




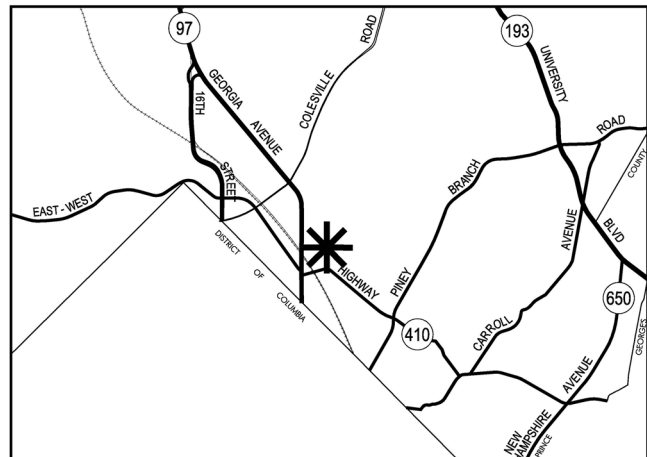
850 Sligo Avenue
Limited Preliminary Plan Amendment 12019009A & Limited Site Plan Amendment 82019005A

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Description

Staff Report Date: 9.26.19

- Preliminary Plan Amendment and Site Plan Amendment to eliminate the “age-restriction” limitation to the multifamily residential use;
- 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;
- Acceptance Date: August 1, 2019;
- Applicant: Moonlight, Inc.;
- Review Basis: Chapters 50 and 59, Montgomery County Code



Summary

- Staff recommendation: Approval of the Limited Preliminary Plan Amendment and Site Plan Amendment with conditions.
- 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 Site generates 10 or fewer students and was designated as “Blighted/ Condemned” under the provisions set forth in County Council Resolution 19-147. As a result, the Project is exempt from the Annual School Capacity Test set forth in the 2016 – 2020 Subdivision Staging Policy.
- The School Capacity Analysis has been updated to reflect the current proposal of multifamily housing.

SECTION 1: RECOMMENDATION AND CONDITIONS

Preliminary Plan Amendment No. 12019009A

Staff recommends approval of Preliminary Plan Amendment 12019009A, to remove the “age-restricted” limitation to the approved mixed-use multifamily project. 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 condition. Except as amended by the conditions below, the conditions approved under Site Plan 120190090, remain valid and in full effect.

1. This Preliminary Plan is limited to 1 lot for up to 85 multifamily residential dwelling units and up to 6,912 square feet of non-residential uses.
2. Condition number 2 is hereby deleted in its entirety. All other condition numbers adjusted accordingly.

Site Plan Amendment No. 82019005A

Staff recommends approval of Site Plan Amendment 82019005A, to remove the “age-restricted” limitation to the approved mixed-use multifamily project. 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. Except as amended by the conditions below, the conditions approved under Site Plan 82019005A, remain valid and in full effect.

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 multifamily residential dwelling units, including 12.5% MPDUs, and up to 6,912 square feet of non-residential development.
3. Condition number 3 is hereby deleted in its entirety. All other condition numbers adjusted accordingly.

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.

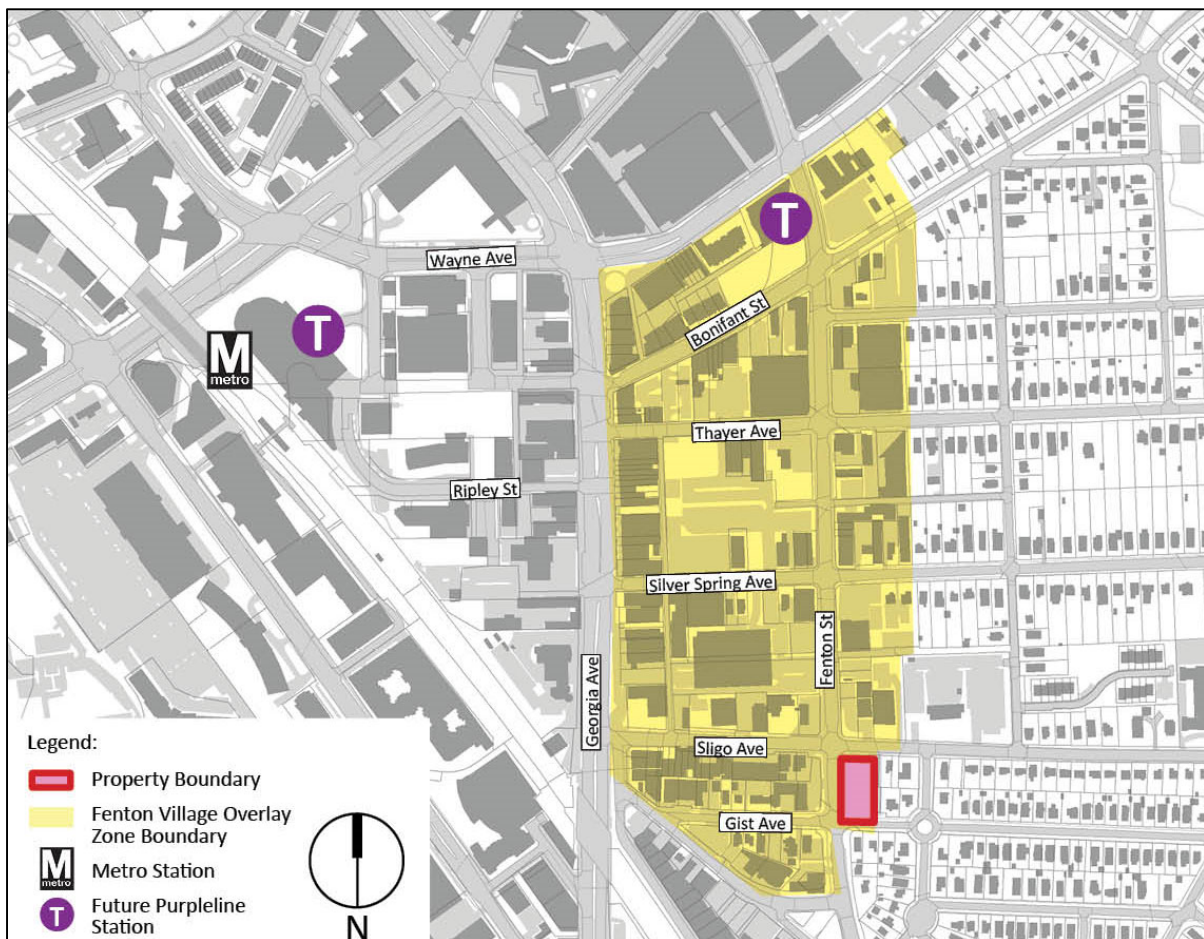


Figure 1 – Area context plan

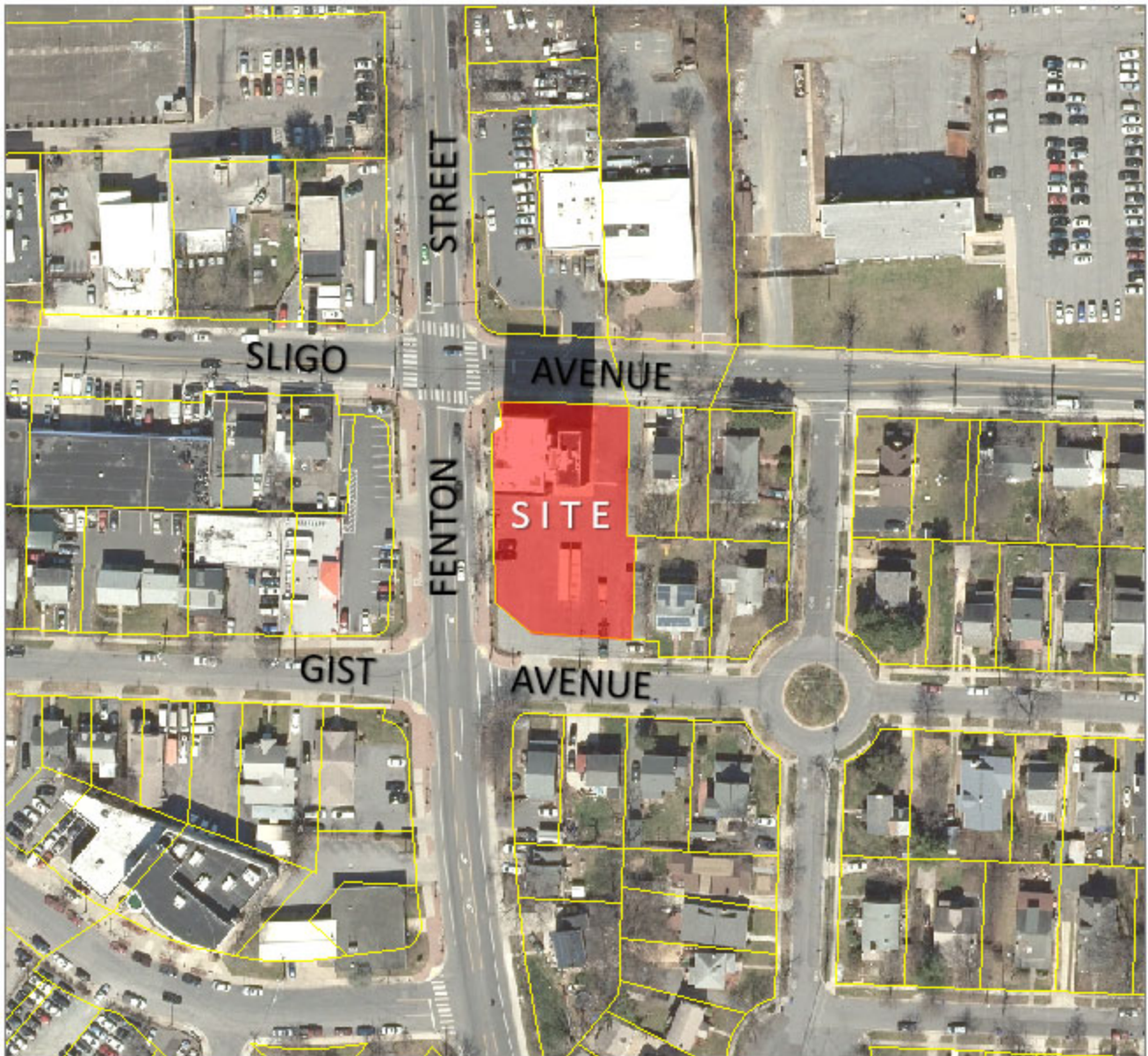


Figure 2 – Site context map

Site Analysis

The Site Area is approximately 0.63 acres, 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 multifamily residential dwelling units with 12.5% MPDUs, and up to 6,912 square feet of non-residential development, subject to binding elements and conditions. The Planning Board approved Preliminary Plan No. 120190090 and Site Plan No. 820190050 by Resolution on March 28, 2019 for one lot on 0.45 acres of land for up to 85 age-restricted dwelling units and up to 6,912 square feet of commercial uses. Each of the previous approvals are provided in Attachment A.

Proposal

The Subject Amendments seek to remove the age-restricted housing use conditions in favor of an unrestricted mixed-use multifamily development in accordance with County Council Resolution 19-147 (Attachment B), which exempts “Blighted/ Condemned” properties, that generate 10 or fewer students, from the Annual Schools Test set forth in the 2016 – 2020 Subdivision Staging Policy. As a result of the Subject Amendments, the Project will be comprised of up to 85 multifamily residential units and up to 6,912 square feet of commercial uses. The Subject Amendment does not modify any site design elements or other conditions of approval.

Community Outreach

The Applicant has complied with all submittal and noticing requirements. Staff has not received any correspondence on the Application as of the date of this Staff Report.

SECTION 4: PRELIMINARY PLAN AMENDMENT ANALYSIS AND FINDINGS

The Planning Board found that Preliminary Plan 120190090 was consistent with Sketch Plan 320180090, met the requirements of the CR 3.0 C 2.0 R 2.75 H 60T and Fenton Village Overlay zones; satisfied Forest Conservation and water quality requirements and complied with other applicable regulatory requirements. The Planning Board further determined that the Project was compatible with other uses and other site plans when considering existing and proposed adjacent development.

The Amendment complies with the general requirements and development standards of the Zoning Ordinance, Subdivision Regulations and substantially conforms with the goals and recommendations of both the 2000 *Silver Spring Central Business District Sector Plan*. The elements of the proposed Preliminary Plan Amendment No. 120190090 remain consistent with the original findings, as modified to eliminate the age-restricted use from the residential component of the Project. The findings are modified as follows:

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 can be transferred off-site in the same district.

Although the Sector Plan calls to retain the CBD-1 Zone, the Subject 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 Application 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, 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 Application 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's Gist Avenue frontage, including the utility pole on the corner of Gist Avenue and Fenton Street, 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 Subject Property 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. 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 Subject Property 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. The Plan further states that transportation options should link transit and non-motorized forms of transportation. The Subject 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.

Commercial Downtown

Commercial activity, a mutually supportive mix of office, stores, and other business enterprises, is the defining feature of a successful downtown. The Preliminary plan 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." The Application will provide up to 85 multifamily 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." Pursuant to the Application and associated site plan, the streetscape along Fenton Street, Sligo Avenue, and Gist Avenue will be upgraded with street trees, paving, 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. The Preliminary Plan will accommodate 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."

The Preliminary Plan will provide multifamily 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.

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. 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 Application 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 the Subject Property is not identified in the Sector Plan as a potential housing site, the Application promotes the housing choice goal by providing multifamily housing. The additional housing provided by the Application 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.

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

Pedestrian and bicycle access to the Subject 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 Subject 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 July 1, 2019, 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 33 morning peak-hour person trips and 6 additional evening peak-hour person trips.

School Adequacy

The Subject Preliminary Plan proposes up to 85 multifamily units. Based on the 2016-2020 Subdivision Staging Policy, as amended by Council Resolution 19-147, the moratorium currently affecting the Montgomery Blair High School Cluster does not apply to multifamily units on blighted/condemned sites when the Project generates 10 or fewer students.

Overview and Applicable School Test

As an Application presented to the Planning Board in October 2019, the Project is subject to the FY20 Annual School Test, approved by the Planning Board on June 20, 2019 and effective July 1, 2019.

Calculation of Student Generation

To calculate the number of students generated by the proposed development, the number of dwelling units is multiplied by the applicable regional student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low- to mid-rise multifamily unit, or high-rise multifamily unit. The subject property is located in the east region of the County.

Per Unit Student Generation Rates – East Region

	Elementary School	Middle School	High School
SF Detached	0.203	0.103	0.144
SF Attached	0.219	0.115	0.160
MF Low- to Mid-Rise	0.253	0.112	0.148
MF High-Rise	0.088	0.036	0.047

With a net of 85 multifamily high-rise units, the proposed project is estimated to generate the following number of students:

Type of Unit	Net New Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
MF High-Rise	85	0.088	7.480	0.036	3.060	0.047	3.995
TOTAL	85		7		3		3

This project is estimated to generate 7 new elementary school students, 3 new middle school students, and 3 new high school students.

Cluster Adequacy Test

The project is located in the Blair High School Cluster. The student enrollment and capacity projections from the FY20 Annual School Test for the cluster are noted in the following table:

School Level	Projected Cluster Totals, September 2024			Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	4,920	4,927	99.9%	993	7
Middle	2,687	2,772	96.9%	639	3
High	3,619	2,912	124.3%	0	3

The Moratorium Threshold identified in the table is the number of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and therefore trigger a cluster-wide residential development moratorium. Current projections for the cluster exceed the moratorium threshold at the high school level, therefore the Blair cluster service area is under a residential development moratorium for FY20.

Individual School Adequacy Test

The applicable elementary and middle schools for this project are East Silver Spring ES and Takoma Park MS, respectively. Based on the FY20 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

School	Projected School Totals, September 2024				Moratorium Threshold	Estimated Impact
	Enrollment	Program Capacity	% Utilization	Surplus /Deficit		
East Silver Spring ES	527	560	94.1%	+33	146	7
Takoma Park MS	1,289	1,306	98.7%	+17	279	3

Under the individual school adequacy test, a school is deemed inadequate if the projected school utilization rate exceeds 120% and the school seat deficit meets or exceeds 110 seats for an elementary school or 180 seats for a middle school. If a school's projected enrollment exceeds *both* thresholds, then the school service area is placed in a residential development moratorium.

The Moratorium Enrollment Thresholds identified in the table above are the enrollments at which the 120% utilization threshold and the seat deficit threshold are exceeded. As indicated in the last column, the estimated enrollment impacts of this application fall below the moratorium thresholds for both East Silver Spring ES and Takoma Park MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project.

School Capacity

The Montgomery Blair Cluster service area is currently under a residential development moratorium, however, there are several exceptions to moratoria. One of these exceptions allows the Planning Board to approve an application, such as this Amendment, that generates no more than 10 students at any one school if it meets one of the following criteria:

1. Replaces or remediates a condemned, or previously condemned and currently vacant structure located within, abutting or confronting a state-designated Opportunity Zone; or
2. Is a project having more than 50% affordable housing units for households earning 60% or less of area median income.

Based on the FY20 Annual Schools Test, effective July 1, 2019, The Project is estimated to generate 7 new elementary school students, 3 new middle school students, and 3 new high school students and is subject to criterion #1, above.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the 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, which 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 Subject Property.

The Preliminary Plan Amendment substantially conforms to the 2000 *Silver Spring Sector Plan*. The Preliminary Plan 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.

SECTION 5: SITE PLAN AMENDMENT ANALYSIS AND FINDINGS

The Planning Board found that Site Plan 820190050 was consistent with both Sketch Plan 320180090 and Preliminary Plan 120190090, met the requirements of the CR 3.0 C 2.0 R 2.75 H 60T and Fenton Village Overlay zones; satisfied Forest Conservation and water quality requirements and complied with other applicable regulatory requirements. The Planning Board further determined that the Project was compatible with other uses and other site plans when considering existing and proposed adjacent development.

The Amendment complies with the general requirements and development standards of the Zoning Ordinance, Subdivision Regulations and substantially conforms with the goals and recommendations of both the 2000 *Silver Spring Central Business District Sector Plan*. The elements of the proposed Site Plan Amendment No. 82019005A remain consistent with the original findings, as modified to eliminate the age-restricted use from the residential component of the Project.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

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

Development Standards

The Subject Property 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.

Data Table – Table 1			
Section 59.4	Development Standard	Permitted/ Required	Approved
	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 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' Ex. Building: 99'	New Building: Up to 60' Ex. Building: 99'
	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

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable 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 can be transferred off-site in the same district.

Although the Sector Plan calls to retain the CBD-1 Zone, the Subject 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 development 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 Application 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's Gist Avenue frontage, including the utility pole on the corner of Gist Avenue and Fenton Street, 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 Subject Property 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. 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 Subject Property 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. The Sector Plan further states that transportation options should link transit and non-

motorized forms of transportation. The Subject 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. The Project may include a ground floor commercial component of up to 6,912 square feet.

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. The Project will provide up to 85 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." The streetscape along Fenton Street, Sligo Avenue, and Gist Avenue will be upgraded with street trees, paving, 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. 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."

The Application will provide 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 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. This vision was recently updated through the 2018 Bicycle Master Plan, which recommends a separated bike network within the Silver Spring CBD. The Application respects the master plan recommended bicycle lanes on Fenton Street by providing adequate right-of-way for their future implementation.

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 Application. 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 the Subject Property is not identified in the Sector Plan as a potential housing site, the Application promotes the housing choice goal by providing 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 Application substantially conforms to the 2000 *Silver Spring Sector Plan*. The 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 Subject Property is not subject to an Urban Renewal Plan.

CONCLUSION

Staff recommends approval of Preliminary Plan Amendment No. 120190090 and Site Plan Amendment No. 82019005A with the conditions specified in this report.

ATTACHMENTS

Attachment A: Previous Approvals

Attachment B: County Council Resolution 19-147



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 18-025
Sketch Plan No. 320180090
850 Sligo Avenue
Date of Hearing: April 5, 2018

NOV 08 2018

CORRECTED RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on January 5, 2018, Moonlight, Inc., ("Applicant") filed an application for approval of a sketch plan for construction of a mixed-use project with up to 82,941 total square feet of development, including up to 76,029 square feet of residential uses and up to 6,912 square feet of non-residential uses; on 0.46 acres of land in the CR 3.0, C-2.0, R-2.75, H-60T and Fenton Village Overlay Zones, located on the east side of Fenton Street, between Gist Avenue and Sligo Avenue ("Subject Property") in the Silver Spring CBD Policy Area and *Silver Spring CBD Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320180090, 850 Sligo Avenue ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 23, 2018, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on April 5, 2018, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on April 5, 2018, the Planning Board voted to approve the Application, subject to certain binding elements and conditions, on the motion of Commissioner Dreyfuss, seconded by Commissioner Fani-Gonzalez, with a vote of 5-0;

Approved as to
Legal Sufficiency:

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 Sketch Plan No. 320180090
 850 Sligo Avenue
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Commissioners Anderson, Cichy, Dreyfuss, Fani-Gonzalez, and Patterson voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320180090, 850 Sligo Avenue, for construction of up to construction of a mixed-use project with up to 82,941 total square feet of development, including up to 76,029 square feet of residential uses and up to 6,912 square feet of non-residential uses, on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

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 are illustrative.

B. Conditions. This approval is subject to the following conditions:

1. Density

The Sketch Plan is limited to a maximum of 82,941 total square feet, including up to 76,029 square feet of residential development and up to 6,912 square feet of non-residential. The maximum number of dwelling units and use mix will be determined at Preliminary Plan.

2. Height

New construction is limited to a maximum height of 60 feet, as measured from the building height measuring point(s) illustrated on the Certified Site Plan. The existing building is 99 feet tall and is grandfathered may not be increased in height.

3. Incentive Density

The development must be constructed with the public benefits listed below. 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. 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.

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

- a. Transit Proximity, achieved through location within ½ mile of the Silver Spring Metro Station;
 - b. Connectivity and Mobility, achieved by providing minimum parking;
 - c. Quality of Building and Site Design achieved through architectural elevations, exceptional design, and structured parking;
 - d. Protection and Enhancement of the Natural Environment, achieved through building lot terminations and cool roof; and
 - e. Building Reuse, achieved by keeping the existing office building on site and incorporating it into the new development.
4. Streetscape
The Applicant must install the Silver Spring Streetscape Standard, including undergrounding of utilities along the site frontages, including Gist Avenue, Sligo Avenue, and Fenton Street. The final extent of streetscape improvements including the undergrounding of utilities to be determined at Site Plan.
5. Building Lot Terminations (BLTs)
Before the release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.
6. Moderately Priced Dwelling Units (MPDUs)
The Applicant must provide a minimum of 12.5% of the total units as Moderately Priced Dwelling Units on the Subject Property. The development must provide MPDUs in accordance with Chapter 25A.
7. Public Open Space, Facilities, and Amenities
The Applicant must provide an area equivalent to five percent of the Site Area as public open space.
8. Future Coordination for Preliminary and Site Plan
In addition to any other requirements for Preliminary Plans under Chapter 50 and Site Plans under Chapter 59, the following must be addressed when filing a Preliminary or Site Plan:
 - a. The Applicant must ensure building compatibility to respond to the adjacent low-density residential uses that are abutting and confronting the site along Gist and Sligo avenues;
 - b. The Applicant should take steps to activate street frontages including but not limited to having residential and/or retail uses with entrances and/or openings on to the sidewalk;
 - c. Provide a Tree Save Plan focusing on impacts to trees on the adjacent residential properties;
 - d. Mitigate noise from outdoor gathering spaces;

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850 Sligo Avenue
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- e. Before the Certified Site Plan, develop a construction management plan to minimize construction impacts on adjacent homes;
- f. Address the air quality and energy efficiency recommendations of the Master Plan;
- g. Fire and Rescue access and facility details;
- h. Streetscape details;
- i. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements;
- j. Noise analysis at the time of Preliminary Plan;
- k. Traffic Mitigation Agreement, if required, at the time of Preliminary Plan;
- l. SWM concept approval; and
- m. Certification of the forest conservation exemption.

9. Transportation

The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated March 5, 2018, and does hereby incorporate them as conditions of the Sketch 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 Sketch Plan approval.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 0.46 acres in the CR 3.0, C-2.0, R-2.75, H-60T and Fenton Village Overlay Zones. The data table below demonstrates the Application's conformance to the applicable development standards of the zones.

Data Table

Project Data Table for the CR 3.0, C-2.0, R-2.75, H-60T Zone and FVOZ		
Development Standard Section 59 – 4.5.4	Permitted/Required	Approved
Tract Area: Previous Dedications: Site Area:	n/a	27,647 sf or 0.63 AC 7,714 sf or 0.17 AC 19,933 sf or 0.46 AC
Maximum Density (CR) <i>Non-residential (C)</i> <i>Residential (R)</i>	82,941 sf (3.0 FAR) 55,294 sf (2.0 FAR) 76,029 sf (2.75 FAR)	Up to 82,941 sf (3.00 FAR) Up to 6,912 sf (0.25 FAR) Up to 76,029 sf (2.75 FAR)
Building Height (feet)	New Building: 60 feet Existing Building: 99 Feet	New Building: 60 feet Existing Building: 99 Feet
Minimum Public Open Space	5% of Site Area	5% of Site Area

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

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

Silver Spring CBD Sector Plan 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 Sector Plan outlines six themes: transit-oriented downtown, commercial downtown, residential downtown, green downtown, civic downtown and pedestrian-friendly downtown that guide the vision for the Silver Spring CBD, which applies to the Project. As discussed below the Applicant will implement the recommendations of the Sector Plan.

Transit-Oriented Downtown

The site is situated at the corners of Fenton Street, Gist Avenue, and Sligo Avenue: a southern gateway to the CBD. The Sector Plan's transit-oriented downtown theme strives to balance the needs of commuter and local traffic, of walkers and drivers and to maximize the investment in Silver Spring's transit infrastructure. "Creating a transit-oriented community is not only a transportation effort but also a land use effort" (Sector Plan, page 16). The Plan further states that transportation choices go beyond the car to link local and regional buses, trains, bikes and foot travel. The Property is ½ mile from the Silver Spring Transit Center and the forthcoming Purple Line station at the Silver Spring Library as well as other important

regional transit options including Metrobus, RideOn, and the VanGo Circulator. The future Purple Line will have a station less than ½ mile from the site. As conditioned, the development will create an attractive pedestrian environment defined by well-designed buildings providing pedestrian residential, retail, and service entrances, and other visual interest. The existing Capital Bikeshare station at the corner of Fenton Street and Gist Avenue will remain.

Commercial Downtown

The Sector Plan states “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 potential for a non-residential component (retail and/or restaurant) on the ground floor may provide commercial services for the residents and surrounding neighborhood.

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 76,029 square feet of residential uses (with final unit count and unit mix to be determined at Site Plan) with 12.5% on-site MPDUs and up to 6,912 square feet of non-residential uses.

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 provides additional housing, which will facilitate the Sector Plan’s goal of returning the CBD to the center of community life, and encourage more economic and social connections. The streetscape improvements will activate the street. Through this activation, the streetscapes will serve as a place for informal social interactions and will add to the variety of the civic spaces in the CBD.

Green Downtown

The green downtown theme of the 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 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 Project provides streetscape improvements along all three frontages and will be lined with wide sidewalks, and paving, street trees, lighting, and underground utilities, in accordance with the Silver Spring streetscape standards. Additionally, the Project provides a setback on the eastern property boundary, which will incorporate landscaping and serve as a transitional buffer to the abutting residential homes.

Under the Optional Method of Development in the CR Zone (given the land area and some existing and planned right-of-way frontages), the Applicant is required to provide 5% of the net lot area as public open space. The Sector Plan and Fenton Village Overlay Zone encourage the transfer of public open space requirements off-site (see section 4.9.8.A.4). Thus, given the constrained site, the Applicant will provide off-site public open space improvements in accordance with Section 6.3.6.C of the Zoning Ordinance and consistent with the recommendations of the Fenton Village Overlay Zone.

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 additional housing within walking distance to existing 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.

Furthermore, in the pedestrian-friendly downtown theme, the Sector Plan states “The design of the pedestrian-scaled environment combines buildings and streets, active sidewalks, and open spaces detailed with street furniture

and landscaping to provide a safe, pleasant and interesting environment” (Sector Plan, page 14). The theme encourages sidewalks, and streets scaled to walkers, and street crossings should promote safety and access for pedestrians.

The building massing as illustrated by the Applicant shows the maximum building height allowed by the zone. The adjacent neighbors have concerns about the build height at the eastern edge of the property as well as well as how the building sits closer to Gist and Sligo avenues when compared to the existing homes on these streets. Staff shares the concern that the building massing will need to be compatible with the surrounding homes. The recommendation includes a condition to identify the specific issues to be addressed at Site Plan.

Additionally, the loading dock has been strategically located to minimize pedestrian-vehicular conflicts in response to comments received from the community. Access to parking and loading will continue to be studied and be determined at the time of Preliminary and Site Plans.

Silver Spring CBD Sector Plan Site-Specific Recommendations

Land Use and Zoning: Fenton Village Overlay Zone

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 will limit building heights to ensure compatibility with adjacent residential neighborhoods. Open space is allowed to be transferred to other sites in the same district.

As conditioned, the Project will improve upon the existing street frontages of Fenton Street, Gist Avenue, and Sligo Avenue providing an enhanced pedestrian environment. The site access is broken into two locations on the site because of the limit from the existing building and to reduce its impact in one point of the project. Loading and trash activities will occur from Sligo Avenue opposite to where commercial uses already are located. The residential vehicular access point is located from Gist Avenue. Although the Board supports the access concept for two access points on Sligo and Gist avenues, both Planning Staff and MCDOT has encouraged the Applicant to design the residential loading to be designed in a way to encourage vehicles leaving the site to drive toward Fenton Street and not drive through the single-family neighborhood.

Urban Design Recommendations

The Sector Plan provides general urban design recommendations for redevelopment projects in the Fenton Village Overlay Zone. These recommendations encourage the creation of local retail neighborhood that serves residential core CBD employees (page 90). Other relevant recommendations include:

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

While this project is proposing housing in the FVO, the is work to be done regarding the transition to address building massing next to single-family homes that are adjacent to the development.

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

As submitted in the Sketch Plan, this project is an infill project that renovates the existing office building and builds upon an existing surface parking lot. The new building is located directly along the street edge at Fenton Street, Gist Avenue, and Sligo Avenue. The project proposes to improve the sidewalk to the streetscape design standards for new street trees.

- *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 building will step down the height from Fenton Street toward the existing single-family homes. Additionally, a landscaped buffer area will further address the transition between the buildings and the existing homes.

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 is located within ½ mile of the Silver Spring Transit Center and the forthcoming Purple Line station at the Silver Spring Library. The Project will provide significant improvements to the pedestrian environment and will improve both pedestrian and vehicular circulation at this transit-oriented location. Vehicular access to the Property is currently provided through four access points, along Gist Avenue, Fenton Street, and Sligo Avenue. The Project will result in improved vehicular access through the consolidation of access points from four to two. The Project will utilize the access point off Sligo Avenue for loading and service activities, and the easternmost access point along Gist Avenue for resident/visitor parking. The vehicular access point on Fenton Street and the westernmost point along Gist Avenue are to be closed.

The streetscape along all frontages will be upgraded in conformance with the Silver Spring Streetscape Standards and include underground utilities, sidewalks, street trees, and adequate street lighting to ensure safety.

Housing

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 this goal by providing diverse housing opportunities through a variety of unit sizes and layouts (the exact unit mix will be determined at the time of Site Plan). The additional housing provided by the Project will attract a wide demographic and will facilitate the availability of new housing in a range of types and rents within walking distance of transit. And because the Project includes MPDUs (up to 12.5%), it will facilitate economic diversity located near transit and important services.

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.

Environmental Resources

The Sector Plan calls for new and existing development to help create a clean and attractive downtown that contributes to the environmental quality of the larger community. The Sector Plan suggests the following recommendations for new development:

- *Encourage the use of alternatives to automobile transportation to reduce air pollution;*

The residential development, within walking distance to transit and the existing office and commercial uses in the CBD, will allow residents to utilize alternative modes of transportation for work trips and daily living. Additionally, to further promote alternative means of transportation, both short-term and long-term bicycle parking will be provided in conformance with the requirements of Section 6.2.4.C of the Zoning Ordinance.

- *Enhance water quality through a variety of stormwater management techniques.*

Currently, there are no known stormwater management facilities on the Property. As such, the redevelopment provides an important opportunity to improve the treatment of stormwater runoff. Specifically, the Project would allow for the introduction of Environmental Site Design ("ESD") to the maximum extent practicable.

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

The Property is currently comprised of an existing empty office building and associated surface parking lot. The Project will renovate the existing building into residential use and develop the parking lot with new mixed-use development. The Project includes ground-floor non-residential uses, upper-level residential units, public open space, and residential amenity space. 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 Project encourages such development by proposing approximately 85 residential units including 12.5% MPDUs on-site, offering housing

opportunities for a range of incomes proximate to the numerous transit options of downtown Silver Spring. The potential for a non-residential component (retail and/or restaurant) on the ground floor may provide commercial services for the residents and surrounding neighborhood, though the Applicant is continuing to evaluate the market demand for non-residential uses on the Subject Property. The Project will satisfy the intent of the Commercial/ Residential Zone with or without a non-residential component due to its role as a transition between the Central Business District and residential neighborhood.

The Project facilitates all modes of transportation – pedestrian, bicycle, and vehicular, and transit. It will provide wide sidewalks along Fenton Street, Gist Avenue, and Sligo Avenue. The Project 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 Project includes a mix of uses on-site, including a significant amount of new residential development and, potentially, non-residential use with a building height of up to 60 feet. The existing office building will be renovated into residential use. The specific use mix and project density will be determined at the time of Site Plan review.

Adjacent building uses in the CBD, north of the Property include strip-commercial shopping center, east and south of the Property includes single-family detached homes, west of the Property is various commercial uses including a Greyhound Bus Terminal, hair salon, laundromat, and restaurant zoned.

The goal of the Sector Plan is to promote pedestrian-scaled buildings and one off the goals of the Fenton Village Overlay Zone is to add new buildings to serve as a transition between the CBD and the single-family neighborhoods. As currently submitted, the Project lacks architectural elements to break up the building massing to help support a pedestrian realm and site comfortably with the adjacent neighborhood. Therefore, Staff recommends that the Applicant collaborate with the neighbors to either 1) reduce the building's height and massing or 2) reduce the buildings perception of massing through design, material choices and the addition of windows. Staff will let the Applicant make the decision on how to reach an acceptable solution with the neighbors.

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

The Project will help to meet the need for additional housing options in the Central Business District. The mixed-use development will provide more residents to patronize local businesses. Additionally, providing more housing stock in the CBD provides greater opportunities for employment, a fundamental ingredient for the “smart growth” promoted by the previous CBD zones. The Project provides a variety of housing options through the provision of both market-rate units and MPDUs on site in an array of unit sizes. Also, the Project provides non-residential uses such as retail and/or restaurant.

- 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.*

The Project will provide the required public benefits from a minimum of four categories to achieve the desired incentive density above the standard method limit.

This project meets the recommendations of the Fenton Village Overlay Zone and the CR Zoning designation by providing residential use, limiting the building height to 60 feet and stepping down the building towards the adjacent residential neighborhood. However, the Applicant must reflect the adjacent low-density residential uses that are both on the same block and confronting the site along Gist and Sligo avenues by providing a two to three story base that steps back to minimize the perceived building mass; and support the activation of all street frontages by having residential units on the ground floor have doors that open on to the sidewalks.

b. General Requirements

i. *Site Access*

Vehicular site access will be provided via Sligo Avenue for loading and Gist Avenue for parking. Pedestrian and bike access will be provided from the existing sidewalk and street network, and will be further enhanced by streetscape improvements and participation in the realization of a bicycle facility on Fenton Street. Site access will be safe and convenient.

ii. *Parking, Queuing, and Loading*

The development will provide parking and loading on-site in a safe and efficient manner. Final location, amount, and configuration will be determined at Site Plan.

iii. *Open Space and Recreation*

The development will be providing Public Open Space equivalent to 5 percent of the site area, likely off-site and will meet the Recreation Guidelines at the time of Site Plan.

iv. *General Landscaping and Outdoor Lighting*

The development will provide landscaping and outdoor lighting compatible with the surrounding development. Final design to be determined at Site Plan.

2. *The Sketch Plan substantially conforms to the recommendations of the Sector Plan.*

As discussed above, the Sketch Plan substantially conforms to the recommendations of the *Silver Spring CBD Sector Plan*.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of 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. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The Project will provide a building measuring up to 60 feet in height with massing concentrated along Fenton Street and will step down in height toward the existing single-family homes on the east side of the block. As conditioned, the building will need to be compatible with height and scale with nearby existing development.

Although further refinement of the site layout and building design is necessary at Site Plan, the Project is anticipated to provide an appropriate transition to adjoining neighborhoods as recommended with the urban design goals and guidelines in the Sector Plan. The Project, as conditioned, achieves

compatible internal and external relationships between existing and pending nearby development. Staff will work with the Applicant as part of the Site Plan review to ensure a site design that is compatible with surrounding land uses.

5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The Project will provide significant improvements to the pedestrian environment and will improve both pedestrian and vehicular circulation at this transit-oriented location. The streetscape along all frontages will be upgraded in conformance with the Silver Spring Streetscape Standards and include underground utilities, sidewalks, street trees, and adequate street lighting to ensure safety. Vehicular access to the Property is currently provided through four access points, along Gist Avenue, Fenton Street, and Sligo Avenue. As conditioned, the Project will result in improved vehicular access through the consolidation of access points from four to two. The Project will utilize the access point off Sligo Avenue for loading and service activities, and an easternmost access point along Gist Avenue for resident/visitor parking. The vehicular access point on Fenton Street and the westernmost point along Gist Avenue are to be closed.

To further promote alternative means of transportation, both short-term and long-term bicycle parking will be provided in conformance with the requirements of Section 6.2.4.C of the Zoning Ordinance. A minimum of 95% of the required bike spaces will be long-term and securely located in the garage. A minimum of 5% of the required spaces will be short-term and will be available to the public in a convenient, well-lit location. The final bike parking numbers will be determined at Site Plan when the number of units is finalized.

6. *The Sketch Plan proposes 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, the Planning Board 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. Final determination of public benefit point values will be determined at Site Plan(s).

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Approved in Concept
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	1.84	1.84
Cool Roof	10	10	10
Building Reuse			
Building Reuse	100	35.7	35.7
TOTAL	250.0	112.5	112.5

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. At this time, the Planning Board supports the category as suggested in the CR Guidelines.

Connectivity and Mobility

Minimum Parking: The project is proposing fewer parking spaces than the maximum allowed. The Board supports the category at this time.

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. Final determination of points will be based upon architectural drawings submitted with the Site Plan. Staff will continue to work with the Applicant to refine the architectural design. The Board supports the category at this time.

Exceptional Design: The Applicant requests 5 points for the Exceptional Design category that will be reviewed during the Site Plan process and the Applicant intends to meet four of the following criteria:

- the innovative solution in response to immediate context;
- creating a sense of place and serves as a landmark;
- enhances the public realm in a distinct and original manner;
- introduces materials, forms, or building methods unique to the immediate vicinity or applied uniquely;
- uses design solutions to make compact, infill development living, working, and shopping environments more pleasurable and desirable on a problematic site; and
- integrates low-impact development methods into the overall design of the site and building, beyond green building or site requirements.

To achieve the five points for the exceptional design category, the Applicant must incorporate solutions to the building massing that responds to the adjacent neighbor's concerns.

Structured Parking: The Applicant requests 20 points for providing on-site parking within a parking structure. Details on any exposed garage façade treatment will be determined at the time of Site Plan. The Board supports the Applicant's request at this time with further details and refinement to be provided at the time of Site Plan.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): 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 this calculation, the Board supports 1.48 points for this benefit at this time, with final calculations to be provided at the time of Site Plan.

Cool Roof: The Applicant proposes to cover any exposed portion of the roof (not covered by stormwater management, vegetation or mechanical equipment) with a material that has a solar reflectance index of 75. The Board supports this category at this time.

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

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Sketch Plan No. 320180090
850 Sligo Avenue
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reusable and recyclable materials before any demolition, if applicable. The Board supports up to 34.5 points in this category at this time.

7. The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

The project is intended to be built in one phase.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of 850 Sligo Avenue, 320180090, received in ePlans as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 08 2018 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of the original mailing date, or, if the appeal relates to the corrected portions of this resolution, within thirty days of the date of this Corrected Resolution, consistent with

the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Vice Chair Dreyfuss, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Dreyfuss, and Commissioner Cichy voting in favor, and Commissioners Fani-González and Patterson absent at its regular meeting held on Thursday, October 25, 2018, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 19-038
Preliminary Plan No. 120190090
850 Sligo Avenue
Date of Hearing: March 28, 2019

MAY 15 2019

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on November 8, 2018, Moonlight, Inc. ("Applicant") filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on approximately 19,401 square feet or 0.45 acres on a tract measuring 0.63 acres of CR 3.0 C 2.0 R 2.75 H 60T zoned-land, located on southeast quadrant of the intersection of Fenton Street and Sligo Avenue ("Subject Property"), in the Silver Spring CBD Policy Area and 2000 *Silver Spring Central Business District Sector Plan* ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120190090, 850 Sligo Avenue ("Preliminary Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 15, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 28, 2019, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on March 28, 2019, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Cichy, seconded by commissioner Patterson, with a vote of 4-0; Commissioners Anderson, Cichy, Dreyfuss, and Patterson voting in favor, and Commissioner Fani-Gonzalez absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board APPROVES Preliminary Plan No. 120190090 to create 1 lot on the Subject Property, subject to the

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910

MNCPPC Legal Department
www.montgomeryplanningboard.org

Phone: 301.495.4605 Fax: 301.495.1320

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850 Sligo Avenue
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following conditions:¹

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, except conditions 5, 6, and 7.a.2, as they pertain to the undergrounding of utilities on Sligo Avenue, 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.
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,

¹ For the purpose 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.

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 Preliminary Plan No. 120190090
 850 Sligo Avenue
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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.

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

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. As described in the Staff Report, 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.

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 can be transferred off-site in the same district.

Although the Sector Plan calls to retain the CBD-1 Zone, the Subject 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 Application 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, 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 Application 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's Gist Avenue frontage, including the utility pole on the corner of Gist Avenue and Fenton Street, 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 Subject Property 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. 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 Subject Property 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. The Plan further states that transportation options should link transit and non-motorized forms of transportation. The Subject 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.

Commercial Downtown

Commercial activity, a mutually supportive mix of office, stores, and other business enterprises, is the defining feature of a successful downtown. The Preliminary plan 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." The Application 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." Pursuant to the Application and associated site plan, the streetscape along Fenton Street, Sligo Avenue, and Gist Avenue will be

upgraded with street trees, paving, 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. The Preliminary Plan will accommodate 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.”

The Preliminary Plan 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.

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. 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 Application 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 the Subject Property is not identified in the Sector Plan as a potential housing site, the Application promotes the housing choice goal by providing age-restricted housing. The additional housing provided by the Application 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 substantially conforms to the 2000 *Silver Spring Sector Plan*. The Preliminary Plan 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 Subject 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 Subject 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.

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

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850 Sligo Avenue
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Public facilities and services are available and will be adequate to serve the 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, which 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 Subject 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.

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 (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.*

The Applicant requested to have the exterior noise guidelines waived, 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. The Planning Board approves the waiver.

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 Preliminary Plan No. 120190090
 850 Sligo Avenue
 Page 10

BE IT FURTHER RESOLVED that this Preliminary Plan will remain valid for 36 months from its initiation date as defined in Montgomery County Code Section 50.4.2.G, and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed.

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 15 2019 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, April 25, 2019, in Silver Spring, Maryland.



 Casey Anderson, Chair
 Montgomery County Planning Board



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 19-039
Site Plan No. 820190050
850 Sligo Avenue
Date of Hearing: March 28, 2019

MAY 02 2019

RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on November 8, 2018, Moonlight, Inc. ("Applicant") filed an application for approval of a site plan for a mixed-use building of up to 82,941 square feet of development consisting of up to 76,029 square feet of residential development (up to 85 age-restricted dwelling units), including a minimum of 12.5% MPDUs, and up to 6,912 square feet of non-residential development on 0.63 acres of CR 3.0 C 2.0 R 2.75 H 60T zoned-land, located on southeast quadrant of the intersection of Fenton Street and Sligo Avenue ("Subject Property"), in the Silver Spring CBD Policy Area and 2000 Silver Spring Central Business District Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820190050, 850 Sligo Avenue ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated March 15, 2019, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on March 28, 2019, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

WHEREAS, on March 28, 2019, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Cichy, seconded by commissioner Patterson, with a vote of 4-0; Commissioners Anderson, Cichy, Dreyfuss, and Patterson voting in favor, and Commissioner Fani-Gonzalez absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820190050 for a mixed-use building of up to 82,941 square feet of development

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Silver Spring, Maryland 20910

M-NCPPC Legal Department
www.montgomeryplanningboard.org

Phone: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chair@mncppc-mc.org

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Page 2

consisting of up to 76,029 square feet of residential development (up to 85 age-restricted dwelling units), including a minimum of 12.5% MPDUs, and up to 6,912 square feet of non-residential development on the Subject Property, subject to the following conditions:¹

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.

¹ For the purpose 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.

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 along the property's frontage on Fenton Street, Sligo Avenue, and Gist Avenue, consistent with the Silver Spring CBD Streetscape Standards. The Applicant must underground utilities on the property's Gist Avenue frontage, including the utility pole at the corner of Fenton Street and Gist Avenue, 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 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.

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.

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:

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- 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.

19. Construction Management

Prior to Certified Site Plan, the Applicant must develop a construction management plan to minimize construction impacts on adjacent homes, including orienting lighting onto the Subject Property and utilizing fabric wrapped perimeter fencing for dust control.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 850 Sligo Avenue 820190050, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The development 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.

2. *The development satisfies 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.

3. *The development satisfies 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; the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

i. *Division 4.5. Commercial / Residential Zones*

Development Standards

The Subject Property 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.

Data Table – Table 1			
Section 59.4	Development Standard	Permitted/ Required	Approved
	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' Ex. Building: 99'	New Building: Up to 60' Ex. Building: 99'
	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

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Table 1 (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 Spaces³		
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 Site Plan 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 2: Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Approved
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 Subject 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. The Planning Board approves 20 points for this category.

Connectivity and Mobility

Minimum Parking: The project is providing fewer parking spaces than the maximum allowed.

$$[(\text{Max. Allowed Parking} - \text{Prop. Parking}) / (\text{Max. Allowed Parking} - \text{Min Parking})] * 10$$

$$[(108 - 29) / (108 - 63)] * 10 = 10 \text{ Public Benefit points}$$

The Planning Board approves 10 points for this category.

Quality of Building and Site Design

Architectural Elevations: The Applicant is 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 Application is 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.

The Planning Board approves 10 points for this category.

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 Site Plan serves as a transitional site between the more intensive uses of the CBD and residential neighborhood. To achieve this transition, the Site Plan 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 Subject 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 development 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 Site Plan'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 Site Plan 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 Site Plan's compatibility with the surrounding area and give the structure 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 Site Plan incorporates stormwater management through the use of above-grade micro-bioretenition systems located on the roofs of the first and third floors. The 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.

The Planning Board approves 5 points for this category.

Structured Parking: The Applicant requests 20 points for providing all on-site parking within a parking structure. These points are supported by the following calculation:

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

The Planning Board approves 20 points for this category.

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. These points are supported by the following calculation:

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

The Planning Board approves 1.48 points for this category.

Cool Roof: The Applicant requests 10 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.

The Planning Board approves 10 points for this category.

Building Reuse

Building Reuse: The Site Plan 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. These points are supported by the following calculation:

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

The Planning Board approves 42.8 points for this category.

iii. Division 6.1. Site Access

Vehicular access to the Subject Property is 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 structure from the lobbies on Fenton Street. The Site Plan 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. 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 Site Plan 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.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services (MCDPS) on February 11, 2019. The Site Plan 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.

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 Exemption 42018103E approved on December 29, 2017.

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

The Site Plan provides adequate, safe, and efficient parking and circulation patterns and provides entrances to activate the development along the site frontages. The Site Plan provides a safe and well-integrated building, off-site open space and site amenities. The Site Plan 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 Site Plan provides amenities for the residents of the project internal to the building, along the tower element, and on the elevated courtyards.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable 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 can be transferred off-site in the same district.

Although the Sector Plan calls to retain the CBD-1 Zone, the Subject 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 development 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 Application 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 Site Plan 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's Gist Avenue frontage, including the utility pole on the corner of Gist Avenue and Fenton Street, 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 Subject Property 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. 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 Subject Property 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. The Plan further states that transportation options should link transit and non-motorized forms of transportation. The Subject 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 Site Plan 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. The Site Plan may include a ground floor commercial component of up to 6,912 square feet.

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. The Site Plan 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." The streetscape along Fenton Street, Sligo Avenue, and Gist

Avenue will be upgraded with street trees, paving, 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. As conditioned, the Site Plan 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."

The Application 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 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. This vision was recently updated through the 2018 Bicycle Master Plan, which recommends a separated bike network within the Silver Spring CBD. The

Application respects the master plan recommended bicycle lanes on Fenton Street by providing adequate right-of-way for their future implementation.

The Site Plan 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 Application. 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 the Subject Property is not identified in the Sector Plan as a potential housing site, the Application promotes the housing choice goal by providing age-restricted housing. The additional housing provided by the Site Plan 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 Application substantially conforms to the 2000 *Silver Spring Sector Plan*. The 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 Subject Property is not subject to an Urban Renewal Plan.

8. *The development 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.*

As discussed in the resolution approving Preliminary Plan No. 120190090, approved concurrently with this Site Plan, 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.

9. *The development 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 Site Plan's design and scale is compatible with buildings in the both downtown Silver Spring and adjacent residential neighborhood. The 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 building'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 building's highest point will be located on the existing 99-foot tall office tower, which is grandfathered to its current height. The next tallest portions of the 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 Subject Property. 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.

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 include space for a visual amenity, such as a mural, to break-up the mass of the wall.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and


BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is MAY 02 2019 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, April 25, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

Resolution No: 19-147
Introduced: April 23, 2019
Adopted: June 25, 2019

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Rice
Co-Sponsor: Councilmember Riemer

SUBJECT: Amendment to the 2016-2020 Subdivision Staging Policy in association with blighted/condemned buildings or affordable housing

Background

1. On April 17, 2018 the County Council approved Resolution 18-1087, amending the 2016-2020 Subdivision Staging Policy.
2. County Code §33A-15(f) allows either the County Council, County Executive, or the Planning Board to initiate an amendment to the Subdivision Staging Policy.
3. On April 23, 2019, in accordance with §33A-15, the Council introduced proposed technical amendments to amend Resolution 18-1087 in association with blighted/condemned buildings or affordable housing.
4. On June 11, 2019, the County Council held a public hearing on the Draft Amendment to the Subdivision Staging Policy.
5. On June 17, 2019 the Council's Planning, Housing, and Economic Development Committee conducted a worksession on the Draft Amendment to the Subdivision Staging Policy.
6. The Council conducted a worksession on the Draft Amendment to the Subdivision Staging Policy, at which careful consideration was given to the public hearing testimony, updated information, recommended revisions and comments of the County Executive and Planning Board, and the comments and concerns of other interested parties.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

The 2016-2020 Subdivision Staging Policy is amended as follows:

* * *

Guidelines for Transportation Facilities

* * *

S Public School Facilities

* * *

S7.3[[Blighted/]]Condemned Buildings or Affordable Housing

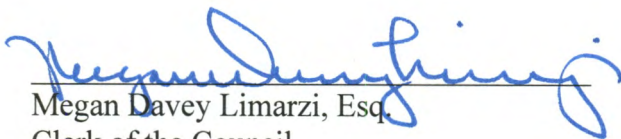
If public school capacity is inadequate in any cluster or school service area, the Planning Board nevertheless may approve a subdivision in that cluster or school service area if the subdivision generates 10 or [[fewer]] less students in any given impacted school, and:

- (1) Replaces or remediates a[[n uninhabited, blighted or]] condemned, or previously condemned and currently vacant structure located within, abutting or [[adjacent to]] confronting a state-designed Opportunity Zone, or
- (2) Is a project having more than 50% affordable housing units for [[families]] households earning 60% of less of area median income.

These provisions may be used so that a school's enrollment forecast is affected by no more than one such development per year.

* * *

This is a correct copy of Council action.



Megan Davey Limarzi, Esq.
Clerk of the Council