

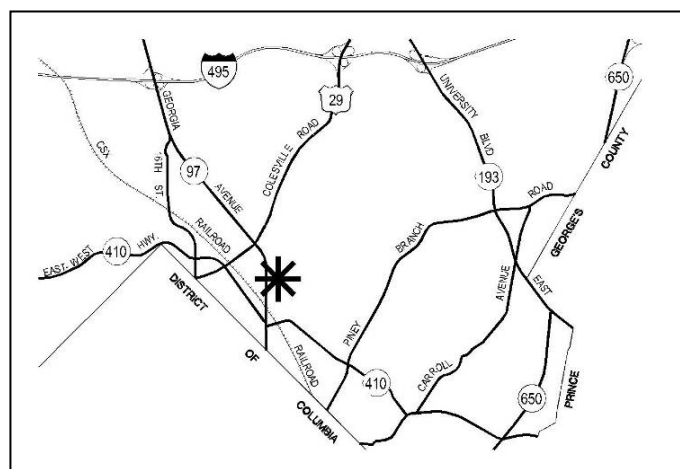
Urby Silver Spring, Preliminary Plan Amendment No. 12013002A, Site Plan Amendment No. 82013001B and Site Plan No. 820200170

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Description

- Preliminary Plan Amendment No. 12013002A: Request to increase the number of dwelling units from 749 to 793 and decrease the retail from 36,180 SF to 34,980 SF and increase the limits of disturbance for the Preliminary Forest Conservation Plan.
- Site Plan Amendment No. 82013001B: Request to decrease the base density to reflect as-built condition and to amend Final Forest Conservation Plan to reflect updated limits of disturbance.
- Site Plan No. 820200170: Construction of a mixed-use project with up to 325,742 square feet of development consisting of 394 dwelling units, including MPDUs and WFHUs, and 7,611 square feet of non-residential development.
- Current use: commercial uses and surface parking
- Located in the northwest quadrant of the intersection of Fenton Street and Silver Spring Avenue in Downtown Silver Spring.
- Preliminary Plan 12013002A: 5.11 acres, Site Plan Amendment 82013001B: 2.39 acres, Site Plan No. 820200170: 1.15 acres, zoned CR-3.0, C-2.0, R-2.75, H-110T (reviewed under CBD-1) and the Fenton Village Overlay Zone



Summary

- Staff recommends approval of the Preliminary Plan Amendment, Site Plan Amendment, and Site Plan, with conditions.
- Urby Silver Spring is Phase 2 of the Studio Plaza project in the Fenton Village area of Downtown Silver Spring, originally approved in 2009. This phase is a mixed-use optional method of development project that will provide 394 dwelling units including 57 MPDUs, 18 WFHUs and 7,611 square feet of nonresidential uses near Purple Line and Red Line transit.

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SECTION 1: RECOMMENDATION AND CONDITIONS

PRELIMINARY PLAN AMENDMENT NO. 12013002A

Staff recommends approval of Preliminary Plan Amendment 12013002A, to allow up to 793 dwelling units and up to 16,757 square feet of non-residential uses on the Subject Property within the trip cap approved under the original Preliminary Plan No. 120130020 and to increase the limits of disturbance on the Preliminary Forest Conservation Plan. 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 amended by the conditions below (revised conditions 2, 5, and 17 and new conditions 21, and 22) the conditions approved under Preliminary Plan 120130020 remain valid and in full effect.

Original Condition No. 2

2. This Preliminary Plan is limited to 3 lots for a maximum of 626,781 square feet of base density (exclusive of bonus residential density for providing MPDUs), and a maximum net new trip generation of 297 morning peak-hour trips and 351 evening peak-hour trips (based on a traffic study for 739,553 square feet of development, with a maximum 625,373 square feet of residential development, including a maximum of 749 total dwelling units, and 114,180 square feet of commercial uses, including 36,180 square feet of retail and 78,000 square feet of office).

Revised Condition No. 2

2. This Preliminary Plan is limited to 3 lots for a maximum of 626,781 square feet of base density (exclusive of bonus residential density for providing MPDUs), and a maximum net new trip generation of 297 morning peak-hour trips and 351 evening peak-hour trips. The residential unit count and non-residential square footage of each phase will be finalized at the time of Site Plan(s). The cumulative densities across all phases must result in a trip generation estimate that does not exceed the established maximum trip cap for either the morning peak period or evening peak period.

Original Condition No. 5

5. The Applicant must comply with the conditions of approval for the revised preliminary Forest Conservation Plan no. 120130020, approved as part of this Preliminary Plan, subject to the following conditions:
 - a. Final Forest Conservation Plan must include detailed and specific tree protection measures for off-site trees affected by the Limits of Disturbance (LOD).
 - b. A fee-in-lieu which satisfies the 0.64-acre afforestation requirement must be submitted by applicant then approved by M-NCPPC staff prior to any clearing, grading or construction activity within the project area.
 - c. The Final Forest Conservation plan must be signed by the plan preparer and Applicant, and the Applicant must provide and sign the developer's certificate.
 - d. The sediment and erosion control plan and stormwater management plan must be submitted with the revised Final Forest Conservation Plan to ensure consistency with the Limits of Disturbances (LODs) and the associated tree/forest preservation measures.
 - e. The Applicant must satisfy all conditions prior to Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.

Revised Condition No. 5

5. The Applicant must comply with the following conditions of approval of Preliminary Forest Conservation Plan 12013002A, approved as part of this Preliminary Plan Amendment.
 - a. Final Forest Conservation Plan must include detailed and specific tree protection measures for off-site trees affected by the Limits of Disturbance (LOD).
 - b. Prior to any clearing, grading or demolition within the project area, the Applicant must purchase credits from a forest mitigation bank or, if there are no applicable mitigation banks available, submit a fee-in-lieu payment which satisfies the remaining 0.02-acres of afforestation requirement, for a total of 0.66-acres of afforestation requirement (the Phase 1 afforestation requirement of 0.64-acres was satisfied via fee-in-lieu with Site Plan No. 820130010) resulting from the change in LOD associated with Preliminary Plan Amendment No. 12013002A.
 - c. The Final Forest Conservation plan must be signed by the plan preparer and Applicant, and the Applicant must provide and sign the developer's certificate.
 - d. The sediment and erosion control plan and stormwater management plan must be consistent with the LOD and associated tree protection measures shown on the Final Forest Conservation Plan.
 - e. The Applicant must satisfy all conditions prior to Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.

Original Condition No. 17

17. The Subject Property is within the Blair High School cluster area. As applicable, the Applicant must make a School Facilities Payment to MCDPS at the middle school level at the high-rise unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

Revised Condition No. 17

17. The Subject Property is within the Blair High School cluster area. As applicable to Phase 1 only, the Applicant must make a School Facilities Payment to MCDPS at the middle school level at the high-rise unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.

New Condition 21

21. For the Urby Silver Spring, Phase 2 Site, the Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated December 16, 2020 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.

New Condition 22

22. All necessary easements must be recorded in the Land Records Prior to the issuance of the first above-grade building permit.

SITE PLAN AMENDMENT NO. 82013001B

Staff recommends approval of Site Plan Amendment 82013001B, to amend the approved base density from 344,573 square feet to 327,337 square feet resulting in a decrease in the total square footage (418,069 square feet to 397,041 square feet) on the Subject Property to reflect the current built conditions of Studio Plaza, Phase 1 and to incorporate the updated afforestation requirement of 0.66-acres, an increase of 0.02-acres, resulting from Preliminary Plan Amendment No. 12013002A. As conditioned, the remaining afforestation requirement of 0.02-acres is to be met through the purchase of forest mitigation credits from an approved offsite forest mitigation bank or via fee-in-lieu. 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 amended by condition 2 below, the conditions approved under Site Plan 820130010 remain valid and in full effect.

Original Condition:

2. Density

This Site Plan is limited to a maximum gross floor area of 418,069 sf., including 10,500 sf. of retail and up to 415 dwelling units. The total number of dwelling units includes 61 MPDUs and 10 WFHUs, in addition to 344 market rate units.

Revised Condition:

2. Density

This Site Plan is limited to a maximum gross floor area of 397,041 square feet, including 10,500 square feet of retail and up to 399 dwelling units. The total number of dwelling units includes 59 MPDUs and 10 WFHUs, in addition to 330 market rate units.

SITE PLAN NO. 820200170

Staff recommends approval of Site Plan 820200170 for a mixed-use project consisting of up to 394 multi-family dwelling units, including MPDUs and Workforce Housing Units, and up to 7,611 square feet of non-residential development on 1.15 acres zoned CR-3.0, C-2.0, R-2.75, H-110T (being reviewed under CBD-1) and the Fenton Village Overlay Zone. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.

Conformance with Previous Approvals

1. Preliminary Plan Conformance

The Applicant must comply with the conditions of approval associated with Preliminary Plan 12013002A, as amended.

Density, Height & Housing

2. Density

The Site Plan is limited to a maximum of 325,742 square feet of total development on the Subject Property, including base density of 246,635 square feet of residential uses, for up 394 multi-family dwelling units, and 7,611 square feet of non-residential uses.

3. Height
The development is limited to a maximum height of 110 feet, as measured from the building height measuring point illustrated on the Certified Site Plan.
4. Workforce Housing Units (WFHUs)
 - a. The Applicant must provide onsite a minimum of 18 units as WFHUs, or MCDHCA-approved equivalent, consistent with the requirements of Chapter 25B, Article V and the Joint Development Agreement with Montgomery County.
 - b. Before issuance of any above-grade building permit, the WFHU Agreement-to-Build between the Applicant and the MCDHCA must be executed.
5. Moderately Priced Dwelling Units (MPDUs)
 - a. The development must provide on-site a minimum of 15 percent of the total number of non-WFHUs as MPDUs in accordance with Chapter 25A and the Joint Development Agreement with Montgomery County. The Applicant is receiving a 22-percent residential density bonus for providing 15 percent MPDUs on-site.
 - b. The MPDU Agreement-to-Build must be executed prior to the release of any above-grade building permit.

Access & Circulation

6. Department of Permitting Services-Right-of-Way
The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated December 7, 2020 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.
7. Fire and Rescue
The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated December 14, 2020, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.
8. Pedestrian & Bicycle Circulation
 - a. The Applicant must provide a minimum of 95 long-term and 6 short-term bicycle parking spaces.
 - b. The long-term spaces must be internal to the building, and the short-term spaces must be inverted-U racks (or approved equal) installed along the building's frontage or in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
 - c. The Applicant must construct Silver Spring Streetscape Standard improvements, including undergrounding of utilities, along the site frontage, as shown on the Certified Site Plan.
9. Site Plan Surety and Maintenance Agreement
Prior to issuance of any above grade building permit (but not prior to the issuance of sheeting and shoring foundation to the grade and/or associated sediment control and ROW permits), 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-D-3.5(d) 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, indoor recreational facilities, site furniture, trash enclosures, fences, railings, private roads and sidewalks, private utilities, paths and associated improvements of development, including sidewalks, bikeways, storm drainage facilities, street trees and street lights. The surety must be posted before issuance of any building permit of development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a site plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

Environment

10. Forest Conservation

- a. The Applicant must schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.
- b. Prior to any clearing, grading or demolition within the project area, the Applicant must purchase credits from a forest mitigation bank or, if there are no applicable mitigation banks available, submit a fee-in-lieu payment which satisfies the remaining 0.02-acres of afforestation requirement, for a total of 0.66-acres of afforestation requirement (the Phase 1 afforestation requirement of 0.64-acres was satisfied via fee-in-lieu with Site Plan No. 820130010) resulting from the change in LOD associated with Preliminary Plan Amendment No. 12013002A.
- c. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
- d. The Limits of Disturbance ("LOD") shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.

11. Noise Attenuation

- a. Before issuance of the any building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer who specializes in acoustical treatment that:
 - i. The building shell for residential dwelling units affected by exterior noise levels projected above 65 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 dated August 27, 2020 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 Use and Occupancy Certificate for noise impacted units, 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.

Open Space, Facilities and Amenities

12. Public Use Space, Facilities, and Amenities

- a. The Applicant must provide on-site a minimum of 3,793 square feet of public use space, 2.3% of net lot area, as illustrated on the Certified Site Plan.
- b. The Applicant must provide a minimum of 13,313 square feet of on and off-site amenity space, 7.3% of the net lot area, as illustrated on the Certified Site Plan. Included as part of the on-site public amenity space, the Applicant must provide the mural on the western façade pursuant to Condition 14.

13. Mayor's Promenade Extension

- a. Consistent with the Planning Board's direction for the public portion of Mayor's Promenade stated in Condition 5 of the abutting 900 Thayer Avenue Project Plan Amendment 92005003A, the Applicant must pay \$42,000 to M-NCPPC to be held in an escrow account and used for the future improvement of the public alley on the northern boundary of the subject site – presently functioning as a driveway from Fenton Street to Parking Lot 3 ("Contribution"). The Contribution must be submitted to M-NCPPC prior to the release of the first use-and-occupancy certificate. The Contribution will be placed into a special escrow account specifically earmarked for improvements to the Alley (the "Escrow Fund"). Once the Contribution is submitted to M-NCPPC for deposit into the Escrow Fund. Payment of the Contribution satisfies the obligation for the public portion of the alley and the Applicant is not responsible for the implementation of any improvement in this area.
- b. The Applicant must design the on-site segment of the extension of Mayor's Promenade between Fenton Street and the private drive to the west of Site Unit #2. The design must include the following design elements and be approved by Staff prior to illustration on the Certified Site Plan:
 - i. an 11-foot motor vehicle pathway that permits westbound-only movements;
 - ii. a pedestrian pathway at least 5 feet wide and a 1-foot buffer between the two designated areas; and
 - iii. an easement for the combined 17 feet of access within the private segment of the Fenton Street Alley, which the Applicant must record in the Land Records prior to the issuance of the first above-grade building permit.
- c. The Applicant must provide signage directing movements within the extension, to be reviewed and approved by MCDPS.

14. Mural/Visual Amenity

Over an area that incorporates a significant portion of the western façade of the building along Silver Spring Avenue and the Private Drive, as determined by M-NCPPC Staff, the Applicant must provide and maintain a mural, or comparable visual amenity that breaks-up the mass of the façade, the general location and extend of which must be shown on the Certified Site Plan. Any change in the western façade to accommodate the mural shall be reflected on the Certified Site Plan. This visual amenity must be installed prior to the final Use and Occupancy permit. The visual amenity may change over time without amending the Site Plan.

15. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights must have full cut-off or BUG equivalent fixtures.
- c. Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- e. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

16. Landscape

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

17. Development Program

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

18. Certified Site Plan

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

- a. Include the MCDOT letters, MCDHCA letter and other applicable agency letters, development program, Preliminary Plan Amendment resolution, and Site Plan resolution on the cover sheet(s).
- b. Add a note stating that "Minor modifications to the limits of disturbance shown on the Certified Site Plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape Plans.

SECTION 2: SITE DESCRIPTION

Site Vicinity

The Subject Property is bounded by Thayer Avenue, Fenton Street, Silver Spring Avenue and Mayor Lane with an address of 905 Silver Spring Avenue, all in the 2000 Silver Spring CBD. The Property is located in the Fenton Village Overlay Zone near Purple Line and Red Line transit. The Subject Property is also located within walking distance of the Silver Spring Transit Center, Downtown Silver Spring, the Silver Spring library, the Takoma Park Campus of Montgomery College and the shops of South Silver Spring.



Figure 1- Studio Plaza and Urby Site Overview

The neighborhood surrounding the Subject Property includes multi-family residential uses, commercial uses, and retail uses. Studio Plaza, a mixed-use development project, sits to the west and is zoned CR-3.0, C-2.0, R-2.75, H-110T. The southeastern block of the subject site contains buildings that are populated by ethnic grocers, convenience and specialty retail and small commercial enterprises. Across Silver Spring

Avenue to the south is the Fenton Village structured parking garage and older, small, residential-style buildings, now used for commercial purposes. At the intersection of Thayer Avenue and Fenton Street to the north is Safeway supermarket and is zoned CR-3.0, C-2.0, R-2.75, H-110T.

Subject Property

The Subject Site (Subject Property or Property) is located in the northwest quadrant of the intersection of Fenton Street and Silver Spring Avenue in the Fenton Village area of Downtown Silver Spring.



Figure 2 – Aerial of Subject Site

The Subject Property is located within the Sligo Creek watershed, a Use I watershed¹, which is also a tributary to the Anacostia River. The Property contains numerous young trees sized from 1 to 11 inches in diameter-at-breast-height (DBH). The Property also contains a 40" DBH Pin Oak tree onsite, which is a specimen tree and is within 73.4% of the County Champion Pin Oak (54.5" DBH). The tree is in poor condition with large deadwood sections, dieback, branch decay, and English ivy growth. The Property has gone through numerous plan approvals in the past, which approved the removal of this tree and other significant trees in poor condition at the time including a 30"+ Black Locust removed per Site Plan No.

¹Use I:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE

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

82006020B for the neighboring 900 Thayer Ave Application, and a 30" Black Locust removed per Site Plan 820130010; both of these prior tree removals are shown on the revised Final Forest Conservation Plan for Urby Site Plan Amendment No. 82013001B. The 40" specimen Pin Oak, first approved for removal in a 2013 variance request, currently remains onsite in its declining condition.

Aside from the specimen tree and the watershed itself, the Site is not associated with any environmentally sensitive features such as forest, stream buffers, wetlands, 100-year floodplains, or steep slopes.

Previous Approvals

Urby Silver Spring is Phase 2 of the Studio Plaza project, first approved by the Planning Board in 2009 for a large multi-phase redevelopment of the majority of the block bound by Georgia Avenue, Thayer Avenue, Fenton Street, and Silver Spring Avenue. Central to the overall project is a Joint Development Agreement with Montgomery County for the redevelopment of County Parking Lot 3, which allowed redevelopment of the Parking Lot in exchange for construction of a new underground parking garage on the site, as well as stipulating requirements for MPDUs and Workforce Housing Units to be constructed on the site.

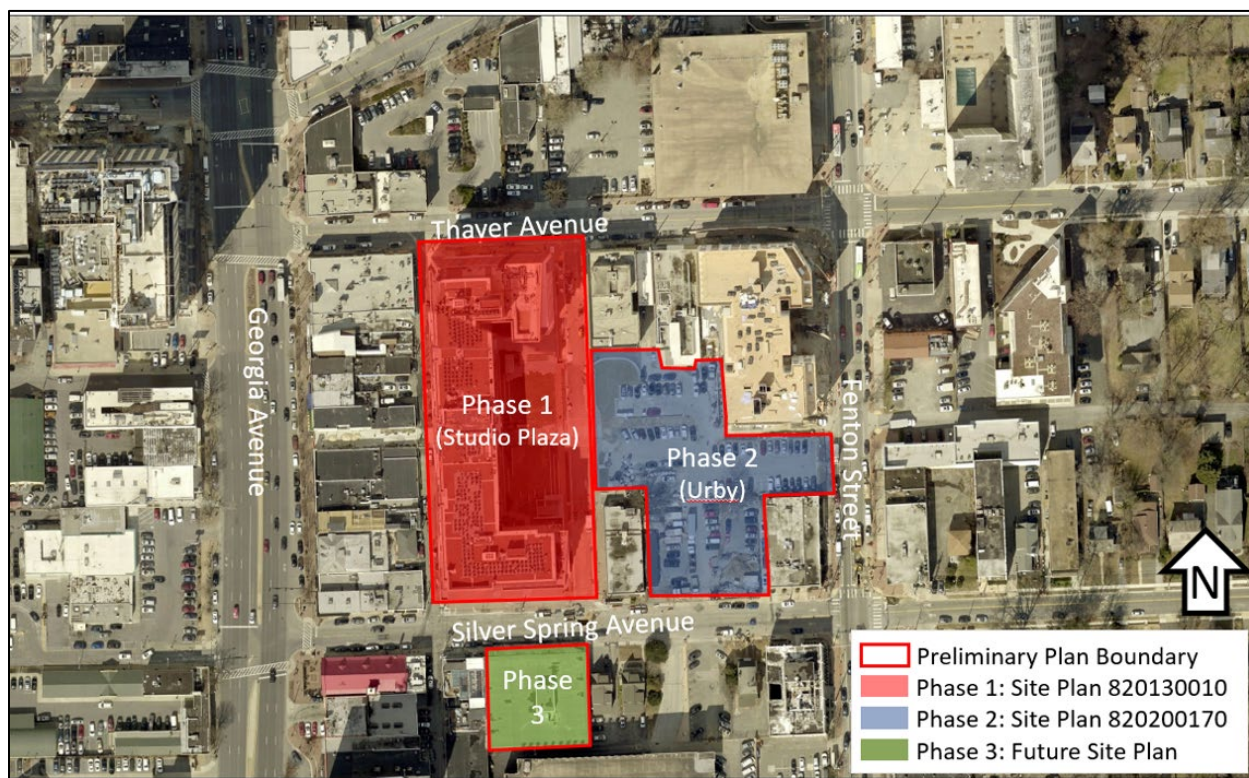


Figure 3- Site Overview

The Planning Board approved Project Plan No. 920070010 for a “multi-building mixed-use development, including, but not limited to, residential, retail, office, and/or hotel uses, with a maximum optional method base density – exclusive of any density bonuses for MPDUs or workforce housing – of 626,781 gross square feet”. The approval provided maximum flexibility in land use for future redevelopment of the site.



Figure 4– Project Plan 920070010 Illustrative Rendering

As shown in Figure 4, the Project Plan envisioned a new central public space through which ran “Mayor’s Promenade”, an enhanced public pedestrian connection between Georgia Avenue and Fenton Street. The Promenade is named after Norman Lane, a Silver Spring icon memorialized by a bust at the Georgia Avenue sidewalk.



Figure 5- Commemorative 'Mayor' Bust, Mayor's Promenade

Phase 1 also included a new private drive between Thayer Avenue and Silver Spring Avenue, providing vehicular access both to the new public parking garage to be constructed beneath the central green and to the abutting existing buildings to remain.

In 2009, the County Council approved Abandonment Petition AB-719, for several public alley segments remaining within the County Parking Lot 3. While the abandonments facilitated the Applicant's ability to consolidate the properties to realize the project, there remained three "off-site" alley segments on the block which remain publicly dedicated rights-of-way today.

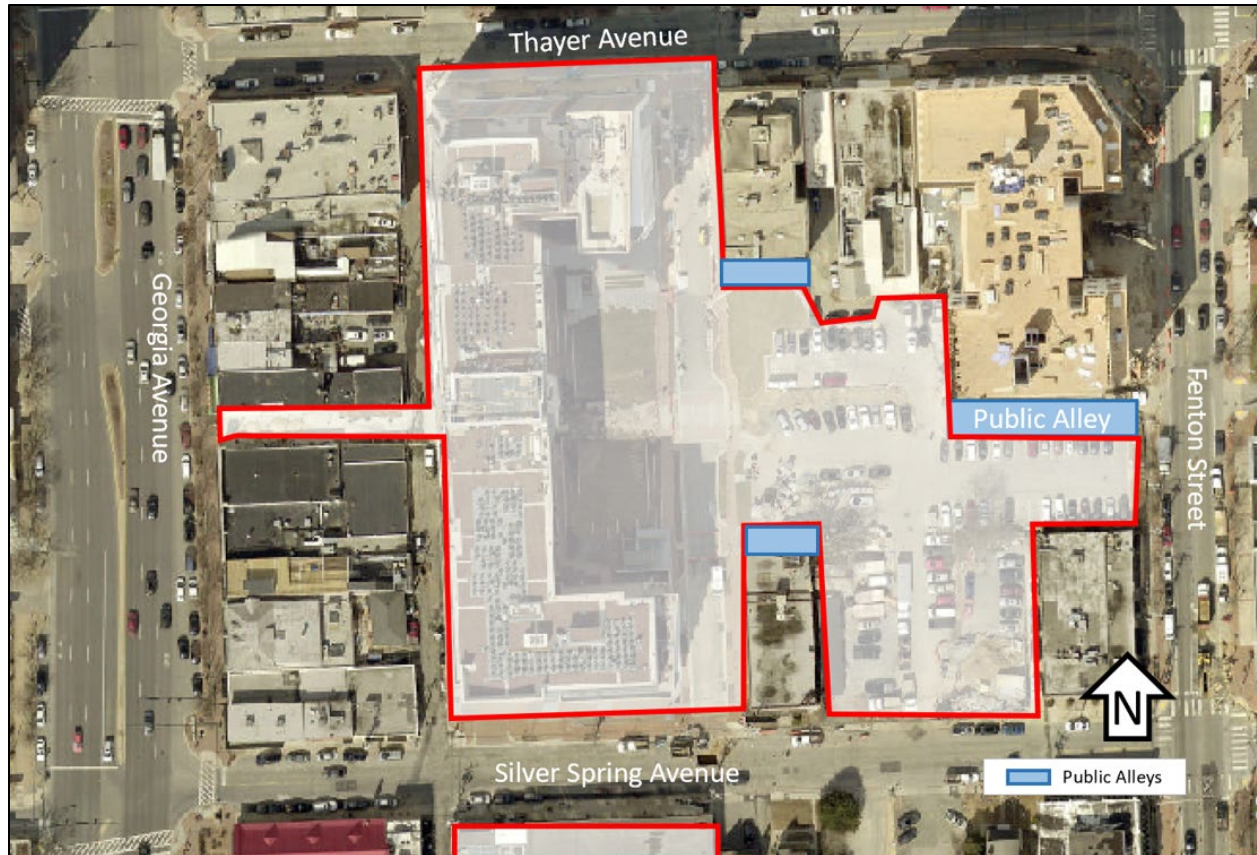


Figure 6 – Remaining Public Alley Segments

In 2013, the Planning Board approved Preliminary Plan 120130020 for three lots. Again to provide flexibility for land use to respond to market demand, the approval included the same maximum base density of 626,781 square feet, conditioned with limits based on maximum net new trip generation of 297 morning peak hour trips and 351 evening peak hour trips instead of the more typical conditioned limits on dwelling units and square footage of particular uses. For each subsequent Site Plan the Applicant must submit a traffic statement identifying the number of trips generated by their proposal, to be deducted from the trip cap.

In 2013, the Planning Board also approved Phase 1, Site Plan 820130010, for a 418,069 square-foot mixed-use building with up to 415 dwelling units, including 61 MPDUs and 10 WFHUs, and up to 10,500 square feet of retail. Now completed and occupied, this phase includes the central green, the public parking garage, the new private drive, and the portion of Mayor's Promenade between Georgia Avenue and the private drive (Figure 7).



Figure 7 – Site Plan 820130010 Illustrative Rendering



Figure 8 – Phase 1 Built Condition, looking south toward central green from Thayer Avenue

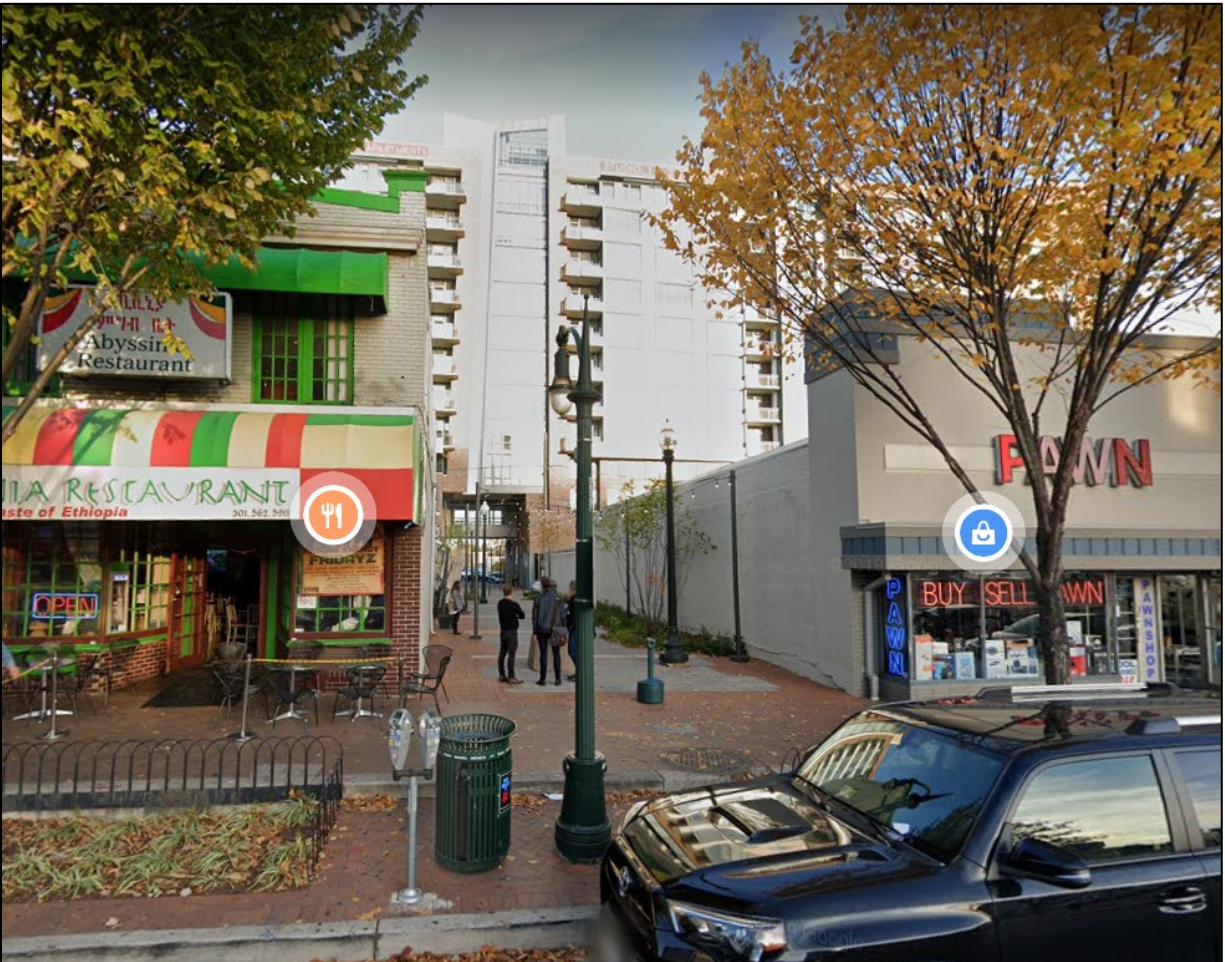


Figure 9– Phase 1 Built Condition, looking east along Mayor’s Promenade toward central green from Georgia Avenue

SECTION 3: PROJECT DESCRIPTION

Proposal

Uses and Density

Studio Plaza Phase 1 was approved for up to 418,069 square-foot mixed-use building with up to 415 dwelling units, including 61 MPDUs and 10 WFHUs, and up to 10,500 square feet of retail. Now completed and occupied, the Phase 1 project is amending the Site Plan (82013001B) to reflect the built conditions, as the Phase 1 building utilized less density than what it was approved for and the unused density will go back into the remaining density for future phases. The Studio Plaza, Phase 1 project consists of 399,479 square feet of total built development (with a base density of 327,337 square feet) with 399 total residential units and 9,146 square feet of non-residential uses.

Phase 2 of this Site, Urby Silver Spring, proposes a 325,742 square-foot mixed-use building for up to 394 dwelling units, including 57 MPDUs and 18 WFHUs, and up to 7,611 square feet of nonresidential

development². The proposed maximum residential density includes 246,635 square feet of base density and 54,260 square feet of MPDU bonus density and a portion of 17,236 square feet of unused density from the Studio Plaza, Phase 1 (Site Plan Amendment 82013001B). The base density does not include 10,680 square feet attributable to the WFHUs.

The Preliminary Plan limited density in terms of overall base density, exclusive of MPDU density bonuses, and the trip cap. The table below illustrates the impact of the proposed Phase 2 on the overall available base density and the trip cap.

Table 1: Density Limits for Studio Plaza Project Plan 920070010

Plan Number	Total Base Density (sf)	AM Peak Hour Trips	PM Peak Hour Trips
Preliminary Plan 120130020	626,781	297	351
Site Plan 820130010, Phase 1 (Approved)	344,573 ¹	-107	-163
Site Plan 820200170, Phase 2 (Proposed)	254,246	-99	-127
Remaining for future Phase 3	27,962	91	61

¹The Phase 1 project utilized less density when built than approved for. Pursuant to Site Plan Amendment No. 82013001B, the base density of the built Phase 1 is 327,337 square feet. The generated trips reflect the density that was built shown in Table 3 of this Staff Report.

The Preliminary Plan Amendment 12013002A proposes to assign the specific number of dwelling units to Phase 2.

Site and Building Design

The Phase 2 building proposes three towers, connected via a below-grade parking structure, to front on Fenton Street, Silver Spring Avenue, and the private drive. The site design includes the extension of Mayor's Promenade from the private drive toward Fenton Street, terminating at the public alley stub. The building will feature ground-floor retail opportunities along each front, with the main lobby facing the private drive and a secondary entrance off Mayor's Promenade.

At their tallest along the private drive, the towers are 108 feet tall, stepping down to 60 feet along Fenton Street. The architecture uses step-backs and material changes to break down the massing further and highlight the transition. The lower residential floors are designed in a dark-colored brick and form a solid base. The architectural application visually responds to the smaller scale of the neighborhood buildings, with the base facades vertically broken up by different window types and the introduction of deep and shallow returns. The recessed upper floors, in contrast, are materialized as a "floating" light volume with silvery light-colored stucco with continuous ribbons of anodized aluminum window frames and closed panels.

² Per Section 59-D-3.1.1.(a) A proposed site plan may cover all or any part of a lot or tract.



Figure 10 - Illustrative Site Plan



Figure 11 – Perspective View looking northwest from Fenton Street

Along the private drive the architecture again features a variety of window sizes and patterns and material colors and arrangements to provide a dynamic streetscape across from the central green. At the

northeast corner of the intersection of the private drive and Silver Spring Avenue is a two-story existing brick office building not included in the project. Staff has conditioned that over an area that incorporates a significant portion of the western façade of the building along Silver Spring Avenue and the Private Drive, the Applicant must provide and maintain a mural, or comparable visual amenity that breaks-up the mass of the façade, to be shown on the Certified Site Plan.

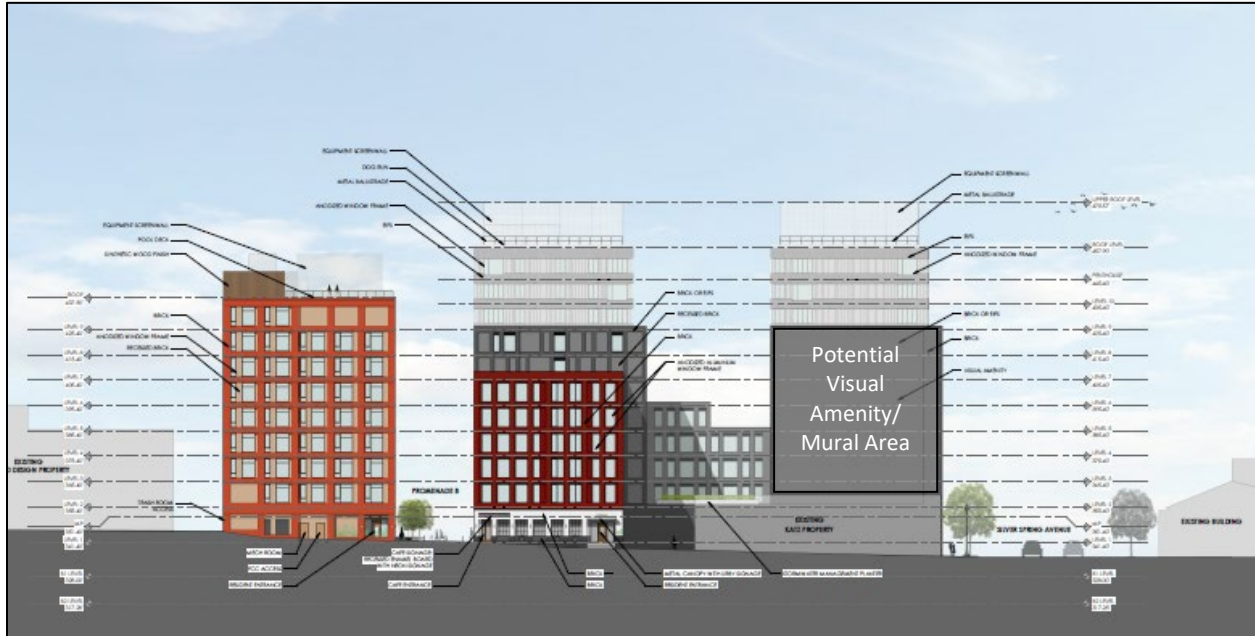


Figure 12-Western Façade mural location



Figure 13– Perspective View from Mayor's Promenade looking east toward Fenton Street

Public Use Space and Amenity Space

The Project Plan required a total of 39,938 square feet of onsite public use space. The predominant portion of the public use space was provided in Phase 1 (35,100 square feet) with the central green area. The on-site public use space provided with Phase 2 is 3,798 square feet. This public use space is realized through the extension of Mayor's Promenade through the site and the on-site portions of sidewalk along the private drive and between the right-of-way and buildings.

On and Off-Site Public Amenity Space

The Phase 2 Site Plan will provide a minimum of 13,313 square feet of on and off-site public amenity space. The amenity space for Phase 2 will include 8,735 square feet of on and off-site streetscape improvements and the remaining square footage will be met through artwork installed on the southern façade loading dock door and a mural on the western façade, as conditioned.

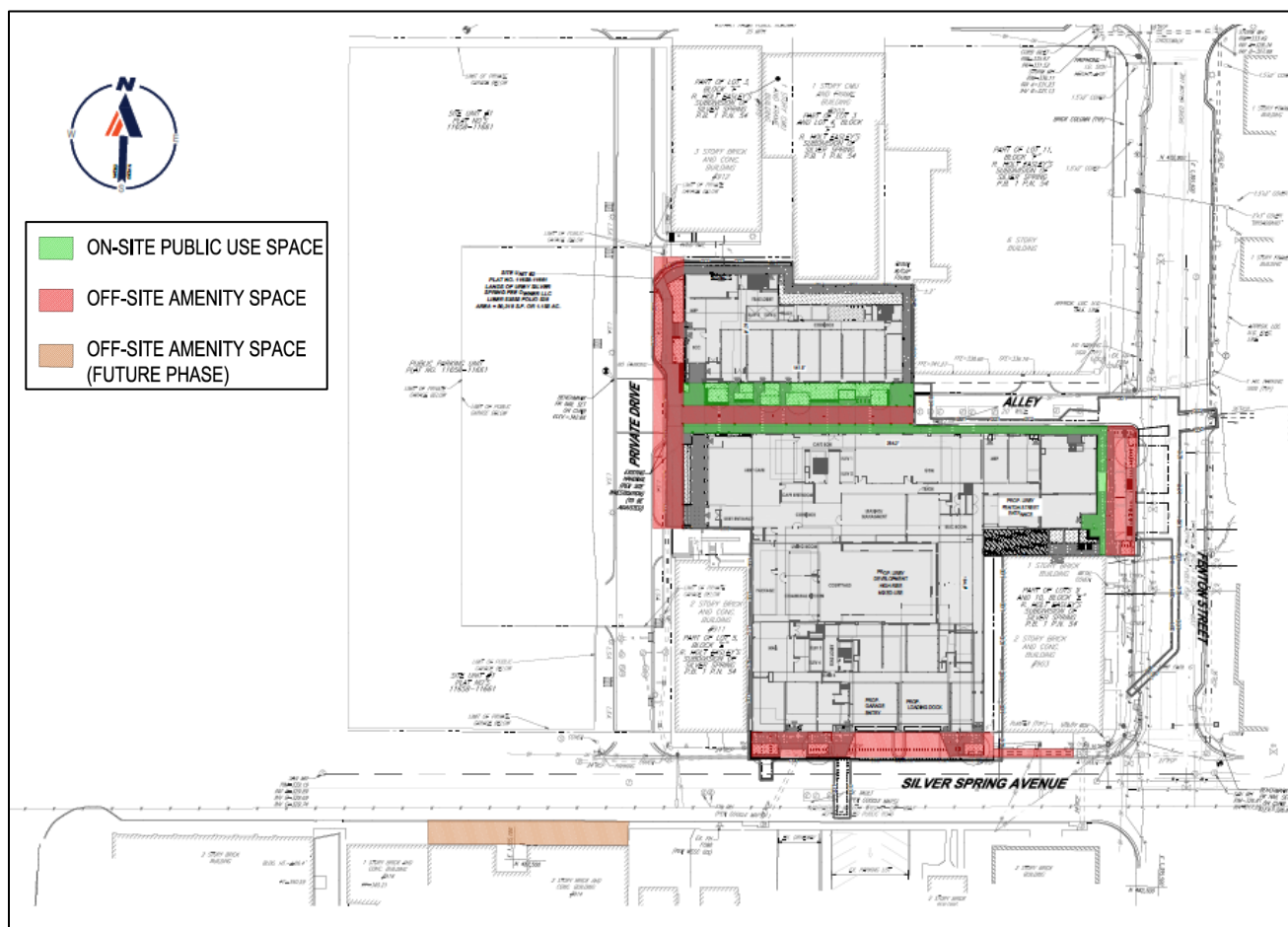


Figure 14 – Public Use Space and Amenities

Mayor's Promenade Extension

As envisioned at Project Plan, Mayor's Promenade provides a pedestrian through-block connection between Georgia Avenue and Fenton Street, but more importantly provides the communities along Georgia Avenue and Fenton Street a pedestrian connection to the largest public space in Fenton Village. The connection from the central green to Georgia Avenue and the private drive has been constructed as part of Phase 1.

As part of Phase 2, the Applicant proposes to extend that connection to and from Fenton Street. However, this portion of Mayor's Promenade must contend with two significant issues. First, as described earlier, the segment that actually intersects with Fenton Street remains a public right-of-way alley stub that terminates in a non-standard way at the Phase 2 site boundary (currently the pavement continues into the parking lot to be redeveloped). Second, the constructed 900 Thayer Avenue development to the north across this alley is using it for loading access. These factors not only limit private improvements to the alley stub, but also require that the new Phase 2 development provide either a standard termination that would allow a turnaround for vehicles entering the alley after development (e.g., a "hammerhead") or facilitate vehicular movement through to the existing private drive, to avoid vehicles backing into Fenton Street.

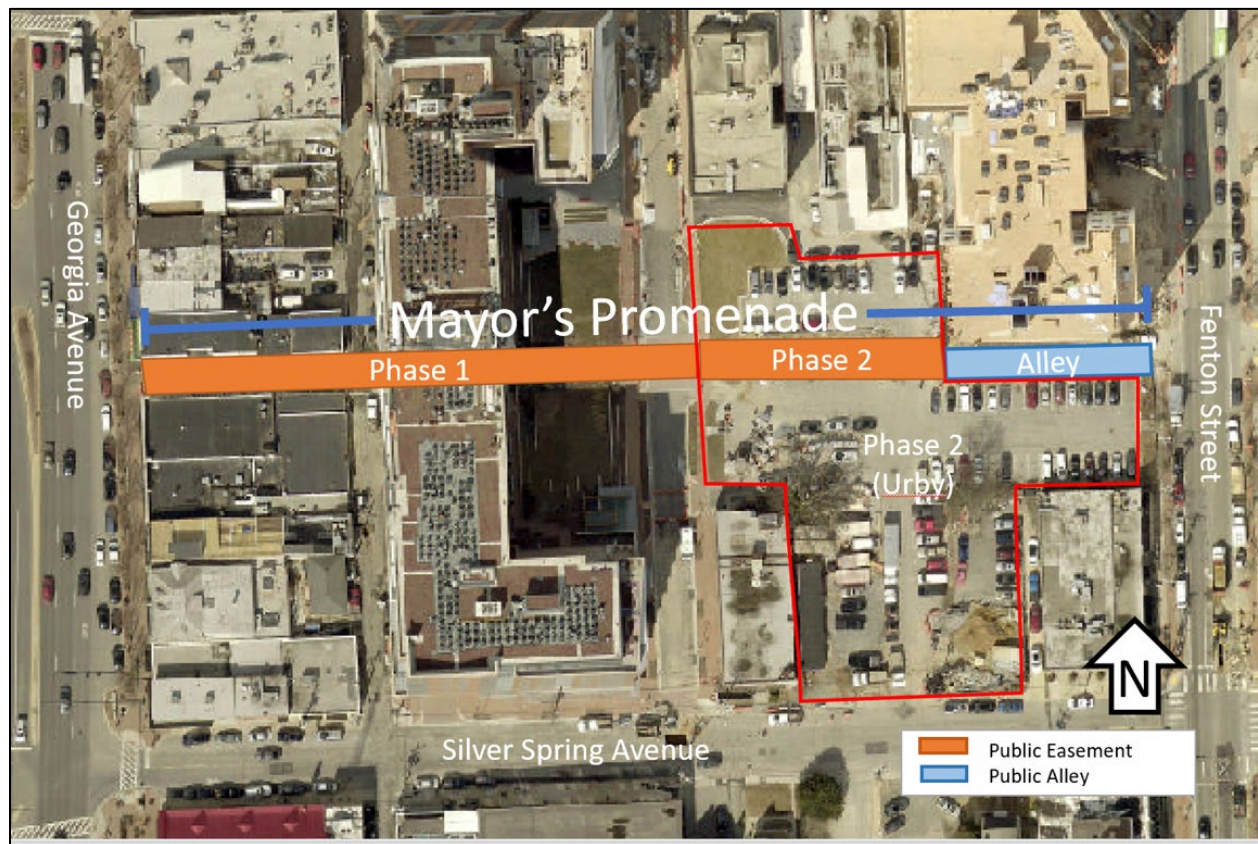


Figure 15– Mayor's Promenade Ownership Diagram

To address the Promenade's priority as a pedestrian connection and the roadway requirements, Staff has worked with the Applicant to provide on the private portion of the Promenade a "shared drive" space. Along this section, the Promenade will be 17 feet wide to accommodate one-way vehicular traffic and a 5-foot pedestrian pathway. The alley will be designed as a shared street, but will clearly delineate where vehicles should operate through the private section of the alley with either pavement colors, materials or inlay. The intent is to accommodate, but not encourage, vehicular use, and instead promote and prioritize the pedestrian movements (Loading operations at 900 Thayer Avenue can "turn around" in the loading dock and so can exit front-out onto Fenton Street). In order to minimize the "back of house" activities occurring off the alley and to promote the Promenade, the Applicant decided not to locate the loading for the Project, or any other vehicular activity, off the public alley. Further, the Applicant has added lighting and entrance stoops off the Promenade to encourage further activation in this area.



Figure 16- Perspective view looking west from Fenton Street up Mayor's Promenade to the Central Green



Figure 17- Mayor's Promenade looking East towards Fenton Street



Figure 18- Mayor's Promenade looking West towards Private Drive

Another solution to the terminus of the Promenade at Fenton Street would be to petition the County Council to abandon the alley stub. At this time neither the Applicant for Urby Silver Spring or the owners of 900 Thayer Avenue (the Housing Opportunities Commission) expressed interest in undertaking the time-consuming process. The remaining eastern public segment of the alley stub will thus continue to include 20 feet of pavement with a 5-foot sidewalk along the south side and an 11.5-foot sidewalk along the north side. Since loading vehicles for 900 Thayer would be able to turn around "inside the building"

As part of the 900 Thayer Avenue approvals, the Planning Board required that Applicant to contribute \$42,000 towards the eventual improvement of the alley stub, which they did. Staff is recommending a comparable condition for the present Applicant. Staff will continue to work with County agencies and others to find opportunities for the creative use of the funds to celebrate the eastern entrance to the Mayor's Promenade.

Circulation

Vehicular access for the building is off Silver Spring Avenue, approximately 110 feet west of Fenton Street. The new access point will consolidate vehicular access to one driveway which includes the designated onsite loading entrance and the full-movement driveway entrance to the parking garage, separated by a 6.5-foot pedestrian refuge. Vehicular access to the site is also accommodated westbound to the private drive via the public alley stub off Fenton Street through a shared driveway on Mayor's Promenade.

Pedestrian access is provided by public and private sidewalks along the street frontages, the private drive, and Mayor's Promenade.

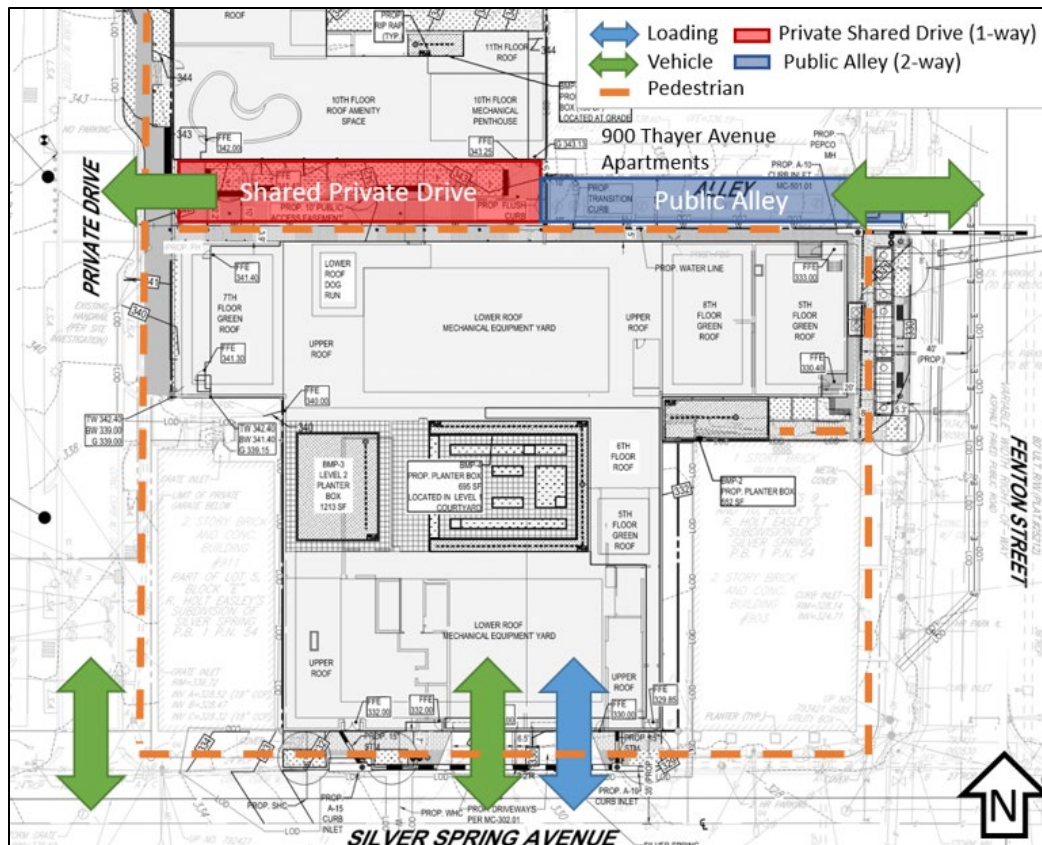


Figure 19 – Site Circulation for All Modes

Parking

The parking proposed for this Project will be located below grade and accessible via ingress/egress on Silver Spring Avenue as shown in Figure 16. Given the close proximity of transit to the Site and its location within downtown Silver Spring, the Applicant proposes significantly fewer parking spaces than would otherwise be required by the 2004 Zoning Ordinance, under which all other aspects of the Project have been evaluated. For this reason, and consistent with Department Practice for Site Plan amendments approved under the 2004 Zoning Ordinance, the Applicant requests that parking requirements under the (current) 2014 Zoning Ordinance be applied. Although Section 59.7.7.1 of the 2014 Zoning Ordinance specifically identifies that amendments to plans approved under the 2004 Zoning Ordinance are eligible for consideration under the 2014 Zoning Ordinance parking requirements, its application to the Subject Project results in a more consistent application of parking rates currently utilized by the Planning Department.

Pursuant to Zoning Ordinance Sections 59.6.2.3 and 59.6.2.4, 171 parking spaces are required based on the provision of 394 residential units and 7,611 square feet of retail space and the application of the following reductions:

- 20% NADMS reduction applying to Silver Spring;
- 0.50 reduction for restricted housing types (MPDUs and Workforce Units); and
- The unbundling provision allowing for .5 space reduction of the 339 studios and one-bedroom units, and .25 space reduction for the 55 two-bedroom units.

Staff notes that the Property is located within the Silver Spring Parking Lot District, which permits the Applicant to provide no on-site parking. Prior to Certified Site Plan the Applicant will determine whether the Project will provide either 46 spaces on one level of parking or 123 parking spaces on two levels.

Transit Connectivity

The immediate area is well served by transit that includes the Red Line Silver Spring Metrorail Station (located approximately 1,800 feet to the southwest of the Site), Metrobus, RideOn, the VanGo Circulator and the imminent Purple Line. Specific transit routes near the Site include:

1. RideOn Bus Routes 8, 9, 12, 13, 14, 21, 22, 16
2. WMATA Metrobus Routes J5, Q1, Q2, Q4, Y2, Y7, Y8, Z2, Z6, Z7, Z8, Z11

Environment

Forest Conservation

Although no forest exists onsite, this Application is subject to the Forest Conservation Law. A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) was approved for the Subject Property on February 25, 2020. The Preliminary Forest Conservation Plan for this project, No. 120130020, was originally approved by the Planning Board during the public hearing on January 21, 2013 and showed an afforestation requirement of 0.64-acres to be met via fee-in-lieu. Following Planning Board approval of the Final Forest Conservation Plan with Site Plan No. 820130010, the previous Applicant fulfilled the afforestation requirement of 0.64-acres via fee-in-lieu as conditioned. Minor landscape and hardscape changes were later addressed through Site Plan Amendment No. 82013001A.

This Preliminary Plan Amendment No. 12013002A and Site Plan Amendment No. 82013001B seek to revise the project limits of disturbance, which results in an increased afforestation requirement of 0.02, bringing the overall total from 0.64-acres to 0.66 acres. As mentioned above, the previous Applicant fulfilled the afforestation requirement of 0.64-acres via fee-in-lieu, the resulting balance of 0.02-acres, which is proposed to be met through the purchase of forest mitigation credits from an approved offsite forest mitigation bank or through a fee-in-lieu payment. Given the site constraints within the urban core of Silver Spring and the minimal increase in afforestation requirement, Staff supports the proposal for offsite fulfillment of afforestation requirements.

Noise Analysis

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

The Applicant requested to have the exterior noise guidelines waved under Section 2.2.2 of the 1983 Noise Guidelines due to the nature of the urban downtown. Measures to mitigate noise within the streetscape and outdoor areas of open space would be detrimental to urban design principles. As a result, some noise will be inevitable. As conditioned, Staff recommends approval of the requested noise waiver for the outdoor spaces. A noise analysis dated August 27, 2020 was prepared by Cerami Associates to cover the entire proposed development. The report indicates that Property will be subject to a high level of noise impact, however the noise impacts to the interiors of the residential will be below the threshold

of 45 dBA Ldn found in the Montgomery County Noise Guidelines. Construction methods and materials on the proposed structures will be subject to conditions designed to attenuate noise in interior spaces.

SECTION 4: PRELIMINARY PLAN AMENDMENT ANALYSIS AND FINDINGS

The Planning Board found that Preliminary Plan 120130020 met the requirements of the CBD-1 and Fenton Village Overlay Zone, satisfied Forest Conservation, 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 Preliminary Plan Amendment No. 12013002A complies with the general requirements and development standards of the 2004 Zoning Ordinance, Subdivision Regulations, and substantially conforms with the goals and recommendations of the 2000 *Silver Spring CBD Sector Plan* and the 2018 *Bicycle Master Plan*. The elements of Preliminary Plan Amendment No. 12013002A remain consistent with the original findings, as modified to increase the previously approved density from 749 multifamily dwelling units to 793 and decrease the approved retail density from 36,180 square feet to 34,980 square feet. The findings are modified as follows:

1. *The layout of the subdivision, including size, width, shape, orientation and density 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 amendment does not modify the size, width, shape, or orientation of the lot. The Amendment will increase the density across all lots by 44 multifamily units and decrease the retail by 1,200 square feet.

Table 2: Preliminary Plan Data Table (All Phases)

Development Standard	Permitted/ Required	Approved with Preliminary Plan 120130020	Proposed Preliminary Plan Amendment 12013002A
Minimum Lot Area (Tract)	18,000 SF	222,592 SF	No Change
Minimum Site Area	n/a	172,148 SF	No Change
Maximum Non-Residential Floor Area Per Zoning	445,184 SF	114,180 SF	112,980 SF
Maximum Residential Floor Area Per Zoning	667,776 SF	625,373 SF	707,316 SF
Maximum Dwelling Units	n/a	749	793
MPDU's	12.5 %	15%	119 ³
TDRs	n/a	n/a	n/a
Site Plan Required	Yes		

As conditioned, each Property included within the Preliminary Plan application, as amended, will be required to submit a Site Plan. The Site Plan Amendment for Phase 1 (Site Plan No. 82013001B) and

³ The Preliminary Plan upholds the 15% MPDU approval. The 119 units make up 15% of the proposed total residential density for the Preliminary Plan Amendment (793 units).

the Site Plan for Phase 2 (Site Plan No. 820200170) of the Project are being reviewed concurrently with the Subject Application and the analysis and findings are included in a separate section of this report. Setbacks and open space requirements are determined at the time of each Site Plan.

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

Roads and Transportation Facilities

Sector Planned Roadways and Bikeways

In accordance with the 2000 *Silver Spring CBD Sector Plan* and 2018 *Bicycle Master Plan*, the master-planned designated roadways and bikeways are as follows:

1. Silver Spring Avenue is designated as a business street with a 70-foot right-of-way with a shared roadway.
2. Fenton Street is designated as an arterial road, with an 80-foot right-of-way and a two-way separated bike lane on the west side of the street.
3. The Fenton Street Alley is a public alley with a 20-foot right-of-way.

Adequate Public Facilities

Local Area Transportation Review

The Applicant proposes an additional 44 multi-family units beyond what was approved under Preliminary Plan No. 120130020 and a decrease of 1,200 square feet of retail. As a condition of approval included in the original Preliminary Plan, the Board established a vehicular trip cap of 297 AM peak hour trips and 351 PM peak hour trips for the entire project.

Based on trip generation guidance included in the 2017 *Local Area Transportation Review Guidelines (LATR)*, in place at the time the Subject Application is being reviewed, the Amendment is estimated to generate fewer trips than the previously conditioned trip caps, as retail has a significantly higher trip generation rate when compared to residential, especially in the evening peak period. The combined estimated peak hour morning trips for the density built in Phase 1 and proposed in Phase 2 results in 206 morning peak hour trips and 290 evening peak hour trips. Given the trip cap established with the Preliminary Plan 120130020, there are 91 morning peak hour trips and 61 peak hour trips remaining for Phase 3. The trip generation analysis is demonstrated in Table 3.

Since the Subject Application would result in an overall decrease from what was previously evaluated and approved, the LATR requirements for Preliminary Plan Amendment 12013002A were satisfied with a transportation exemption statement, dated March 16, 2020.

Table 3: Vehicle Trip Cap Evaluation

	AM Peak Hour	PM Peak Hour
Project Plan No. 920070010		
Approval		
High Rise Apartment, 749 Units	225	225
Retail, 36,180 SF	18	72
Office, 78,000 SF	109	109
Office to be removed	-55	-55
Trip Cap	297	351
Built Phase 1		
High Rise Apartment, 399 Units	95	111
Retail 10,100 SF	12	52
Total Phase 1 Trips	107	163
Proposed Phase 2		
High Rise Apartment 394 Units	95	110
Retail, 7,611 SF	4	17
Total Proposed Phase 2 Trips	99	127
Subtotal Phases 1 and 2	206	290
Remaining Trips for Future Phases	91	61

Source: Wells & Associates, LLC Traffic Exemption Statement, dated March 16, 2020, modified by Staff

School Adequacy Analysis

Preliminary plan application #12013002A for Urby Silver Spring located at 905 Silver Spring Avenue is scheduled to come before the Planning Board for review in winter of, 2021. The transition clause of the 2020-2024 Growth and Infrastructure Policy allows applications accepted before January 1, 2021 to be tested for school adequacy under the rules of the 2016-2020 Subdivision Staging Policy. Therefore, the FY21 Annual School Test, approved by the Planning Board on June 25, 2020 and effective July 1, 2020 is applicable. The applicant has a valid adequate public facilities approval for 749 units and this amendment would result in 44 additional multifamily high-rise units.

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.

Table 4: 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-Rise	0.253	0.112	0.148
MF High-Rise	0.088	0.036	0.047

With a net of 44 multi-family high-rise units, the proposed project is estimated to generate the following number of students:

Table 5: Student Generation

Type of Unit	Net Number of Units	ES Generation Rates	ES Students Generated	MS Generation Rates	MS Students Generated	HS Generation Rates	HS Students Generated
MF High-Rise	44	0.088	3.872	0.036	1.584	0.047	2.068
TOTAL	44		3		1		2

This project is estimated to generate 3 new elementary school students, 1 new middle school student, and 2 new high school students.

Cluster Adequacy Test

The project is located in the Montgomery Blair High School Cluster. The student enrollment and capacity projections from the FY21 Annual School Test for the cluster are noted in the following Table 6.

Table 6: Capacity Projections

School Level	Projected Cluster Totals, September 2025			Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization		
Elementary	4,287	4,537	94.5%	1,158	3
Middle	2,670	2,814	94.9%	706	1
High ⁴	2,647	2,889	91.6%	819	2

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. As indicated in the last column, the estimated enrollment impacts of this application fall below the moratorium thresholds at all three school levels. Therefore, there is sufficient capacity at the elementary, middle and high school cluster levels to accommodate the estimated number of students generated by this project.

Individual School Adequacy Test

The applicable elementary and middle schools for this project are Sligo Creek ES and Silver Spring International MS, respectively. Based on the FY21 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following Table 7.

Table 7: Student Enrollment and Capacity Projections

School	Projected School Totals, September 2025				Moratorium Threshold	Estimated Application Impact
	Enrollment	Program Capacity	% Utilization	Surplus/ Deficit		
Sligo Creek ES	652	710	91.8%	+58	201	3
Silver Spring International MS	1,121	1,298	86.4%	+177	437	1

⁴ The projected Montgomery Blair HS enrollment has been modified to estimate the impact of redistricting students among the Downcounty Consortium high schools and to Woodward HS in September 2025.

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 numbers of additional projected students that would cause the projected utilization to exceed the 120% utilization threshold and the seat deficit threshold. As indicated in the last column, the estimated enrollment impacts of this application fall below the moratorium thresholds for both Sligo Creek ES and Silver Spring International MS. Therefore, there is sufficient anticipated school capacity to accommodate the estimated number of students generated by this project.

Analysis Conclusion

Based on the school cluster and individual school capacity analysis performed, using the FY2021 Annual School Test under the 2016-2020 Subdivision Staging Policy, there is adequate school capacity for the amount and type of development proposed by this application.

SECTION 5: SITE PLAN AMENDMENT 82013001B ANALYSIS AND FINDINGS

The Planning Board approved Site Plan No. 820130010, Studio Plaza, by Resolution No. MCPB No. 13-23 which met the requirements of Chapter 59. Additionally, Site Plan No. 820130010 finalized the Preliminary Forest Conservation Plan initiated in the associated Studio Plaza Preliminary Plan No. 120130020. The subsequent Site Plan Amendment No. 820130010A, provided updates consisting of minor hardscape and landscape changes for the Subject Property. This Site Plan Amendment No. 82013001B proposes to amend the approved density to reflect the current built conditions of Studio Plaza, Phase 1, decreasing the approved square footage from 418,069 square feet to 399,479 square feet and seeks to update the Final Forest Conservation Plan and associated afforestation requirements resulting from Preliminary Plan Amendment No. 12013002A. All original findings remain in effect except as modified below.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The uses are allowed in the CBD-1 Zone, as modified by the Fenton Village Overlay Zone (FVOZ) and the Site Plan Amendment continues to fulfill the purposes of the zone by providing higher-density mixed-use zoning near transit.

Requirements of the CBD-1 & Fenton Village Overlay Zones

Based on the following data table, which sets forth the development standards approved by the Planning Board and binding on the Applicant, the Application meets all of the applicable requirements of the CBD-1 and Fenton Village Overlay Zones.

Table 8-Site Plan Amendment 82013001B Data Table

Development Standard	Permitted/ Required	Approved for entire Project, per Project Plan 920070010	Preliminary Plan 120130020	Phase 1, Site Plan 820130010	Phase 1, Site Plan 82013001B (built condition)	Remaining for future site plans
Min. Site Area (square feet)						
Gross Tract Area	18,000	222,592	222,592	104,434	104,434	118,158
Prior Dedication	n/a	41,971	42,021	15,146	15,146	n/a
Proposed Dedication	n/a	8,283	8,423	3,000	3,000	
Net Lot Area	n/a	172,338	172,148	86,288	86,288	
Max. Density						
Base density (square feet)	667,776	626,781	626,781	344,573	327,337	299,444
Base FAR	3	2.82	2.82	1.55	1.47	1.34
Non-residential density (square feet)	n/a	n/a	n/a	10,500	10,500 ¹	n/a
Base residential density (square feet)				334,073	316,837	
Bonus residential density for providing 15% MPDUs (square feet)				73,496	69,704	
Total density, (square feet)				418,069	397,041	
Total FAR				1.87	1.78	
Dwelling units, total	n/a		749	415	399	334
Dwelling units, @ 15% MPDU			n/a	61	59	n/a
Dwelling units, WFHU ²				10	10	
MPDU, min. % of non-WFHU	12.5	15	15	15	15	n/a
Max. Net New Traffic Generation (trips)						
Morning Peak-Hour	n/a		297	119	107	91
Evening Peak			351	135	163	61

¹Actual built retail is 10,100 sf.

²Based on the number of units attributable to County land.

- 5) *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

A Natural Resources Inventory/Forest Stand Delineation (420201080) was approved for this Project in February 2020. The approved NRI/FSD shows that, aside from the watershed and existing specimen tree, there are no environmentally sensitive features associated with the site.

Although there is no forest onsite, this Project is subject to the Chapter 22A Montgomery County Forest Conservation Law. The revised Preliminary/Final Forest Conservation Plan submitted in conjunction with the Preliminary and Site Plan Application shows an updated afforestation requirement of 0.66-acres, which is a slight increase to the previous requirement of 0.64-acres. As conditioned, the 0.66-acre requirement will be met via purchase of mitigation credits from an approved offsite forest mitigation bank or via fee-in-lieu payment if no credits are available from planted forest mitigation banks.

Given the relatively small size of the Property, the lack of environmentally sensitive areas such as stream valley buffers or steep slopes, and the modest amount of afforestation requirements, Staff supports the Applicant's proposal for afforestation to be satisfied offsite via the use of a forest conservation bank. Due to the proposed density of the development and the priority to provide onsite mitigation plantings under Section 22A-12b(3), the Subject Property is not an appropriate setting to also accommodate landscape plantings applied toward forest conservation requirements.

The previous Forest Conservation Plan submission for this Site, updated and addressed under Application no. 82013001B, also included a variance request for the removal of specimen trees onsite. Staff notes that the current FCP is substantially similar to the previously approved version, and there are no changes from the previously approved variance request. As described earlier in this report, only one specimen tree remains onsite and this Project has previously obtained the permission for its removal; therefore, no update to the variance request or findings are needed for the current Application. The previous planting mitigation of two (2) 3-3.5" caliper native canopy trees, are still shown/required on the current plans. As conditioned, Staff recommends approval of amended Final Forest Conservation Plan and finds that all Chapter 22A Forest Conservation requirements have been fulfilled.

SECTION 6: SITE PLAN 820200170 ANALYSIS AND FINDINGS

- 1) *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan;*

The Phase 2 Site Plan for the Studio Plaza development is consistent with the approved Project Plan for the overall Studio Plaza development meeting the density and MPDU requirements. Staff notes that the gross floor area of the Phase 2 development is within the maximum density established by the Project Plan.

- 2) *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56;*

The proposed residential and non-residential uses are permitted in the CBD-1 and Fenton Village Overlay Zone. The Site Plan also achieves the Sector Plan's vision of locating higher-density mixed-use zoning near public transportation (Metro, proposed Purple Line, and existing bus routes and planned BRT routes). In regard to the proposed height of 108 feet, in accordance with the Fenton Village Overlay Zone, the additional height above 90 feet (and up to 110 feet) is permitted to accommodate the 18 WFHUs. As required by the Overlay Zone, at least 33 percent of the Project's floor area shall be residential and the additional height is placed near Georgia Avenue (a major highway) and steps down in the direction of the closest single-family zoned residential area to the east of the Project. This Application is therefore consistent all of the requirements of the zone in which it is located.

Table 9: Phase 2, Urby Silver Spring-Development Data Table

Development Standard	Permitted/ Required	Approved for Project Plan, 920070010	Approved for Preliminary Plan 120130020	Approved for Phase 1, Site Plan 820130010	Proposed/Built for Phase 1, Site Plan Amendment 82013001B	Proposed for Phase 2, Site Plan 820200170	Remaining for future Phase 3
Min. Site Area (square feet)							
Gross Tract Area	18,000	222,592	222,592	104,434	104,434	50,318	n/a
Prior Dedication	n/a	41,971	42,021	15,146	15,146	n/a	
Proposed Dedication	n/a	8,283	8,423	3,000	3,000		
Net Lot Area	n/a	172,338	172,148	86,288	86,288	50,318	
Max. Density							
Base density (square feet)	667,776	626,781	626,781	344,573	327,337	254,246	45,198
Non-residential density (square feet)	n/a	n/a	114,180	10,500	10,500 ⁵	7,611	n/a
Base residential density (square feet)			512,601	334,073	316,837	246,635	
Bonus residential density increase (22% of base density) for providing 15% MPDUs			112,772	73,496	69,704	54,260	
Unused transferred density (square feet)			n/a	n/a	n/a	17,236-from Phase 1	
Total Project Density (square feet)			739,553	418,069	397,041	325,742	

⁵ Actual built retail in Phase 1 is 10,100 sf.

Residential Units per Trip Cap							
Dwelling units, total	n/a		n/a	415	399	394 units	n/a
Dwelling units, market rate				339	330	319 units	
Dwelling units, @ 15% MPDU			n/a	61	59	57 units	
Dwelling units, WFHU				10	10	18 units ²	
MPDU, min. % of non-WFHU	12.5	15	15	15	15	15	15
Max Net New Traffic Generation (trips)							
Morning Peak-Hour	n/a		297	119	107	99	91
Evening Peak			351	135	163	127	61
Max. Building Height (feet)							
Building, if project min. 33% residential	90	90	n/a	110	110	110	n/a
– to accommodate WFHU	110	110				110	
Minimum Setbacks (feet)							
East Property Line	n/a	0	n/a	0	0	0	n/a
North Property Line		0		0	0	10.4	
West Property Line		0		0	0	13	
South Property Line		0		0	0	0	
Public Use Space, Min.							
On-Site Public Use Space (% of Net Lot Area)	20	23.2	n/a	20.4	20.4	2.3	.5
On-Site Public Use Space (square feet)	34,429	39,938		35,100	35,100	3,973	865
Off-Site Amenity Space (% of Net Lot Area)	n/a	22.6		13.8	13.8	7.73	1.07
Off-Site Amenity Space (square feet)		38,905		23,750	23,750	13,313	1,842
Total Public Use & Amenity Space (% of Net Lot Area)	20	45.8		34.2	34.2	10.03	1.57
Total Public Use & Amenity Space (square feet)	n/a	78,843		58,850	58,850	17,286	2,707

Table 10: Parking

Parking¹	Spaces Required (Min.² /Max.³)	Spaces Provided
Vehicular Parking		
Residential		
Efficiency/1 Bedroom: 278 market rate units, 45 MPDUs, 16 WFHUs	(125 / 425)	--
2 Bedrooms: 44 market rate units, 9 MPDUs, 2 WFHUs	(83 / 83)	--
Residential Subtotal: 322 market rate units, 54 MPDUs, 18 WFHUs	--	--
Total Residential Parking	(156/508)	--
Retail 7,611 SF	(22/46)	--
Total Vehicular Parking Spaces	(178/554)	123 ⁴
Bicycle Parking (Short Term/Long Term)		
Residential (394 units)	(5/95) 100	(5/95) 100
Retail (7,611 SF)	(1/0) 1	(1/0) 1
Total Bicycle Parking Spaces	(6/95) 111	(6/95) 111
Loading Spaces	1	1

¹Although Site Plan 820200170 is not a formal amendment under the Zoning Ordinance definition, it is a refinement of Project Plan 920070010, which was approved prior to October 30, 2014, and therefore Section 59.7.7.1, allowing applicants to provide parking under current Zoning Code requirements, applies.

²Baseline minimum parking requirements were adjusted in accordance with Sections 59.6.2.3.1.7.a.i (Non-Auto Driver Mode Share); 59.6.2.3.1.b. (50% MPDUs and WFHUs); and 59.6.2.3.5 (Reduced Parking Area).

³For the purposes of calculating the maximum required number of parking spaces, staff assumed all efficiency units and 1-bedroom units are 1-bedroom units.

⁴As a Site within the Silver Spring Parking Lot District, the Project is not required to provide all parking on-site. The Project proposes to provide less than the minimum number of parking spaces. The final quantity of parking spaces will be determined at the time of Certified Site Plan(s) based on the final number of residential units.

3) The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient;

The buildings for Phase 2 are conveniently located along Fenton Street, Silver Spring Avenue and Street A and provide access to the retail spaces proposed with this Project. An adequate landscaped area provides a green open space along the Fenton Street side of the Project to the south of the retail area. Promenade B is located in the center of the block and provides and forges a connection between the Phase 2 building and extends from Georgia Avenue to Fenton Street. The Urby entrance at the intersection of Promenade B and Street A is consistent with the Project Plan and will help activate the interior of the block.

Urby is united by hardscaping and landscaping at the site level consisting of special paving, at-grade planters, raised metal planters and benches. The architectural lighting package for the Project creates a safely lit, welcoming environment for both Urby residents and Silver Spring neighbors and integrates Crime Prevention Through Environmental Design (CPTED) principles. The landscape design on Promenade B is further enhanced by tree uplights, bollards, linear lighting located underneath benches to create a low-level glow and overhead catenary lighting providing the general safety lighting. The Project utilizes wall-mounted sconces along the facades

to highlight areas of ingress/egress. Linear downlight fixtures at the parking garage entry will illuminate the threshold. The signage for the Cafe and Urby is still in design development stage, but Staff notes that the signage will be internally illuminated in these areas.

Pedestrian and Vehicular Circulation Systems

Vehicular access to the Project is proposed from a consolidated curb cut on Silver Spring Avenue. The on-site loading facility and the full movement parking garage entrance share a driveway apron and are separated by a 6.5-foot pedestrian refuge. The private segment of the Fenton Street Alley will be designed as a shared street with 11 feet delineated for vehicles⁶, 5 feet for pedestrians and 1 foot for a row of bollards between the two designated areas. Prior to issuance of the first building permit, the Applicant will record an easement in the Land Records for the combined 17ft of access within the private segment of the Fenton Street Alley.

Pedestrian access will be provided along the existing sidewalk network, which will be improved to meet the requirements of the 2019 *Silver Spring Streetscape Design Standards* for a Typical Street along Fenton Street and a Narrow Street along Silver Spring Avenue. Implementation of Phase 2 of the Project Plan, as proposed by the Site Plan, realizes the vision of a through-block connections for pedestrians between Georgia Avenue and Fenton Street, known as the “Mayors Promenade” with the proposed improvements to the Fenton Street Alley. The Private (western) segment of the Fenton Street Alley will be designed as a shared street with a flush curb and delineated space for two-way pedestrian travel and one-way (westbound) vehicular travel. The remaining public (eastern) segment of the Fenton Street Alley will continue to provide two-way vehicular operations, as well as curbed sidewalks on both the north and south sides.

Two-way separated bike lanes on the west (Site) side are master planned along the Site’s Fenton Street frontage. The Applicant has coordinated closely with MCDOT on the proposed streetscape improvements to ensure accommodation of MCDOT’s design of the future bike facility.

- 4) *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development; and*

The structures and uses are compatible with other uses and site plans and with existing and adjoining development. The design approach mitigates the massing of the buildings through building step backs that add visual interest to Phase 2. The building height along Fenton Street will be compatible with the heights in the residential neighborhoods and will measure just over 56 feet in height from the front of this portion of the building. The maximum height of 108 feet is concentrated toward the center of the block with the building stepping down to the east.³ This variation in height allows for a stronger design, by creating visual interest and breaking up the massing of the proposed building. In contrast, the Phase 1 building largely does not vary in height and, therefore, appears monolithic from some angles. The proposed Phase 2 building's variations in height will not only serve to create a visually appealing building but will also mitigate the monolithic condition on the block created by the Phase 1 building. The entrance to the parking garage and loading dock will be along Silver Spring Avenue, separated by a pedestrian refuge. The loading area for the cafe will be along Private Street "A".

⁶ Vehicular access along the private segment of the Fenton Street alley will be one-way westbound to ensure safe circulation.

5) *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

- a. Natural Resources Inventory/Forest Stand Delineation (420201080) was approved for this Project on February 2020. The approved NRI/FSD shows that, aside from the watershed and existing specimen tree, there are no environmentally sensitive features associated with the site.

Although there is no forest onsite, this Project is subject to the Chapter 22A Montgomery County Forest Conservation Law. The Preliminary/Final Forest Conservation Plan submitted with this Site Plan Application shows an afforestation requirement of 0.66-acres. The associated Preliminary Forest Conservation Plan for this project, No. 120130020, was originally approved by the Planning Board during the public hearing on January 21, 2013 and showed an afforestation requirement of 0.64-acres to be met via fee-in-lieu. Following Planning Board approval of the Final Forest Conservation Plan with Site Plan No. 820130010, the previous Applicant fulfilled the afforestation requirement of 0.64-acres via fee-in-lieu as conditioned. Therefore, with the previous Applicant fulfilling the afforestation requirement of 0.64-acres via fee-in-lieu, there is a resulting balance of 0.02-acres, which is proposed to be met through the purchase of forest mitigation credits from an approved offsite forest mitigation bank or through a fee-in-lieu payment. This afforestation requirement will be met via purchase of mitigation credits from an approved offsite forest mitigation bank or via fee-in-lieu payment if no credits are available from planted forest mitigation banks, as conditioned.

The previous Forest Conservation Plan submission for this Site, updated and addressed under Application No. 82013001B, also included a variance request for the removal of specimen trees onsite. As described earlier in this report, only one specimen tree remains onsite and this Project has previously obtained the permission for its removal; therefore, no update to the variance request or findings are needed for the current Application. The previous planting mitigation of two (2) 3-3.5" caliper native canopy trees, are still shown/required on the current plans. As conditioned, Staff recommends approval of amended Final Forest Conservation Plan and finds that all Chapter 22A Forest Conservation requirements have been met.

- b. This Project will satisfy all requirements of Chapter 19 of the Montgomery County Code. As reflected on the Applicant's Stormwater Management Concept dated October 5, 2020, the project will satisfy stormwater requirements through the use of bioretention planting areas. This Application was also granted a partial waiver for stormwater quantity.

SECTION 7: CONCLUSION

Community Outreach

On January 8, 2020, the Applicant held pre-submittal public meetings at Silver Spring Civic Building. The Applicant has complied with all submittal and noticing requirements. Staff has received two pieces of correspondence from citizens expressing interest in the Project. An adjacent property owner inquired about the nature of the project and Staff summarized what each plan seeks to accomplish.

Staff also received correspondence from the Friends of Sligo Creek regarding the afforestation requirement met through the purchase of forest mitigation credits. Staff advised the Advocacy Director that the Applicant has fulfilled the obligation of 0.64 acres of the afforestation requirement. The Preliminary Plan Amendment proposes to increase the afforestation requirement by 0.02 acres, for a total of 0.66 acres, and the 0.02 acres will be met via fee-in-lieu or forest mitigation credits. Each correspondence has been included in the Staff Report as an attachment for the Board's reference.

Conclusion

Preliminary Plan Amendment 12013002A satisfies the findings of the Subdivision Regulations within Chapter 50 and substantially conforms to the recommendations of the 2000 *Silver Spring CBD Sector Plan*. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Staff recommends approval of the Preliminary Plan Amendment No. 12013002A with the conditions specified at the beginning of this report.

Site Plan Amendment No. 82013001B complies with the general development requirements of the Zoning Ordinance in effect on October 29, 2014. The Project substantially conforms with the goals and recommendations of the 2000 *Silver Spring CBD Sector Plan*. Therefore, Staff recommends approval of Site Plan Amendment No. 82013001B with the conditions specified at the beginning of this report.

Site Plan No. 820200170 complies with the general development requirements of the Zoning Ordinance in effect on October 29, 2014. The Project substantially conforms with the goals and recommendations of the *Silver Spring CBD Sector Plan*. Therefore, Staff recommends approval of Site Plan No. 820200170 with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Previous Approvals
- B. Agency Letters
- C. Public Alley Abandonment Exhibit
- D. Public Correspondence