

## SLIGO APARTMENTS

SKETCH PLAN NO. 320220080, PRELIMINARY PLAN NO.  
120220110, SITE PLAN NO. 820220170



### Description

**Speed to Market** project requesting approval of Sketch Plan No. 320220080, Preliminary Plan No. 120220110, and Site Plan No. 820220170 to allow up to 115,000 square feet of residential density for the construction of a multifamily affordable housing development of up to 98 units on one lot, with a maximum building height of 48 feet due to the inclusion of 24.5% MPDUs, located on Sligo Avenue approximately 400 feet west of Carroll Lane.

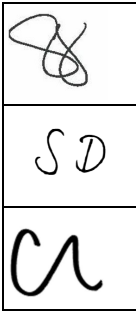
Sketch Plan No. 320220080,  
Preliminary Plan No. 120220110  
Site Plan No. 820220170

Completed: 07-11-2022

MCPB  
Item No. 6  
07-21-2022

Montgomery County Planning Board  
2425 Reedie Drive, Floor 14  
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# Planning Staff



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## LOCATION/ADDRESS

Located on Sligo Avenue approximately 400 feet west of Carroll Lane

## MASTER PLAN

2000 East Silver Spring Master Plan

## ZONE

CRT-0.75 C-0.75 R-0.25 H- 35'

## PROPERTY SIZE

1.29 tract acres

## APPLICANT

Sligo 42 LLC & Sligo 60 LLC

## ACCEPTANCE DATE

April 6, 2022

## REVIEW BASIS

Chapter 50 & 59



## Summary:

- This is a Speed to Market Project as the Project will deliver 100% affordable housing and has obtained 9% Low Income Housing Tax Credit (LIHTC) funding.
- The Project includes a 5-story multifamily unit building with 98 units. Subsequent to the LIHTC restrictions, 24.5% of the units will remain as Moderately Priced Dwelling Units.
- The Project will provide a Master Planned 10-foot-wide shared use path along the Sligo Avenue frontage.
- The Property is adjacent to a townhouse zone to the east and a single family detached zone in the rear, therefore the Residential Compatibility Standards of Section 59.4.1.8 apply.
- Staff supports the Applicant’s request for Alternative Compliance for Screening Requirements per Section 59.6.5 of the building adjacent to the residential townhouse zone to the east, see Section 6 for further discussion.
- No correspondence has been received.

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## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### SKETCH PLAN 320220080

Staff recommends approval of Sligo Apartments, Sketch Plan No. 320220080, for up to 115,000 square feet of multifamily residential density on 1.29 acres, zoned CRT-0.75, C-0.75, R-0.25 H-35', in the *East Silver Spring Sector Plan* area. The following site development elements shown on the latest electronic version of the Sketch Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the conditions below.

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

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

This approval is subject to the following conditions:

#### 1. **Density**

The Sketch Plan is limited to a maximum of 115,000 square feet of total residential development.

#### 2. **Height**

The development is limited to a maximum average building height of 48 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan. This height includes additional height for the provision of MPDUs per Section 59.4.5.2.C.7 of the Zoning Ordinance.

#### 3. **Incentive Density**

The development must be constructed with the public benefits listed below unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 50 and be chosen from at least 3 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.

- a) Transit Proximity, achieved through level 1 transit proximity;
- b) Diversity of Uses and Activities, achieved through providing Moderately Priced Dwelling Units in excess of minimum requirement; and

- c) Quality of Building and Site Design, achieved through architectural elevations, exceptional design, and structured parking.

#### 4. **Future Coordination for the Site Plan**

In addition to any other requirements for Site Plans under Chapter 59, the following must be addressed in the Site Plan application:

- a) The Applicant must submit and receive approval of a Preliminary/Final Forest Conservation Plan.
- b) Stormwater Management concept approval consistent with Chapter 19 of the Montgomery County Code.

#### 5. **Validity**

A site plan must be submitted within 36 months after the date the Sketch Plan Resolution is sent per Section 59.7.3.3.G of the Zoning Ordinance.

### **PRELIMINARY PLAN 120220110**

Staff recommends approval with conditions of the Preliminary Plan to create one lot for multifamily residential development of up to 98 multifamily dwelling units. All site development elements shown on the latest electronic version of the Preliminary Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.

#### **GENERAL APPROVAL**

- 1. This Preliminary Plan is limited to 1 lot for up to 115,000 square feet for up to 98 multifamily dwelling units.

#### **ADEQUATE PUBLIC FACILITIES**

- 2. The Adequate Public Facilities (“APF”) review for the Preliminary Plan will remain valid for five (5) years from the initiation date (as defined in Montgomery County Code Section 50.4.3.J.5).

#### **PLAN VALIDITY PERIOD**

- 3. The Preliminary Plan will remain valid for three (3) years from its initiation date (as defined in Montgomery County Code Section 50.4.2.G), and prior to the expiration date 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 filed.

#### **OUTSIDE AGENCIES**

- 4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated June 1, 2022, and 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 if the amendment does not conflict with any other conditions of the Preliminary Plan approval.

5. Before recording a plat for the Subject Property, the Applicant must satisfy MCDOT's requirements for access and improvements.
6. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Services ("MCDPS") – Water Resources Section in its stormwater management concept letter dated June 9, 2022, and 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 if the amendment does not conflict with any other conditions of the Preliminary Plan approval.
7. 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 May 31, 2022, and 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 amendment does not conflict with other conditions of Preliminary Plan approval.

#### OTHER APPROVALS

8. Before approval of a record plat for the Subject Property, the Applicant must receive Staff certification of any subsequent Site Plan(s) associated with this Preliminary Plan. Prior to certification of the Site Plan and recordation of the plat, the Applicant may obtain permits for demolition, below-grade excavation, and sheeting and shoring. The record plat(s) and Certified Site Plan must be submitted to M-NCPPC prior to any below-grade activity occurring on site. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks and bikepaths is determined through site plan review and approval.
9. If an approved site plan amendment for the Subject Property substantially modifies the lot or right-of-way configuration or quantities shown on this Preliminary Plan, the Applicant must obtain approval of a Preliminary Plan amendment before certification of the site plan amendment.

#### TRANSPORTATION

##### Existing Frontage Improvements

10. The Applicant must provide the following dedications and show them on the record plat(s) for the following existing roads:
  - a) All land necessary to accommodate 25 feet from the existing pavement centerline along the Subject Property frontage for Sligo Avenue.
11. Prior to the recordation of plat(s), the Applicant must satisfy all necessary requirements of MCDPS to ensure construction of a 10-foot wide sidepath with a six-foot vegetated buffer along the Property frontage on Sligo Avenue.

## RECORD PLATS

12. There shall be no clearing or grading of the site prior to submission of the record plat to M-NCPPC.
13. The record plat must show necessary easements.
14. The existing PUE and right-of-way delineated on Plat No. 21509 must be extinguished prior to recordation of plat.

## CERTIFIED PRELIMINARY PLAN

15. The certified Preliminary Plan must contain the following notes:
  - a. *Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot.*
16. Prior to submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
  - a) Show resolutions and all appropriate agency approval letters on the certified set
  - b) Include the approved Fire and Rescue Access plan in the certified set

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## SITE PLAN 820220170

Staff recommends approval of Site Plan No.820220170, for the construction of a multifamily residential building up to 115,00 square feet for up to 98 units. The development must comply with the binding elements and conditions of Sketch Plan No. 320220080 and Preliminary Plan No. 120220110 and any subsequent amendments. All site development elements shown on the latest electronic version of the Site Plan, as of the date of this Staff Report submitted via ePlans to the M-NCPPC, are required except as modified by the following conditions.<sup>1</sup>

## DENSITY, HEIGHT & HOUSING

### 1. Density

The Site Plan is limited to a maximum of 115,000 square feet of total residential development on the Subject Property for up to 98 dwelling units.

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



## 2. Height

The development is limited to a maximum height of 48 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan. This height includes an additional height above the mapped height of 35 feet for the provision of MPDUs per Section 59.4.5.2.C.7 of the Zoning Ordinance.

## OPEN SPACE, FACILITIES AND AMENITIES

### 3. Public Open Space, Facilities, and Amenities

- a) The Applicant must provide a minimum of 3,200 square feet of public open space (6 % of net lot area) on-site.
- b) Prior to issuance of the final Use and Occupancy Certificate, the Applicant must construct the streetscape improvements, including the 10-foot sidepath and the six-foot vegetated buffer along the Property's frontage on Sligo Avenue, consistent with the *Complete Street Design Guide*.
- c) Before the issuance of the final Use and Occupancy Certificate for the residential development, all public open space areas on the Subject Property must be completed.

### 4. 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 Certified Site Plan must show the distance to the Level 1 transit station (Silver Spring Metro Station), which is located 3,895 feet west of the site.

#### b) Diversity of Uses and Activities

##### i. Affordable Housing/MPDUs –

- c) The Planning Board has reviewed and accepts the recommendations of Montgomery County Department of Housing and Community Affairs (DHCA) in its letter dated June 2, 2022, 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.
- d) The development must provide 24.5 percent MPDUs or MCDHCA-approved equivalent consistent with the requirements of Chapter 25A and the applicable Master Plan.
- e) 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.

#### c) Quality Building and Site Design

##### i. Structured Parking –



The Applicant must provide a minimum of 60 parking spaces within a below-grade structure.

5. Recreation Facilities

- a) Before Certified Site Plan approval, the Applicant must meet the square footage requirements for all of the applicable recreational elements and demonstrate to M-NCPPC Staff that each element meets M-NCPPC Recreation Guidelines.
- b) The Applicant must provide the minimum required recreation facilities as shown on the Certified Site Plan.

## ENVIRONMENT

6. Tree Save Plan

- 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) The development must comply with the Forest Conservation Law and Tree Save Plan as part of FCP Exemption No. 42021143E.

7. Noise Attenuation

- a) Before issuance of any building permit, the Applicant/developer/builder 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 at or above 65 dBA Ldn, will attenuate the projected exterior noise levels to an interior level not to exceed 45 dBA Ldn. The affected units will be identified on the Certified Site Plan.
- b) If the plan changes in any manner that affects the validity of the noise analysis dated May 13, 2022, 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 or Final Inspection, whichever is relevant, for any of the noise impacted units, a Professional Engineer must certify to the Planning Department and Department of Permitting Services that the noise impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.

## TRANSPORTATION

8. Transportation

- a) 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 May 27, 2022, 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.

9. **Pedestrian & Bicycle Circulation**

- a) The Applicant must provide 58 long-term and 6 short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room in the parking garage, and the short-term spaces must be inverted-U racks (or approved equal) in a location convenient and clearly visible from 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 provide one bicycle repair station.
- d) The Applicant must provide the following master planned pedestrian and bicycle facilities, the exact location, design and construction of which must comply with requirements set forth by the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, before issuance of the final Use and Occupancy Certificate.
  - i. Sligo Avenue: 10-foot-wide sidepath with six-foot-wide buffer from traffic.

10. **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 May 31, 2022, 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.

**SITE PLAN**

11. **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 proposed fixtures to prevent excess illumination and glare.
- d) Illumination levels generated from on-site lighting must not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- 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.

#### 12. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or use and occupancy certificate, whichever comes first, 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, outdoor recreational facilities, site furniture, trash enclosures, retaining walls, fences, railings, 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.

#### 13. 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.

#### 14. Certified Site Plan

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

- a) Include the stormwater management concept approval letter, all other agency approval letters, development program, and Sketch, Preliminary and Site Plan resolutions on the approval or cover sheet(s).
- b) Add the following notes:
  - i. "M-NCPPC Staff must inspect all tree-save areas and protection devices before clearing and grading."
  - ii. "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."
  - iii. "The Applicant must schedule a preconstruction meeting (pre-con), preferably on-site, with staff from the Department of Permitting Services (DPS) responsible for Certified Site Plan conformance and compliance, upon approval of the Certified Site Plan (CSP). The pre-con must occur prior to any site development work commencement and prior

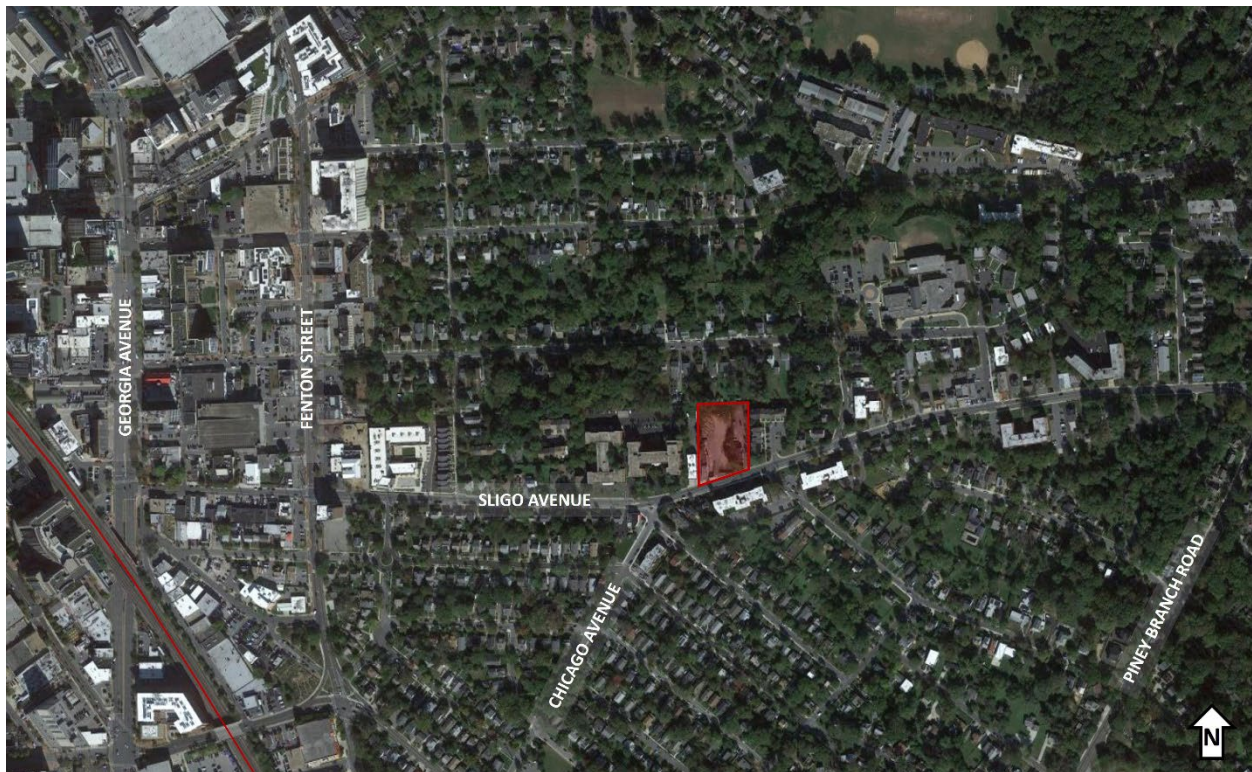
to any work that is covered by the site plan surety and maintenance agreement. The Applicant, along with their representatives, must attend the pre-con with DPS CSP Staff. A copy of the approved Certified Site Plan along with any subsequent amendments is required to be on-site at all times.”

- c) Fire and Rescue Access plan should be included in the Certified Site Plan.
- d) Modify data table to reflect development standards approved by the Planning Board.
- e) Ensure consistency of all details and layout between Site and Landscape plans.
- f) The Applicant shall make good faith efforts for coordination with the neighbors (toward the north and east) regarding proposed removal of offsite and jointly owned trees and address the locations and quantities of replacement trees/landscaping on the revised landscape plans.
- g) Confirm the gas line and (other utilities) fronting the site will not conflict with the street tree plantings and/or move the existing and proposed utility locations as necessary to appropriately accommodate the new plantings.
- h) The landscape planting list shall be revised to utilize native species in keeping with the East Silver Spring Master Plan recommendations regarding Environment and urban forestry principles. However, the plantings associated with the green roof are to be determined by DPS.
- i) Provide details of recreation facilities.
- j) Revise plans to show reduced stormwater bioretention at the building frontage to provide a more generous front entry plaza.
- k) Revise plans to show a minimum of three street trees along the Sligo Avenue frontage, with a preference of five, to be determined in coordination with the Department of Permitting Services Right of Way Permitting Division.

## SECTION 2: SITE DESCRIPTION

### VICINITY

The project is located in East Silver Spring just a couple blocks east of the Fenton Village and Central Business District. While the larger vicinity is predominantly developed with single family detached dwellings, the immediate vicinity is described as a commercial center in the East Silver Spring Master Plan and contains several 4-story apartment buildings and a handful of 1-story commercial buildings. Directly east of the site is a townhouse development and farther east there are several single-family homes converted into neighborhood retail businesses.



*Figure 1 – Vicinity Map*

### PROPERTY DESCRIPTION

The Subject Site (Subject Property or Property) is located at 713-719 Sligo Avenue and is developed with two 1-story commercial buildings occupied with a landscaping business and storage yard. The Property is comprised of Lot 51, Block K of Plat 54 “R. Holt Easley’s Subdivision of Silver Spring” and two portions of lots, totaling 1.26 acres.





*Figure 2 – Subject Property*

The Property is located within the Sligo Creek watershed which is classified as a Use-Class I watershed by the State of Maryland. The Subject Property contains no forest but does have one significant tree (trees with a diameter at breast height or “DBH” of 24 inches or more) occurring along the northern property line and there are a number of other significant trees within the neighboring properties. The Property contains no streams, wetlands or other sensitive environmental features. There are no documented streams and stream valley buffers on or immediately adjacent to the Subject Property, and no wetlands or rare or endangered species. No historic resources or cemeteries are known to exist on the Property.

## SECTION 3: PROJECT DESCRIPTION

### PREVIOUS APPROVALS

#### CONCEPT PLAN 520210250

In July of 2021, the Applicant submitted a Concept Plan for the Property that proposed a multifamily building for up to 98 units. At the time, the zoning did not support the density proposed. The Applicant requested that the future submittal be reviewed as a ‘Speed to Market’ initiative due to the 100% affordable housing component, however staff had several concerns related to the project design and architecture.



*Figure 3 – Concept Plan Rendering*

Following the Concept Plan, Staff and the Applicant had several follow up meetings to discuss improvements to the relationship of the building to the street and surrounding environment, proposed open spaces, and frontage improvements. This consistent communication, along with the adoption of ZTA 21-07, which exempts FAR for projects that propose 100% government regulated affordable housing, led to the acceptance of the proposal as the first Speed to Market Project under review in the Downcounty Planning Area.

### PROPOSAL



The Applicant proposes to demolish the existing 1-story buildings onsite to allow for the construction of a new five story multifamily building for up to 98 units. The Site would consolidate access to one driveway at the eastern portion of the Site, leading to a below grade parking garage. The building's main entrance will front onto a public plaza on the Sligo Avenue frontage, which will be improved with a master planned bicycle sidepath.

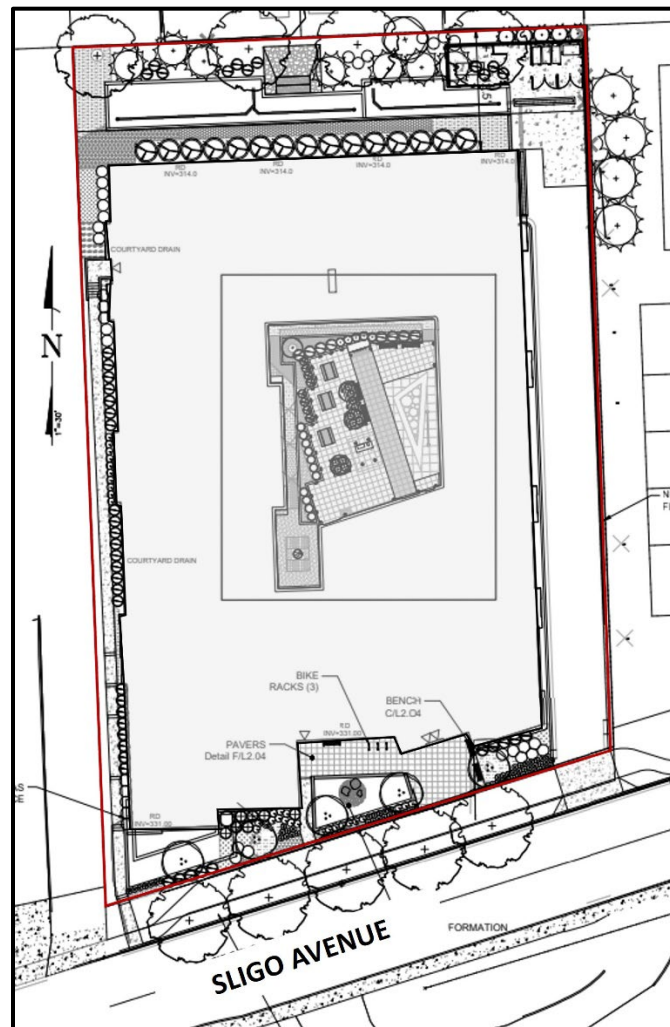


Figure 4 – Rendered Site Plan 820220170

### Building/architecture

As previously described, the Proposal was discussed extensively during and after Concept Plan review. The final product proposes a five-story masonry building that steps down to three stories to the east and rear for compatibility with the adjacent townhouse and single family detached zones. The main façade along Sligo Avenue is modulated with material changes including fiber cement siding and paneling, depth and color to reduce the mass of the building.



*Figure 5 –Perspective of building from Sligo Avenue*

### Affordability/Height

The Applicant has secured 9% Low Income Housing Tax Credits (LIHTC) for the construction of the new building, which requires a 30-year commitment. Following the expiration of the LIHTC requirements, 24.5% of units will remain as MPDUs under the County Regulations. Per the provisions of Section 59.4.5.2.C.7 of the Zoning Ordinance, the height limit of the applicable zone (35 feet for this Site) does not apply to the extent required to provide MPDUs. The square footage dedicated to MPDUs totals 24,917 square feet, and with a building floorplate of 23,000 square feet, the Project can increase in height up to 24 feet, a total potential of 59 feet. However, the Applicant proposes to increase height up to 48 feet.

### Residential Compatibility

The Subject Property abuts a single family detached zone in the rear, and a Residential Townhouse zone to the east. The Project must comply with the standards of Section 59.4.1.8 for Residential Compatibility, which includes a greater setback at the side and rear, as well as a gradual increase in height at the rear of the Site. The Applicant has provided sections showing how the proposed development complies with the standards of Section 59.4.1.8 as shown below.

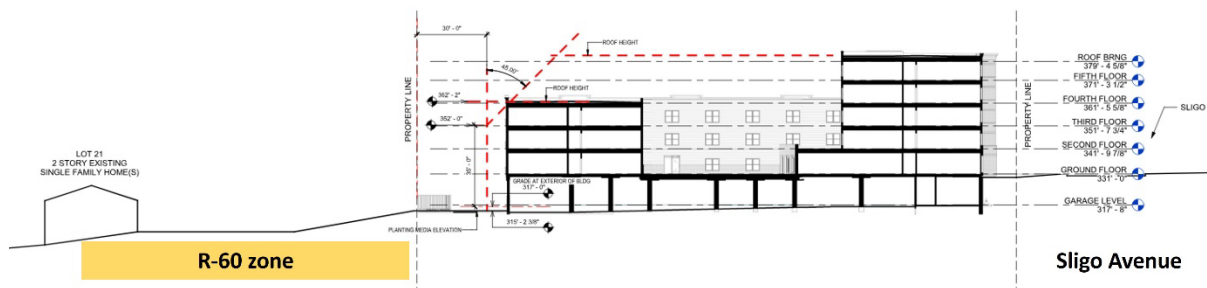


Figure 6 – Section looking east with single family detached zone at rear of building

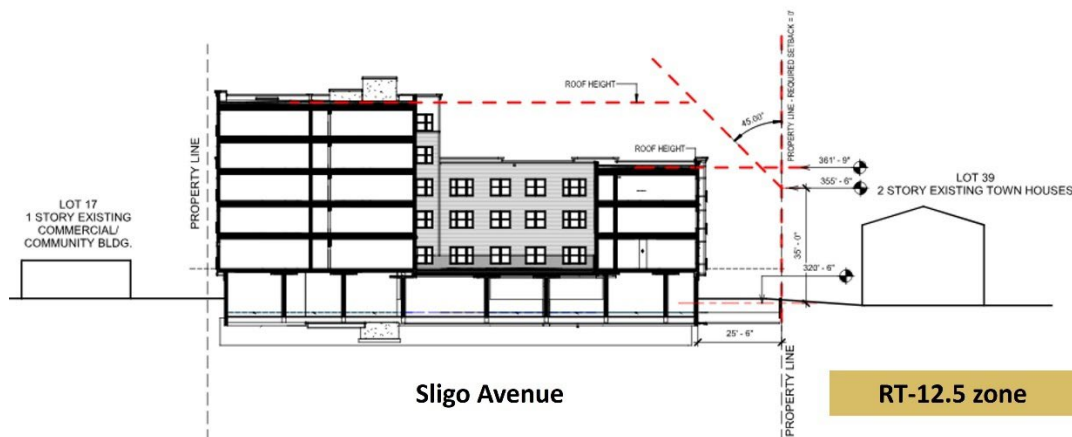


Figure 7 – Section looking north with townhouse development to the east

## OPEN SPACE

Given the Subject Property's size and singular frontage, the Project is not required to provide public open space per Section 59.4.5.4.B.1 of the Zoning Ordinance. However, the Applicant proposes to provide 6% of the Site as public open space. This space will be designed as a plaza located along the Sligo Avenue frontage next to the building entrance and will include sitting areas, stormwater retention and vegetation. The Applicant has been working with the Stormwater Division within DPS to reduce the size of the bioretention planter at the front in order to provide a more generous entry plaza. The Project proposes to provide a community meeting space within the building's ground floor eastern corner by the main entrance, which will provide a direct relationship with this outdoor plaza area.



The Applicant is providing 58 long-term bicycle parking spaces (9 more than the minimum required) within a secure bicycle parking room within the structure parking facility on site. The Applicant will provide 6 short-term bicycle parking spaces (4 more than the minimum required), located adjacent to the front door, in compliance with the Montgomery County Bicycle Parking Guidelines.

Vehicular parking will be provided with a structured parking deck, with 46 standard spaces, one carshare space, four ADA accessible parking spaces and adjacent aisles, and four motorcycle parking spaces. The 61 total spaces meet the minimum required for a project of this size within a Reduced Parking Area, with 24 MPDUs, where parking is unbundled from the units. Staff supports meeting the minimum number of required off-street parking spaces as the Site is located within walking distance of both the imminent Purple Line Station (at the Silver Spring Library) and the Silver Spring Transit Center, which is served by Metrorail, MARC and WMATA bus and RideOn bus service.

## SECTION 4: SKETCH PLAN 320220080 FINDINGS AND ANALYSIS

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF or LSC zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, heights and anticipated uses, the locations of open and public use spaces, the general circulation patterns for all modes of transportation, an estimated range of peak hour trips and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Preliminary and Site Plan review. Section 59.7.3.3.E of the Zoning Ordinance states: “To approve a Sketch Plan the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at Site Plan. The Sketch Plan must:

### 1. Meet the objectives, general requirements, and standards of this Chapter;

*Table 1: Sligo Apartments Sketch Plan Data Table for CRT Zone, Optional Method, Section 59.4.5*

Development Standard	Permitted/ Required	Proposed
<b>Tract Area</b>	n/a	<b>56,229 sf (1.29 acres)</b>
<b>Prior Dedication</b>	n/a	3,971 sf (0.09 acres)
<b>Proposed Dedication</b>	n/a	2,320 sf (0.05 acres)
<b>Site Area</b>	n/a	<b>49,938 sf (1.15 acres)</b>
<b>Mapped Density</b> CRT-0.75, C-0.75, R-0.25 H-35' Residential (GFA/ FAR) Commercial (GFA/FAR)	14,057 sf / 0.25 42,171 sf / 0.75	115,000 sf / 2.05 <sup>1</sup> 0 sf
<b>Total Mapped Density (GFA/FAR)</b>	<b>42,171 sf / 0.75</b>	<b>115,000 sf / 2.05<sup>1</sup></b>
<b>MPDU requirement</b>	12.5%	24.5% <sup>2</sup> (24 units)
<b>Building Height, max</b>	35 ft <sup>3</sup>	48 ft <sup>4</sup>
<b>Public Open Space (min s.f.)</b>	0%	6%



<sup>1</sup> Zoning Text Amendment 21-07 was adopted by Montgomery County Council on January 18, 2022, which allows projects in the CR and CRT zone to exempt FAR limits of the underlying zone, provided the maximum residential density does not exceed 2.5 FAR if 100% of the units are income-restricted for at least 30 years under a government regulation or binding agreement

<sup>2</sup> After the expiration of the LIHTC restrictions, the Applicant proposes to keep 24.5% of units on-site as County regulated MPDUs.

<sup>3</sup> Zoning Ordinance Section 59.4.5.2.C.7 states that the height limit of the applicable zone does not apply to the extent required to provide MPDUs. The additional height is calculated as the floor area provided for MPDUs above 12.5% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.

<sup>4</sup> The square footage provided for MPDUs totals 24,917 square feet and the average floor plate is 23,000 square feet resulting in allowable 24 feet of additional height beyond the mapped 35 feet (59 feet). The Applicant proposes a maximum height of 48 feet.

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

The Property is located within the *2000 East Silver Spring Master Plan*. The Project conforms to the goals and recommendations of the Master Plan.

- *Preserve the residential character of East Silver Spring neighborhoods*

The Project proposes to redevelop a commercial property with new 98-unit multifamily building with structured parking. The entire Project will be affordable for a variety of income levels. The Project design has been extensively reviewed with Staff to ensure the scale and architecture design is compatible with the surrounding multifamily structures and townhouses.

- *The East Silver Spring Master Plan seeks to preserve existing residential character, encourage neighborhood reinvestment, provide a greater range of housing types, and enhance the quality of life throughout East Silver Spring*

The Project will support the Master Plan's goal to preserve existing residential character and encourage neighborhood investment by redeveloping a property that has been underutilized. The Project will provide new housing stock without displacing any existing residents in a location that is predominantly single family detached homes and older residential buildings.

- *Confirm the existing C-1 and C-O zoning throughout East Silver Spring*

The Subject Property was reconfirmed as C-1 during the adoption of the Master Plan, but during the 2014 Zoning Ordinance update was reclassified to CRT, which is the equivalent zoning under the new Zoning Ordinance.

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

The Project proposes 98 new units within 1 mile of the Silver Spring Metro Station and 1.5 miles of the Takoma Metro Station. The proposal includes 61 vehicular parking spaces, as allowed by the Reduced Parking Area provisions of the Zoning Ordinance, and 58 bicycle parking spaces in support of encouraging nonauto trips.

- *Continue to provide on-site stormwater treatment with effective technologies where feasible*

The Project proposes a variety of Environmental Site Design techniques to treat stormwater such as green proof planters within the courtyard and two bioretention planters to treat stormwater from the roof drains. The Project received approval of a Stormwater Concept Plan by the Montgomery County Department of Permitting Services Stormwater Division on June 9, 2022.

- *Promote the use of areas designed to increase infiltration within required open or green space*

The location of stormwater infiltration is located in open space areas of the Project such as the courtyard area and the public open space along the street frontage. These areas provide a handful of previously described stormwater management features including bioretention facilities.

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

The Property is currently developed with 2 structures, a 1-story commercial building and a single-family dwelling, both utilized for businesses, and the remainder has been utilized as a storage yard. The Project proposes to revitalize the Property into new, affordable, multifamily housing for the residents of East Silver Spring. The first floor of the building will include a meeting space that can be used by community groups for social activities.

***c) Encourage development that integrated 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 new multifamily residential building will provide new housing at a variety of unit options and range of affordability. The building has been designed to provide structured parking built into the site's slope, resulting in no parking between the building and the street. The Applicant proposes frontage improvements for the pedestrian environment including installation of a master planned 10-foot sidepath for bicyclists and pedestrians along the site frontage.

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

The Sketch Plan proposes a five-story building that will step down to the east and rear to ensure compatible relationships with the townhouse development to the east and single family detached neighborhood to the north (rear). Further analysis on the residential compatibility will be required during Site Plan review.

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



The Sketch Plan will integrate additional affordable housing proximate to two metro stations, Silver Spring Metro and Takoma Metro. The additional units will add a diversity of housing options near transit and employment opportunities.

***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.***

Per Section 59.4.7.3.D.6.e of the Zoning Ordinance, projects that provide MPDUs in excess of 20% are not required to provide additional public benefits. Regardless, the Applicant has provided over 100 points from three categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

***2. Substantially conforms to the recommendations of the applicable master plan:***

As stated previously in Finding 1.a, the Project substantially conforms to the goals and recommendations of the 2000 East Silver Spring Master Plan.

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

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

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

The proposed building's main entrance will front onto Sligo Avenue with public open space between the building face and the public right-of-way. The interior of the building will feature an interior courtyard for the residents of the building furnished with amenities such as picnic tables, grilling areas, landscaping, and other seating areas.

While there is no pending nearby development, the Subject Property abuts a single family detached zone in the rear, and a Residential Townhouse zone to the east. The Project must comply with the standards of Section 59.4.1.8 for Residential Compatibility, which includes a greater setback at the side and rear, as well as a gradual increase in height at the rear of the Site. The Applicant has provided sections showing how the proposed development complies with the standards of Section 59.4.1.8 as described in further detail in Section 6, Site Plan 820220170 Analysis and Findings.

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

The Sketch Plan proposes satisfactory circulation for vehicles, pedestrians, bicycles, and can sufficiently accommodate parking and loading for the future development. The Application proposes to consolidate vehicular access to one driveway at the eastern Property line. The driveway leads down the sloped site into a subsurface parking garage, where trash and loading areas will be provided. As

previously stated, the main building entrance at the front of the Property will open onto a plaza area which also connects to the improved streetscape along Sligo Avenue including the master planned sidepath.

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

Taking into account the considerations in Section 59.4.7.1.B, including the recommendations and objectives of the Sector Plan and any applicable design guidelines, the Incentive Density Implementation Guidelines, the size and configuration of the site and its relationship to adjacent properties, similar public benefits nearby, and additional enhancements related to the individual public benefits, the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site, as described below.

Section 59.4.7.3.D.6.e states that projects that provide a minimum of 20% MPDUs do not have to satisfy any other benefit category under Section 4.5.4.A.2. Regardless, the Applicant proposes a public benefit package totaling 174 points from 3 categories. Although at the time of Sketch Plan review only the categories need be approved, the following table shows both the categories and points for the public benefits requested at Sketch Plan to demonstrate the project's ability to meet the requirement to provide sufficient benefit points.

*Table 2: Sligo Apartments Public Benefit Calculations*

Public Benefits	Incentive Density	
	Max Allowed	Requested
<b>59.4.7.3C: Transit Proximity</b>		
Silver Spring Metro Station	25	10
<b>59.4.7.3.D: Diversity of Uses and Activities</b>		
Affordable Housing	n/a	144
<b>59.4.7.3E: Quality of Building and Site Design</b>		
Structured Parking	20	20
<b>TOTAL</b>		174

## TRANSIT PROXIMITY

### Level 1 – Silver Spring Metro Station

The Applicant requests 10 points for locating a project within ½ mile – 1 mile of a metro station. The Project is located 3,895 feet from the Silver Spring Metro Station. Per Table 2, Page 16 of the CR Guidelines, properties zoned CRT are allowed 10 points for locating a project within ½ mile and a mile of an existing or planned metro station. Staff supports the category at this time.

## DIVERSITY OF USES AND ACTIVITIES

### Affordable Housing

The Applicant requests 144 points for providing affordable housing in excess of the minimum required (12.5%). The Applicant proposes to provide 24.5% of dwelling units as MPDUs after the expiration of the LIHTC restrictions. Points are calculated based on the percentage of MPDUs greater than 12.5%. Staff supports the category at this time.

## QUALITY OF BUILDING AND SITE DESIGN

### Structured Parking

The Applicant requests 20 points for placing all parking in a below grade structure. Points for this incentive are granted on a sliding scale, based on the percentage of total on-site spaces provided in a below-grade parking structure multiplied by 20 points. Staff supports the category at this time.

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

The project will be built in one phase.

## SECTION 5: PRELIMINARY PLAN 120220110 FINDINGS AND ANALYSIS

The Preliminary Plan proposes to create 1 lot, measuring approximately 49,938 square feet or 1.15 acres of Site area, for a maximum residential density of up to 115,000 square feet for up to 98 multifamily units. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application has been reviewed by other applicable State, County and City agencies. The shape and orientation of the proposed lot is appropriate for the location of the subdivision taking into account the type of development and use contemplated.

- 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.**
  - a) The block design is appropriate for the development or use contemplated**

The proposed subdivision is located within an existing block that is appropriate for the proposed multifamily development.

- b) The lot design is appropriate for the development or use contemplated**

The proposed lot is appropriate for the development proposed. The 1.15-acre rectangular lot will provide one vehicular access point onto Sligo Avenue for the multi-family building and will also provide several frontage improvements for bicycle and pedestrians. The proposed subdivision has been reviewed and approved for stormwater and fire access adequacy by the Montgomery County Department of Permitting Services.

**c) *The Preliminary Plan provides for required public sites and adequate open areas***

There are no Master Planned sites recommended for this particular Property. As discussed in Finding 2 below, the proposed subdivision will dedicate additional public right-of-way and will implement master planned transportation improvements such as a sidepath and streetscape.

**d) *The Lot(s) and Use comply with the basic requirements of Chapter 59***

As shown in Site Plan Finding 2.d, Table 6, the proposed lot will comply with the development standards for CRT zone optional method development and related development standards.

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

**a) *Land Use***

As previously discussed in Sketch Plan Finding 1.a, the Project substantially conforms to the 2000 *East Silver Spring Master Plan*.

**b) *Environment***

**Environmental Guidelines & Noise Analysis**

As previously mentioned, the Property is located within the Sligo Creek watershed which is classified as a Use-Class I watershed by the State of Maryland. The Subject Property contains no forest but does have one significant tree (trees with a diameter at breast height or “DBH” of 24 inches or more) occurring along the northern property line and there are a number of other significant trees within the neighboring properties. There are no documented streams wetlands or associated buffers on or near the Subject Property, and no rare, threatened or endangered species or other environmentally sensitive features are present.

A Traffic Noise Impact and Barrier Analysis was prepared by Hush Acoustics LLC for the Property due to its location along Sligo Avenue and also within 3,000 feet of a railroad, and the results were provided in a report dated May 13, 2022 (Attachment E). A noise analysis is necessary to demonstrate conformance with the 1983 *Staff Guidelines For the Consideration of Transportation Noise Impacts In Land Use Planning and Development* (“Noise Guidelines”) by determining the projected interior and exterior noise levels and whether or not mitigation for residential units and outdoor recreational areas is required. The Montgomery County “Staff Guidelines for the Consideration of Transportation Noise

Impacts in Land Use Planning and Development” stipulate a 65 dBA Ldn maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas.

The results of the analysis for this Property indicate that future unmitigated traffic noise levels above 65 dBA Ldn will impact the building facade closest to Sligo Avenue. However, the interior residential spaces can readily be mitigated to suitable levels (not exceeding 45 dBA Ldn) if windows with the appropriate sound transmission class rating (STC) are specified. Standard conditions of approval are recommended to address the noise mitigation requirements.

The analysis also determined that the exterior courtyard space is well protected from transportation noise and no modifications are necessary relative to the outdoor common open space.

### ***c) Transportation***

#### **Transportation**

Sligo Avenue, a minor arterial has a master-planned right of way of 50 feet, as envisioned by the 2000 *East Silver Spring Master Plan* and later confirmed by the 2018 *Master Plan of Highways and Transitways*. As conditioned, the Site will ensure that 25 feet from the centerline of Sligo Avenue and the Property line will be dedicated to public right-of-way.

The Site frontage will be improved with the 10-foot, buffered sidepath, to be installed by the Applicant, thereby realizing the 2018 *Bicycle Master Plan* recommendation for sidepaths along at least one side of Minor Arterial roadways within “Lower Activity Areas” in the County (page 62). The sidepath will be buffered by street trees and smaller vegetation planted within a 6-foot buffer.

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

#### ***a) Roads and other Transportation Facilities***

As discussed in Finding 2, the Site will provide the master-planned frontage improvements to achieve the 2018 *Bicycle Master Plan* vision for Sligo Avenue.

#### ***b) Local Area Transportation Review (LATR)***

A transportation statement, dated January 26, 2022, was submitted with the Project, indicating that the proposed development will generate 38 net new morning peak-hour person trips and 46 net new evening peak-hour person trips when compared to the trips generated by the existing small office building, and specialty trade contractor (Table 3). Because the estimated transportation impact of the Project is less than 50 net new person trips, the Project satisfies the Local Area Transportation Review requirement without further analysis.

Table 3: Project Peak Hour Trip Generation

Total Proposed		Vehicle Rates		Policy Area Vehicle Trips		Person Trips	
Use	Total Units/GFA	AM	PM	AM	PM	AM	PM
<b>Existing Use (Credit)</b>							
Small Office Building (2,048 SF)		3	4	3	3	4	5
Specialty Trade Contractor (3,050 SF)		5	6	4	5	7	8
Subtotal						11	14
<b>Proposed Use</b>							
98 Multi-family Dwelling Units		32	39	27	32	49	60
<b>Total Net New Trips</b>						38	46

Source: Wells & Associates Transportation Statement, dated January 26, 2022.

#### c) Other Public Facilities and Services

#### SCHOOLS

The project is served by East Silver Spring ES, Takoma Park MS and Montgomery Blair HS. Based on the FY23 Annual School Test results, the student enrollment and capacity projections for these schools are noted in the following table:

Table 4. Applicable FY2023 School Adequacy.

School	Projected School Totals, 2026				Adequacy Status	Adequacy Ceilings		
	Program Capacity	Enrollment	% Utilization	Surplus/ Deficit		Tier 1	Tier 2	Tier 3
East Silver Spring ES	577	517	89.6%	+60	No UPP	145	176	262
Takoma Park MS	1,322	1,107	83.7%	+215	No UPP	341	480	678
Montgomery Blair HS <sup>2</sup>	2,867	2,619	91.3%	+248	No UPP	428	822	1,252

<sup>2</sup> Projected enrollment reflects the estimated impact of CIP P651908, which will reassign students between the Downcounty Consortium, Walter Johnson HS and Woodward HS in 2026.

The school adequacy test determines the extent to which an applicant is required to make a Utilization Premium Payment (UPP) based on each school's adequacy status and ceilings, as determined in the Annual School Test. Under the FY23 Annual School Test, East Silver Spring ES, Takoma Park MS and Montgomery Blair HS do not require any UPP as identified in Table 4. If the project is estimated to generate more students than the identified ceilings, then additional UPPs or partial payments at multiple tiers may still be required.

### Calculation of Student Enrollment Impacts

To calculate the number of students generated by the proposed amendment, the number of dwelling units is multiplied by the applicable School Impact Area student generation rate for each school level. Dwelling units are categorized by structure type: single family detached, single family attached (townhouse), low-rise multifamily unit, or high-rise multifamily unit.

With a net of 98 units that are not age-restricted, the proposed amendment is estimated to generate the following number of students based on the subject Property's location within an Infill Impact Area:

*Table 5. Estimated Student Enrollment Impacts.*

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
SF Detached	0	0.195	0.000	0.096	0.000	0.139	0.000
SF Attached	0	0.166	0.000	0.091	0.000	0.116	0.000
MF Low-rise	98	0.059	5.782	0.023	2.254	0.032	3.136
MF High-rise	0	0.034	0.000	0.015	0.000	0.016	0.000
<b>TOTALS</b>	<b>98</b>		<b>5</b>		<b>2</b>		<b>3</b>

As shown in Table 5, on average, this project is estimated to generate 5 elementary school students, 2 middle school students and 3 high school students. The number of students generated does not exceed the adequacy ceilings identified for each school in Table 4, therefore no additional UPPs are required and neither are partial payments across multiple UPP tiers.

### OTHER



Public facilities and services are available and will be adequate to serve the proposed development. The Subject Property is proposed to be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service 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 *Growth and Infrastructure Policy* resolution currently in effect and will be adequate to serve the Property.

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

A Forest Conservation Exemption (42021143E) was confirmed for the project on March 2, 2021. The application qualifies for the exemption under 22A-5(s)(1) because the activity is occurring 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.

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

The Preliminary Plan Application meets the stormwater management requirements of Chapter 19 of the County Code. The Applicant received a stormwater concept approval from MCDPS Water Resources Section on June 9, 2022. The Application will meet stormwater management goals via green roof and bioretention planter boxes. A partial waiver of stormwater management requirements was requested and conditionally granted with the expectation that incorporation of additional stormwater opportunities will be explored during the design phase of the project.

**6. Any burial site of which the applicant has actual notice or constructive notice or that is included in the Montgomery County Cemetery Inventory and located within the subdivision boundary is approved under Subsection 50-4.3.M.**

Not applicable to this Property.

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

No other provisions apply to the Subdivision.

## SECTION 6: SITE PLAN 820220170 FINDINGS AND ANALYSIS

Section 59.4.5.4.A.1 requires that Optional Method projects in the CR and CRT zone receive an approved Site Plan under Section 59.7.3.4 for any development on a property with an approved Sketch Plan.

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

The findings herein apply only to the Subject Property.

- 2. To approve a Site Plan, the Planning Board must find that the proposed development:**

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

Site Plan 820220170 has been reviewed for conformance with the associated Sketch Plan 320220080 and Preliminary Plan 120220110 previously discussed above.

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

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

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

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

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

- i. Division 4.5 CRT Zone**

Table 6: Sligo Apartments Preliminary and Site Plan Data Table for CRT Zone, Optional Method, Section 59.4.5

Development Standard	Permitted/ Required	Proposed
<b>Tract Area</b>	n/a	56,229 sf(1.29 acres)
<b>Prior Dedication</b>	n/a	3,971 sf (0.09 acres)
<b>Proposed Dedication</b>	n/a	2,320 sf (0.05 acres)
<b>Site Area</b>	n/a	49,938 sf (1.15 acres)
<b>Mapped Density</b> CRT-0.75, C-0.75, R-0.25 H-35'		
Residential (GFA/ FAR)	14,057 sf / 0.25	115,000 sf / 2.05 <sup>1</sup>
Commercial (GFA/FAR)	42,171 sf / 0.75	0 sf
<b>Total Mapped Density</b>	42,171 sf / 0.75	115,000 sf / 2.05
<b>MPDU requirement</b>	12.5%	24.5% (98 units) <sup>2</sup>
<b>Building Height, max average</b>	35 ft	48 ft <sup>4</sup>
<b>Public Open Space (min s.f.)</b>	0%	6%
<b>Minimum Setbacks (ft)</b>		
<b>Front</b>	0	11 ft
<b>Rear</b>	30 ft	42 ft
<b>Side (west)</b>	0	8.5 ft
<b>Side (east)</b>	15 ft	23 ft

<sup>1</sup> Zoning Text Amendment 21-07 was adopted by Montgomery County Council on January 18, 2022, which allows projects in the CR and CRT zone to exempt FAR limits of the underlying zone, provided the maximum residential density does not exceed 2.5 FAR if 100% of the units are income-restricted for at least 30 years under a government regulation or binding agreement

<sup>2</sup> After the expiration of the LIHTC restrictions, the Applicant proposes to keep 24.5% of units on-site as County regulated MPDUs.

<sup>3</sup> Zoning Ordinance Section 59.4.5.2.C.7 states that the height limit of the applicable zone does not apply to the extent required to provide MPDUs. The additional height is calculated as the floor area provided for MPDUs above 12.5% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.

<sup>4</sup> The square footage provided for MPDUs totals 24,917 square feet and the average floor plate is 23,000 square feet resulting in allowable 24 feet of additional height beyond the mapped 35 feet (59 feet). The Applicant proposes a maximum height of 48 feet.

<sup>5</sup> The Property is adjacent to a residential townhouse zone to the east, and a single family detached zone in the rear. The Application is subject to the Residential Compatibility Standards of Section 59.4.1.8 of the Zoning Ordinance, requiring 1.5 times the adjacent zone setback for the side and rear.

Table 6 cont: Sligo Apartments Parking Table Per Section 59.6.2

Parking	Spaces Required	Spaces Provided
Vehicle Parking		
Residential		
MPDUs (24 units);	12 min / 24 max	--
1 Bedroom (27 units);	13.5 min/ 33.75 max	--
2 & 3 Bedroom (43 units);	35.3 min/ 64.5 max	--
<b>Total Residential Parking (98 units)</b>	<b>61 min/ 122.5 max<sup>1</sup></b>	<b>61 spaces<sup>2</sup></b>
Bicycle Parking (Long Term/ Short Term)		
Residential	(47/2) 49	--
<b>Bicycle Parking Total</b>	<b>(47/2) 49</b>	<b>(58/6) 64</b>
Loading Spaces	1	1

<sup>1</sup> Minimum parking per market rate unit has been adjusted per Zoning Ordinance Section 59.6.2.3.l.5 to reflect unbundling and Section 59.6.2.3.l.2 to reflect MPDU parking minimums

<sup>2</sup> Final number of vehicle and bicycle parking spaces to be determined at building permit based on final number of dwelling units and non-residential density. Public Benefit points are based on 450 spaces.

ii. **Division 4.7 Optional Method Public Benefits**

Section 59.4.7.3.D.6.e states that projects that provide a minimum of 20% MPDUs do not have to satisfy any other benefit category under Section 4.5.4.A.2. Regardless, the Applicant proposes to exceed the 50-point requirement utilizing 3 categories. In accordance with the Zoning Ordinance, Section 59.4.7.1, the Site Plan proposes the following public benefits:

Table 7: Sligo Apartments Public Benefit Calculations

Public Benefits	Incentive Density	
	Max Allowed	Requested
<b>59.4.7.3C: Transit Proximity</b>		
Silver Spring Metro Station	25	10
<b>59.4.7.3.D: Diversity of Uses and Activities</b>		
Affordable Housing	n/a	144
<b>59.4.7.3E: Quality of Building and Site Design</b>		
Structured Parking	20	20
<b>TOTAL</b>		174

TRANSIT PROXIMITY

Level 1 – Silver Spring Metro Station

The Applicant requests 10 points for locating a project within ½ mile – 1 mile of a metro station. The Project is located 3,895 feet (¾ mile) from the Silver Spring Metro Station. Per Table 2, Page 16 of the CR Guidelines, properties zoned CRT are allowed 10 points for locating a project within ½ mile and 1 mile of an existing or planned metro station. Staff recommends 10 points for this category.

## DIVERSITY OF USES AND ACTIVITIES

### Affordable Housing

The Applicant requests 144 points for providing affordable housing in excess of the minimum required (12.5%). The Applicant proposes to provide 24.5% of dwelling units as MPDUs after the expiration of the LIHTC restrictions. Points are calculated based on the percentage of MPDUs greater than 12.5%. Staff supports the Applicant's request.

$$24.5\% \text{ MPDUs proposed} - 12.5\% \text{ MPDUs min} = 12\% * 12 \text{ points per } 1\% \text{ over min} = 144 \text{ points}$$

## QUALITY OF BUILDING AND SITE DESIGN

### Structured Parking

The Applicant requests 20 points for placing all parking in a below grade structure. Points for this incentive are granted on a sliding scale, based on the percentage of total on-site spaces provided in a below-grade parking structure multiplied by 20 points. The Applicant satisfies the requirements for 20 points because all on-site parking is provided in a below-grade garage.

### iii. ***Division 6, General Development Standards***

#### ***(1) Division 6.1 Site Access***

All access to the Site will be provided from a consolidated curb cut on Sligo Avenue at the eastern Property line. The driveway was evaluated for sight-distance and was approved based on the criteria for a minor arterial.

#### ***(2) Division 6.2 Parking, Queuing and Loading***

Vehicular parking will be provided with a structured parking deck, with 52 standard spaces, one carshare space, four ADA accessible parking spaces and adjacent aisles, and four motorcycle parking spaces. The 61 total spaces meet the minimum required for a project of this size within a Reduced Parking Area, with 24 MPDU's, where parking is unbundled from the units. Staff supports meeting the minimum number of required off-street parking spaces as the Site is located within walking distance of both the imminent Purple Line Station (at the Silver Spring Library) and the Silver Spring Transit Center, which is served by Metrorail, MARC and WMATA bus and RideOn bus service.

The Project proposes an off-street loading facility within the rear portion of the parking deck in accordance with Section 59-6.2.8 of the County Code (Loading Design Standards). The loading facility meets the minimum design criteria for a single-unit truck, providing a space that is 10-feet wide by 30-feet long. The facility is conveniently located adjacent to the trash room, stairs and elevator vestibule.

All agencies reviewed the driveway, parking deck design and circulation pattern and provided written approval of the Site Plan.

### ***(3) Division 6.3 Open Space and Recreation***

As stated previously, while the Property is not required to provide public open space per Section 59.4.5.4.B.1 of the Zoning Ordinance, the Application will provide 6% of the Site Area as public open space in the form of a plaza at the main building entrance. The plaza will be furnished with seating areas and landscaping. The Project will also provide an interior courtyard with picnic seating, community space room, and a fitness room, satisfying the requirements of onsite Recreation Facilities.

### ***(4) General Landscaping and Outdoor lighting***

The Applicant proposes landscaping along the Property frontage surrounding the proposed plaza and main entrance, within the proposed interior courtyard, and at the rear of the Property. The Application has been conditioned to require exterior lighting to comply with the latest Illuminating Engineering Society of North America (IESNA) recommendations. As this is an optional method project, the screening requirements of Section 59.6.5 only apply to standard method development.

#### ***e) Satisfies the applicable requirements of:***

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

As discussed in Preliminary Plan 120220110 Finding 5, the requirements of Chapter 19 have been satisfied.

##### ***ii. Chapter 22A, Forest Conservation.***

As discussed in Preliminary Plan 120220110 Finding 4, the requirements of Chapter 22a have been satisfied.

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

The Proposal will provide a new multifamily building with underground parking and safe circulation patterns for pedestrians, bicycles, and vehicles, while providing open spaces for the residents and surrounding community. The massing has been designed to reduce bulk through depth, material variation, and stepping down in height to neighboring townhouse and residential development.

#### ***g) Substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;***

As described in Sketch Plan 320220080 Finding 1, the Project substantially conforms with the goals and recommendations of the 2000 *East Silver Spring Master Plan*.

#### ***h) will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public***

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

As discussed in Preliminary Plan 120220110 Finding 2.c, the frontage improvements comply with the applicable master plans. The existing and future roadway and transit networks are adequate to support the Project. The Site is estimated to generate fewer than 50 net new person trips in the peak hour, and therefore no further analysis is required to make a finding for adequacy of the public transportation network.

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

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

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

The Subject Property abuts a single family detached zone in the rear, and a Residential Townhouse zone to the east. The Project must comply with the standards of Section 59.4.1.8 for Residential Compatibility, which includes a greater setback at the side and rear, as well as a gradual increase in height at the rear and east side of the Site. The Application proposes a rear setback of 42 feet which is greater than 1.5 times the R-60 zone (30 feet) and a side (east) setback of 23 feet which is greater than 1.5 times the RT zone (15 feet). The Applicant provided exhibits demonstrating that the height of the building to the rear and east will not protrude beyond a 45-degree angular plane projecting over the Property as required by the Residential Compatibility height provisions.

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

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

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



Not applicable, the Subject Property was not zoned C-1 or C-2 on October 29, 2014.

## SECTION 7: COMMUNITY OUTREACH

The Applicant held a pre-submittal public meeting on March 2, 2022 related to the Sligo Apartments Sketch, Preliminary, and Site Plan applications. The meeting was conducted virtually per COVID-19 Guidelines and has complied with all submittal and noticing requirements. In addition to the required public meeting, the Applicant has conducted additional outreach.

As of date of this Staff Report, no correspondence has been received.

## SECTION 8: CONCLUSION

As conditioned, the Sketch Plan, Preliminary Plan, and Site Plan applications each satisfy the findings under Sections 59.7.3.3 & 7.3.4 and the applicable standards of the Zoning Ordinance, substantially conform to the recommendations of the 2000 *East Silver Spring Master Plan* and satisfy the findings of the Subdivision Regulations. Therefore, Staff recommends approval of the Sketch Plan, Preliminary Plan, and Site Plan with the conditions specified at the beginning of this report.

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### ATTACHMENTS

*Attachment A: Sketch Plan*

*Attachment B: Preliminary Plan*

*Attachment C: Site Plan*

*Attachment D: Agency Letters*

*Attachment E: Noise Study*