



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

MCPB No. 20-138

Site Plan No. 82013001B

Studio Plaza

Date of Hearing: **February 18, 2021**

MAR 18 2021

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, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014, including the zoning then in effect; and

WHEREAS, on February 21, 2013 the Planning Board, by Resolution MCPB No. 13-23, approved Site Plan No. 820130010 for one mixed-used multi-family apartment building with a total gross floor areas of 418,069 square feet, including 10,500 square feet of retail and up to 415 dwelling units, including 61 MPDUs (15% of non-WFHUs) and 10 WFHUs in addition to 344 market rate units on 0.46 acres of CR-3.0, C-2.0, R-27.75, H-110T zoned-land, located at 905 Silver Spring Avenue in the northwest quadrant of the intersection of Fenton Street and Silver Spring Avenue in Downtown Silver Spring ("Subject Property"), in the Silver Spring CBD Policy Area and Silver Spring CBD Sector Plan ("Sector Plan") area; and

WHEREAS, on August 7, 2013 the Planning Board, administratively approved Site Plan No. 82013001A to revise hardscape and plantings, relocate Thayer Avenue lobby entrance, and locate an additional entrance off Silver Spring Avenue; and

WHEREAS, on May 19, 2020, Urby Silver Spring Fee Owner ("Applicant") filed an application for approval of an amendment to the previously approved site plan(s) to a request to reduce the maximum base density on Phase 1 from 344,573 square feet to 327,337 square feet and to amend the Final Conservation Plan to reflect updated limits of disturbance on the Subject Property; and

WHEREAS, Applicant's application to amend the site plan was designated Site Plan No. 82013001B, Studio Plaza ("Site Plan," "Amendment," 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 February 5, 2021, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on February 18, 2021, 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 February 18, 2021 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Fani-Gonzalez, seconded by Commissioner Cichy, with a vote of 5-0; Commissioners Anderson, Cichy, Fani-Gonzalez, Patterson and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 82013001B for a request to reduce the maximum base density on Phase 1 from 344,573 square feet to 327,337 square feet and to amend the Final Conservation Plan to reflect updated limits of disturbance by modifying the following conditions:¹

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.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

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.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Studio Plaza 82013001B, submitted via ePlans to the M-NCPPC as of the date of the Staff Report February 5, 2021, 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 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. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan as revised by previous amendments and all findings not specifically addressed remain in effect.*
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 1-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
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 from 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, the Planning Board supports the Applicant's proposal for afforestation to be satisfied offsite via the use of a forest conservation bank. Due to the 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. The Planning Board noted 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 permission for its removal; therefore, no update to the variance request or findings is needed for the current Application. The previous planting mitigation of two (2) 3-3.5" caliper native canopy trees, is still shown/required on the current plans. As conditioned, the Planning Board approves of the amended Final Forest Conservation Plan and finds that all Chapter 22A Forest Conservation requirements have been fulfilled.

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-D-3.8; 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 MAR 18 2021 (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).

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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 Verma, seconded by Commissioner Cichy, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy and Verma voting in favor, and Commissioner Paterson absent at its regular meeting held on Thursday, March 11, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board