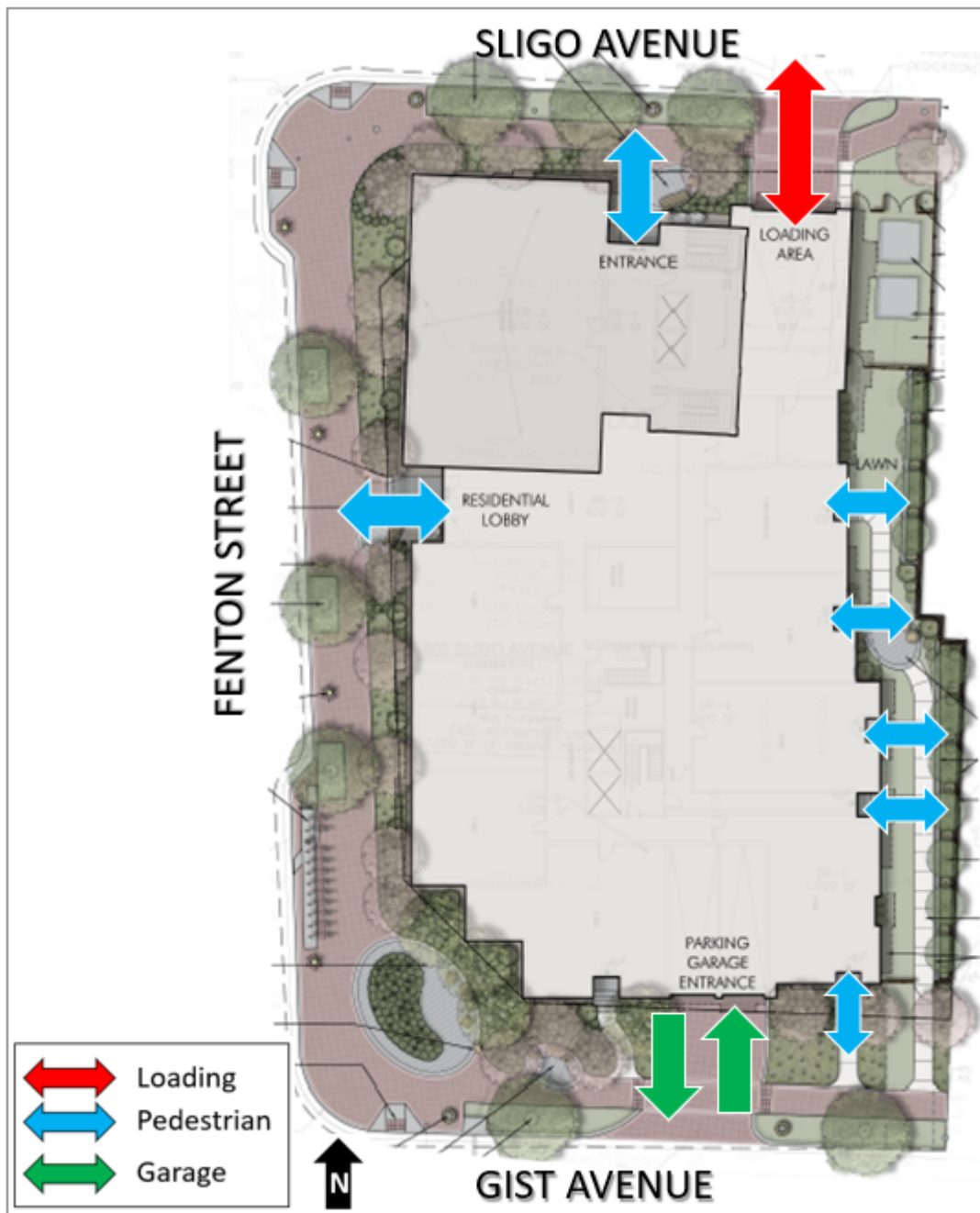


Figure 12 - Pedestrian and Vehicular Circulation

SECTION 4: PRELIMINARY PLAN 120190090

ANALYSIS AND FINDINGS

The Preliminary Plan will create one lot (19,401 square feet or 0.45 acres) to allow for a maximum density of up to 82,941 square feet of total development comprised of up to 85 age-restricted multi-family residential dwelling units with 12.5% MPDUs, and up to 6,912 square feet of non-residential development.

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. 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. The Application has been reviewed by other applicable County agencies, all of whom have recommended approval of the Preliminary Plan.

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.*

The lot size, width, shape and orientation are appropriate for the location of the subdivision considering the recommendations in the 2000 *Silver Spring Sector Plan* and the type of development and use contemplated. The lot was reviewed under and found to be in compliance with the dimensional requirements for the CR zone as specified in the Zoning Ordinance. For a detailed breakdown of the CR zone development standards, please refer to the Site Plan findings below.

2. *The Preliminary Plan substantially conforms to the Master Plan or Urban Renewal Plan.*

The Subject Property is within the Fenton Village Overlay Zone (FVO) portion of the Silver Spring CBD. While there is flexibility in the type of development permitted in this area, the FVO is in place to ensure that new development is compatible with nearby uses. More specifically, the FVO encourages a mix of housing and commercial uses but limits building heights to ensure compatibility with adjacent residential neighborhoods. Open space is allowed to be transferred off-site in the same district.

Although the Sector Plan calls to retain the CBD-1 Zone, the Property was rezoned through the Zoning Ordinance rewrite to CR 3.0 C 2.0 R 2.75 H 60T, effective October 31, 2014. The intent of the CBD-1 zoning was to encourage redevelopment within the CBD by allowing more commercial density in response to the current market (in 2000), but also provide the flexibility for both commercial or residential high-rises, or mixed-use projects. The Project will be a mixed-use, mid-rise residential development with ground-floor non-residential uses under the optional method of development, which satisfies the intent of the CBD-1 Zone and the current CR Zone.

Urban Design Recommendations

The Sector Plan provides general urban design recommendations for redevelopment projects in the Fenton Village Overlay Zone as well as the following specific recommendations:

- *Examine the potential for housing in Fenton Village Overlay zone (FVO), particularly in the transition area between the commercial and residential areas.*

This project satisfies the recommendation of adding housing within the FVO and provides a transition between the higher heights and densities of the Silver Spring CBD and adjacent residential neighborhood.

- *Upgrade the physical appearance of Fenton Street through streetscaping, landscaped parking lots, infill development that helps define the street.*

The Project will revitalize an existing vacant office building and surface parking lot into a vibrant mixed-use, predominantly residential, project. The new building will be located directly along the street edge at Fenton Street, Gist Avenue, and Sligo Avenue and will improve the sidewalk and streetscape improvements, including undergrounding utilities along the site frontage, in accordance with the Sector Plan recommendations.

- *Limit building height on the east side of Fenton Street to 60 feet for buildings with residential uses. Projects proposed along the east side of Fenton Street should make a transition between the commercial district and the adjacent single-family homes, creating compatibility through height changes, siting, and green, landscaped buffers.*

The new building will step down the maximum height, from Fenton Street toward the existing single-family homes, and will add a landscaped buffer along the eastern side of the Project to further improve the transition to the single family neighborhood. The existing building to be reused is grandfathered at its current height.

General Recommendations

The Sector Plan envisions Silver Spring as a place that invites revitalization (Sector Plan, page 28). The Sector Plan outlines six themes under which that vision can be achieved: transit-oriented downtown, commercial downtown, residential downtown, green downtown, civic downtown and pedestrian-friendly downtown. Each of these themes is intended to guide new development within the Silver Spring CBD and is discussed specifically below:

Transit-Oriented Downtown

The Site is located on the east side of Fenton Street between Sligo Avenue and Gist Avenue and is a gateway into the CBD from points south and east. The Sector Plan's transit-oriented downtown theme strives to balance the needs of both commuter and local traffic and of walkers and drivers to maximize the investment in Silver Spring's transit infrastructure through both transportation improvements and land use efforts (Sector Plan, page 16). The Plan further states that transportation options should link transit and non-motorized forms of transportation. The Property is ½ mile from the Silver Spring Transit Center and the future Purple Line station at the Silver Spring Library and is currently served by Metrobus, RideOn, the VanGo Circulator, and Capital Bikeshare. The Project will contribute to the transit-oriented downtown by providing a highly articulated façade activated by windows and building entry points.

Commercial Downtown

Commercial activity, a mutually supportive mix of office, stores, and other business enterprises, is the defining feature of a successful downtown (Sector Plan, page 18). The Project may include a ground floor commercial component, of up to 6,912 square feet, if market conditions are favorable.

Residential Downtown

The Sector Plan's residential downtown theme seeks to create a mix of housing choices supported by parks, shopping, cultural, civic and employment uses with transit. "A green and pedestrian-friendly downtown will create parks, plazas, and streets of a desirable residential community" (Sector Plan, page 19). The Project will provide up to 85 age-restricted multi-family dwelling units with 12.5% MPDUs.

Green Downtown

The green downtown theme of the Sector Plan envisions shaded, tree-lined streets and well-placed green parks and plazas, creating a comprehensive system of open spaces that provide economic, environmental and aesthetic benefits throughout downtown. The Sector Plan states "Landscaped plazas are incorporated into building and site design to create visual and physical respite, to create formal and informal gathering places, and to complement street and building design" (Sector Plan, page 23). The streetscape along Fenton Street, Sligo Avenue, and Gist Avenue will be upgraded with street trees, paving, underground utilities, and lighting to improve the pedestrian experience and overall appearance of the public realm.

Civic Downtown

The civic downtown theme envisions formal or informal, large or small, public or private civic spaces, where people meet, cross paths and gather (Sector Plan, page 21). As conditioned, the Project will provide a public open space immediately adjacent to the project in the Gist Avenue right-of-way, in the form of a small yet effective gathering space, providing a unique civic space that will add to the variety of open spaces in Silver Spring.

Pedestrian-Friendly Downtown

The pedestrian-friendly downtown theme of the Sector Plan encourages the development of active streets and sidewalks, busy with people walking to shop, commute, or for pleasure. The Sector Plan states "An urban area's greatest economic asset, and strongest physical definition comes from its pedestrian environment" (Sector Plan, page 24).

The project will provide age-restricted housing within walking distance to retail, restaurant, and office uses. This proximity to existing and civic and commercial uses will promote pedestrian activity and street activation. The proposed building placement also enhances the pedestrian environment by locating the buildings directly along the street edge to create a continuous building line and define the pedestrian environment. The main pedestrian entrance to the lobby has been located on Fenton Street to provide additional activation along this prominent frontage. Additionally, the precedent images provided by the Applicant demonstrate the intention of the building design to incorporate appropriate transparency and articulation to activate the street and create a comfortable pedestrian scale.

As conditioned, the Application is consistent with the six themes identified in the 2000 *Silver Spring CBD Sector Plan*.

Circulation Systems Recommendations

The Sector Plan recommends creating a system of trails and bike routes, implementing streetscape improvements to create a safe and pleasant pedestrian environment, and where appropriate, reuse public parking facilities, and to make circulation improvements to local roads (Page 93). This vision was recently updated through the 2018 Bicycle Master Plan, which recommends a separated bike network within the Silver Spring CBD. The project respects the master plan recommended bicycle

lanes on Fenton Street by providing adequate right-of-way for their future implementation. As of the date of this staff report, MCDOT anticipates the Fenton Street bicycle lanes to be implemented on the west (opposite) side of the street and directed the applicant not to construct the bike lanes at this time.

The Project will provide streetscape improvements along Fenton Street Sligo Avenue, and Gist Avenue, which will create an inviting pedestrian environment that will activate the street and support the ground-floor retail included as part of the Project. As conditioned, 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.

Although this site is not identified in the Sector Plan as a potential housing site, the Project promotes the housing choice goal by providing age-restricted housing. The additional housing provided by the Project will facilitate the availability of new housing in a range of types and rents within walking distance of transit.

In conformance with the objectives of the Sector Plan, the additional residential development will activate the urban environment and contribute to the creation of a "thriving downtown residential community." Additionally, as discussed above, the building has been designed to promote compatibility with the surrounding single-family residential homes and will create an approachable residential urban scale.

The Preliminary Plan Application substantially conforms to the 2000 *Silver Spring Sector Plan*. The Preliminary Plan Application complies with the specific density recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. The Site is not subject to an Urban Renewal Plan.

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

Pedestrian and bicycle access to the Property is proposed directly from sidewalks along Fenton Street, Sligo Avenue, and Gist Avenue. Bicycle access will be enhanced on Fenton Street upon completion of the MCDOT separated bicycle lanes project, discussed below. The Subject Project does not preclude installation of the Fenton Street bicycle lanes, which are anticipated to be constructed by MCDOT on the opposite (southbound) side of Fenton Street.

Vehicular access to the Property is proposed via Gist Avenue and Sligo Avenue, which will operate in the following configuration: loading and service access will occur via the Sligo Avenue access point and residential garage access will be provided via a driveway on Gist Avenue. As conditioned, the Gist Avenue access point will be constructed to direct outbound site traffic toward Fenton Street.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2000 *Silver Spring CBD Sector Plan*, the 2013 *Countywide Transit Corridors Functional Master Plan*, the 2018 *Bicycle Master Plan* and 2018 *Master Plan of Highways and Transitways* recommend the following master plan facilities along property frontage:

1. Sligo Avenue, along the northern frontage, as a business district roadway with a minimum right-of-way width of 80' (40' from the center line).
2. Fenton Street, along the western frontage, as an arterial with a minimum right-of-way width of 80' (40' from centerline); a separated bikeway.
3. Gist Avenue, along the southern frontage, as a shared roadway.

Sector-Planned Transportation Demand Management

As a project within the Silver Spring Transportation Management District (TMD), the development is required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Silver Spring TMD. The specific criterion requiring a TMAg is 25 or more employees or more than 100 dwelling units.

Adequate Public Facilities

A transportation exemption statement, dated December 21, 2018, satisfied the Local Area Transportation Review for the Subject Application because the Project generates fewer than 50 net new peak hour person trips. When compared to the existing office use, the proposed development is estimated to generate a net reduction of 51 morning peak-hour person trips (25 fewer vehicle trips) and 18 fewer evening peak-hour person trips (9 fewer vehicle trips) (Table 1).

Table 1: Project Peak Hour Trip Generation

		Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
Existing		AM	PM	AM	PM	AM	PM
General Office	33,300 SF	(58)	(40)	(38)	(26)	(77)	(52)
Proposed		AM	PM	AM	PM	AM	PM
High-Rise Apartments ¹	85 Units	17	22	13	17	26	34
Ancillary Retail ²	6,912 SF	0	0	0	0	0	0
Net New Trips		(41)	(18)	(25)	(9)	(51)	(18)

Source: Lenhart Traffic Consulting Transportation Statement, dated December 21, 2018.

¹ Age-Restricted Senior Housing

² No parking provided for ancillary retail; Ancillary Retail is less than 15,000 SF and less than 10% of project

School Adequacy

The Subject Preliminary Plan proposes up to 85 age-restricted multifamily units. Based on the 2016-2020 Subdivision Staging Policy, the moratorium currently affecting the Montgomery Blair High School Cluster does not apply to the approval of age-restricted units. Therefore, the annual schools test does not apply. Should the Applicant wish to remove the "age-restricted" designation for any or all of the units covered by this subdivision, they must submit an application to amend this approval, which will trigger a new schools adequacy review.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as electrical, telecommunications, gas, police stations, firehouses, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Property.

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

Environment

Forest Conservation

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2) because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet. This exemption was confirmed through 42018103E on December 29, 2017.

Noise

The Applicant requested to have the exterior noise guidelines waived (Attachment B), under Section 2.2.2 of the 1983 Noise Guidelines, due to the nature of the urban downtown. The Project proposes outdoor open space offsite within the right-of-way adjacent to Gist Avenue and Fenton Street and measures to mitigate noise within the streetscape would be detrimental to good urban design principles. As a result, some noise will be inevitable. Construction methods and materials on the proposed building will be subject to conditions designed to attenuate noise in interior spaces. Staff recommends approval of the waiver.

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

Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on February 11, 2019 (Attachment C). The Project proposes to meet stormwater management requirements through the use of a green roof and micro-bioretenment. MCDPS granted the project a partial waiver for quality requirements and a full waiver for quantity requirements based on site constraints.

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

No other provisions apply to the Subdivision

SECTION 5: SITE PLAN 820190050

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 and conditions of Sketch Plan No. 320180090 and meets the conditions of approval for Preliminary Plan 120190090.

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 Tract is approximately 27,647 square feet or 0.63 acres, zoned CR 3.0 C 2.0 R 2.75 H 60T. The following Data Table shows the Application's conformance to the development standards of the zone.

Table 2: Data Table

Data Table			
Section 59.4	Development Standard	Permitted/ Required	Proposed
	Tract Area CR 3.0 C 2.0 R 2.75 H 60T	n/a	27,647 sf (0.63 ac)
	Prior Dedication	n/a	7,714 sf (0.17 Ac)
	Proposed Dedication	n/a	532 SF (0.012 ac)
	Site Area	n/a	19,401 sf (0.45 acres)
	Residential Density (GFA/ FAR) CR 3.0 C 2.0 R 2.75 H 60T	76,029 sf (2.75)	76,029 sf/ (2.75) (up to 85 age-restricted dwelling units)
	Commercial Density (GFA/ FAR) CR 3.0 C 2.0 R 2.75 H 60T	55,294 sf (2.0)	6,912 sf/ (0.25)
	Total GFA/ FAR (including existing building to remain)	82,941 sf (3.0)	82,941 sf/ (3.0)
	MPDUs	12.5%	12.5%
	Building Height	New Building: 60 feet Ex. Office Building: 99 feet	New Building: Up to 60 feet Ex. Office Building: 99 feet
	Public Open Space (min)	5% (970 sf)	5% (970 sf) ¹
	Minimum Setbacks	0	0

¹ Public Open Space provided offsite in accordance with Section 59.6.3.6.C of the Zoning Ordinance

Table 2 (Continued): Parking

Parking	Spaces Required	Spaces Provided
Vehicle Parking		
Residential		
Efficiency (10 market rate units; 1 MPDU)	(11 minimum/ 11 maximum)	--
1 Bedroom (53 market rate units; 8 MPDUs)	(61 minimum/ 77 maximum)	--
2 Bedroom (11 market rate units; 2 MPDUs)	(13 minimum/ 20 maximum)	--
85 Dwelling Units	(85 min./ 108 max.)	29 max.
Commercial		
6,912 SF of Retail	(25 minimum / 42 maximum)	0 ¹
Maximum Total Parking	(110 minimum/ 150 maximum)	29²
Bicycle Parking (Long Term/ Short Term)		
Residential	(41/2) 43	(42/2) 44
Retail	(0/0) 0	(0/0) 0
Loading Spaces ³		
Residential	1	1
Retail	1	1

¹ No Parking provided for ancillary retail uses in accordance with the Local Area Transportation Review Guidelines.

² The Project is within the Silver Spring Parking Lot District (PLD) and therefore able to provide fewer than the minimum number of required parking spaces. The Applicant will participate in the PLD toward the minimum requirement.

³ One (1) loading space will be shared between the residential and retail uses.

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; Connectivity and Mobility; Quality Building and Site Design; Protection and Enhancement of the Natural Environment; and Building Reuse.

Table 3: Public Benefits Calculations

Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Recommended
59.4.7.3B: Transit Proximity			
¼ to ½ Mile from Transit	50	20	20
59.4.7.3C: Connectivity and Mobility			
Minimum Parking	10	10	10
59.4.7.3E: Quality of Building and Site Design			
Architectural Elevations	20	10	10
Exceptional Design	10	5	5
Structured Parking	20	20	20
59.4.7.3F: Protection and Enhancement of the Natural Environment			
BLTs	30	1.48	1.48
Cool Roof	10	10	10
Building Reuse			
Building Reuse	100	42.8	42.8
TOTAL			119.2

Transit Proximity

The Property is located within ½ mile of the Silver Spring Transit Center and the forthcoming Purple Line station at the Silver Spring Library, which allows the developer to be eligible for Level 1 transit as defined in the Zoning Ordinance. Staff supports 20 points as suggested in the CR Guidelines.

Connectivity and Mobility

Minimum Parking: The project is proposing fewer parking spaces than the maximum allowed. Staff supports granting 10 points based on the following calculation:

$$\begin{aligned} &[(\text{Max. Allowed Parking} - \text{Prop. Parking}) / (\text{Max. Allowed Parking} - \text{Min Parking})] * 10 \\ &[(108 - 29) / (108 - 63)] * 10 = 10 \text{ Public Benefit points} \end{aligned}$$

Quality of Building and Site Design

Architectural Elevations: The Applicant requests 10 points for providing a design that is bound by architectural elevations as part of a certified site plan showing elements of the façade. In order to achieve 10 points, the Project will be bound to the following:

- Minimum amount of transparency on the first floor,
- Minimal spacing between operable doors, and
- Design priorities of the applicable master plan or implementing design guidelines.

As conditioned, the Certified Site Plan will include the building elevations consistent with the public benefit criteria. Staff supports the 10 points.

Exceptional Design: The Applicant requests 5 points for the Exceptional Design category for constructing a building that satisfies at least four of the exceptional design criteria. Each of the four criteria are discussed below:

- *Provides innovative solutions in response to the immediate context*
The Project serves as a transitional site between the more intensive uses of the CBD and residential neighborhood. To achieve this transition, the Project has been carefully designed to step-down in both height and scale as it moves from the existing 99-foot tall tower at the northwest corner to the three-story residential massing at the eastern edge of the Property. The innovative use of scale, materials, and transparency addresses the dynamic context of the site.

The massing of the building is composed of two main elements: the reskinned 99-foot office tower; and the new mid-rise residential building. To add depth and scale to the Fenton Street façade, the new mid-rise building is articulated using balconies and shifting planes beginning at the second story. The use of floor-to-ceiling windows is intended to engage the community and provide for eyes-on-the-street for residents, employees, and guests.

As the building transitions from Fenton Street to the residential neighborhood, the building turns and steps down at the southwest corner, to five stories facing Gist Avenue. As the building moves east along Gist Avenue, the building steps down once more to 3-stories and sets back from the street to address the scale of the abutting single-family properties.

- *Creates a sense of place and serving as a landmark*
The Project will serve as a landmark at the southern entry to the Silver Spring CBD, and provide a transition between downtown Silver Spring, across Fenton Street, and the lower-density residential neighborhood to the east. The Project's design and landscaping will create a sense of place that will serve both residents of the Project and the surrounding community.
- *Introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way*
The Project uses a varied palette of contemporary and traditional materials, such as masonry, fiber cement panels, aluminum extrusions and panels, and large glazed openings. These materials contribute to the Project's compatibility with the surrounding area and give the Project a high degree of transparency at the ground level.
- *Integrates low impact design development methods into the overall design of the site and building, beyond green building or site requirements*
The Project incorporates stormwater management through the use of above-grade micro-bioretenition systems located on the roofs of the first and third floors. The proposed at-grade landscaping utilizes native vegetation and provides a green buffer around the perimeter of the building. Most significantly, the adaptive reuse of the existing 99-foot structure drastically reduces the amount of energy and on-site equipment required for construction.

Staff supports the Applicant's request for 5 exceptional design points.

Structured Parking: The Applicant requests 20 points for providing all on-site parking within a parking structure. Staff supports the Applicant's request based on the following calculation:

$$[(\text{Above-grade spaces} / \text{Total Spaces}) + (\text{Below-grade spaces} / \text{Total Spaces}) * 20] \\ [(0 / 29) + (29 / 29) * 20] = 20 \text{ points.}$$

Protection and Enhancement of the Natural Environment

Building Lot Terminations (BLTs): The Applicant requests 1.48 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. Based on the calculation shown below, Staff supports 1.48 points for this benefit.

$$\begin{aligned} (82,941 \text{ sf Opt. Method}) - (13,823.5 \text{ Std. Method}) &= 69,117.5 \text{ sf Incentive Density;} \\ 69,117.5 * 0.075 &= 5,184 \text{ square feet;} \\ 5,184 / 31,500 &= 0.16457 \text{ BLTs;} \\ 0.1646 \text{ BLTs} * 9 \text{ points per BLT} &= 1.48 \text{ Public Benefit points} \end{aligned}$$

Cool Roof: The Applicant requests 5 points for providing a cool roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum of SRI of 25 for slopes above 2:12, Staff supports the Applicant's request.

Building Reuse

Building Reuse: The Project will adaptively reuse the vacant existing office building. A minimum of 75% of the structural system of the building will be retained, and an architectural deconstruction company will be used to remove reusable and recyclable materials before any demolition, if applicable. Staff supports 42.8 points for this category based on the following calculation:

$$[(29,600 \text{ sf Retained GFA}) / (69,117.5 \text{ sf Incentive GFA})] * 100 = 42.8 \text{ Public Benefit points}$$

iii. Division 6.1. Site Access

Vehicular access to the Property is proposed via Gist Avenue and Sligo Avenue, which will operate in the following configuration: loading and service access will occur via the Sligo Avenue access point and residential garage access will be provided via a driveway on Gist Avenue. This configuration orients non-residential traffic toward Sligo Avenue, a business district street, and residential traffic toward Gist Avenue, a residential street. Pedestrians and bicyclists will be able to enter the Project from the lobbies on Fenton Street. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

iv. Division 6.2. Parking, Queuing, and Loading

Parking for the residential building will be provided in a structured parking facility. Vehicular and loading access will occur on Sligo Avenue at the northeast side of the Property to limit non-residential traffic on Gist Avenue.

v. Division 6.3. Open Space and Recreation

The Application will provide an area equivalent to 5% of the site area as open space off-site within the Gist Avenue right-of-way on the southwest side of the Project. Although this area is dedicated as public right-of-way, the area is not necessary for current or anticipated transportation purposes and MCDOT is generally supportive of open space in this location. Final determination of the exact location and provision of open space (e.g. constructing or making a financial contribution) will be determined prior to certification of the Site Plan in accordance with 59.6.3.6.C.

If the Applicant is unable to improve the Gist Avenue right-of-way, as shown on the Application, or future improvements are modified by MCDOT in a manner inconsistent with the definition of public open space, the Applicant must pay \$154,890 dollars to M-NCPPC in accordance with 59.6.3.6.C.

The Application is in conformance with the *Recreation Guidelines*, as demonstrated in the Recreation Facilities Data table provided with the Application (Scenario ID 8694). The Applicant is providing bicycle parking, an indoor fitness room, a rooftop amenity, and public art seating. Final locations and quantities of each of these amenities will be shown on the Certified Site Plan.

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 year-round use and enjoyment by residents and visitors. The Project will transform existing streetscape along the Fenton Street, Sligo Avenue, and Gist Avenue frontages with new street trees, improved, wider sidewalks, street lighting, and street furniture. The on-site lighting will limit the necessary light levels to streets and sidewalks.

As shown in the Development Standards table, the Site Plan meets all 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

Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on February 11, 2019 (Attachment C). The Project proposes to meet stormwater management requirements through the use of a green roof and micro-bioretenment. MCDPS granted the project a partial waiver for quality requirements and a full waiver for quantity requirements based on site constraints.

ii. Chapter 22A, Forest Conservation.

Forest Conservation

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2) because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet. This exemption was confirmed through 42018103E on December 29, 2017.

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 and provides entrances to activate the Project along the site frontages. The Project provides a safe and well-integrated building, off-site open space and site amenities. The Project presents as a highly articulated building along each of its frontages, providing a gateway feature on Fenton Street at the Sligo Avenue and Gist Avenue intersections. The building steps-back above the third floor adjacent to the existing single family home on Gist Avenue to reduce the perceived height of the building and provide compatibility with the adjacent residential zone. The Project provides amenities for the residents of the Project internal to the building, along the tower element, and on the elevated courtyards.

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 Preliminary Plan Findings of this staff report, the Site Plan substantially conforms with the recommendations of the Sector Plan. The Site Plan proposes a mixed-use development of up to 82,941 square feet of total development comprised of up to 85 age-restricted multi-family residential dwelling units with 12.5% MPDUs, and up to 6,912 square feet of non-residential development. The development includes structured parking and on-site amenities for the residents.

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 No. 120190090 findings, the development 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, 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 buildings in the both downtown Silver Spring and adjacent residential neighborhood.

- 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.

SECTION 6: CONCLUSION

Community Outreach

The Applicant has met all signage, noticing, and submission meeting requirements. On October 15, 2018, the Applicant held a pre-submittal public meeting at the Silver Spring Civic Building. As of the date of this Staff Report, Staff has not received correspondence specific to the Subject Application.

CONCLUSION

The proposed development 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 proposed development satisfies the findings of the Subdivision Regulations and is consistent with the goals and recommendations of the 2000 *Silver Spring CBD Sector Plan*. Therefore, Staff recommends approval of Preliminary Plan No. 120190090 and Site Plan No. 820190050 with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Sketch Plan Resolution No. 18-025
- B. Noise Waiver Request
- C. Agency Letters
- D. Forest Conservation Exemption 42018103E
- E. Public Open Space