

Montgomery Planning  
**SPRINGVALE TERRACE**  
**SKETCH PLAN NO. 320240020, PRELIMINARY PLAN NO.  
120240030, SITE PLAN NO. 820240040, & FOREST  
CONSERVATION PLAN NO. F20240200**



Request to develop a 100 percent affordable, independent living facility for seniors, with up to 206,464 square feet of density for a maximum of 237 units, with 25 percent MPDUs, in close proximity to downtown Silver Spring. The Sketch Plan, Preliminary Plan, Site Plan and Forest Conservation Plan were concurrently reviewed under the speed to market initiative.




No. 320240020, 120240030,  
820240040, & F20240200

Completed: April 8, 2024

MCPB  
Item No. 7  
April 18, 2024

Montgomery County  
Planning Board  
2425 Reddie Drive, Floor 14  
Wheaton, MD 20902

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### LOCATION/ADDRESS

8505 Springvale Road; northwest quadrant of the intersection of Springvale Road and Wayne Avenue, Silver Spring

### MASTER PLAN

*2022 Silver Spring Downtown and Adjacent Communities Plan*

### ZONE

CRT-1.5, C-0.0, R-1.5, H-65

### PROPERTY SIZE

3.16 acres

### APPLICANT

Springvale Terrace, Inc., & Enterprise Community Development, Inc.

### ACCEPTANCE DATE

December 27, 2023

### REVIEW BASIS

Chapters 50, 59 & 22A

### Summary:

- This Proposal is for a 100 percent affordable, independent living facility for seniors, with up to 237 units, with 25 percent MPDUs, in close proximity to downtown Silver Spring.
- The Sketch Plan, Preliminary Plan, and Site Plan Applications were concurrently reviewed under the speed to market initiative.
- The project is subject to a Forest Conservation Variance for impacts/removal of trees greater than or equal to 30-inch Diameter at Breast Height (DBH).
- The Proposal includes three design waivers approved by MCDOT pertaining to driveway access locations and Cloverfield Road frontage improvements.
- A waiver from Section 2.2.2 of the Noise Guidelines for a noise-impacted outdoor recreation space along the Site's Wayne Avenue frontage.
- Community correspondence was received and expressed concerns with traffic and other transportation issues.

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## SECTION 1: EXECUTIVE SUMMARY

Seabury at Springvale Terrace is an independent and assisted living facility for seniors that has been in operation for 60 years at the edge of downtown Silver Spring. The existing facility is proposed for replacement with a new, larger independent living facility for seniors with up to 237 units of affordable senior housing; to include 25 percent MPDUs, with intention of the remainder of the units to be DHCA approved MPDU equivalents and/or other Low-Income Housing Tax Credit eligible units.

The Subject Property was rezoned from the R-60 to CRT zone to allow for flexibility for future redevelopment as recommended in the 2022 *Silver Spring Downtown and Adjacent Communities Plan*. This Proposal capitalizes on that zoning change and provides for a facility of the scope, scale, and use type envisioned by the Sector Plan.

As this Proposal intends to deliver a 100 percent affordable, independent living community for seniors, it was designated a Strategic Economic Development Project by the Planning Department. This is a priority project having specialized benefits for the community, and with this designation, it was reviewed under the Department's Speed to Market Initiative. The Initiative consolidated the development review processes for this Proposal with concurrent review of its Sketch, Preliminary, and Site Plan applications. This reduced the overall duration of these review processes for this Proposal to less than 120 days in total.

## SECTION 2: RECOMMENDATIONS AND CONDITIONS

### SKETCH PLAN 320240020

Staff recommends approval of Springvale Terrace Sketch Plan No. 320240020, for up to 206,464 square feet of density with a minimum of 25 percent MPDUs on a Tract of 3.16 acres, zoned CRT-1.5 C-0.0 R-1.5 H-65, in the 2022 *Silver Spring Downtown and Adjacent Communities Plan* area. The following site development elements shown on the latest electronic version of Sketch Plan No. 320240020, 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 206,464 square feet of total residential development, with a minimum of 25 percent MPDUs.

**2. Height**

The development is limited to a maximum height of 65 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

**3. Public Open Space**

In lieu of providing the required 10,771 square feet of public open space on-site, the Applicant must provide a fee contribution to M-NCPPC Montgomery Parks as recommended by Section 4.1.12 of the *Silver Spring Downtown and Adjacent Communities Plan*. The amount of the contribution shall be determined at Site Plan following the formulas established in Master Plan Interpretation / Policy Document M-NCPPC 2024-01.

**4. Incentive Density**

The development must be constructed with the public benefits listed below unless modifications are made under Section 59-7.3.3.I and this Sketch Plan is amended. Pursuant to Section 59.4.7.3.D.6.e regarding the provision of MPDUs, because the Applicant is providing more than 20% MPDUs, only public benefit points for MPDUs must be provided. 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) Connectivity and Mobility, achieved through providing fewer than the maximum number of parking space under the Zoning Ordinance;
- b) Diversity of Uses and Activities – achieved by providing affordable housing, and by providing enhanced accessibility for the disabled;

**5. Green Cover**

At the time of Site Plan, the Applicant must provide a minimum 35% of Site Area as green cover as described in in Section 3.7.3. of the *Silver Spring Downtown and Adjacent Communities Plan* and any proposed tree canopy must utilize tree species and canopy sizes at 20-year maturity per the M-NCPPC Approved Trees Technical Manual.

**6. 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 Certified Site Plan application:

- a) Approval of a Final Forest Conservation Plan.

## 7. **Validity**

A Site Plan must be submitted within 36 months after the date the resolution is sent per Section 59.7.3.3.G.

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### PRELIMINARY PLAN 120240030

Staff recommends approval with conditions of the Preliminary Plan to create a single lot for up to 237 residential group-living units in an independent living facility for seniors. All site development elements shown on the latest electronic version of the Preliminary Plan No. 120240030 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 one (1) lot for an independent living facility for seniors with up to 237 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 before 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 April 4, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations 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 Maryland State Highway Administration (“MDOT SHA”) in its letter dated February 26, 2024, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, which may be amended by MDOT SHA 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”), Water Resources Section in its stormwater management concept letter dated March 19, 2024 and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations 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.
8. 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 signed February 8, 2024 and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.
9. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Housing and Community Affairs (“DHCA”), in its letter dated March 11, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which DHCA may amend if the amendment does not conflict with other conditions of Preliminary Plan approval.

#### OTHER APPROVALS

10. Except for demolition and/or clearing and grading associated with the demolition of the existing building, before approval of a record plat, the Applicant must receive Staff certification of any subsequent Site Plan(s) associated with this Preliminary Plan. The number and location of site elements including but not limited to buildings, dwelling units, on-site parking, site circulation, sidewalks and landscaping is determined through site plan review and approval.
11. 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

##### Frontage Improvements on Existing Roads

12. 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 at least forty (40) feet from the existing pavement centerline along the Subject Property frontage for Wayne Avenue.
  - b) All land necessary to accommodate at least thirty (30) feet from the existing right-of-way centerline along the Subject Property frontage for Springvale Road.
  - c) All land necessary to accommodate at least at least thirty (30) feet from the existing right-of-way centerline along the Subject Property frontage for Pershing Drive.
  - d) All land necessary to accommodate at least at least thirty (30) feet from the existing right-of-way centerline along the Subject Property frontage for Cloverfield Road.
  
13. Before the recordation of plat(s), the Applicant must satisfy necessary requirements of MCDPS to ensure construction, by posting a surety, for a six-foot wide sidewalk along the property frontages on Springvale Road, Pershing Drive, and Cloverfield Road.

#### RECORD PLATS

14. Except for clearing and grading associated with building demolition, there shall be no clearing or grading of the site before recordation of plat(s).
15. The record plat must show necessary easements.

#### DEVELOPMENTS WITH MPDUS

16. The final number of MPDUs will be determined at the time of site plan approval.

#### CERTIFIED PRELIMINARY PLAN

17. The certified Preliminary Plan must contain the following notes:

*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.*
  
18. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:
  - a) Show resolutions and approval letters on the certified set.
  - b) Update all applicable sheets for consistency and accuracy.
  - c) Adjust the limits of disturbance on plan sheets to encompass all work including any off-site utility connections and sidewalk modifications associated with the Project.



## SITE PLAN 820240040

Staff recommends approval of Site Plan No. 820240040, for the development of a 206,464 square foot independent living facility for seniors, with up to 237 units with a minimum of 25 percent MPDUs, and a maximum building height of 65 feet. 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 206,464 square feet of total development on the Subject Property, for up to 237 group living units, with a minimum of 25 percent MPDUs, for an independent living facility for seniors.

2. Height

The development is limited to a maximum height 65 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

3. Occupancy Provisions for an Independent Living Facility for Seniors

a) Occupancy of a dwelling unit is restricted to the following:

- i) a senior adult, as defined in Section 59.1.4.2 of the Zoning Ordinance, Defined Terms;
- ii) other members of the household of a senior adult, regardless of age;
- iii) a resident care-giver, if needed to assist a senior resident; or
- iv) a person authorized to occupy housing provided under any federal or state program that is specifically designed and operated to assist seniors as defined in that program.
- v) If imposing age restrictions that would limit occupancy otherwise allowed by this condition, the facility must only impose age restrictions that satisfy at least one type of exemption for housing for older persons from the familial status requirements of the federal "Fair Housing Act," Title VIII of the Civil Rights Act of 1968, as amended, or the state Fair Housing Act, Subtitle 7 of Title 20 of the Annotated Code of Maryland, State Government Article, as amended.

b) Before Certified Site Plan:

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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.

- i. The Applicant must enter into a covenant with the Planning Board reflecting the age restriction in a form approved by the M-NCPPC Office of General Counsel;
  - ii. The covenant must be recorded in and among the Land Records of Montgomery County; and Book/Page reference must be included on the Certified Site Plan.
4. Green Cover

The Applicant must provide a minimum of 35% of green cover on the Site comprised of native canopy tree plantings, as shown on the Certified Site Plan.

## FACILITIES AND AMENITIES

5. Streetscape Improvements

Before release of the final MCDPS surety bond, the Applicant must construct the streetscape improvements along the property's frontage on Springvale Road, Cloverfield Road and Pershing Drive, consistent with the *Silver Spring Downtown and Adjacent Communities Design Guidelines*.
6. Before the issuance of a use and occupancy permit, excluding core and shell, the Applicant must dedicate and grade an area sufficient to achieve a future six-foot street buffer, ten-foot sidepath and two-foot maintenance buffer on Wayne Avenue.
7. 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) Connectivity between Uses, Activities, and Mobility Options

Minimum Parking –The Applicant must not provide/construct more than 55 parking spaces.
  - b) Diversity of Uses and Activities
    - i. Affordable Housing/MPDUs
      - a. The development must provide a minimum of 25 percent MPDUs, or MCDHCA - approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan.
      - b. Before issuance of any building permit for any above grade building permit for the multifamily structure, the MPDU agreement to build between the Applicant and the DHCA must be executed.
      - c. The Planning Board has reviewed and accepts the recommendations of DHCA in its letter dated March 11, 2024, and incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations in

the letter, which may be amended by DHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.

ii. Enhanced Accessibility for the Disabled –

The Applicant must construct three dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.

8. Public Open Space

Prior to release of the first above-grade building permit, the Applicant must satisfy the public open space requirements, by a contribution in-lieu instead of providing 10,771 square feet of public open space, if any is required, to the M-NCCPC Montgomery Parks. The contribution, if any is required, will be calculated in accordance with the Master Plan Interpretation / Policy Document M-NCPPC 2024-01, which allows for affordable housing discounts for projects providing more than 25% MPDUs or DHCA approved equivalents and/or other Low-Income Housing Tax Credit eligible units.

9. Recreation Facilities

The Applicant must provide the required recreation facilities as shown on the Certified Site Plan (CSP). The CSP must include an exhibit delineating location and detail of recreation facilities, where appropriate, in a manner that is clear and corresponds to the posted surety and maintenance agreement.

10. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities including, but not limited to sidewalks, seating areas, furnishings, stormwater facilities, landscaping, parking areas, utility screening, and retaining walls and fencing.

## ENVIRONMENT

11. Noise Attenuation

- a) Before Certification of the Site Plan, a qualified professional who specializes in acoustical treatments shall identify the locations of the noise impacted units and provide details for noise mitigation techniques.
- b) Before the issuance of the first building permit, the Applicant/developer/builder must provide certification to M-NCPPC Staff from a qualified professional who specializes in acoustical treatments that 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.
- c) If any changes occur to the Site plan, which affect the validity of the noise analysis dated September 19, 2023, a new noise analysis will be required to reflect the changes and new noise attenuation features may be required.
- d) Before issuance of any Use and Occupancy Certificate, excluding core and shell, or Final Inspection, whichever is relevant, for any of the noise impacted units, a qualified professional, who specializes in acoustical treatments, must certify to the Planning

Department and Department of Permitting Services that the noise impacted units have been constructed in accordance with such certification.

- e) For all noise impacted residential dwelling units, the Applicant/developer/builder must disclose in writing to all prospective purchasers/tenants that those units are impacted by transportation noise. Such notification may be accomplished by inclusion of this information and any measures to reduce the impacts in brochures and promotional documents and leasing agreements and by inclusion on all signature subdivision and site plans. A copy of this notification must be provided to the Planning Department and Montgomery County Department of Permitting Services, Site Plan Enforcement Section prior to the issuance of a Use and Occupancy Certificate, excluding core and shell, or final inspection, whichever is relevant, for any noise impacted residential unit.

#### 12. Stormwater Management

The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Permitting Service (MCDPS) Water Resources Section in its stormwater management concept letter dated March 19, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.

### TRANSPORTATION & CIRCULATION

#### 13. Transportation

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 February 15, 2024, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

#### 14. Pedestrian & Bicycle Circulation

- a) The Applicant must provide forty-eight (48) long-term and two (2) short-term bicycle parking spaces.
- b) The long-term spaces must be in a secured, well-lit bicycle room on the ground floor and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location of the short-term bicycle racks must be identified on the Certified Site Plan.
- c) The Applicant must provide one bicycle repair station. The specific location of the bicycle repair station must be identified on the Certified Site Plan.
- 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 of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations, before the issuance of a use and occupancy permit:

- i. Wayne Avenue: dedicate and grade an area sufficient to achieve a future six-foot street buffer, ten-foot sidepath and two-foot maintenance buffer.
- ii. Springvale Road, Pershing Drive, and Cloverfield Road: six-foot-wide sidewalk with a minimum six-foot-wide buffer from traffic.

15. 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 signed February 8, 2024, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

## SITE PLAN

16. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.

17. Lighting

- a) Before 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 streetlights within the right-of-way.
- e) Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

18. Site Plan Surety and Maintenance Agreement

Before 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 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 only for facilities located on the Property including, but not limited to plant material, on-site lighting, indoor and outdoor recreational facilities, site furniture, transformer enclosure, retaining walls, fences, railings, sidewalks, and paths. 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.

19. Development Program

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

20. Prior to issuance of any building permit, the Applicant must receive an order from the Board of Appeals, if the Board of Appeals deems such revocation necessary, revoking Special Exception case No. 1251.

21. 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, development program, and Sketch, Preliminary, Forest Conservation and Site Plan resolutions on the approval or cover sheet(s).
- b) Landscape
  - i. Provide specifications for restoration/soil profile rebuilding.
  - ii. Universally rectify/update plantings names and species selection as needed.
- c) Update the Tree Canopy Exhibit to delineate tree canopy coverage for the Site and the public adjacent frontages.
- d) Update all applicable sheets for consistency and accuracy.
- e) 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 before any site development work commencement and

before 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.”

- f) Include approved Fire and Rescue Access Plan.
- g) Modify data table to reflect development standards approved by the Planning Board.
- h) Ensure consistency of all details and layout between Site and Landscape plans.
- i) Add a plan sheet with an exhibit illustrating and identifying all noise-impacted units.

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### **FOREST CONSERVATION PLAN F20240200**

1. Prior to certification of the FFCP the following items must be addressed:
  - a) Universally adjust LOD to encompass all work including utility connection and sidewalk modifications associated with the project.
  - b) Update all applicable sheets for consistency and accuracy.
2. 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.
3. The Applicant must comply with all tree protection and tree save measures shown on the approved Final Forest Conservation Plan. Tree save measures not specified on the Final Forest Conservation Plan may be required by the M-NCPPC Forest Conservation Inspection Staff.
4. The Limits of Disturbance (“LOD”) shown on the Final Sediment and Erosion Control Plan must be consistent with the LOD shown on the approved Final Forest Conservation Plan.
5. Except for demolition and/or clearing and grading associated with the demolition of the existing building, before recordation of the plat, and the start of any further clearing, grading, or construction, whichever comes first, for this development Application the Applicant must:
  - a) Execute a five-year Maintenance and Management Agreement (“MMA”) in a form approved by the M-NCPPC Office of the General Counsel. The MMA is required for all variance tree mitigation plantings. The MMA includes invasive species management control measures as deemed necessary by the M-NCPPC Forest Conservation Inspection Staff.
  - b) Submit financial surety, in a form approved by the M-NCPPC Office of the General Counsel, to the M-NCPPC Planning Department for the mitigation trees and maintenance, including invasive species management controls, credited toward meeting the requirements of the FCP.

- c) Record an M-NCPPC approved Certificate of Compliance in an M-NCPPC approved off-site forest bank within the Sligo Creek watershed or Priority Area to satisfy the reforestation requirement of 0.48 acres of mitigation credit (or amount as determined on the certified FFCP). If no off-site forest banks exist within the Sligo Creek watershed or Priority Area, then the off-site requirement may be met by purchasing 0.48 acres of mitigation credits (or amount as determined on the certified FFCP) from a mitigation bank within Montgomery County outside of the Sligo Creek watershed or Priority Area, subject to Staff approval. If forest mitigation bank credits are not available for purchase, a fee-in-lieu payment must be made to M-NCPPC for the appropriate mitigation credits.
6. Within the first planting season following the release of the first Sediment and Erosion Control Permit from the Montgomery County Department of Permitting Services for the Subject Property, or as directed by the M-NCPPC Forest Conservation Inspection Staff, the Applicant must install the variance tree mitigation plantings on the Subject Property as shown on the approved FCP. The variance tree mitigation plantings must be a minimum size of 3 caliper inches totaling 24 caliper inches, as shown on the approved FCP. Adjustments to the planting locations of these trees is permitted with the approval of the M-NCPPC Forest Conservation Inspection Staff.
7. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan.

## SECTION 3: SITE DESCRIPTION

### VICINITY

The Property (“Subject Property” or “Property” or “Site”) is located at 8505 Springvale Road, at the northwest quadrant of the intersection of Springvale Road and Wayne Avenue. This is within the Adjacent Communities district of the *2022 Silver Spring Downtown and Adjacent Communities Plan* (“Sector Plan”), as well as on the Purple Line light rail corridor shown in Figures 1 and 2. The Purple Line’s Dale Drive Station is to be constructed less than one-quarter mile to the east and the Silver Spring Library Station will be approximately one-third of a mile to the west. The Property is zoned CRT-1.5, C-0.0, R-1.5, H-65 and occupies the block defined by Wayne Avenue to the east, Pershing Drive to the west, Springvale Road to the south, and Cloverfield Road to the north. Single-family detached residences in the R-60 zone confront the Property to the north, east and south. To the west, the Property confronts single-family detached residences in the R-60 zone and common open space associated with the Chelsea Heights townhouse neighborhood in the THD zone. The Site is approximately one-quarter mile from the center of the Ellsworth district, which is Silver Spring’s primary activity center for shopping and entertainment that draws local and regional visitors.



Map 3: Plan Districts

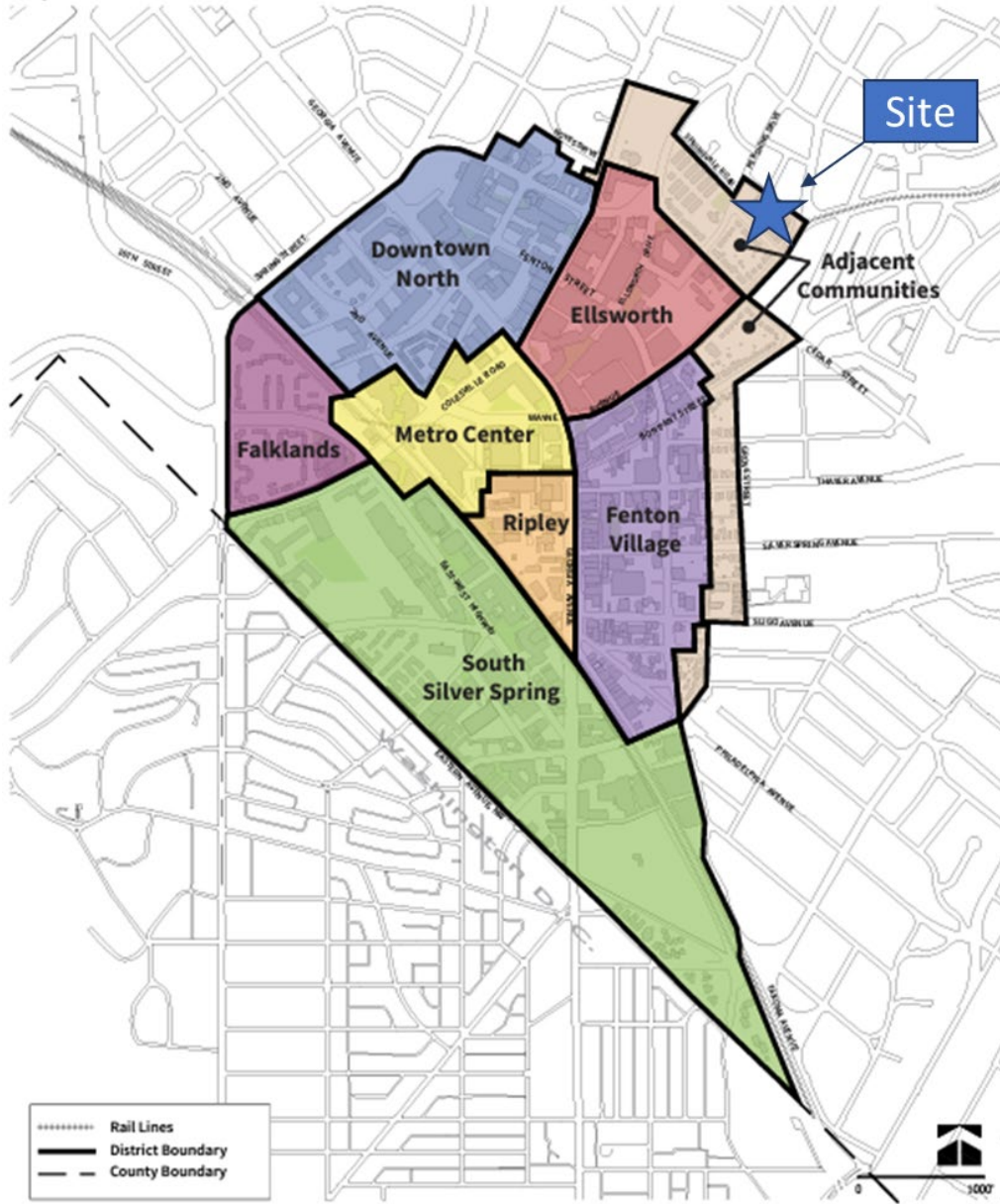


Figure 1 –Silver Spring Downtown and Adjacent Communities Plan Districts Map

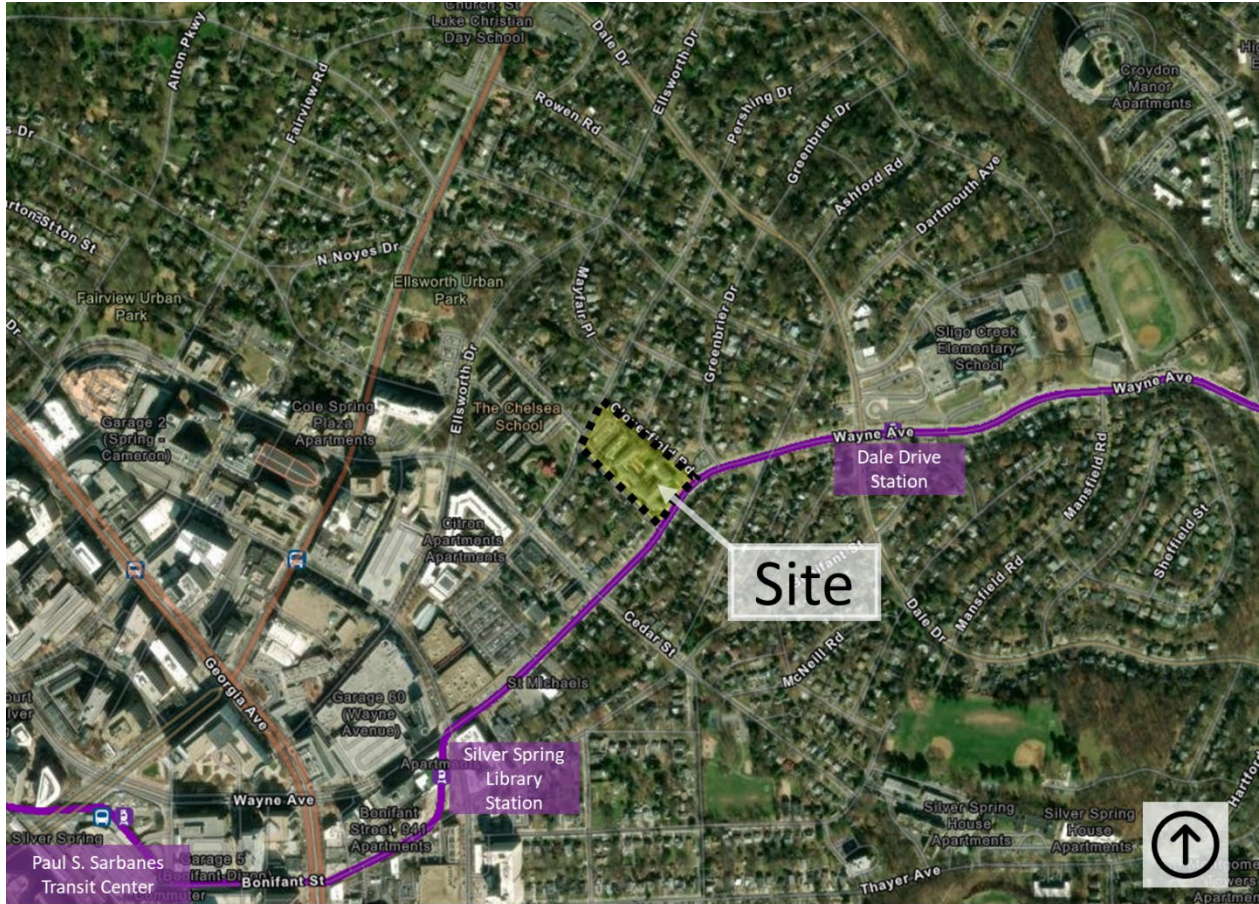


Figure 2 – Vicinity Map with Purple Line

## PROPERTY DESCRIPTION

The Property is known as Blocks E and D in the “Old Orchard Village” subdivision, as recorded among the Land Records of Montgomery County, Maryland at Plat No. 948. The total tract area of the Property is approximately 3.14 acres (137,643 square feet), which is reduced to smaller site area of approximately 2.66 acres (115,663 square feet) through prior and proposed rights-of-way dedications. The Property is currently developed with the Seabury at Springvale Terrace, a provider of affordable residential independent and assisted living for seniors. The Property was previously zoned R-60 and was rezoned CRT-1.5, C-0.0, R-1.5, H-65 in 2022 subsequent to the passage of the *Silver Spring Downtown and Adjacent Communities Plan*<sup>2</sup>. The senior-housing and assisted living use of the

<sup>2</sup> This zoning change was achieved through the County Council’s passage of Resolution 19-1412 Sectional Map Amendment (H-146) on October 18, 2022.

Property was first permitted under the Zoning Ordinance in 1962 by Board of Appeals approval of Special Exception Case No. 1251<sup>3</sup>.

Two distinguishing features of the Property are its wedge-shape and topography. The Property slopes down from Pershing Drive to Wayne Avenue. It is widest along Wayne Avenue and becomes less so along Pershing Drive.

As illustrated in Figures 3 and 4, the Property is improved with the existing Seabury at Springvale Terrace senior living facility, with 146 affordable, assisted, and independent living units. The existing senior living building was originally constructed in 1960, expanded through various additions and currently includes 146 independent and assisted living units. Many of the existing units are studio-style and lack kitchens. The existing facility is aging, in need of substantial repair, and is not meeting the needs of the current senior market.

There are five curb cuts currently providing access into the Property. Two curb cuts provide access to the parking lot on the west side of the Property, from Cloverfield Road and Springvale Road. The remaining curb cuts are on Springvale Road and provide access to a separate maintenance driveway and a layby driveway. Street trees and landscaping are concentrated around the periphery of the Property.

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<sup>3</sup> An independent living for seniors is a limited use in the CRT zone. Special Exception No. 1251 allowed for this use on the Property under its previous R-60 zoning. Recommended Site Plan Condition No. 24 of this Report requires the Applicant to coordinate with the Board of Appeals regarding any requirements to nullify this Special Exception.



Figure 3 – Subject Property – Existing Conditions Aerial Image



Figure 4 – Existing Conditions, Western Façade & parking (left), Cloverfield Road at Wayne Avenue (right)

The Property is in the Sligo Creek watershed which is a tributary to the Anacostia River and is a Use-Class I watershed<sup>4</sup>. The Site is not associated with any forest, or environmentally sensitive areas such as steep slopes, 100-year flood plains, streams, wetlands, or associated buffers. There are three trees onsite measuring 30-inch diameter at breast height (DBH) or greater, and seven significant trees which measure between 24-inch and 30-inch DBH. There are no hydric or highly erodible soils on or near the site.

## SECTION 4: PROJECT DESCRIPTION

### PREVIOUS APPROVALS

Concept Plan No. 520230150 for Springvale Terrace was reviewed by the Development Review Committee (DRC) on April 25, 2023 as a precursor to the combined review of the Proposal's Sketch, Preliminary and Site Plan applications under the Speed to Market Initiative. The DRC's feedback focused on parking and open space.

Following the Concept Plan, staff and Applicant continued discussions on these topics. Regarding parking, it was determined that structured parking was not a viable option for the Proposal. It was also determined that the Proposal would make a financial contribution toward public open space enhancement in lieu of providing public open space on-site. Concept Plan feedback received by the Applicant is reflected in the Sketch, Preliminary and Site Plan applications.

### PROPOSAL

Collectively, this package of applications proposes to remove the existing senior living facility and associated site features and replace them in their entirety with a larger, modern, 100 percent affordable independent living facility for seniors<sup>5</sup>. The Proposal requests to develop one new building with a maximum gross floor area of 206,464 square feet for up to 237 units, including a minimum of 25 percent MPDUs. The Applicant intends for the remainder of the units to be DHCA approved MPDU equivalents or other low-income housing tax credit eligible units. The Proposal provides for new sidewalks and landscaping on all four Site frontages. It also includes new site-wide stormwater management features and retains surface parking. An illustrative site plan is shown in Figure 5.

Individually, the applications propose the following:

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<sup>4</sup> WATER CONTACT RECREATION, PROTECTION OF AQUATIC LIFE. Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply; and industrial water supply.

<sup>5</sup> The project is envisioned to be 100% affordable, with units ranging from 30% of AMI to 80% AMI, and to include 25% MPDUs.

- The Sketch Plan requests for up to 206,464 square feet of density on 3.16 acres.
- The Preliminary Plan requests to create a single lot for up to 237 residential group-living units for an independent living facility for seniors.
- The Site Plan requests to develop a 206,464 square foot independent living facility for seniors, with up to 237 units with 25 percent MPDUs, and a maximum building height of 65 feet.



*Figure 5 – Proposed Illustrative Site Plan*

## BUILDING/ARCHITECTURE

The single building proposed for development will occupy the eastern two-thirds of the Property and parking will occupy the western portion. The building design takes advantage of the topography, wedge-shape, and four-frontage configuration of the Property. The building will be at its tallest, widest, and most visually prominent along its eastern side, fronting on Wayne Avenue and the Purple Line. The building’s maximum height of 65 feet (five floors) will be achieved there (Figure 6). The building’s height scales down on its western side, toward Pershing Drive, to three floors and the width of the building also narrows to integrate with the Site’s configuration and topography (Figure 7). This tapering of height is shown in Figure 6 below.



*Figure 6– Eastern Facade – View at Wayne Avenue & Springvale Road Intersection*



*Figure 7– Proposed Building – Main Entrance, Western Facade*

The building’s main entrance lobby, shown in Figure 7, will face the parking lot on the west side of the Property and a secondary entrance is provided to Wayne Avenue (Figure 8). These access points will be covered from weather, ADA accessible and open to lobby and amenity spaces interior to the building. An open-air courtyard is carved into the center of the building, creating a private outdoor amenity space for residents, and allowing natural light and air to reach more units. Building lobbies are designed to allow for visual porosity into the central courtyard space, integrating the spaces to

craft a “central spine” of social and activity spaces permeated by natural light through the building. Additional recreation and amenity spaces are provided throughout the building.



Figure 8 – East/West Building Section

## OPEN SPACE

Given the tract size and number of street frontages of this Property, Section 59-4.5.4.B.1 of the Zoning Ordinance requires ten percent (10,925 square feet) of the Site area to be provided as public open space. However, the *Silver Spring Downtown and Adjacent Communities Plan* provides that “for any Optional Method development project required to provide public open space on a site not recommended for a new public space in the Sector Plan, the Sector Plan recommends that in lieu of on-site open space, applicants contribute to the creation of new and improvement of existing public parks recommended by the Sector Plan, preferably within the same district. These contributions will be determined during the Optional Method development review and approval process and will be based on the cost/sf of constructing an equivalent area of the recommended public space.”

The Planning Board Master Plan Interpretation Policy dated October 26, 2023 (Attachment B) provides further guidance to calculate and apply this fee-in-lieu requirement. As this Proposal is required to provide public open space under the CR zone Optional Method of Development but the Property is not recommended for new parkland or public open space by the Master Plan, the fee-in-lieu contribution is appropriate in this case. Given the highly affordable nature of the Proposal and the Planning Board’s direction, it qualifies for the affordable housing discount associated with the fee-in-lieu calculation, which results in a public open space contribution requirement of \$0 (zero dollars). This is further discussion in Section 8, Site Plan Findings.

Internal to the building, an open-air courtyard with amenities will be available for residents’ use. Additional private, on-site, outdoor open space areas are provided at the Site’s eastern and western ends as illustrated in Figure 8. On its east side, between the base of the building, and adjacent to its Wayne Avenue entrance, is a landscaped area and planted stormwater features with a seating pavilion. At the west of the Site, adjacent to Pershing Drive is an additional outdoor seating area



surrounded by landscaping and planted stormwater features. These two private outdoor spaces total approximately 21,656 square feet.

## TRANSPORTATION

Pedestrian Access will be improved along all site frontages. On Wayne Avenue, the Purple Line will install an eight-foot-wide sidepath, a facility to be shared by bicyclists and pedestrians, which will be buffered from adjacent street traffic with a tree lawn spanning between five and eight feet in width. On all other streets, six-foot-wide sidewalks with six-foot-wide vegetated street buffers will be installed. In compliance with the 2023 *Silver Spring Downtown and Adjacent Communities Plan Design Guidelines*, trees will be planted on either side of the sidewalks along all frontages, significantly increasing the tree canopy.

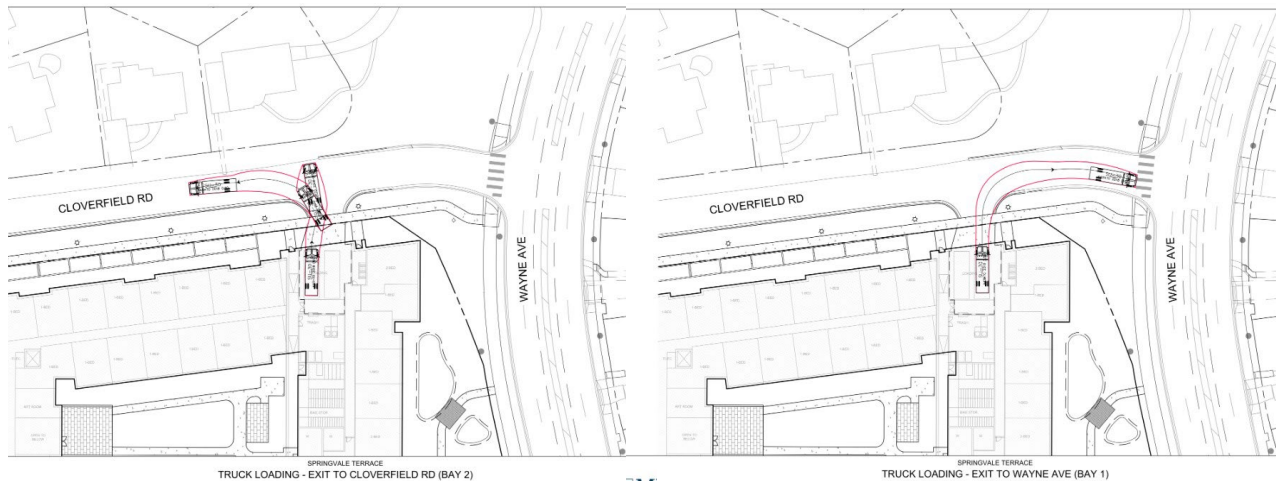
Pedestrian safety will be increased by the consolidation of curb cuts on the Site, as this will significantly reduce the potential exposure to conflicts with motor vehicles. The layby on Springvale Road will be removed. Through-access between Cloverfield Road and Springvale Road via the existing surface parking lot will no longer be feasible as the curb cut on Cloverfield will be eliminated. As a result, there will be one curb cut on Springvale Road, providing access to the onsite surface parking lot, and another to provide access to the loading bays on Cloverfield Road.



Figure 9: Proposed Site Access and Circulation

Currently Cloverfield Road operates one-way in the northwest direction from Wayne Avenue towards Pershing Drive. With the intent of reducing unnecessary truck traffic through the neighborhood, the Applicant has submitted a traffic operations request to MCDOT for the southeast portion of Cloverfield Road (south of Cloverfield Place) to make a portion of it two-way as shown in Figure 9 below. If approved, trucks will be able to come in and out of the loading bay on Cloverfield Road by way of Wayne Avenue. It is important to note that the requested operations change on Cloverfield Road will not affect any other properties negatively in the vicinity as there are no other driveways with access between Cloverfield Place and Wayne Avenue. Left turns will continue to be restricted for southbound traffic on Cloverfield Place (see Figure 9). The request is currently under review, but the process will take longer than the 120-day maximum review period for the Subject Application. For that reason, the Subject Application was reviewed under both scenarios: one where MCDOT approves the design exception request and the other in the event the MCDOT denies the request.

It is important to note that the truck turning templates (Figure 10 below) submitted with the Subject Applications demonstrate that trucks utilizing the loading bay can safely maneuver westbound out of the Site onto Cloverfield Road if MCDOT does not approve the request for two-way operations on the eastern portion of Cloverfield Road. As stated previously, if the request is not approved by MCDOT, trucks serving the Site will need to travel through the neighborhood in a circuitous manner to get back to a major roadway such as Wayne Avenue or Spring Street after accessing the Site.



*Figure 10: Loading Bay Truck Turning Templates*

All vehicular parking will be accommodated in the surface parking lot, accessed from Springvale Road. The existing parking lot has been modified to meet the requirements for screening and tree canopy coverage per the Zoning Code. Parking will be provided for employees, visitors, and residents onsite in the surface parking lot, accessed from Springvale Road. The total number of spaces shown on the Site Plan is 55, which is fewer than the baseline number of spaces required for the proposed use in this Zone. The Applicant is not required to request a parking waiver because the Montgomery County Council recently adopted Zoning Text Amendment 23-10 on March 5, 2024 (Attachment H), which exempts residential uses from the baseline minimums under Section 6.2.4.B if located within a half

mile of a Purple Line Station<sup>6</sup>. The Site is approximately 0.2 miles from the future Dale Drive Purple Line Station, and 0.25 miles from the Wayne Avenue/Silver Spring Library Purple Line Station. Therefore, a waiver is not required for providing parking below the baseline minimum.

The Subject Application will provide at least 50 total bicycle parking spaces onsite. The required 48 long-term spaces will be located within a secure room on the first floor of the building, and the short-term parking spaces will be installed near the building's entrance on Springvale Road.

Bicycle access to the Site will be improved with the aforementioned sidepath along Wayne Avenue. The Bicycle Level of Traffic Stress along the remaining three Site frontages is either low or very low. No designated bicycle facilities are recommended along these roadways in either the 2018 *Bicycle Master Plan* or the 2022 *Silver Spring Downtown and Adjacent Communities Sector Plan*, and therefore no further improvements are required.

The existing driveway to the parking lot has been moved approximately 33 feet southeast of its existing location (away from Pershing Drive). A design exception waiver is requested by the Applicant as the driveway is located 55 feet from the intersection of Pershing Drive, which does not strictly meet MCDOT's minimum requirement of 100 feet of separation from intersections. MCDOT reviewed and approved the design exception waiver. To address potential safety issues within the vicinity of the driveway, the Applicant has committed to reducing the western curb radius opposite the Site at Pershing Drive and Springvale Road to 15 feet. The driveway has also been reduced to the minimum width acceptable by MCDPS Fire and Rescue, which is 22 feet.

The Applicant submitted a design waiver reduction for the required 100 feet of separation between the loading access on Cloverfield Road and the intersection with Wayne Avenue. The placement of the driveway was chosen to limit impacts on the surrounding residential community while maintaining the loading space with the lower floor footprint. The curb radius at the loading spaces was limited to 15 feet. MCDOT reviewed and approved the design waiver exception.

The Applicant submitted a design waiver request for the streetscape along Cloverfield Road. The Applicant is requesting permission to improve a grass swale in between the roadway pavement and the sidewalk, instead of curbed inlets. The basis for the request is to accommodate the existing WSSC public water main which is located directly beneath the existing curb. The swale will have storm drainpipe beneath, and intake structures will be located at end points to accommodate stormwater runoff. MCDOT reviewed and approved this request.

Additional details regarding MCDOT's review of the design waiver requests are included in Section 8: Site Plan 820240040 Findings of this staff report and in the approval letter date April 4, 2024 (Attachment D).

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<sup>6</sup> ZTA 23-10 includes exemptions based on proximity to Metro Stations and Bus Rapid Transit Stations as well, but the report is noting the most relevant exemption criterion for the Subject Application.

## ENVIRONMENT

The Property is subject to Chapter 22A, the Forest Conservation Law and all forest conservation requirements are proposed to be met off-site. There are three trees onsite measuring 30-inch diameter at breast height (DBH) or greater, and seven significant trees which measure between 24inch and 30inch DBH as shown in Figure 11. A variance is requested for impacts to specimen trees as discussed in Section 8 Forrest Conservation Plan Findings and Analysis.



Figure 11: Protected Trees On-Site

### Noise

A Traffic Noise Impact Analysis was prepared by Phoenix Noise & Vibration, LLC dated September 19, 2023 (Attachment G) for noise impact upon the Property due to its location along the Purple Line Corridor (currently under construction) and Wayne Avenue which has an Annual Average Daily Traffic (AADT) of 5,000 to 20,000. The 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 Noise Guidelines stipulate a 65 dBA(A-weighted decibel scale of frequency sensitivity that accounts for the sensitivity of the human ear) Ldn (the average A-weighted sound level during a 24-hour day) maximum noise level for outdoor recreation areas and 45 dBA Ldn for indoor areas.



Figure 12: Wayne Avenue Noise Impacts

The results of the analysis for this Property indicate that future unmitigated traffic noise levels above 65 dBA Ldn will impact the building facade along the Wayne Avenue frontage as shown in Figure 12. The analysis states that *“Further analysis of these impacted units is required to determine whether the proposed building architecture will be able to maintain interior noise levels below 45 dBA Ldn or whether modifications (likely limited to windows/doors with increased STC ratings) will be required to do so. This analysis can only be conducted once architectural plans are further developed, typically after the Design Development drawing submission.”* Standard conditions of approval regarding noise are recommended to ensure the guideline recommendations for interior areas are achieved.

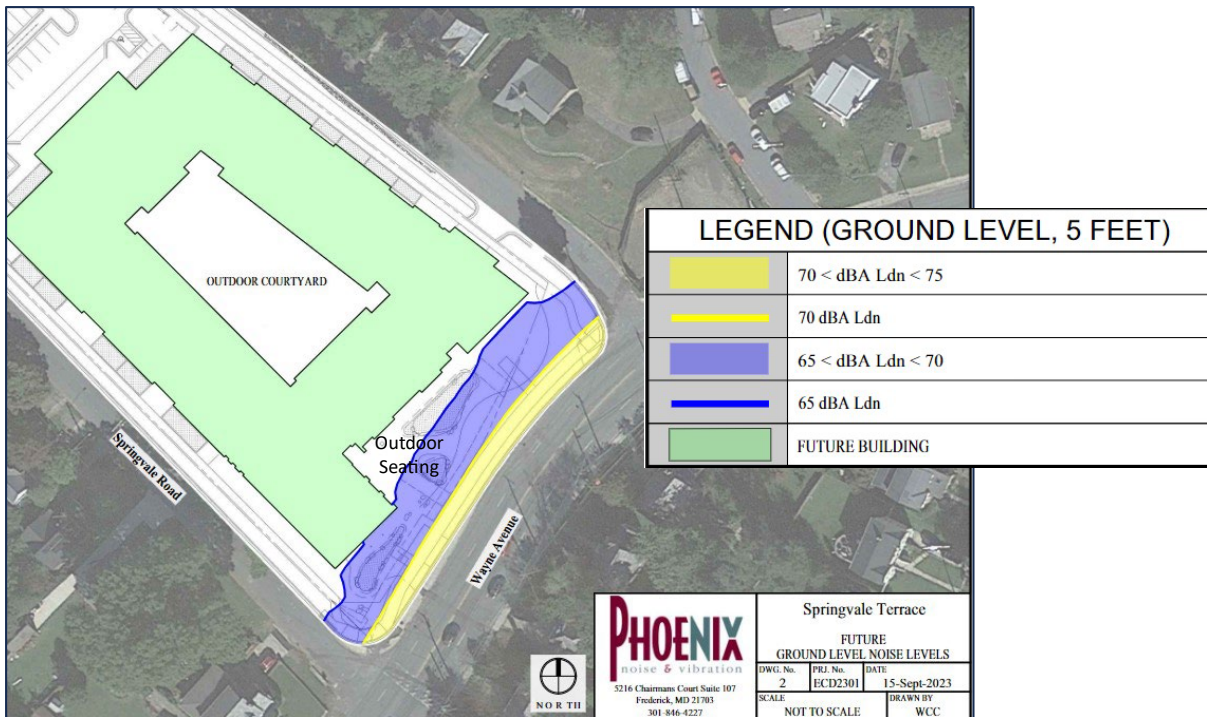


Figure 12: Wayne Avenue Noise Impacted Outdoor Seating Area

The analysis mapping also shows that the portions of the private outdoor seating/recreational amenity area near the same Wayne Avenue frontage are also noise-impacted (see Figure 13) However, in the Statement of Justification, the Applicant requested that the Planning Board approve a waiver as permitted under Section 2.2.2. of the Noise Guidelines. The exterior space along Wayne Avenue is an important component of the overall Project, which further activates this street frontage. Many of the mitigation techniques which could otherwise be implemented to mitigate the exterior noise, such as berms, fences, walls, would not be appropriate as they would provide physical barriers to this space that would undermine the design intent and fail to achieve the desired street activation. Staff supports the Applicant’s waiver request, which will allow the Site to be closely connected and visually/physically accessible from Wayne Avenue.

## SECTION 5: COMMUNITY OUTREACH & CORRESPONDENCE

### Applicant Outreach

The Applicant has complied with all submission and noticing requirements. Development application signs were posted on each of the Site’s frontages, notices were mailed dated December 29, 2023, and a pre-submittal public meeting was hosted by the Applicant’s development team on September 20, 2023 related to this Proposal. Questions from the community were discussed and generally focused

on construction logistics, proposed landscaping and trees, the affordable nature of the Proposal, and traffic related issues.

In addition to the required pre-submittal public meeting (Attachment F), the Applicant reports hosting a series of individual and group meetings with their closest neighboring property owners, the Seven Oaks Evanswood Citizen's Association and Chelsea Heights Homeowner's Association to talk about the Proposal, gain feedback, and to start an open dialog with those interested or concerned about the redevelopment proposal.

#### Community Correspondence with Planning Staff

Attachment G includes written community correspondence received by Planning staff during the review of this Proposal.

#### COMMUNITY CONCERN 1: PARKING

The Application proposes to provide a total of 55 parking spaces on-site. The baseline minimum parking requirement for the Proposal was 62 vehicle spaces, applying reductions as permitted per Section 59-6.2.3.2.B of the Zoning Code. At the time of acceptance and initial review of the Applications, a request for a waiver for the reduction of seven spaces was required. However, during the review period, the Montgomery County Council adopted ZTA 23-10 which eliminates parking minimums for sites within 0.5 miles of a Purple Line Transit Station (and other conditions not relevant to the Subject Application). This Site is located approximately 0.2 miles southwest of the future Dale Drive Purple Line Station and is therefore permitted to provide fewer than the baseline minimum parking spaces without requesting a parking waiver. As such, the parking waiver was removed from the Application.

Staff received phone calls and emails from residents voicing concern about the Proposal providing fewer than the minimum required parking spaces initially applicable and the potential for future residents, visitors, and employees of Springvale Terrace parking on neighborhood streets. Most of the adjacent streets restrict parking without a permit, which future residents and employees at the Site would not be eligible to receive.

Staff shared the concerns with the Applicant, and they responded that all lessees and employees will be made fully aware that on-site parking will not be guaranteed for visitors, employees or residents unless a space is specifically purchased. The Applicant also explained that the management would routinely evaluate the parking demand and determine if reserving spaces in the nearby public parking structures would be needed.

#### COMMUNITY CONCERN 2: TWO-WAY CONVERSION REQUEST FOR CLOVERFIELD ROAD

Correspondence was received from the nearby residents with concerns about the Application's request of MCDOT to allow for two-way traffic on a portion of Cloverfield Road. Residents are

supportive of the two-way vehicular operation request. Specific concerns noted that if this traffic operation change was not approved, trucks serving Springvale Terrace might not have a safe way to travel through the neighborhood. General traffic concerns with the neighborhood were also noted. Staff shared the concerns with MCDOT.

Regarding the traffic operational change requested, it is associated with the eastern portion of Cloverfield Road, which currently operates in a one-way direction westbound from Wayne Avenue to Pershing Drive. The loading bays for the proposed building is located on Cloverfield Road, proximate to its intersection with Wayne Avenue. The Applicant submitted a request to MCDOT’s Traffic and Engineering Division to permit two-way traffic on Cloverfield Road only on the segment between Wayne Avenue and Cloverfield Place<sup>7</sup>. The requested change to the traffic operations would allow trucks to enter and exit the Springvale Terrace loading bays via Wayne Avenue, without traveling into and through the neighborhood when exiting the Site. There are no residential driveways with access along the segment of Cloverfield Road where two-way traffic flow is proposed, so there would be virtually no changes to the residential traffic patterns around the Site.

Planning and MCDOT evaluated the design of the loading bays and adjacent streets and determined that trucks can safely navigate the neighborhood street network if the traffic operations change request is not approved by MCDOT Traffic and Engineering. Planning and MCDOT development review staff support the requested traffic operations change but defer to MCDOT Traffic and Engineering for the final determination.

## SECTION 6: SKETCH PLAN 320240020 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: Springvale Terrace Sketch Plan Data Table for CRT Zone, Optional Method, Section 59-4.5.4*

| Development Standard                 | Permitted/ Required | Proposed                |
|--------------------------------------|---------------------|-------------------------|
| <b>Tract Area</b>                    | n/a                 | 137,643 sf (3.16 acres) |
| <b>Tract Area - Prior Dedication</b> | n/a                 | 21,980 (0.505 acres)    |

<sup>7</sup> This review is outside the Development Review Process and was underway during the review of the project.



|   |                   |                          |
|---|-------------------|--------------------------|
| <b>Tract Area - Proposed Dedication</b>                     | n/a               | 7,957 sf (0.183 acres)   |
| <b>Site Area<sup>8</sup> (tract area minus dedications)</b> | n/a               | 107,706 sf (2.473 acres) |
| <b>Mapped Density<br/>CRT-1.5 C-0.0 R-1.5 H-65</b>          |                   |                          |
| <b>Residential (GFA/ FAR)</b>                               | 206,464 sf (1.5)  | 206,464 (1.5)            |
| <b>Commercial (GFA/FAR)</b>                                 | 0 sf (0)          | 0 sf (0)                 |
| <b>Total Mapped Density (GFA/FAR)</b>                       | 206,464 sf (1.5)  | 206,464 sf (1.5)         |
| <b>MPDU requirement</b>                                     | 15%               | 25%                      |
| <b>MPDU Bonus Density (GFA/FAR)</b>                         | 278,726 sf (2.02) | 206,464 sf (1.5)         |
| <b>Total GFA/FAR</b>  | 278,726 sf (2.02) | 206,464 sf (1.5)         |
| <b>Building Height (max ft.)</b>                            | 65 ft             | 65 ft                    |
| <b>Public Open Space (min sf)<sup>9</sup></b>               | \$0               | \$0                      |

<sup>8</sup> Site area is determined by tract area minus any previous and proposed dedications.

<sup>9</sup>Section 4.1.12 of the 2022 *Silver Spring Downtown and Adjacent Communities Plan* provides all Optional Method development projects required to provide public open space on a site not recommended for a new public space in the Master Plan area are required to instead make a fee-in-lieu contribution to Montgomery Parks based on the cost per square foot of constructing an equivalent area of the otherwise required on-site public open space. Projects providing 25% or greater MPDUs and/or DHCA approved equivalents and/or other Low-Income Housing Tax Credit eligible units are eligible for an affordable housing discount to the contribution. These contributions will be determined with this Proposal’s Site Plan.

**a) Implement the recommendations of applicable master plans (59.4.5.1.A)**

The 2022 *Silver Spring Downtown and Adjacent Communities Plan* includes general and specific recommendations that apply to the Property and Proposal as follows:

**General Recommendations**

**Land Use and Zoning**

***For Optional Method development projects required to provide public open space on a site not recommended for a new public open space in the Sector Plan, the Plan requires contribution to a recommended park preferably in the same district, unless the Planning Board determines the public open space will significantly contribute to the public open space network proposed in this Sector Plan. Refer to Section 4.1.12. Implementation.***

The Proposal is made under the Optional Method of development for the CRT zone and is required to provide ten percent of the site area as public open space. The 2022 *Silver Spring Downtown and Adjacent Communities Plan* does not recommend new public open space for the Site. As such, the Proposal is required to provide a fee-in-lieu contribution to the Parks Department. The fee-in-lieu contribution amount and associated calculations are described in Section 8 Site Plan Findings.

**Housing**

***Require all Optional Method of Development projects to provide a minimum of 15 percent moderately priced dwelling units (MPDUs) or other DHCA-equivalent affordable housing.***

The Proposal is made under the Optional Method of development for the CRT zone and provides 25 percent MPDUs.

***Provide a range of unit types for a diversity of households, including families, seniors, and persons with disabilities.***

The Proposal is for a 100 percent affordable independent living facility for seniors, with units ranging from 30 percent AMI to 80 percent AMI, that will include three fully accessible (ANSI A117.1 Residential Type A standard or County equivalent) units.

***Support partnerships among public, private, and philanthropic institutions, when possible, to assist in the development of affordable housing.***

The Applicant team consists of two mission-driven organizations, Enterprise Community Development, a national non-profit organization with the mission to “make home and community places of pride, power and belonging”, and Seabury Resources for the Aging, a local non-profit organization with the mission “to provide personalized, affordable services and housing options to help older adults in the greater Washington D.C. area live with independence and dignity.” The two organizations have partnered for this project to replace the existing 146-unit Seabury at Springvale Terrace facility with a modern 237-unit independent living facility for seniors. The Proposal will increase the number of affordable senior housing units onsite by 73 units.

**Urban Design**

***In the Adjacent Communities, new development should be compatible in massing and form to the surrounding context.***

The Proposal replaces an existing senior-living facility that has existed and operated at this location for 60+ years. The new development is respectful of its neighborhood context in massing and form. The building reaches its maximum height of five floors along the Site’s eastern, most urbanized frontage, Wayne Avenue, and steps down in height to three

floors on its western side. The building architecture incorporates a variety plane changes, ample fenestration and materials, including brick, that help to break down the perceived mass of the building and make it compatible with its neighborhood context.

### **Transportation & Pedestrian Network**

#### ***Enhance roadway accommodation for all users and eliminate conflict points.***

The Proposal will enhance roadways and sidewalks safer around the Property by eliminating three of five curb cuts that currently provided access to the Site. The Proposal will provide one access point to the Site from Cloverfield Road to a loading and service bay for the new building. The Proposal includes a second curb cut from Springvale Road, proximate the Site's southwest corner, to provide access to the parking lot. Reducing the number of curb cuts for vehicular access the number of potential points of conflict between cars and pedestrians around the Site.

#### ***Make all public pathways including sidewalks, trails, and street crossings, ADA accessible in accordance with current best practices.***

#### ***Ensure that every public right-of-way within the Sector Plan area will be ADA accessible. This applies to public sidewalks, trails, and street crossings.***

The Proposal provides for new sidewalks internal the Site and on all four of its frontages. Along Wayne Avenue, an eight-foot-wide sidepath will be provided and ADA accessible as part of the construction of the Purple Line. Along Pershing Drive, a six-foot-wide sidewalk is provided, which will also be constructed to ADA standards. Sidewalks on Cloverfield and Springvale Roads will be six feet in width. New ADA accessible curb ramps and crosswalks are provided at points along all four site frontages.

### **Adjacent Communities Recommendations**

#### **Opportunity Site & Zoning**

***Block including 8505 Springvale Road and 620 Pershing Drive: This site currently includes a facility for seniors. The Plan proposes a rezoning from R-60 to CRT to support the potential future redevelopment of the full site for multifamily housing.***

***Block including 8505 Springvale Road and 620 Pershing Drive: This block currently includes a senior housing facility. Proposed rezoning to CRT for future flexibility for multifamily and/or senior housing.***

The 2022 *Silver Spring Downtown and Adjacent Communities Plan* recommended the subject Property be rezoned from R-60 to CRT to increase flexibility for future

redevelopment. This zoning change was achieved through the County Council's passage of Resolution 19-1412 Sectional Map Amendment (H-146) on October 18, 2022. The proposed Project has leveraged the opportunity and proposes the scope and scale of development program intended by the zoning change.

**Urban Design**

***All new buildings in these neighborhoods should be compatible in scale with the surrounding development, regardless of building type.***

The proposed building will be compatible with surrounding development. The proposed building location, scale and uses, as well as the proposed parking are similar in nature to what exists today, but with significant improvements. As noted above, the Property was specifically rezoned from R-60 to CRT to allow for greater density and flexibility for future redevelopment, which is being realized with the subject Proposal. The general scope and scale of the building are in-line with the standards of the CRT zone and attention has been paid to incorporate architectural techniques to break down the perceived mass of the building and make it relatable at the street level. This includes stepping down building height, incorporation of brick and architectural panels in colors that are complimentary to those found on homes in the surrounding neighborhood of single-family dwellings.

***Maintain mature tree canopy by continuing to plant and replace street trees as needed.***

The Proposal provides street trees on all four Site frontages in general conformance with the 2023 *Silver Spring Downtown and Adjacent Communities Plan Design Guidelines*.

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

This Proposal seeks to replace an existing residential use and with a new, similar residential use, in a larger building. Existing surface parking on-site is retained. The parking lot is reshaped and will include stormwater management facilities built to current standards, where limited features currently exist. Despite an increase in total residential units on-site, the Proposal does not significantly change the number of parking spaces provided.

***c) Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street.***

This Proposal will increase the quantity of much needed affordable, independent living for seniors housing type, within close proximity to the resources, amenities, services, and multimodal transportation options available in downtown Silver Spring. Additionally, the

Site will be accessible by Purple Line, which will have two stations within one-third of a mile of Springvale Terrace.

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

The Proposal is compatible with its surrounding neighborhood as is discussed in Finding 1a above.

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

The Proposal will create more affordable, independent living units for seniors on the Property than currently exists, expanding the pool of this much desired housing type.

**f) *Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.***

The Project will provide the required 50 public benefit points from a minimum of one category to achieve the desired incentive density above the standard method limit. An outline of public benefits is discussed under Finding 6. 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:***

The Project substantially conforms to the applicable recommendations of the 2022 *Silver Spring Downtown and Adjacent Communities Plan* as detailed in Finding 1a above.

**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 Sector Plan includes multiple recommendations focused on ensuring development proposals are compatible with the neighborhoods in which they are to be located. This Proposal will be compatible with surrounding development. The proposed use continues the Site's long-standing focus on providing affordable, senior housing. As is discussed in Finding 1.a above, the Property was specifically rezoned from R-60 to CRT to allow for greater density and flexibility for future redevelopment, which is being realized with the subject Proposal. The scale of the proposed building is in-line with the standards of the CRT zone and proposes less

density than the maximum allowable (1.5 FAR proposed, with up to 2.02 FAR allowed), which helps the proposed building fit the residential character of the neighborhood. Various architectural techniques are utilized to break down the perception of bulk and mass of the building including stepping down its height as it pulls back from Wayne Avenue, articulation, fenestration and visual porosity between the street and entry spaces, and the incorporation of brick and architectural panels in colors that are complimentary to those found on homes in the surrounding neighborhood of single-family dwellings.

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

The Proposal locates loading access at the northeast corner of the Site from Cloverfield Road and locates parking lot access at the Site's southwest corner from Springvale Road. The location of the access point for the proposed parking lot is the subject of an approved design exception from MCDOT (Attachment B). This vehicular access arrangement is an improvement over existing conditions as it removes three of five existing curb cuts from the Property, reducing potential points of conflict between vehicles, pedestrians, and bicyclists. Pedestrian and bicyclist access and circulation around the Site will be enhanced through the provision of new sidewalks along all four frontages to current applicable standards.

**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.

For the proposed development, the Section 59-4.5.4 of Zoning Ordinance requires 50 points in three categories be provided. However, pursuant to Section 59.4.7.3.D.6.e, regarding the provision of MPDUs for public benefit points, the Project only has to provide affordable housing points and does not have to satisfy any other public benefit category because it is providing more than 20 percent MPDUs.

The Applicant proposes to exceed the 50-point requirement utilizing three categories as shown in Table 2. Although at the time of Sketch Plan review only an outline of public benefits needs to 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. Section 8 Site Plan Findings of this report provides a detailed description of how the proposal fulfills requirements for the public benefit points requested. The final number of points is determined with the Site Plan.

*Table 2: Public Benefit Calculations- Division 59-4.7*

| <b>Public Benefit</b>                   | <b>Maximum Points Allowed</b> | <b>Proposed in concept</b> |
|---|-------------------------------|----------------------------|
| <b>Connectivity and Mobility</b>        |                               |                            |
| Minimum Parking                         | 10                            | 7                          |
| <b>Diversity of Uses and Activities</b> |                               |                            |
| Enhanced Accessibility                  | 20                            | 3                          |
| Affordable Housing                      | No limit                      | 150                        |
| <b>Total Points</b>                     | <b>50 (minimum required)</b>  | <b>160</b>                 |

- 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.***

All site elements are proposed to be developed in a single phase. Preliminary Plan No. 120240030 and Site Plan No. 820240040 are being reviewed concurrently with this Sketch Plan under the speed to market initiative.

**SECTION 7: PRELIMINARY PLAN 120240030 FINDINGS AND ANALYSIS**

The Preliminary Plan would create one lot, measuring approximately 107,706 square feet or 2.473 acres of Site area, for a maximum density of up to 206,464 square feet of independent living for seniors use. 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.

- 1. The layout of the subdivision, including size, width, shape, orientation and density of lots, and location and design of roads is appropriate for the subdivision given its location and the type of development or use contemplated and the applicable requirements of Chapter 59.***

The proposed lot has been reviewed for compliance with Chapter 50, the Subdivision Regulations. The layout of the single-lot subdivision, including its size, width, shape, and orientation is appropriate for the proposed mixed-use building located in the CRT Zone.

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

The block design is existing and appropriate for the proposed development and use. The length, width, and shape of the block are compatible with the development pattern in the neighborhood in which the Site is located.

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

The size and dimensions of the lot are appropriate for the Project location and proposed residential independent living facility for seniors. As is discussed in Section 7 Site Plan Findings of this report, the Proposal requested and received three design waivers from MCDOT for the Site's access locations for loading and parking, and for frontage improvements on Cloverfield Road. The first waiver allows for access to the proposed building's loading area on Cloverfield Road to be less than 100 feet away from the intersection of Cloverfield Road and Wayne Avenue. The second waiver allows the parking lot driveway on Springvale Road to be located less than 100 feet from the intersection of Pershing Drive and Springvale Road. The third waiver allows for the Proposal's stormwater and streetscape design for Cloverfield Road to work in harmony with existing public utilities collocated in the same frontage space. Planning staff supports the three design waivers as well.

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

**i. *Master Planned Sites***

The 2022 *Silver Spring Downtown and Adjacent Communities Plan* specifically recommended the Subject Property be rezoned from the R-60 zone to the CRT zone to allow future flexibility for multifamily and/or senior housing. This rezoning was achieved, and this Proposal is made pursuant to the vision of the Master Plan for this Site. The Sector Plan does not recommend public sites or public open space be provided at this Property.

Regarding public open space, Section 4.1.12 of the *Silver Spring Downtown and Adjacent Communities Plan* provides that all Optional Method development projects required to provide public open space on a site not recommended for a new public space in the Sector Plan area are required to instead make a fee-in-lieu contribution to Montgomery Parks based on the cost per square foot of constructing an equivalent area of the otherwise required on-site public open space. Projects providing 25 percent or greater MPDUs and/or DHCA approved equivalents and/or other Low-Income Housing Tax Credit eligible units are eligible for an affordable housing discount to the contribution. This Proposal is subject to the fee-in-lieu provision as no public open space is recommended by the Plan for the Site. The amount of this contribution will be determined with this Proposal's Site Plan.



ii. **Local Recreation**

The Preliminary Plan does not include dedication of land for public recreation purposes. The accompanying Site Plan No. 820240040, proposes private, on-site recreational facilities for future residents of the development, which includes indoor social and amenity spaces, an open-air courtyard and outdoor seating areas.

iii. **Transportation and Utilities**

As conditioned the proposed streetscape improvements along the Site frontages comply with the transportation recommendations of the 2023 *Silver Spring Downtown and Adjacent Communities Plan* and associated *Design Guidelines*, as well as functional Master Plans such as the 2018 *Bicycle Master Plan*, the 2023 *Pedestrian Master Plan*, and the 2018 *Master Plan of Highways and Transitways*. The streetscape improvements are discussed in further detail in Preliminary Plan Finding 3 of this report.

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

As discussed in Section 7 Site Plan Findings, Table 4, the Site Plan data table for the CRT Zone Optional Method of development, the Proposal will comply with the development standards for the CRT Zone Optional Method. The Preliminary Plan meets all applicable sections of the Subdivision Regulations. The size, width, shape, and orientation of the proposed lot are appropriate for the zone, location, and mix of uses proposed for the Site.

An independent living facility for seniors is allowed as a limited use in the CRT zone in accordance with Section 59-3.3.2.C.2. Where an independent living facility for seniors is allowed as a limited use, it must satisfy the following standards:

**i. The facility must meet all applicable Federal, State, and County licensure, certificate, and regulatory requirements.**

The Applicant is committed to complying with all licensure, certifications, and regulatory requirements associated with use.

**ii. Resident staff necessary for the operation of the facility are allowed to live on-site.**

The Application does not propose to house any staff on-site.

**iii. Occupancy of a dwelling unit is restricted to the following:**

**(a) a senior adult, as defined in Section 1.4.2, Defined Terms;**

**(b) other members of the household of a senior adult, regardless of age;**

- (c) a resident care-giver, if needed to assist a senior resident; or***
- (d) a person authorized to occupy housing provided under any federal or state program that is specifically designed and operated to assist seniors as defined in that program.***
- (e) If imposing age restrictions that would limit occupancy otherwise allowed by this Subsection, the facility must only impose age restrictions that satisfy at least one type of exemption for housing for older persons from the familial status requirements of the federal "Fair Housing Act," Title VIII of the Civil Rights Act of 1968, as amended, or the state Fair Housing Act, Subtitle 7 of Title 20 of the Annotated Code of Maryland, State Government Article, as amended.***

Occupancy of all units will be limited to persons who are 62 years of age or older, or as allowed by the occupancy restrictions of the Zoning Ordinance, as applicable.

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

***a) Land Use***

The Property is in the Adjacent Communities district of the 2022 *Silver Spring Downtown and Adjacent Communities Plan*; in which it is identified as an opportunity site, with the Master Plan specifically recommending rezoning it from the R-60 zone to the CRT zone to allow greater flexibility to redevelop the Property with multi-family housing or senior housing. This rezoning was subsequently approved by the County Council.

The scope and scale of development is in-line with the vision of the Sector Plan for this Property. The Sector Plan also includes a number of land use and urban design focused recommendations regarding the need for new developments to maintain compatibility with their surroundings and promoting the provision of affordable housing. As is detailed in Sketch Plan Finding 1.a of this report, this Proposal is in substantial conformance with the 2022 *Silver Spring Downtown and Adjacent Communities Plan*.

***b) Environment***

The Sector Plan includes multiple goals and recommendations relative to the incorporation of nature based design elements for enhancing local environmental quality. The Proposal includes a stormwater management system with planted stormwater basins and swales in conformance with Chapter 19 of the County Code. The Preliminary Plan also provides sufficient space to allow for new street tree and landscaping plantings, including native plant species, throughout the Property, as shown on the accompanying Site Plan No. 820240040.

**c) Transportation**

Wayne Avenue has a master-planned width of 80 feet total. The remaining three frontages along the Site are not master planned in the 2022 *Silver Spring Downtown and Adjacent Communities Plan*<sup>10</sup> and are therefore subject to the prescriptive public right-of-way widths per Chapter 49 of the County Code. Compliance with this chapter of the Code is discussed in further detail in Preliminary Plan Finding 3. The Sector Plan recommends a sidepath along the Site frontage on Wayne Avenue, which will be built as part of the Purple Line light rail project. The Sector Plan Design Guidelines determine the appropriate streetscape treatments, which is also addressed in detail in Preliminary Plan Finding 3.

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

**a) Roads and other Transportation Facilities**

**i. Existing Facilities**

The Site fronts on four public roadways:

**Wayne Avenue:**

An Area Neighborhood Connector Street with a master-planned width of 80 feet. Along the Site's frontage, there is a four-foot-wide sidewalk which lacks any buffer from the adjacent motor vehicle traffic. The sidewalk is in a state of disrepair and access is partially impeded with the presence of a utility pole within the pedestrian pathway. A bus stop is marked with a flag mounted on a U-channel pole near the intersection with Springvale Road. The undesirable existing conditions of this sidewalk and bus shelter are due to active construction of the Purple Line within the Wayne Avenue right-of-way.

**Springvale Road:**

A Neighborhood Street with a prescribed width of 60 feet, per Chapter 49. On the Site's frontage there is a four-foot-wide sidewalk with an intermittent buffer. There are four existing curb cuts bisecting this sidewalk which allow vehicular access to the Site's parking lot, maintenance driveway and layby lane.

**Pershing Drive:**

A Neighborhood Street with a prescribed width of 60 feet, per Chapter 49. No sidewalks are present in the Site's frontage.

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<sup>10</sup> Neighborhood residential streets are not master planned. Instead, the minimum rights of way widths are prescribed in Chapter 49-32 of the County Code, *Design standards for types of roads*.

**Cloverfield Road:**

A Neighborhood Street with a prescribed width of 60 feet, per Chapter 49. No sidewalks are present in the Site’s frontage.

ii. **Proposed public transportation infrastructure**

Subject to the conditions of approval recommended herein, the Applicant will dedicate all necessary rights-of-way to achieve at least half of the master-planned width, as measured from the roadway centerline, for Wayne Avenue, Springvale Road, Pershing Drive, and Cloverfield Road. Roadway section drawings in Figures 14 through 17 below illustrate the areas of rights-of-way dedication and illustrate that the Proposal will also meet the dimensional requirements for streetscape improvements as recommended in the 2022 *Silver Spring Downtown and Adjacent Communities Sector Plan Design Guidelines*. A bus shelter proximate to the intersection of Wayne Avenue and Springvale Road, as part of the larger project to construct the Purple Line Light rail transit service.

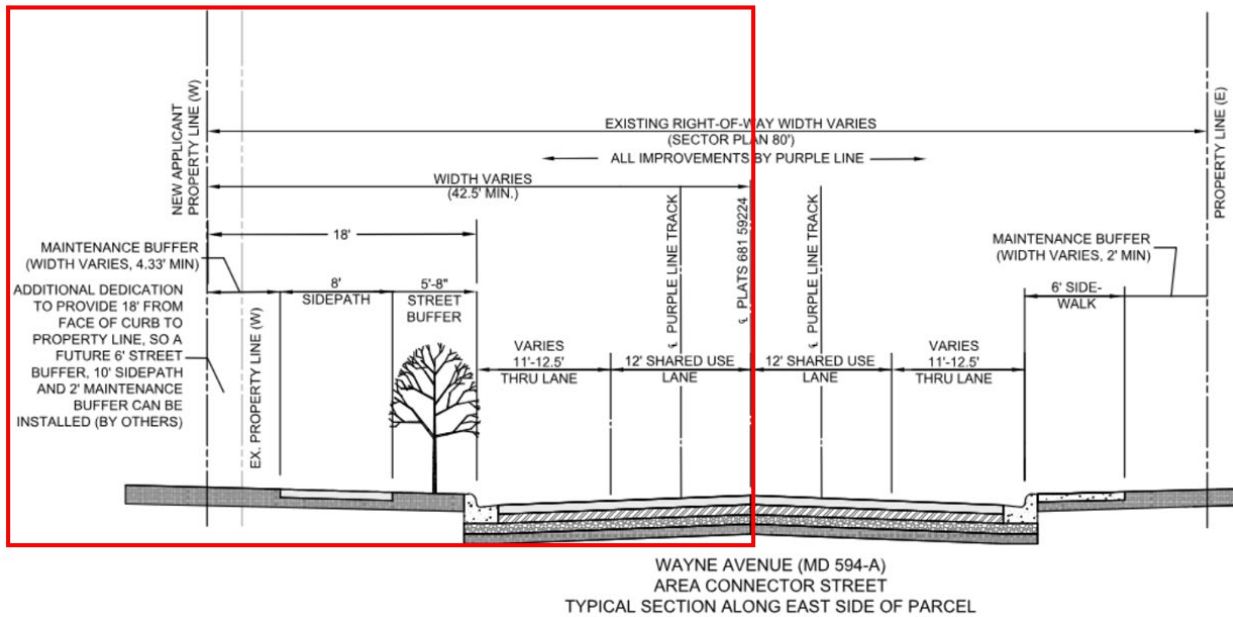


Figure 14: Wayne Avenue, looking north. Applicant contribution shown in red

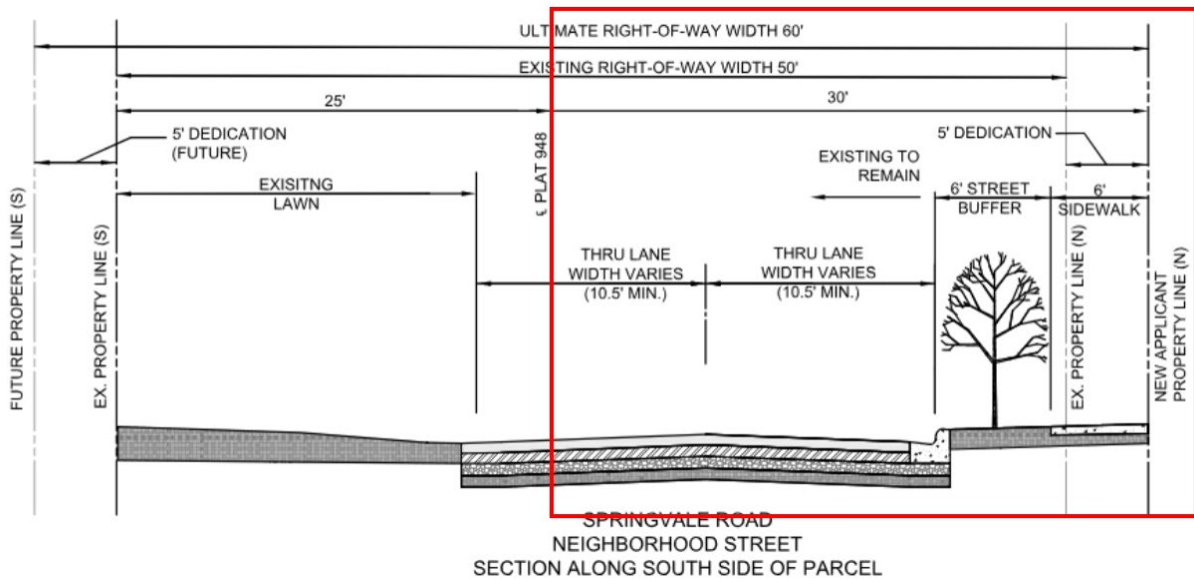


Figure 15: Springvale Road, looking north. Applicant contribution shown in red

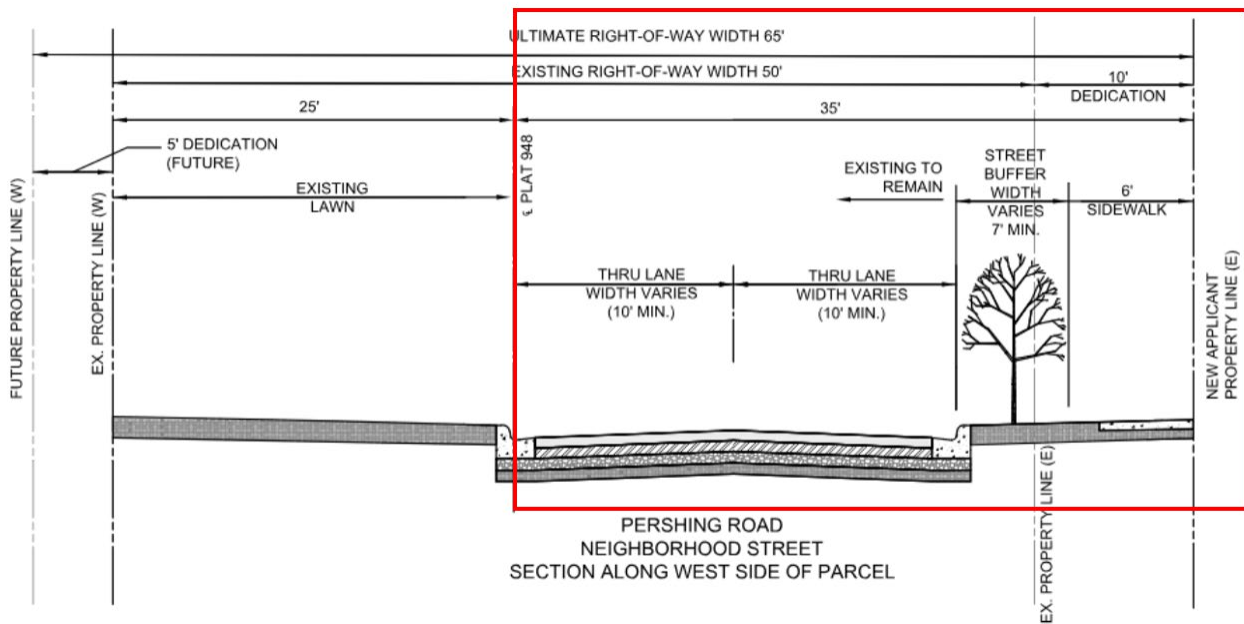


Figure 16: Pershing Drive, looking north. Applicant contribution shown in red

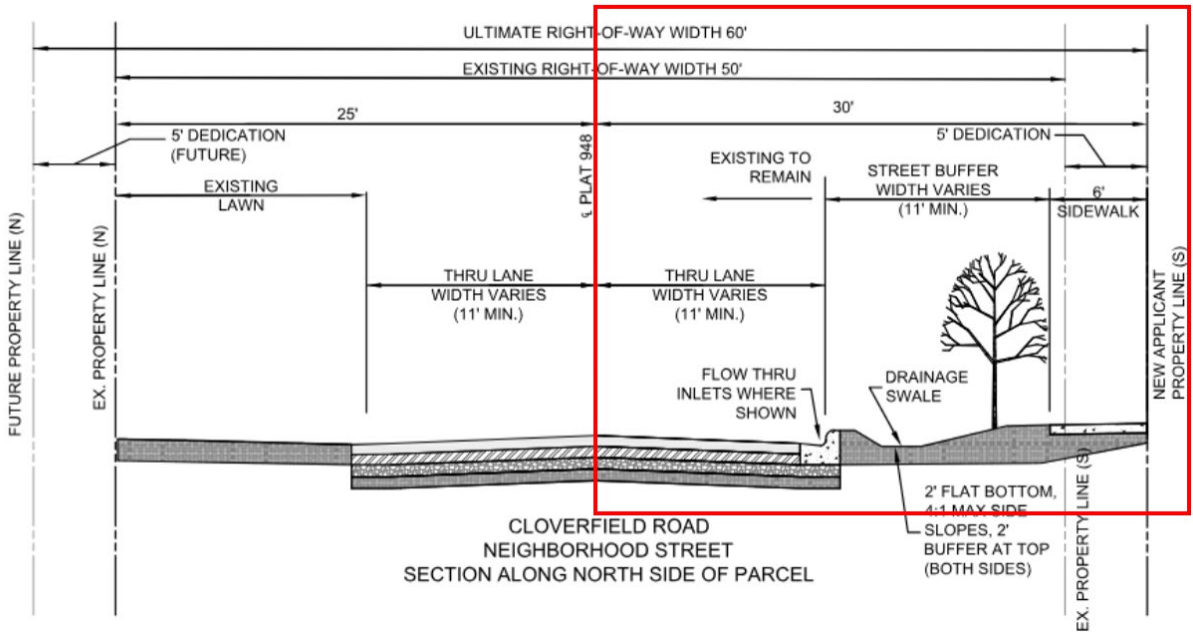


Figure 17: Cloverfield Road, looking north. Applicant contribution shown in red

iii. **Proposed private transportation infrastructure**

No private transportation infrastructure is proposed with this Preliminary Plan.

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

This Proposal replaces an existing 146-unit senior housing development with a mix of assisted living units and independent living units. The Proposal is for a new independent living facility for seniors with up to 237 units. This results in an increase in 91 units on-site and removes the assisted living component.

The estimated change in trip generation is a net increase of 30 person trips in the morning peak hour and a net increase of 35 person trips in the evening peak hour. The 2020-2024 *Growth and Infrastructure Policy* requires a transportation impact study for any project that is estimated to generate a net increase of 50 or more person trips in either the morning or evening peak hours. As such, the LATR review is satisfied with a transportation exemption statement. A summary of the trip generation analysis is provided in Table 3 below.

Table 3: Trip Generation Analysis

|            |                              | ITE Trip Generation Vehicle Rates |    | Adjusted Vehicle Rates Silver Spring CBD Policy Area |    | Total Person Trips |    |
|------------|------------------------------|-----------------------------------|----|--|----|--------------------|----|
|            |                              | AM                                | PM | AM   | PM | AM                 | PM |
| Existing   | 36 assisted living units     | 6                                 | 9  | 5  | 8  | 9                  | 15 |
|            | 110 independent living units | 22                                | 28 | 19   | 24 | 35                 | 44 |
| Subtotal   |                              | 28                                | 37 | 24   | 32 | 44                 | 59 |
| Proposed   | 237 independent living units | 46                                | 59 | 40   | 51 | 74                 | 94 |
| Net Change |                              |                                   |    |  |    | 30                 | 35 |

Source: Transportation Exemption Statement from Gorove Slade, dated September 19, 2023, modified by staff

**c) Schools**

As occupancy of the proposed independent living facility for seniors will be age-restricted, the Proposal will have no impact on school capacity. No School Adequacy test is required.

**d) Other Public Facilities and Services**

Other utilities, public facilities, and services, such as electric, telecommunications, police stations, firehouses and health services are currently operating within the standards set by the Growth and Infrastructure Policy currently in effect.

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

The Application satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and complies with the Montgomery County Planning Department’s Environmental Guidelines as further discussed in the findings for Forest Conservation Plan No. F20240200.

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

DPS approved a Stormwater Management Concept on March 19, 2024. The Plan proposes to meet required stormwater management goals via the use of micro-bioretenion.

**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.**

The Applicant does not have any notice, actual or constructive, of the existence of a burial site on the Property and none are included in the Montgomery County cemetery inventory.

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

There are no other applicable provisions specific to the property and necessary for approval of the subdivision.

## SECTION 8: SITE PLAN 820240040 FINDINGS AND ANALYSIS

The Site Plan Application requests to develop a 206,464 square foot independent living facility for seniors, with up to 237 units with 25 percent MPDUs, and a maximum building height of 65 feet. Section 59-4.5.4.A.1 requires that Optional Method projects in the 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;**

The Site Plan satisfies the requirements of Preliminary Plan No. 120240030 and Sketch Plan No. 320240020. All three applications were reviewed concurrently under the Planning Department's Speed to Market Initiative, which allows for consolidated review of Sketch, Preliminary, and Site Plan applications for proposals that are designated Strategic Economic Development Projects, projects that have specialized benefits above standard requirements and projects that are extremely straightforward or have strong community support. In this case, the Proposal provides for 237 units of 100 percent affordable, independent living units for seniors, which is a highly desirable housing type for the County.

The Sketch Plan and Preliminary Plan are specifically designed to be supportive of the Site Plan. The Proposal is within the established density and height limitations of the CRT zone; it provides appropriate design elements that are responsive to the Site's neighborhood context and proposed use type, and includes the required public rights-of-way dedications, as provided in the associated Sketch and Preliminary Plans.



Existing Special Exception No. 1251, that allowed for the existing independent and assisted living uses under the Site’s prior R-60 zoning, shall be vacated prior to the issuance of a building permit for the Proposal.

**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 4.5.4 CRT Zone Optional Method**

*Table 4: Project Name Site Plan Data Table for CRT Zone, Optional Method, Section 59.4.5.4*

| <b>Development Standard</b>                             | <b>Permitted/ Required</b> | <b>Proposed</b>          |
|---|----------------------------|--------------------------|
| <b>Tract Area</b>                                       | n/a                        | 137,643 sf (3.16 acres)  |
| <b>Tract Area - Prior Dedication</b>                    | n/a                        | 21,980 (0.505 acres)     |
| <b>Tract Area - Proposed Dedication</b>                 | n/a                        | 7,957 sf (0.183 acres)   |
| <b>Site Area</b>  | n/a                        | 107,706 sf (2.473 acres) |
| <b>Mapped Density<br/>CRT-1.5 C-0.0 R-1.5 H-65</b>      |                            |                          |
| <b>Residential (GFA/ FAR)</b>                           | 206,464 sf (1.5)           | 206,464 (1.5)            |
| <b>Commercial (GFA/FAR)</b>                             | 0 sf (0)                   | 0 sf (0)                 |
| <b>Total Mapped Density (GFA/FAR)</b>                   | 206,464 sf (1.5)           | 206,464 sf (1.5)         |
| <b>MPDU Requirement</b>                                 | 15%                        | 25%                      |
| <b>MPDU Bonus Density<br/>(GFA/FAR)</b>                 | 278,726 sf (2.02)          | 206,464 sf (1.5)         |
| <b>Total GFA/FAR with MPDU bonus<br/>(GFA/FAR)</b>      | 278,726 sf (2.02)          | 206,464 sf (1.5)         |
| <b>Max. Building Height</b>                             | 65 ft                      | 65 ft                    |
| <b>Public Open Space (min sf)<sup>9</sup></b>           | \$0                        | \$0                      |
| <b>Minimum Setbacks (ft) – Front –<br/>Wayne Avenue</b> | 0 ft                       | 0 ft                     |

| <b>Development Standard</b>  | <b>Permitted/ Required</b>                             | <b>Proposed</b>  |
|--|--|--|
| <b>Minimum Setbacks (ft) – Front - Springvale Road</b>               | 0 ft   | 10 ft  |
| <b>Minimum Setbacks (ft) – Front - Pershing Drive</b>                | 0 ft   | 125 ft   |
| <b>Minimum Setbacks (ft) – Front - Cloverfield Road</b>              | 0 ft   | 10 ft  |
|  |  |  |
|  |  |  |
| <b><u>Parking</u></b>  | <b><u>Spaces Required (minimum / maximum)</u></b>      | <b><u>Spaces Provided</u></b>                          |
| <b><u>Vehicle Parking</u></b>  |  |  |
| <b>Total Vehicle Parking<sup>10,11</sup></b>                         | 62 min / 241 max                                       | 55 <sup>12</sup>                                       |
| 237 Independent Units<br>(0.5 per Unit/1 per Unit)                   | 119/237  |  |
| 8 Employees<br>(0.5 per employee/0.5 per employee)                   | 4/4  |  |
|  |  |  |
| <b><u>Loading</u></b>  | <b><u>Spaces Required</u></b>                          | <b><u>Spaces Provided</u></b>                          |
|  | 1  | 2  |
|  |  |  |
| <b><u>Bicycle Parking</u></b>  | <b><u>Spaces Required (Long Term / Short Term)</u></b> | <b><u>Spaces Provided (Long Term / Short Term)</u></b> |
| <b>237 independent living units</b><br>0.25 spaces per unit (max 50) | 48/2 (50 total)  | 50 /4 (54 total)                                       |

<sup>9</sup>Section 4.1.12 of the 2022 *Silver Spring Downtown and Adjacent Communities Plan* provides all Optional Method development projects required to provide public open space on a site not recommended for a new public space in the Master Plan area are required to instead make a fee-in-lieu contribution to Montgomery Parks based on the cost per square foot of constructing an equivalent area of the otherwise required on-site public open space. Projects providing 25% or greater MPDUs and/or DHCA approved equivalents and/or other Low-Income Housing Tax Credit eligible units are eligible for an affordable housing discount to the contribution.

<sup>10</sup> The final number of vehicle parking spaces to be determined at building permit based on the final number of dwelling units.

<sup>11</sup> Adjustment factors to the baseline parking minimums per Section 59-6.2.3.2.B have not been applied.

<sup>12</sup> ZTA 23-10 went into effect March 25, 2024, and allows residential uses to provide fewer than the baseline minimum number of parking spaces as required in Section 59-6.2.4.B. if the Site is located within 0.5 miles of a Purple Line Transit Station. The Site is located approximately 0.2 miles southwest of the future Dale Drive Purple Line Station and is therefore permitted to provide fewer than the baseline minimum parking spaces without requesting a parking waiver.

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

In accordance with the Zoning Ordinance, Section 59-4.5.4, the Site Plan proposes at least 50 public benefit points. Pursuant to Section 59-4.7.3.D.6.e, as the Proposal

provides more than 20 percent MPDUs, it only needs to provide public benefit points in the Affordable Housing subcategory and does not have to satisfy any other public benefit category. However, the Application proposes to exceed the minimum public benefit requirements by providing 161.4 public benefit points in the categories of Connectivity and Mobility and Diversity of Uses and Activities as follows as shown in Table 5. This is in-line with the outline of public benefits proposed with associated Sketch Plan No. 320240020.

Table 5: Public Benefit Calculations- Division 59-4.7

| Public Benefit                          | Maximum Points Allowed       | Conceptual Points – Sketch Plan 320340020 | Proposed with Site Plan |
|---|------------------------------|---|-------------------------|
| <b>Connectivity and Mobility</b>        |                              |   |                         |
| Minimum Parking                         | 10                           | 7   | 7.7                     |
| <b>Diversity of Uses and Activities</b> |                              |   |                         |
| Enhanced Accessibility                  | 20                           | 3   | 3.7                     |
| Affordable Housing                      | No limit                     | 150                                       | 150                     |
| <b>Total Points</b>                     | <b>50 (minimum required)</b> | <b>160</b>                                | <b>161.4</b>            |

## CONNECTIVITY AND MOBILITY

### Minimum Parking

The Applicant requests seven (7) points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site parking spaces to ten points for providing no more than the minimum number of required parking spaces on-site. Based on the formula set forth by the Incentive Density Implementation Guidelines, the Proposal is eligible for seven point seven (7.7) public benefit points in this category. Staff supports seven point seven (7.7) public benefits points request.

$$\frac{((\text{Maximum Allowed Parking}) - (\text{Parking Provided}))}{((\text{Maximum Allowed Parking}) - (\text{Minimum Parking}))} * 10 = \text{number of public benefit Points}$$

$$(241-55) / (241-0) * 10 = 7.7 \text{ points}$$

## DIVERSITY OF USES AND ACTIVITIES

### Enhanced Accessibility

The Applicant requests three (3) public benefit points for providing three (3) dwelling units that satisfy ANSI A117.1 Residential Type A accessibility standard or equivalent county standard. Based on the formula set forth in the Incentive Density Implementation Guidelines, the Proposal is eligible for the

three point seven (3.7) public benefit points in this category. Staff supports the three point seven (3.7) public benefits points for the provision of enhanced accessible residential dwelling units.

$$(\text{ANSI 117.1 Type A Units} / \text{Total Units}) \times 300 = \text{number of public benefit points}$$

$$(3 / 237) \times 300 = 3.7 \text{ points}$$

### Affordable Housing

The Applicant requests 150 public benefit points for providing more than 12.5 percent of the residential units as MPDUs. This Application provides 25 percent MPDUs in a development that seeks to provide 100 percent of its units as affordable. Any project providing more than 20 percent MPDUs does not have to satisfy any other public benefit category. There is no limit on the number of public benefit points available for providing a greater quantity of MPDUs than is otherwise required. Staff supports the request for one hundred fifty (150) public benefit points for Affordable Housing in accordance with the following formula:

$$(\text{Proposed percent MPDUs} / 12.5 \text{ percent MPU}) \times 12 = \text{number of public benefit points}$$

$$(25 / 12.5) \times 12 = 150 \text{ points}$$

#### iii. **Division 59-6 General Development Standards**

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

Vehicle access will be consolidated to two total curb cuts from the existing five curb cuts. One curb cut will provide access to and from the parking lot from Springvale Road. This access will be used by residents, employees, and visitors. The second curb cut will be located on Cloverfield Road for the proposed loading bay. Sight distances for both curb cuts were analyzed and approved by MCDOT.

All vehicular parking will be accommodated in the surface parking lot. The proposed driveway is shifted approximately 33 feet southeast of its existing location (away from Pershing Drive). A design exception waiver is requested by the Applicant and was approved by MCDOT to allow the proposed driveway to be located 55 feet from the intersection of Pershing Drive, instead of a minimum of 100 feet from the intersection, based the following rationale:

- Both the roadways are Neighborhood Streets with low traffic volume with posted speed limits of 25 mph.
- Sight distance for the driveway is met with the removal of the shrubs. The applicant shall be responsible for removing any existing/proposed obstructions in the line of sight as Pershing Drive has access restrictions and is also designed for one way traffic (south) at this intersection and therefore less traffic movement conflict.

- The curb radius at the intersection of Springvale Road and Pershing Drive has been reduced to 15 feet with a truck apron to slow down the right turning vehicles from Pershing Drive.

To address potential safety issues within the vicinity of the driveway, the Applicant has committed to reducing the western curb radius on the opposite side of the Pershing Drive and Springvale Road intersection to 15 feet. The driveway has also been reduced to the minimum 22-foot width acceptable for fire and emergency service access.

The Applicant requested and MCDOT approved a second design waiver for the reduction for the required 100 feet of separation between the loading bay driveway and the intersection of Cloverfield and Wayne Avenue. This placement of the loading bay limits impacts on the surrounding residential community. The curb radius at the loading spaces was limited to 15 feet. MCDOT approved this design waiver exception citing the following reasons:

- The roadway is a Neighborhood Streets with low traffic volume with posted speed limits of 25 mph.
- This driveway is only used for loading and will have less traffic volume using this driveway.
- Sight distance for the driveway is met. The applicant shall be responsible for removing any existing/proposed obstructions in the line of sight.

The Applicant submitted a third design waiver request to modestly modify the typical streetscape design along Cloverfield Road to allow for streetscape and stormwater improvements in the frontage area to work around an existing WSSC public water main located beneath the curb line of the roadway. MCDOT reviewed and approved this design waiver exception as well.

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

Vehicular parking will be provided by a surface parking lot, accessed from Springvale Road. In CR zones, the creation of new parking lots is generally discouraged between a proposed building and street. This Site is unique in that it has street frontage on all four sides, which does not allow for parking to be located anywhere but in between the proposed building and a street. Additionally, the Proposal will reduce the size of the existing surface parking, provide landscaping, screening, and stormwater management to current standards, yielding a significant improvement over existing conditions. The parking lot includes 55 parking spaces and conforms with applicable design requirements. Recent changes to the Zoning Code (ZTA 23-10) allows the Applicant to provide fewer than the baseline minimum number of parking spaces, due to the proximity to a future Purple Line station (0.2

miles, Dale Drive Station). The minimum required number of spaces for 237 independent living units and eight employees is 62 and the maximum is 241.

Loading will be accommodated within two bays, accessed from Cloverfield Road. Cloverfield Road currently operates as a one-way street, with travel allowed in a westbound direction, from Wayne Avenue to Pershing Drive. The Applicant has requested an operational change to two-way vehicular travel for Cloverfield Road to allow two-way, ingress and egress movements to the loading bay on Cloverfield Road from Wayne Avenue, to avoid routing trucks exiting the loading bay through the surrounding neighborhood. This request is under MCDOT review. Regardless of MCDOT's decision on this request, the Site Plan demonstrates that trucks can maneuver in and out of the loading bay on Cloverfield Road safely and efficiently under the street's current one-way configuration or under the requested two-way operational scenario.

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

The Proposal provides for private on-site recreational amenities in accordance with the current, March 2017 Recreation Guidelines, including indoor spaces for activities and social engagement, an open-air courtyard and outdoor seating areas proximate to Wayne Avenue and Pershing Drive.

Under the Optional Method of development in the CRT zone, and based on the Property's tract size and number of frontages, an application would normally be required to provide ten percent of its site area (10,771 square feet) as public open space in accordance with Section 59.4.5.4.B.1. However, the 2022 *Silver Spring Downtown and Adjacent Communities Plan* does not recommend new public open space for this Property and in accordance with Section 4.1.12 of the Master Plan, all Optional Method development projects required to provide public open space on a site not recommended for a new public space in the Sector Plan area are required to instead make a fee-in-lieu contribution to Montgomery Parks based on the cost per square foot of constructing an equivalent area of the otherwise required on-site public open space. As this Proposal provides for 25 percent or greater MPDUs, and overall proposes 100 percent affordable senior housing for seniors, it is eligible for an affordable housing discount to the contribution. The Planning Board approved a Sector Plan Interpretation Policy dated October 26, 2023 with the following formulas to calculate the fee-in-lieu contribution, including a 2023 base rate of \$80, and normalized base rate of \$20. Based on the formula the Proposal must contribute \$0 (zero dollars) to Montgomery Parks for parks purposes in the Sector Plan area.

Silver Spring Downtown and Adjacent Communities Open Space Fee-in-lieu  
Contribution

Contribution= square feet of required public open space x (normalized base rate  
x approved FAR)

$$10,771 \times (20 \times 1.5) = \$323,130$$

Affordable Housing Discount

Discounted Contribution = Contribution x ((100 – MPDU and/or DHCA approved  
equivalent percentage units) / 100)

$$\$323,130 \times (0 - 100) / 100 = \$0 \text{ (zero dollars)}$$

**(4) Division 6.4 General Landscaping and Outdoor lighting**

Landscaping and outdoor lighting are proposed as part of the Project. These elements are generally designed to the 2023 *Silver Spring Downtown and Adjacent Communities Design Guidelines* along the Site’s four frontages.

Outdoor lighting is provided in appropriate locations around the Site and building to ensure safe and attractive nighttime illumination. Landscaping and planted stormwater features are provided where feasible and appropriate.

**(5) Division 6.5 Screening**

Screening requirements of Section 59.6.5 of the Zoning Ordinance apply to standard method development proposals. This Proposal is made under the Optional Method of development; therefore this requirement is not applicable.

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

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

DPS approved a Stormwater Management Concept on March 19, 2024. The plan proposes to meet required stormwater management goals via micro-bioretenion.

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

The Application satisfies all applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and complies with the Montgomery County Planning Department’s Environmental Guidelines as further discussed in the findings for Forest Conservation Plan No. F20240200.

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

Access, circulation, and transportation safety will be increased with the consolidation curb cuts for vehicular access to the Site, especially on Springvale Road where the number of curb cuts will be reduced from four existing to one proposed. All resident, employee and visitor motor vehicles will access the Site at the single, new curb cut to the parking lot. The existing layby and maintenance driveway will be removed. Loading access for service trucks will use the driveway on Cloverfield Road to access the loading bay. Pedestrian access and circulation will be improved with new, wider and buffered sidewalks on all four of the Site's street frontages. Internal sidewalks will also be widened and will be ADA accessible.

The building is appropriately scaled for the Property and employs architectural techniques to break down the perception of bulk and mass. Site amenities proposed are consistent with the proposed independent living for seniors use. A fee-in-lieu of dedication of public open space shall be provided in accordance with the provisions of the *Silver Spring Downtown and Adjacent Communities Plan*.

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

The Proposal substantially conforms with the recommendations of the 2022 *Silver Spring Downtown and Adjacent Communities Plan* as discussed under Finding 1.a of the Sketch Plan Findings in this report. The Proposal provides for an independent living facility for seniors that will be 100 affordable and include 25 percent MPDUs, in a building that is in character with its surrounding residential neighborhood context. The proposal is in-line with the Sector Plan's specific recommendation to rezone the Property from R-60 to CRT to allow greater flexibility in redeveloping the Site for multi-family or senior housing.

**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;**

A detailed discussion of the adequacy of public facilities analysis is included under Finding 3 of Preliminary Plan No. 120240030 in this staff report. Public facilities including schools,



police and fire protection, water, sanitary sewer, public roads, and storm drainage are adequate to serve the proposed development. As determined with review of the transportation exemption statement included with the Preliminary Plan, the Subject Application is not estimated to generate more than 50 net new person trips in the morning or evening peak hour, when compared to the trip generation estimates for the existing uses. Therefore, in compliance with the 2020-2024 *Growth and Infrastructure Policy* the adjacent public transportation network is adequate to support the proposed project.

***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; therefore, this requirement is not applicable to this Application.

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

The 2022 *Silver Spring Downtown and Adjacent Communities Plan* includes multiple recommendations that guide compatibility of proposed development with other development nearby. As is detailed in Finding 1.a and Finding 4 of the Sketch Plan findings included in this report, the Proposal is compatible with existing, approved or pending nearby development.

***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.***

This requirement is not applicable, as this Site Plan does not include a restaurant with a drive-through.

***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.***

This requirement is not applicable as the Subject Property was not zoned C-1 or C-2 on October 29, 2014.

## SECTION 9: FOREST CONSERVATION PLAN F20240200 FINDINGS AND ANALYSIS

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

The Property is subject to the Montgomery County Forest Conservation Law, Chapter 22A of the County Code and requires a Forest Conservation Plan. Included with the Forest Conservation Plan is a request for a tree variance for impacts and removal of subject trees. The Preliminary Plan and Site Plan comply with the Montgomery County Environmental Guidelines and the Forest Conservation Law, as conditioned in the Staff Report and described below.

#### Natural Resource Inventory/Forest Stand Delineation

The Natural Resource Inventory/Forest Stand Delineation (“NRI/FSD”) 420230360 for this Property was approved on January 24, 2023. The NRI/FSD identifies the environmental features and forest resources on the Subject Property. The NRI/FSD identifies that the Property is in the Sligo Creek watershed which is a tributary to the Anacostia River and is a Use-Class I watershed. The Site is not associated with any forest, or environmentally sensitive areas such as steep slopes, 100-year flood plains, streams, wetlands, or associated buffers. There are three (3) trees onsite measuring 30-inch diameter at breast height (DBH) or greater, and seven (7) significant trees which measure between 24 inches and 30 inches DBH. There are no hydric or highly erodible soils on or near the site. There are no known rare, threatened, or endangered species on the Property. Furthermore, no historic resources or cemeteries are known to exist on the Property.

#### Forest Conservation Plan

The Applicant has submitted a Preliminary/Final Forest Conservation Plan (“FCP”) F20240200 with the concurrent development plan applications for Preliminary Plan No. 120240030, and Site Plan No. 820240040. The Applications satisfy the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A and complies with the Montgomery County Planning Department’s approved Environmental Guidelines.

The Subject Property is zoned CRT-1.5 C-0 R-1.5 H-65 and is assigned a Land Use Category of Mixed-use Development Areas (“MPD”) as defined in Section 22A-3 of the Montgomery County Forest Conservation Law (“FCL”) and in the Land Use Table of the Trees Technical Manual. This results in an afforestation threshold of 15% and a conservation threshold of 20% of the Net Tract Area.

The tract area for forest conservation purposes includes the 2.66-acre Subject Property plus 0.53 acres of offsite disturbance associated with this Application, for a total net tract area of approximately 3.19 acres. This results in an afforestation requirement of 0.48 acres. The Applicant proposes to satisfy this requirement by providing 0.48 acres equivalent credits in a forest bank within the same watershed or

in a priority watershed, an SPA or PMA. If no such credits are available, then the requirements are to be met outside the watershed, or ultimately by fee in lieu payment if no other banking options are available.

Forest Conservation Variance

Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection (“Protected Trees”). Any impact to these trees, including removal of the subject tree or disturbance within the tree’s critical root zone (“CRZ”) requires a variance under Section 22A-12(b)(3) (“Variance”). Otherwise, such resources must be left in an undisturbed condition. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that: measure 30 inches or greater DBH; are part of an historic site or designated with an historic structure; are designated as a national, State, or County champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. This application is subject to the variance provisions due to impacts to subject tree which are 30 inches or greater DBH.

Variance Request - The Applicant submitted a variance request in a letter dated January 31, 2024 (Attachment E). The Applicant proposes to impact two (2) trees and remove three (3) trees that are 30 inches or greater DBH, that are considered high priority for retention under Section 22A-12(b)(3) of the County Forest Conservation Law (Tables 6 and 7).

*Table 6 – Protected Trees to be Impacted*

| <b>Tree Number</b> | <b>Species</b> | <b>DBH Inches</b> | <b>% CRZ Impacts</b> | <b>Status and Notes</b> |
|--------------------|----------------|-------------------|----------------------|-------------------------|
| 7                  | Silver Maple   | 36”               | 15%                  | Good condition.         |
| 14                 | Pin Oak        | 50”               | 5%                   | Fair condition.         |

*Table 7 – Protected Trees to be Removed*

| <b>Tree Number</b> | <b>Species</b> | <b>DBH Inches</b> | <b>Status and Notes</b>   |
|--------------------|----------------|-------------------|---|
| 4                  | Elm            | 30”               | Good condition. Located along property line shared with Cloverfield Road. |
| 6                  | Elm            | 31”               | Good condition. Located along property line shared with Cloverfield Road. |
| 8                  | Elm            | 30”               | Fair condition. Located along property line shared with Cloverfield Road. |

Unwarranted Hardship Basis

Per Section 22A-21, a variance may only be considered if the Planning Board finds that leaving the requested trees in an undisturbed state would result in unwarranted hardship, denying the Applicant reasonable and significant use of its property. In this case, the unwarranted hardship is caused by the necessary layout of the proposed development on the Property, which is dictated by the existing site conditions, development standards of the zone, Montgomery County agency requirements, and requirements associated with Master Plan objectives. The three (3) trees requested to be removed, shown in Table 7, are located along the Cloverfield Road frontage to allow for building demolition and construction as well as the installation of sidewalks and utilities. The inability to remove these trees would potentially render portions of the site undevelopable and prevent the streetscape from being upgraded to current standards. Therefore, there is a sufficient unwarranted hardship to justify a variance request because the Applicant would otherwise be denied the ability to use the Property for the renovated independent living facility for seniors, which is a reasonable and significant use of the Property.

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. Staff has made the following determinations in the review of the variance request and the proposed Forest Conservation Plan:

***Variance Findings***

The following determinations are based on the required findings for granting of the requested variance:

***1. Will not confer on the applicant a special privilege that would be denied to other applicants.***

Granting the variance will not confer a special privilege on the Applicant as the removal and disturbance to the specified trees are due to the development of the Property, location of the trees and necessary site design requirements. The Property contains several large trees located within the developable area of the site. Granting a variance to allow disturbance within the developable portion of the site and meet the objectives of the Sector Plan is not unique to this Applicant. Staff believes that the granting of this variance is not a special privilege that would be denied to other applicants.

***2. Is not based on conditions or circumstances which are the result of the actions by the applicant.***

The requested variance is not based on conditions or circumstances which are the result of actions by the Applicant. The requested variance is based upon the existing site conditions, development standards of the zone, and necessary design requirements of this Application, including street frontage improvements.

**3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.***

The requested variance is a result of the existing conditions and the proposed site design and layout of the Subject Property, and not as a result of land or building use on a neighboring property.

**4. *Will not violate State water quality standards or cause measurable degradation in water quality.***

The variance will not violate State water quality standards or cause measurable degradation in water quality. The Protected Trees being removed are not located within a stream buffer, wetland or Special Protection Area. The Application proposes mitigation for the removal of these three trees by planting larger caliper trees on-site. These trees will replace water quality functions that may be lost by the removed trees. Additionally, the Department of Permitting Services found the proposed stormwater management concept acceptable in their approval letter date March 19, 2024. Therefore, Staff concurs that the Application will not violate State water quality standards or cause measurable degradation in water quality.

Mitigation for Trees Subject to the Variance Provisions

There are three Protected Trees proposed for removal in this variance request, resulting in a total of 91 inches of DBH being removed. These three trees being removed are isolated trees located along the Property line frontage shared with Cloverfield Road.

The Applicant proposes mitigation at a rate that approximates the form and function of the trees removed. These trees will be replaced at a ratio of approximately 1-inch caliper for every four inches removed using trees that are a minimum of three caliper inches in size. This results in a total mitigation of 24 inches with the installation of eight 3-inch caliper canopy trees native to the Piedmont Region of Maryland on the Property outside of any rights-of-way and outside of any utility easements. The eight mitigation trees will be planted along the east and western portions of the Property. Although these trees will not be as large as the trees lost, they will be planted on the Subject Property and provide some immediate benefit, ultimately replacing the canopy lost by the removal of these trees. There is some disturbance within the CRZ of two subject trees; however, they will receive adequate tree protection measures, their roots will regenerate, and the functions they currently provide will continue. Therefore, no mitigation is recommended for trees that are impacted but retained. As conditioned, the mitigation tree plantings will be protected as part of a 5-year maintenance and management agreement.

Recommendation on the Variance

Staff recommends approval of the variance request.

## SECTION 10: CONCLUSION

As conditioned, the Sketch Plan, Preliminary Plan, Site Plan, and Forest Conservation 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 2022 *Silver Spring Downtown and Adjacent Communities Plan*, satisfy the findings of the Subdivision Regulations as applicable and complies with Chapter 22A Forest Conservation Law. Therefore, Staff recommends approval of the Sketch Plan, Preliminary Plan, Site Plan and Forest Conservation Plan with the conditions specified at the beginning of this report.

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### ATTACHMENTS

*Attachment A: Sketch/Preliminary/Site/FCP Plans*

*Attachment B: Agency Letters (MCDOT, MCDPS, SHA, DHCA)*

*Attachment C: Planning Board Sector Plan Interpretation Policy*

*Attachment D: MCDOT Design Exception Waiver Request*

*Attachment E: Forest Conservation Plan Specimen Tree Variance*

*Attachment F: Affidavit Regarding Community Meeting and Meeting Minutes*

*Attachment G: Community Correspondence*

*Attachment H: Zoning Text Amendment - ZTA 23-10*