

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 22-071

Sketch Plan No. 320220080

Sligo Apartments

Date of Hearing: July 21, 2022

AUG 10 2022

RESOLUTION

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

WHEREAS, on April 6, 2022, Sligo 42 LLC and Sligo 60 LLC ("Applicant") filed an application for approval of a sketch plan for up to 115,000 square feet of residential density on 1.29 acres of CRT 0.75 C 0.75 R 0.25 H 35' zoned-land, located on Sligo Avenue approximately 400 feet west of Carroll Lane ("Subject Property") in the Silver Spring/Takoma Park Policy Area and 2000 *East Silver Spring Master Plan* ("Master Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320220080, Sligo Apartments ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 11, 2022, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on July 21, 2022, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Verma, seconded by Commissioner Cichy, with a vote of 4-0; Chair Anderson, Commissioners Cichy, Patterson and Verma voting in favor with Commissioner Rubin being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320220080, Sligo Apartments, for up to up to 115,000 square feet of

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Approved as to

Legal Sufficiency: /s/ **Matthew T. Mills**

M-NCPPC Legal Department

residential density on the Subject Property, subject to the following binding elements and conditions:¹

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

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

All other elements are illustrative.

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

1. Density

The Sketch Plan is limited to a maximum of 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

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

- 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.

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

1. 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
Tract Area	n/a	56,229 sf (1.29 acres)
Prior Dedication	n/a	3,971 sf (0.09 acres)
Proposed Dedication	n/a	2,320 sf (0.05 acres)
Site Area	n/a	49,938 sf (1.15 acres)
Mapped Density CRT-0.75, C-0.75, R-0.25 H-35'		
Residential (GFA/ FAR)	14,057 sf / 0.25	115,000 sf / 2.05 ¹
Commercial (GFA/FAR)	42,171 sf / 0.75	0 sf
Total Mapped Density (GFA/FAR)	42,171 sf / 0.75	115,000 sf / 2.05¹
MPDU requirement	12.5%	24.5% ² (24 units)
Building Height, max	35 ft ³	48 ft ⁴
Public Open Space (min s.f.)	0%	6%

¹ 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

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

³ 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.

⁴ 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. Under Section 7.7.1.B.5, for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment, satisfy any green area requirement in effect on October 29, 2014; any green area under this provision includes and is not in addition to any open space requirement of the property's zoning on October 30, 2014;

The Subject Property is not a result of a Local Map Amendment, therefore green area requirements apply.

5. 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.

6. 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.

7. 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
59.4.7.3C: Transit Proximity		
Silver Spring Metro Station	25	10
59.4.7.3.D: Diversity of Uses and Activities		
Affordable Housing	n/a	144
59.4.7.3E: Quality of Building and Site Design		
Structured Parking	20	20
TOTAL		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. The Planning Board 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%. The Planning Board 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. The Planning Board supports the category at this time.

- 8. 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.

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

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

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of Sketch Plan No. 320220080, Sligo Apartments, received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is AUG 10 2022 (which is the date that this Resolution is mailed to all parties of record); and

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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 Vice Chair Verma, seconded by Commissioner Cichy, with a vote of 4-0-1; Chair Anderson, Vice Chair Verma, and Commissioners Cichy, and Patterson, voting in favor of the motion, Commissioner Rubin abstaining, at its regular meeting held on Thursday, July 28, 2022, in Wheaton, Maryland and via video conference.



Casey Anderson, Chair
Montgomery County Planning Board

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