

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

MCPB No. 24-051
Sketch Plan No. 320240060
Ellsworth Place (Formerly City Place)
Date of Hearing: May 16, 2024

May 24, 2024

RESOLUTION

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

WHEREAS, on February 21, 2024, Avante Ellsworth Venture I, LLC c/o GBT Realty Corporation (“Applicant”) filed an application for approval of a sketch plan for construction of up to 825,056 square feet of total development, including up to 399,463 square feet of existing commercial density to remain and up to 425,593 square feet of residential density with a minimum of 15% MPDUs, on 2.48 acres of CR-8.0, C-8.0, R-8.0, H-300 zoned-land, located at 8661 Colesville Road at the SE quadrant of the intersection of Colesville Road and Fenton Street (“Subject Property”) in the Silver Spring CBD Policy Area and 2022 Silver Spring Downtown and Adjacent Communities Plan (“Sector Plan”) area; and

WHEREAS, Applicant’s sketch plan application was designated Sketch Plan No. 320240060 Ellsworth Place (Formerly City Place) (“Sketch Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated May 6, 2024, providing its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on May 16, 2024, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Vice Chair Pedoeem, seconded by Commissioner Hedrick, with a vote of 4-0; Chair Harris, Vice Chair Pedoeem, Commissioners Bartley and Hedrick voting in favor with Commissioner Linden being absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320240060 Ellsworth Place (Formerly City Place), for construction of up to 825,056 square feet of total development, including up to 399,463 square feet of existing commercial density to

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Approved as to
Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

remain and up to 425,593 square feet of residential density with a minimum of 15% MPDUs on the Subject Property, subject to the following binding elements and conditions:¹

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

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

All other elements are illustrative.

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

1. **Density**

The Sketch Plan is limited to a maximum of 825,056 square feet of total development, including up to 399,463 square feet of existing commercial density to remain and up to 425,593 square feet of residential density with a minimum of 15% MPDUs.

2. **Height**

The development is limited to a maximum building height of 300 feet, as measured from the building height measuring point to be illustrated on the Certified Site Plan.

3. **Incentive Density**

The development must be constructed with the public benefits listed below unless modifications are made under Section 59.7.3.3. I. 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 by providing fewer than the maximum parking spaces required under the Zoning Ordinance;
- b) Diversity of Uses & Activities, achieved through providing more than 12.5 percent of the residential units as MPDUs as required under Chapter 25A;
- c) Quality of Building and Site Design, achieved through exceptional design, public open space, and tower step-back;
- d) Protection and Enhancement of the Natural Environment, achieved through the purchase of building lot terminations, energy conservation via cool roof; and
- e) Building reuse, achieved through reuse of the existing building and support structures.

4. **Public Open Space**

The Applicant must meet the requirements of Public Open Space, as recommended by

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

Section 4.1.12 of the *Silver Spring Downtown and Adjacent Communities Plan*. The form and amount of the contribution must comply with the Master Plan Interpretation Policy (dated October 26, 2023), 2022 Silver Spring Downtown and Adjacent Communities Plan, No. M-NCPPC 2024-01, and shall be determined at Site Plan through coordination with Planning Staff.

5. Future Coordination for Preliminary/Site Plan

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

- a) Silver Spring Downtown and Adjacent Communities Design Advisory Panel - At the time of Site Plan, the Applicant must demonstrate that comments from the Design Advisory Panel have been addressed as specified in their April 17, 2024 meeting minutes and that the project adheres to the Silver Spring and Adjacent Communities Design Guidelines as applicable.
- b) The Applicant must submit and receive approval of a Preliminary/Final Forest Conservation Plan.
- c) Unless Stormwater Management Requirements are waived by MCDPS, the Applicant must provide a Stormwater Management concept approval consistent with Chapter 19 of the Montgomery County Code which also addresses the recommendations of the *Silver Spring Downtown and Adjacent Communities Plan* Water Quality Section (3.7.5.) and the associated Design Guidelines Section (2.1.4.) of the Sector Plan.
- d) Green Cover - At the time of Site Plan, the Applicant must provide a minimum 35 percent of the new Site Area as green cover as described in Section 2.4.1 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*. Green roof areas credited towards the Green Cover requirement must be built in place and avoid the use of tray systems. The green cover credit on rooftops must meet or exceed the minimum of intensive green roof standards, with a depth of appropriate media that is six inches (6 in.) or deeper.
- e) Incorporate Bird-Safe Design elements into the building's architecture with emphasis on Glass Coverage and Glazing, per the *Silver Spring Downtown and Adjacent Communities Plan Design Guidelines*.
- f) Address the SITES & LEED recommendations of the Sector Plan.
- g) Provide a noise analysis as part of the future Preliminary Plan submission or Site Plan submission if a Preliminary Plan is not required.

6. Validity

A new site plan application must be submitted within 36 months after the date this resolution is sent per Section 59.7.3.3.G.

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

in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

a. Development Standards

The Subject Property includes approximately 2.48 acres zoned CR-8.0, C-8.0, R-8.0, H-300. The data table below demonstrates the Application’s conformance to the applicable development standards of the zone as described below.

*Table 1: Ellsworth Place (Formerly City Place) Sketch Plan Data Table
 CR Zone, Optional Method, Section 59.4.5.4*

Development Standard	Permitted/ Required	Approved
Site Area	n/a	103,123 sf (2.48 ac)
Mapped Density CR-8.0, C-8.0, R-8.0, H-300		
Residential (GFA/ FAR)	825,056/8.00	425,593/4.13
Commercial (GFA/FAR)	825,056/8.00	399,463/3.87 (existing, to remain)
Total Mapped Density (GFA/FAR)	825,056/8.00	825,056 (8.0)
Total GFA/FAR	n/a	825,056/8.00
MPDU requirement	15%	15%
Building Height, max	300 ft	300 ft
Public Open Space (min s.f.)	10% (9,125 sf) or fee-in-lieu	9,125 sf (fee-in-lieu determined at Site Plan)

- i. *Implement the recommendation of applicable master plans;*
 This project conforms to the recommendations of the applicable master plan. See full discussion below.
- ii. *Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses.*
 This project proposes to complement the existing single-use retail development through the addition of a residential tower. This addition will serve to provide an increased pedestrian presence in the central Ellsworth District of Downtown Silver Spring.
- iii. *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.

Changes to the existing access and circulation are expected to be minimal. The required frontage improvements will be further analyzed at the time of Site Plan. Improvements are planned along Fenton Street for bicycle access with the Fenton Street Cycletrack project, which includes a new two-way separated bike lane on the west (Site) side of the street, pedestrian and ADA accessibility improvements and safety upgrades at the intersections. The Downtown Silver Spring Streetscape Design Standards updates are underway and may require modifications at the time of Preliminary Plan.

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

This project balances the existing commercial use on the Site with a comparable residential presence housed in an architecturally engaging residential tower atop the existing retail base.

- v. *Integrate an appropriate balance of employment and housing opportunities.*

The Proposal, which includes affordable living units amongst the proposed residential density, provides increased housing opportunities as well as employment within the residential tower while adding to the local eligible workforce in the Downtown area.

- vi. *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 100 public benefit points from a minimum of four categories to achieve the desired incentive density above the standard method limit. Final determination of public benefit points will be determined at the time of Site Plan.

- 2. *The Sketch Plan substantially conforms to the recommendations of the Sector Plan.*

- a. *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 CR zone and is required to provide 10 percent (10%) 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 Application is required to provide a fee-in-lieu contribution to the Parks Department. The fee-in-lieu contribution amount and associated calculations will be determined at the time of Site Plan.

b. 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 CR zone and provides 15 percent MPDUs.

c. Economic Growth

Encourage the conversion of obsolete office space to other uses (short-term or long-term), including residential (condominiums or rentals), hotels/hospitality centers, healthcare facilities, laboratory/research facilities, education facilities, and non-profit service centers

This Application converts the previously approved plan for office uses on the Subject Property to a residential tower which will increase the pedestrian activity along Colesville Road and Fenton Street helping to enliven and activate businesses in the area.

d. Urban Design

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

This Project makes use of the additional allowable height while considering the pedestrian experience, views, and building form. The new development is compatible with the urban form and scale of the immediate surrounding neighborhood. Through the review process aided by the DAP, the Project envisions an innovative building form with appropriate setbacks and articulation which will complement the modern architecture in the neighborhood.

e. Transportation

This Project is within quick walking distance to the Silver Spring Transit Center, the Library's forthcoming Purple Line station, the US 29 BRT Line, and multiple Metrobus and Ride On bus routes along Colesville

Road (US 29) and Fenton Street. The residential tower, being proximate to this rich transit environment as well as to County public parking garages, will provide no onsite parking. The tower will provide onsite, private, indoor bicycle parking for its residents. Continued coordination with MCDOT on the Fenton Street Bikeway design will reinforce the Green Loop concept. Frontage improvements will be finalized at the time of Site Plan.

The Project is proposing no parking spaces, as the Property is within the Silver Spring Parking Lot District (PLD), which allows for residential uses to be exempt from providing parking if located within a half-mile from a Metrorail or Purple Line Station or ¼-mile from a BRT station. The new residents will be able to utilize available County garages, making arrangements to secure parking permits as needed. The Applicant will encourage residents with cars to purchase monthly passes to park within the nearby public parking garages. No additional right-of-way dedication is necessary to implement the road elements of adjacent roadways.

f. Resilient Downtown

The Project will provide 35 percent (35%) Green Cover through green roof elements of the proposed tower and add a cool roof to the existing retail building.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

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

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

The Property's zoning was not the result of a local map amendment, so this section is not applicable.

5. *The Sketch Plan achieves 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 is compatible with the existing onsite development as access to a tower atop the retail base was envisioned and designed from the conception of this development. The addition of permanent residential population, rather than office uses, serves to complement the existing retail center onsite and nearby in the Ellsworth District.

6. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

Loading will continue to be provided in the shared spaces accessed by the existing alley intersecting with Colesville Road. No off-street parking is proposed on-site, and none is required as the Site is located within the Silver Spring Parking Lot District. Bicycle access will be improved by the Fenton Street Cycletrack CIP project, with construction anticipated to begin by 2025. Participation in frontage improvements will be determined at the time of Site Plan.

7. *The Sketch Plan proposes 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 Planning Board finds that the following outline of public benefits supports the Applicant's request for incentive density and is appropriate for the community surrounding the site. The final determination of public benefit point values will be determined at Site Plans.

Public Benefit	Maximum Points Allowed	Proposed
Connectivity and Mobility		
Minimum Parking	10	8
Diversity of Uses and Activities		
Moderately Price Dwelling Units	N/A	31
Quality Building and Site Design		
Exceptional Design	10	10
Public Open Space	20	12
Tower Step-Back	10	6
Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	16
Cool Roof	10	5
Building Reuse	100	52
Total Points	100 (required)	140

Connectivity And Mobility

Minimum Parking

The Applicant requests 8 point 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 maximum allowable number of on-site spaces to 10 points for providing no more than the minimum numbers of spaces on-site. The Board supports the subcategory at this time.

Diversity of Uses and Activities

Affordable Housing

The Applicant requests 31 points for providing affordable housing beyond the requirements of Chapter 25A. Points for this incentive are granted for every 1 percent of MPDUs greater than 12.5 percent. The Applicant will provide 15% MPDUs. The Board supports the category at this time.

Quality of Building and Site Design

Exceptional Design

The Applicant requested 10 points for exceptional design, which is the maximum a project can achieve in Downtown Silver Spring, and the Design Advisory Panel (DAP) felt the project was moving in the right direction and will further review at Site Plan. In support of the request for 10 points, the Applicant should address the following comments:

- Modify the massing of the tower so that visually the north-south bar appears to extend all the way to the ground by articulating the top/cap of the tower and articulation of the façade.

- Resolve the appearance of the tower overhanging the entry by pulling the tower back at the corner and possibly adding a projection at the eastern end of the tower to regain any lost square footage.
- Enhance the visual connection from the tower to the ground through façade design and material choice; consider allowing the base to extend up a few floors and connect the tower to the mall visually.

The Board supports the subcategory at this time, with final review and points to be determined at Site Plan.

Public Open Space

The Applicant requests 12 points for open space. Up to 20 Points can be granted in this category for providing, or making a payment for public open space, in excess of the minimum open space requirement of the zone. The Subject Property is currently required to provide 10% of the site area, or 9,125 square feet, for public open space. As discussed above, because the Site is not recommended for onsite public open space in the Master Plan, a fee-in-lieu is required. As conditioned, the Applicant will coordinate with Staff to finalize the current Public Open Space requirements at time of Site Plan. The Board supports the subcategory at this time, with further review at the time of Site Plan.

Tower Stepback

The Applicant requests 6 points for providing a tower stepback. Up to 10 points can be granted for projects that step back a minimum of 6 feet behind the first-floor façade. Additional points can be granted if other criteria are met such as deeper setbacks; setback at a lower level; and integration of setbacks with reduced floor plate sizes on upper stories. The Project proposes one stepback, at the 3rd level. Final points will be evaluated at the time of Site Plan based on final building design and justification that all criteria have been met. The Board supports the subcategory at this time.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT)

The Applicant requests 16 points for the purchase of BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59.4.7.3.F of the Zoning Ordinance. The Board supports the Applicant's request at this time.

Cool Roof

The Applicant requests 5 points for proposing to provide a cool roof that will collectively meet or exceed a solar reflectance index (SRI) of 75. The Board supports the subcategory at this time with final review of size and location at the time of Site Plan.

Building Reuse

Building Reuse

The Applicant requests 52 points for constructing a building that retains at least 75% of the structural system of the existing building and contracting an architectural deconstruction company to remove any reusable and recyclable material before any demolition. Points for this category area based on the retained gross floor area and proposed incentive density gross floor area. The Board supports the subcategory at this time with final review of areas and calculations at the time of Site Plan.

8. The Sketch Plan establishes a feasible and appropriate 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. A Site Plan detailing required site elements will be submitted following Sketch Plan approval.

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

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

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of Sketch Plan No. 320240060 Ellsworth Place (Formerly City Place) , received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is

May 24, 2024

(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal consistent with the Maryland Rules for the judicial review of administrative agency decisions.

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Commissioner Bartley, with a vote of 3-0-1; with Chair Harris and Commissioners Bartley and Hedrick voting in favor of the motion, Vice Chair Pedoeem was necessarily absent for the vote and Commissioner Linden abstained, at its regular meeting held on Thursday, May 23, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board