

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Date Mailed:

October 9, 2024

MCPB No. 24-065

Sketch Plan No. 320230060

8676 Georgia Avenue

Date of Hearing: July 18, 2024

CORRECTED 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 March 20, 2024, 8676 Georgia Avenue LLC (“Applicant”) filed an application for approval of a sketch plan for construction of up to 550,000 total square feet of density for a mixed-use development with up to 525 residential units and up to 25,000 square feet of retail/service establishment uses, with 15 percent MPDUs, and adaptive reuse of the Historic Tastee Diner on 1.04 acres of CR-5.0, C-5.0, R-5.0, H-300 & Downtown Silver Spring Overlay Zone zoned-land, located at the southern quadrant of the intersection of Georgia Avenue and Cameron 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. 320230060, 8676 Georgia Avenue (“Sketch Plan” or “Application”); and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated July 8, 2024, providing its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on July 18, 2024 the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Linden, with a vote of 4-0; Chair Harris, Vice Chair Pedoeem and Commissioners Hedrick and Linden voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320230060, 8676 Georgia Avenue for construction of up to 550,000 square feet of total development, including up to 525 multifamily residential units with 15 percent MPDUs, up to

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Approved as to

Legal Sufficiency: /s/ Emily Vaias
M-NCPPC Legal Department

25,000 square feet of retail/service establishment uses, and adaptive reuse of the Historic Tastee Diner 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.

Conditions. This approval is subject to the following conditions:

1. Density
The Sketch Plan is limited to a maximum of 550,000 square feet of total development, including up to 525 multifamily residential units and up to 25,000 square feet of non-residential density.
2. Height
The development is limited to a maximum building height of 300 feet, as measured from the building height measuring point illustrated on the Certified Site Plan, exclusive of any MPDU height bonus.
3. Incentive Density
The development must be constructed with the public benefits listed below unless modifications are made under Section 59.7.3.3.I. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59.4.5.4.A.2. The requirements of Division 59.4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit. Final points will be established at Site Plan approval.
 - a) Connectivity and Mobility, achieved by providing fewer than the maximum parking spaces under the Zoning Ordinance;
 - b) Diversity of Uses and Activities, achieved by providing accessible units and more than 12.5 percent MPDUs;
 - c) Quality of Building and Site Design, achieved through architectural elevations, exceptional design, historic resource protection, and structured parking; and

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

d) Protection and Enhancement of the Natural Environment, achieved through the purchase of building lot terminations, and a recycling facility plan.

4. Public Open Space

In lieu of providing the required 3,463 square feet of public open space on-site, the Applicant must provide a fee contribution to M-NCPPC Montgomery Parks as required by Section 59.4.9.8.C.5 of the Zoning Ordinance and recommended by Section 4.1.12 of the *Silver Spring Downtown and Adjacent Communities Plan*. The final amount of the contribution shall be determined at site plan review following the formulas established in Master Plan Interpretation / Policy Document M-NCPPC 2024-01.

5. Downtown Silver Spring Overlay Zone Density

Prior to the release of any building permit, to qualify for up to 277,932 square feet of Downtown Silver Spring Overlay Zone Density, the Applicant must contribute to the Civic Improvement Fund. The final amount of Overlay Zone Density and associated contribution to the Civic Improvement Fund will be determined at Site Plan.

6. Green Cover

At the time of Site Plan, the Applicant must provide a minimum 35 percent of Site Area as green cover in accordance with 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*. Any green roof installed pursuant to this condition must have a minimum soil depth of six inches (6 inches) or Staff-approved equivalent.

7. Future Coordination for the Site Plan

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

- a) Address building and site design comments from the Design Advisory Panel as specified in their October 24, 2023 meeting minutes, including incorporation of a signature tower cap proximate to Georgia Avenue, and screening treatment of structured parking levels.
- b) Evaluate visual treatment options for parking and loading garage doors.
- c) Incorporate Bird-Safe Design elements into the building's architecture per the *Silver Spring Downtown and Adjacent Communities Plan Design Guidelines*.
- d) Address the SITES recommendations of the Sector Plan.
- e) Correct the public benefit table calculation for Affordable Housing.
- f) Provide the final loading management plan.

8. Validity

A site plan must be submitted within 36 months after the date the 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 1.04 acres zoned CR-5.0, C-5.0, R-5.0, H-300 and within the Downtown Silver Spring Overlay Zone. The data table below demonstrates the Application’s conformance to the applicable development standards of the zones.

Data Table

The Application meets the development standards of the CR zone as follows:

Development Standard	Permitted/ Required	Approved
Tract Area	n/a	45,503 sf (1.04 acres)
Tract Area - Prior Dedication	n/a	8,854 sf (0.20 acres)
Tract Area - Proposed Dedication	n/a	2,019 sf (0.05 acres)
Site Area¹ (tract area minus dedications)	n/a	34,630 sf (0.79 acres)
Mapped Density		
CR-5.0 C-5.0 R-5.0 H-300		
Residential (GFA/ FAR)	227,515 sf (5.0)	202,515 sf (4.45)
Commercial (GFA/FAR)	227,515 sf (5.0)	25,000 sf (0.55)
Total Mapped Density (GFA/FAR)	227,515 sf (5.0)	227,515 sf (5.0)
MPDU requirement	15%	15%

Development Standard	Permitted/ Required	Approved
MPDU Bonus Density (GFA/FAR)²	n/a	44,553 sf (0.98)
Downtown Silver Spring Overlay Zone Density (DSS)	n/a	277,932 sf (6.11)
Total GFA/FAR (with bonus density)		550,000 sf (12.09)
Building Height, max average	300 ft	300 ft
Public Open Space (min)³	3,463 sf	Contribution-in-lieu

¹ Site area is determined by tract area minus any previous and proposed dedications per Section 59.4.1.7.A of the Zoning Ordinance.

² MPDU bonus density is in accordance with Section 59.4.5.2.C.1.a of the Zoning Ordinance, which allows for residential density to be increased above the mapped residential FAR by 0.88 percent for each 0.1 percent increase in MPDUs above 12.5 percent up to and including 15 percent.

³ Section 59-4.9.8.C.5 of the Zoning Ordinance, regarding Public Open Space in the Downtown Silver Spring Overlay Zone, and Section 4.1.12 of the 2022 *Silver Spring Downtown and Adjacent Communities Plan* provide 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. The amount of the contribution will be determined at the time of site plan application review.

In addition to the general development standards outlined in Table 1, the Sketch Plan is subject to the development standards of the Downtown Silver Spring Overlay Zone, as provided in Section 59.4.9.8.C of the Zoning Ordinance:

Development Standards

1. Building Height

- a) Except as provided in Section 4.9.8.C.1.b or Section 4.9.8.C.3.b, the maximum building height is limited to the height allowed in the underlying zone.*
- b) Sites recommended in the Silver Spring Downtown and Adjacent Communities (SSDAC) sector plan to exceed the maximum building height of 300 feet may be approved by the Planning Board for up to 360 feet under optional method development.*

The building will have a maximum height of up to 300 feet, which is the maximum building height allowed by the Site’s underlying CR zoning. The Site is

not specifically recommended in the Sector Plan to have a building height in excess of 300 feet.

2. *Density*

- a) *Properties in the CR zone with a mapped total FAR of 8.0 are not subject to the maximum C FAR or maximum R FAR limits under Section 59.4.5.2.A.3.*

The Property is zoned CR with a mapped total FAR of 5.0. This standard is not applicable to this Application.

- b) *In the CR or CRT zones, a development may exceed the mapped total FAR on a site if the Planning Board approves a sketch or site plan under Section 7.3.3 or Section 7.3.4, or a Bio-Health Priority Campus Plan under Section 7.3.6, that includes the allocation of gross floor area of Downtown Silver Spring Overlay Zone (DSS) Density, or FAR Averaging under Section 4.9.2.C.5.*

The Sketch Plan will exceed the mapped total FAR for the Site by qualifying for MPDU bonus density and by including up to 277,932 square feet of DSS density in the Application, as demonstrated in the data table above.

- c) *DSS Density is the gross floor area by which development on a site in the Overlay Zone may exceed the maximum gross floor area mapped on the site, consistent with the requirements of the Overlay Zone, including design review, public benefits, and the qualifications set forth in Section 4.9.8.C.2.e below. DSS Density may not be transferred to any other property.*

DSS density requested with this Application is for use on the Subject Property and not to be transferred to any other property. The Proposal and associated request for DSS density is consistent with the requirements of the DSS Overlay Zone, as presented herein.

- d) *Land Use*

The gross floor area allocated from DSS Density may be developed as Commercial or Residential square footage.

A total of 277,932 square feet of DSS density is requested with this Sketch Plan. This figure includes 25,000 square feet of DSS density to support retail/service establishment uses and 252,932 square feet of DSS density to support residential uses.

e) *Qualification*

To qualify for DSS Density, a proposed development must:

- i. *Make a contribution to the Civic Improvement Fund before the issuance of any building permit at a rate of \$5 per square foot of approved residential DSS Density gross floor area and at a rate of \$3 per square foot of approved non-residential DSS Density gross floor area.*

Before the issuance of any building permit, this Proposal will be required to contribute to the Civic Improvement Fund for the residential and non-residential DSS density allocated. The final amount of DSS density and associated Civic Improvement Fund contribution will be determined at the time of site plan review.

- ii. *The Planning Board, after advertising and holding a public hearing, must adjust this payment rate by July 1 of each even-numbered year by the cumulative increase or decrease in a published construction cost index over the prior two calendar years. The Planning Board must cap the biennial Civic Improvement Fund rate adjustment not to exceed 20%. If the biennial tax rate adjustment exceeds 20%, the excess dollar amount must be carried over and added to the Civic Improvement Fund rate before calculating the next adjustment. If this total adjustment, including any carried over value, again exceeds 20%, the excess dollar amount must be carried over and added to the rate before calculating the next biennial adjustment.*

The project will be subject to the Civic Improvement Fund rate applicable at the time of the Project's site plan review.

3. *Moderately Priced Dwelling Units (MPDUs)*

a. *General Requirement*

For any development application that includes 20 or more residential dwelling units, the Planning Board may only approve the application if the development provides at least 15% MPDUs under the provisions of Chapter 25A.

The Application includes up to 525 multifamily residential units with 15 percent MPDUs.

b. Building Height

If a project exceeds 15% MPDUs the height limit of the applicable zone does not apply to the extent required to provide MPDUs. The additional height is calculated as the floor area provided for MPDUs above 15% divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet.

The Applicant includes 15 percent MPDUs and does not request to exceed the 300-foot height limitation of the Site's underlying CR zone.

c. Downtown Silver Spring Density

If a development includes at least 25% MPDUs, a DSS Density Payment is not required for any residential gross floor area.

The Application includes 15 percent MPDUs. A contribution to the Civic Improvement Fund for an allocation of DSS density is required for the Project, with the contribution amount to be determined at the time of site plan review.

4. Public Benefit Points

The requirements for public benefit points are established by Division 59.4.7, and as follows:

a. The Planning Board must not grant any public benefit points for transit proximity under Section 59.4.7.3.B.

No public benefit points for transit proximity are requested.

b. The Planning Board must determine that the development achieves 10 points for the exceptional design public benefit under Section 59.4.7.3.E.4. The Planning Board must appoint a Design Advisory Panel composed of independent professionals with relevant design experience and expertise, representing the diversity of the community, including at least one resident of Silver Spring. The Planning Board must consider the comments from the Design Advisory Panel on all projects before making its determination concerning exceptional design points.

The Silver Spring Design Advisory Panel (DAP) reviewed the Sketch Plan twice, in July 2023 and October 2023. At their October 2023 meeting, the DAP concluded the Project is on track to qualify for 10 public benefit

points for exceptional design with further review to be completed with a future site plan application.

5. *Public Open Space*

Any project required to provide public open space on a site not recommended in the Sector Plan for a new public space must contribute to the creation of new or improvement of existing public parks recommended by the Sector Plan, preferably within the same district as identified in the Silver Spring Downtown and Adjacent Communities Plan, based on the cost per square foot of constructing park area equivalent to the required public space, as determined by the Planning Board during site plan review.

The Property is not recommended in the Sector Plan for a new public open space. In lieu of providing the area of open space otherwise required, the development will contribute to Montgomery Parks to support the creation of new parks or improvements to existing parks in the Sector Plan area. The amount of this contribution will be determined at the time of site plan review.

b. General Requirements

i. *Site Access*

Vehicular access to the Site will be consolidated from two curb cuts, one at 8676 Georgia Avenue, and one at 8601 Cameron Street, to a single access point to an internal parking structure. This access point is intended for use by future residents, visitors, and patrons of the on-site commercial retail tenant.

Three key pedestrian access points to the building will be at its corners adjacent to the intersections of Georgia Avenue and Cameron Street, and at Cameron Street and Ramsey Avenue, with a third entry point along the building's Cameron Street frontage. Bicycle and pedestrian access proximate to the Site will be substantially improved with the Project upgrading sidewalks on all frontages and providing separated bicycle lanes on both sides of Cameron Street on the block between Georgia Avenue and Ramsey Avenue. Upgrades along Cameron Street are consistent with the Sector Plan vision for a Central Green Loop.

ii. *Parking, Queuing, and Loading*

Parking and loading access for the Site will be provided on Ramsey Avenue. Of the three Site frontages, Ramsey Avenue is the most suitable vehicular and loading access point to the building because of the roadway's comparatively low vehicular, pedestrian, and bicycle travel

volumes, and the location's ability to utilize the Site's length to create an efficient access arrangement. While this location for the development's loading bays and parking garage is the most workable as discussed herein, it will confront townhomes located across Ramsey Avenue.

Alternative vehicular and loading access locations to the Property were examined from Georgia Avenue and/or Cameron Street and determined not to be feasible. Georgia Avenue is a Downtown Boulevard with six vehicle lanes and the highest levels of vehicle and pedestrian activity of the Site's three fronting streets. The Property's frontage is at its most narrow on Georgia Avenue. The angle at which Georgia Avenue fronts on the Property, the Property's limited frontage length, and this frontage's proximity to the intersection of Georgia Avenue and Cameron Street do not provide adequate distance or geometry to allow for safe and efficient vehicle or truck turning movements from Georgia Avenue into the Site.

Cameron Street, a Downtown Street, is a key east-west connector in downtown for vehicles, pedestrians, and bicyclists. The 2022 *Silver Spring Downtown and Adjacent Communities Plan* envisions Cameron Street between Second Avenue and Fenton Street as the northern segment of the Central Green Loop. Key elements of the Green Loop include comfortable sidewalks, separated bicycle lanes, and street trees. These elements are provided with this Proposal. Given the desire to increase pedestrian and bicycle activity on Green Loop streets, minimization of potential points of conflict between vehicles and walkers or bikers is prioritized along the Green Loop. In addition to pedestrian and bicycle considerations, the shallow depth of the Property as it relates to Cameron Street is not adequate to support a safe and efficient vehicle ramp to an on-site, interior parking structure without significantly reducing the quantity and quality of ground floor building space available for activating uses. Furthermore, the 2024 *Complete Streets Design Guide* emphasizes that driveways should be minimized on streets such as Downtown Streets (page 141). Both Cameron Street and Ramsey Street are Downtown Streets; however, Cameron Street experiences higher volumes of all travel modes. Therefore, additional curb cuts and vehicular access points on Cameron Street should be avoided where feasible.

Ramsey Avenue along the Site frontage will be redesigned to remove existing on-street parking in favor of a more pedestrian-friendly streetscape with buffered sidewalks. To accommodate the future commercial tenant and residential occupants, a three-bay loading dock is provided. Planning, MCDOT, and MCDPS ROW staff evaluated the maneuverability of the two types of trucks expected to service the Site and determined that there is sufficient space within the loading bay and the

future design of Ramsey Avenue to accommodate ingress and egress movements. Structured parking is provided on floors two through six of the building, above the ground level retail and residential lobby space. Architectural screening of the parking structure is required, and its design will be finalized at site plan. The Site is located within the Silver Spring Parking Lot District and is therefore permitted to provide parking capacity under the minimum required for the zone without a parking waiver. The total number of parking spaces will be finalized at the time of site plan review.

iii. *Open Space and Recreation*

Regarding 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 of the Site area (3,463 square feet) be provided as public open space. However, Section 59-4.9.8.C.5 regarding Public Open Space in the Downtown Silver Spring Overlay Zone and the *Silver Spring Downtown and Adjacent Communities Plan* provide 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. As this Application 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 Sector Plan, the contribution-in-lieu is required.

The Planning Board Master Plan Interpretation Policy No. 24-01 dated October 26, 2023 provides further guidance on how to calculate and apply the contribution-in-lieu of public open space requirement. The contribution amount will be determined utilizing this guidance through a future site plan application.

Regarding recreation, private on-site recreational amenities to serve the residential portion of the development are required and will be evaluated with a future site plan application.

iv. *General Landscaping and Outdoor Lighting*

Conceptual landscaping is shown on the Sketch Plan and is generally designed to the 2023 *Silver Spring Downtown and Adjacent Communities Design Guidelines* along the Site's frontages. Landscaping and outdoor lighting plans are to be further evaluated at the time of site plan review.

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

The 2022 *Silver Spring Downtown and Adjacent Communities Plan* includes recommendations for its Downtown North District as well as general recommendations that apply to the Property and Proposal as follows:

i. *Downtown North District Recommendations*

New tall buildings along Georgia Avenue should have clearly differentiated bases that relates to the pedestrian scale, with substantial variation in the building massing, facade and materials. Towers should step back above the base along streets, open spaces and through-block connections in a way that distinctly differentiates the tower from the building base. Refer to the Design Guidelines that accompany this Plan.

The building design includes a distinct base treatment that relates to the pedestrian scale and will frame the adjacent public realm on Georgia Avenue, Cameron Street, and Ramsey Avenue. The building celebrates its prominence at the highly visible intersection of Georgia Avenue and Cameron Street with a strong vertical treatment that grounds its tower at street level at this corner and pulls up to its full height here. The building steps down in height proximate to Ramsey Avenue. Step backs are not included in the tower's Georgia Avenue frontage but are included above the base proximate to Cameron Street and Ramsey Avenue. The design incorporates the Historic Tastee Diner as a distinct, street-level feature adjacent to the intersection of Ramsey Avenue and Cameron Street, which adds unique character and charm to the pedestrian realm. The building design also incorporates plane changes, variation in materials and façade treatments that further break down the mass and scale of the building. Details of the building design are to be further developed with a future site plan application.

At infill redevelopment sites along Georgia Avenue provide active ground floor uses.

Commercial retail uses and residential lobby and amenity spaces will be a part of the building's ground floor program. The Sketch Plan concentrates this commercial space proximate to Georgia Avenue.

Implement the Green Loop concept along Cameron Street between Fenton Street and 2nd Avenue as a key component of the Central Green Loop. Cameron Street between Fenton Street and Spring Street should be a Green Loop connector with some elements of the Green Loop implemented as feasible.

This Project will provide key elements of the Central Green Loop including separated bike lanes on both sides of Cameron Street in between Cameron Street's intersections with Georgia Avenue to the north and Ramsey Avenue to the south.

Increase public open spaces and community gathering opportunities in this district through development projects on existing opportunity sites.

The northern portion of the Site, the former bank property, is identified as an opportunity site in the Sector Plan. The Sketch Plan provides general improvements to the public realm around the Property, including providing elements of the Sector Plan recommended Central Green Loop and space for a privately owned, but publicly accessible, street-level plaza proximate to the Historic Tastee Diner. These elements will help create an attractive public realm and provide the opportunity for a community gathering space adjacent to the Historic Tastee Diner. Per the Sector Plan, this Property is also recommended to provide a public open space contribution in-lieu of onsite public open space to further assist in meeting the Sector Plan's vision for open spaces in downtown Silver Spring.

Additional opportunity sites in this district include: 8615 Georgia Avenue, 8676 Georgia Avenue, 86008606 2nd Avenue, 1323 Fenwick Lane, and 1327 Fenwick Lane.

The Sector Plan identifies 8676 Georgia Avenue, the former bank property, as an opportunity site. As previously noted, this Proposal assembles two properties to support the development, the aforementioned opportunity site and the neighboring Tastee Diner site.

ii. *Sector Plan General Recommendations*

Land Use and Zoning

Any CR property in the Plan Area may obtain additional density necessary to reach the mapped maximum building height by making a contribution to the Civic Improvement Fund (CIF). CIF contributions will be made only for density above the total mapped maximum density for the site, not achieved through density-averaging, or for providing MPDUs above the required minimum, up to the approved maximum height.

The development proposal exceeds the mapped total FAR for the Property and requests to utilize 277,932 square feet of Downtown Silver Spring Overlay Zone Density to reach a maximum development density 550,000 square feet. A contribution to the Civic Improvement Fund (CIF) must be made for additional density requested above the mapped FAR for the Property that is otherwise not achieved through the provision of MPDUs above the required minimum. The final amount of the contribution to the Civic Improvement Fund will be

determined through future site plan review, with the contribution to be made prior to the issuance of any building permits, as stipulated in Section 59.4.9.8.C.2.e of the Zoning Ordinance.

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 Sketch Plan is made under the Optional Method of development for the CR zone and is required to provide ten percent of the site area (3,463 square feet) as public open space. However, 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 with the total amount to be calculated with a future site plan application, in accordance with Planning Board Master Plan Interpretation Policy M-NCPPC 24-01, dated October 26, 2023.

Economic Growth

Promote new ground-floor retail to established retail nodes or corridors where there is already existing retail and significant pedestrian activity. For those locations that are not adjacent to or on a block with existing retail consider alternative strategies for activating the ground floor, such as an art gallery/venue, community meeting space, educational or medical use.

The Sketch Plan will provide new ground-floor retail uses in the core of Silver Spring, proximate to other existing retailers, service providers, and dining options. The ground floor program for the development includes an activating residential lobby feature. The Applicant is also developing concepts for adaptively reusing the Tastee Diner and incorporating that as an activating feature for the development and adjacent streetscape area. Details regarding these design elements will be further reviewed at the time of site plan.

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 Application is made under the Optional Method of development for the CR zone and provides 15 percent MPDUs.

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

The building program provides up to 525 multifamily residential units, to include a mix of studio, one-bedroom and two-bedroom units, with 15 percent MPDUs and five fully accessible (ANSI A117.1 Residential Type A standard or County equivalent) units.

Increase infill housing opportunities in office buildings with high vacancy rates and other underused properties by setting commercial and residential densities the same in CR zones.

In accordance with the Sector Plan recommendation, the density and height allowances of the CR zoning for the Property were increased from CR-5.0 C-1.0 R-5.0 H-200 to CR-5.0 C-5.0 R-5.0 H-300 to allow flexibility for future mixed-use redevelopment. The development concept leverages the opportunity to redevelop two underutilized, low-density, vacant, commercial properties with surface parking, and replaces them with a single, mixed-use, high-density building with up to 525 multifamily residential units.

Urban Design

Encourage innovative building form and allow flexibility in design. Vary tower heights, setbacks, and building materials.

The building design includes a pedestrian-scaled base and tall, slender tower that steps down from a maximum height on its northside, proximate to Georgia Avenue to a lower elevation on its southside, proximate to Ramsey Avenue. The building celebrates its visual prominence proximate to the intersection of Georgia Avenue and Cameron Street by pulling its tower up from the street level to its full height here. A variety of building materials and architectural techniques are incorporated into the design. To maximize this building's contribution to the urban form of its neighborhood, at the time of site plan, the following building elements should be further developed: a signature tower cap proximate to Georgia Avenue, uniform screening treatment of structured parking levels, and visual softening of the loading and parking access area.

Limit bulky towers and consider architectural features, building articulation, solar building orientation, and access to light and air.

A variety of architectural techniques are integrated into the building design to reduce its perceived massing and make it relatable at the pedestrian level. The building tower steps-in from its base, and is tall, slender, and accentuated by plane changes and step down in height. A sun/shade study was included with the Application to demonstrate how the building orientation will allow many units to receive ample solar exposure in either the mornings or evening hours. It also shows that the building will not cast shadows on the adjacent Cameron Hill townhomes.

Implement noise mitigation strategies for new development to comply with the county's noise ordinance.

A preliminary noise study was submitted with the Application's companion Preliminary Plan No. 120230150 that reviewed traffic noise levels for the Site's Georgia Avenue frontage only. The results of this study recommended that acoustically rated windows and doors may be needed on residential units on this façade to abate the impacts of road noise.

As part of the recommended approval of the associated preliminary plan, a condition is included for the noise study to be updated at the time of site plan review, to include traffic noise analysis on the development associated with Cameron Street. Georgia Avenue and Cameron Street carry vehicle loads that trigger noise analysis for impacts to internal and external spaces of the redeveloped Property. Generally, waivers of requirements to mitigate traffic noise impacts on street fronting outdoor amenity spaces in the urban environment are supported, where such impacts are unavoidable, and mitigation of noise impacts on those spaces (such as through the installation of walls between streets and street-side amenity spaces) would be undesirable and disruptive to the urban streetscape. Additional evaluation of noise impacts is required to be completed at the time of site plan review.

Public Realm

Implement the Green Loop concept on the streets indicated in Section 2.2.

The Application provides Central Green Loop features including protected bicycle lanes, wide sidewalks, and street trees along the portion of Cameron Street adjacent to the Property.

Activate spaces with placemaking efforts, including public art and programming, that celebrate and highlight the diverse cultures of downtown Silver Spring.

The Historic Tastee Diner is a local landmark and a historically significant building that is to be preserved, adaptively reused, and celebrated through its

prominent placement adjacent to the intersection of Cameron Street and Ramsey Avenue as part of this development proposal.

Transportation & Pedestrian Network

Expand connectivity within and between the districts by crossing the rail tracks, implementing the Green Loop, and advancing the 2018 Bicycle Master Plan.

As previously noted, the Application will implement elements of the Central Green Loop, including separated bicycle lanes on the north and south of side Cameron Street on the same block as the Site.

Enhance roadway accommodation for all users and eliminate conflict points.

The Proposal will enhance the safety of roadways and sidewalks around the Property by contributing to the realization of the Central Green Loop. Consolidated Site access and loading operations are on Ramsey Avenue, where the lowest pedestrian and vehicular activity is expected and where the fewest vehicular and pedestrian conflict points will exist.

Upgrade all intersections with high-visibility continental crosswalk markings for all pedestrian approaches.

Two crosswalks at the intersection of Cameron Street and Ramsey Avenue, and all four crosswalks at the intersection of Georgia Avenue and Cameron Street will be upgraded with continental-style markings. Bicycle lane driveway and street crossings will also include appropriate pavement markings as appropriate.

Maximize safety by increasing and improving the quality of pedestrian-scale lighting provided along roadways, walkways, bicycle facilities, crosswalks, and pedestrian underpasses.

The Application shows street lighting on Property frontages in general conformance with expectations for an urban infill site. An exterior lighting and photometric plan will be reviewed with a future site plan application.

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 new sidewalks, designed to current standards all on frontages. These sidewalks will be ADA accessible.

Create one-way, separated bike lanes on both sides of Cameron Street between Spring Street and 2nd Avenue.

This Application will provide for one-way, separated bike lanes, one on each side of Cameron Street, on the block bound by Cameron Street's intersections with Georgia Avenue and Ramsey Avenue.

Parking and Loading

Promote a constrained parking policy appropriate for an urban area that is well-served by transit and is easily traversed on foot or by bicycle. The Plan supports redevelopment projects providing less than the required minimum parking for all areas of the plan.

The Application will provide 340 vehicle parking spaces which is more than the minimum (333 spaces) and fewer than the maximum (831 spaces) number of allowable parking spaces. Of those 340 spaces, 263 will be reserved for the residents and 70 will be available for the retail use. The Applicant is encouraged to provide fewer than the minimum number of parking spaces given the Sector Plan's recommendation and the Site's proximity to the Paul S. Sarbanes Transit Center (~0.3 miles) and its multiple public rail and bus transportation opportunities. The final number of parking spaces will be determined at the time of site plan review.

Urban Heat Islands and Tree Canopy

Prioritize urban tree canopy and green infrastructure in targeting the hottest streets and where tree canopy is deficient.

Right-of-Way Priority Planting Areas for reducing urban heat island impacts are identified on Map 27 on page 168 of the Sector Plan. The Property is located in an area identified as having a high heat island temperature. The Property's frontages on Ramsey Avenue, Cameron Street and Georgia Avenue are identified as priority tree planting areas. The Sketch Plan includes new street trees in each frontage area, generally spaced at 30-foot intervals. Details will be further developed with a future site plan application.

Require a minimum of 35 percent green cover on Optional Method Development projects where practicable and consistent with Plan objectives.

As an Optional Method Development project, this development is required to provide at least 35 percent of the Site area as green cover. The Sketch Plan will meet this requirement by providing an intensive green roof on at least 35

percent of the building's roof area. Details regarding green cover are to be further developed at the time of site plan review.

Historic Resources

Protect and preserve resources listed in the Master Plan for Historic Preservation.

The Sketch Plan will protect, preserve, restore and adaptively reuse the Historic Tastee Diner, a designated historic structure listed on Master Plan for Historic Preservation in Montgomery County (MP Historic Site No. 36/13). The designated historic portion of the Tastee Diner consists of an approximately 800 square-foot structure with an exterior surface of porcelain enamel with wraparound bands of trim and stainless-steel detailing. The Historic Preservation Commission completed two Preliminary Consultations regarding integration of the Diner into the larger redevelopment of the Site. The general treatment for the Diner and shift in its existing location were supported by the Historic Preservation Commission as noted in their letter of support for the Sketch Plan, attached to the Staff Report.

Additionally, as noted in Section 4, Project Description, Previous Approvals of the Staff Report, the Historic Tastee Diner is also the subject of an Historic Easement Agreement that is focused on preserving the historic, aesthetic, and cultural character and appearance of the Diner. Work performed under this Agreement will be subject to further review and recommendations from the Historic Preservation Supervisor, County Attorney's Office, and approval by the County Executive.

Promote the adaptive reuse of historic properties while retaining their character defining features.

The Project includes the adaptive reuse of the Historic Tastee Diner and preservation of exterior character. The Historic Preservation Commission is supportive of the design concept and will be involved in future review efforts as detailed designs are developed.

- 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. *The Sketch Plan satisfies the green area requirement in effect on October 29, 2014.*

The Sketch Plan is not subject to the green area requirement in effect on October 29, 2014.

5. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The scope and scale of the development is in-line with the height and high density envisioned by the Sector Plan and Downtown Silver Spring Overlay Zone. The mixed-use nature of the development will provide additional residential units and commercial opportunities in downtown, proximate to similar existing development and multiple public transportation opportunities. The Paul S. Sarbanes Transit Center, with access to multiple bus routes, the Silver Spring Metro Station, MARC, and future Purple Line Station, is located approximately 0.3 miles southwest of the Property. The Sketch Plan also will contribute to enhancing the pedestrian realm and bicycling infrastructure in downtown by implementing elements of the Central Green Loop on Cameron Street.

Existing development surrounding the Property includes the Cameron-Second Street Public Parking Garage and multiple mid-rise commercial buildings located across Cameron Street and Georgia Avenue. A mid-rise Verizon utility building and a single-story commercial building (Mi Rancho Restaurant) abut the east side of the Property. Townhouses and a single-story commercial building (Cubanos Restaurant) confront the Property to the south across Ramsey Avenue. The building tower steps down in height proximate to the townhomes and single-story commercial buildings. The design also includes a step back as the building mass transitions from its wider base to the more slender, vertical tower. These architectural techniques help to further break down the overall perception of building bulk and mass proximate to the existing lower height and lower density development on abutting and confronting properties at Ramsey Avenue. The Silver Spring DAP found the building design concept, including its massing proximate to the townhouses to be acceptable.

There is one ongoing development project pending completion in close proximity of the Site. The Guardian Building at 8605 Cameron Street (Site Plan No. 820170100 and amendments), is actively being converted from a six-floor office building into an 11-floor mixed-use development with up to 177 new multifamily residential units and commercial uses. The Sketch Plan is compatible with this pending, ongoing development as they are generally similar in development type and uses proposed.

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

The Application locates loading and parking access on the Property's Ramsey Avenue frontage. Pedestrian and bicyclist access and circulation around the Site will be enhanced through the provision of new sidewalks along all three frontages to current applicable standards and design guidelines. One-way, separated bicycle lanes are to be provided on both sides of Cameron Street on the same block as the Property to contribute to the creation of the Sector Plan envisioned Central Green Loop through downtown Silver Spring.

The loading and parking arrangement for this development places three loading bays and a single ingress and egress point of access to the building's internal parking structure on Ramsey Avenue. This location was selected as Ramsey Avenue, when compared to Georgia Avenue and Cameron Avenue, has the lowest level of vehicular and pedestrian use, allows for safe and efficient ingress and egress movements, and minimizes the number of curb cuts, and potential conflict points between vehicles, pedestrians, and cyclists, necessary for access and loading.

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 Plan(s).

Public Benefit	Maximum Points Allowed	Approved
Connectivity and Mobility		
Minimum Parking	10	9.86
Diversity of Uses and Activities		
Enhanced Accessibility	20	2.85
Affordable Housing	N/A	30
Quality Building and Site Design		
Architectural Elevations	20	10
Exceptional Design	10	10
Historic Resource Protection	20	10
Structured Parking	20	10
Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	11.30
Recycling Facility Plan	10	10
Total Points	100 (required)	104.01

Connectivity and Mobility

Minimum Parking

The Applicant requests 9.86 public benefit 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 then 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 (9.86 public benefit points in this category). The Planning Board supports 9.86 public benefits points at this time, with final determination of points at Site Plan review.

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

$$(831-340) / (831-333) * 10 = 9.86 \text{ points}$$

Diversity of Uses and Activities

Enhanced Accessibility for the Disabled

The Applicant requests 2.85 public benefit points for providing five (5) 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 2.85 public benefit points in this category. The Planning Board supports the 2.85 public benefits points for the provision of enhanced

landscape architecture in downtown Silver Spring and is required to review all Optional Method Development proposals for exceptional design.

The Applicant requests 10 public benefit points for exceptional design. The Incentive Density Implementation Guidelines provide that 10 (ten) points are appropriate for development that meets the following criteria:

- i. *Providing innovative solutions in response to the immediate context.*

The site and building design maximize the development potential of a relatively narrow urban Site occupying approximately half of a city block in downtown Silver Spring. The building base has been designed to frame the public realm with active uses and building footprint allows for wide sidewalks and streetscape enhancements. The Historic Tastee Diner is incorporated into the design as a unique feature.

- ii. *Creating a sense of place and serves as a landmark.*

The Application will transform two vacant single-use commercial properties with surface parking lots into a high-density, mixed-use development that will deliver new residential and commercial uses into downtown. The building's northern tower proximate to Georgia Avenue will include architectural elements to make it a visually prominent landmark along this corridor and in the Silver Spring skyline. The Historic Tastee Diner is an existing local landmark that will be preserved, adaptively reused, and slightly relocated to be more visually prominent at the southern location of the Property.

- iii. *Enhancing the public realm in a distinct and original manner.*

The building base is designed to address the public realm with activating uses, including a residential lobby and amenity area and commercial/retail space. The Project will also provide elements of the Sector Plan envisioned Central Green Loop along Cameron Street and provides for a plaza space adjacent to the Historic Tastee Diner.

- iv. *Introducing materials, forms or building methods unique to the immediate vicinity or applied in a unique way.*

The building has a unique character that fits its neighborhood context. The building's form is anchored by a rectangular base. The base of the building including its scale and materiality is in character with adjacent buildings. The building's tower rises from the base as two intersecting rectangular forms. A variety of materials, fenestration, plane changes and other architectural techniques are included in the design to break down the perceived mass of the building.

- v. *Designing compact, infill development so living, working and shopping environments are more pleasurable and desirable on a site.*

The Sketch Plan will provide a high-density, mixed-use urban infill redevelopment of two vacant, underutilized, low-density, commercial properties with surface parking. The Project will deliver up to 525 new multifamily residential units, including 15 percent MPDUs and up to 25,000 square feet of activating ground-floor commercial uses in the core of downtown Silver Spring, within walking distance of numerous opportunities for employment, shopping, and enjoyment. The design gives attention to creating an inviting public realm around the Site by constructing elements of the Central Green Loop along Cameron Street and providing wider sidewalks and new street trees on all frontages. The preservation and presentation of the Historic Tastee Diner as a visual and functional element at the base of the new high-rise building adds site-specific character and charm to downtown's public realm.

- vi. *Integrating low-impact development methods into the overall design of the site and building, beyond green building or site requirements.*

The Project maximizes the transportation-oriented location of the Property by delivering up to 525 new residential units where none currently exist and by providing new street-level commercial uses where two existing commercial properties sit vacant.

The Silver Spring Design Advisory Panel (DAP) reviewed the Sketch Plan twice in 2023, at their meetings on July 19, 2023 and October 18, 2023. At the July meeting, the DAP's discussion focused on the overall building massing and relationship with abutting developments, design and articulation of the Georgia Avenue façade and tower, integration of the Historic Tastee Diner, and façade treatment for parking garage levels. At the October meeting, the DAP concluded the Project is on track for achieving 10 public benefits for exceptional design and requested the following items be provided or otherwise addressed with a future site plan submission:

- Overall massing of the building, including the design of the tower and the top so the impact on the skyline can be assessed.
- Views that demonstrate the design of all sides of the building. This includes clear views of all sides of the base so the relationship to the context and to the diner car is clear from all angles.
- Full elevations of all sides of the whole building that show overall material palette and how those materials are working together.
- Views from down Georgia Avenue from several blocks away to understand the impact on the context.

- A view from the courthouse towards the diner and tower.
- Design of the corner at Georgia Avenue and Cameron Street in response to the DAP's comment about how this corner should be prominent, along with views that show how it relates to the diner car location and design.
- Plan, elevation, and section drawings that describe how the change in grade from the sidewalk to the public space is being addressed.
- A ground floor plan that addresses possible back-of-house space for Tastee Diner tenant and how that impacts the façade.

Historic Resource Protection

The Applicant requests 10 points for preservation and enhancement of the Historic Tastee Diner, a historic resource designed as Master Plan Historic Site No. 36/13 in the Master Plan for Historic Preservation in Montgomery County. The Planning Board supports the Applicant's request for ten public benefit points for Historic Resource Protection at this time, with final determination to be at Site Plan.

Structured Parking

The Applicant requests 10 public benefit points for providing Structured Parking. The Application includes an above-grade structured parking with 340 spaces, internal to the building. All on-site parking will be provided in this garage. The CR Zone Incentive Density Implementation Guidelines grants points on a sliding scale based on the percentage of total on-site spaces to be provided in an above or below grade parking structure. The parking regime qualifies for 10 public benefit points as 100 percent of the parking spaces for the project will be located in an above-grade parking structure. The Planning Board supports the Applicant's request for 10 public benefit points for structured parking at this time, with final determination to be made at Site Plan.

Protection and Enhancement of the Natural Environment

Building Lot Terminations (BLTs)

The Applicant requests 11.30 public benefit points for the purchase of 1.255 BLT easements or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5 percent 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 Planning Board supports the 11.30 public benefits points requested at this time, with final determination to be made at Site Plan, based on the following calculation:

BLT calculation:
$$\left(\left\{ \left[\text{Project Density} - (\text{Standard Method Density}) \right] \times 0.075 \right\} / 31,500 \right) \times 9$$
$$\left(\left((550,000 - (22,751.50)) \times 7.5\% \right) / 31,500 \right) = 1.255 \text{ BLTs}$$
$$1.255 \text{ BLTs} \times 9 \text{ points/BLT} = 11.30 \text{ public benefit points}$$

Recycling Facility Plan

The Applicant requests ten (10) points for proposing recycling facilities and an associated recycling plan to be approved as part of a site plan that will meet or exceed Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04. As part of their recycling proposal, the Applicant intends to provide dedicated containers for recycling less common recyclable materials including batteries, light bulbs, and plastic bags. The Planning Board supports the request for 10 public benefit points for a recycling facility plan at this time, with final determination to be made at 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 elements are to be developed in a single phase.

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. 320230060, 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 Corrected Resolution constitutes the written opinion of the Board in this matter, and the date of this Corrected Resolution **remains**

July 26, 2024

(which is the date that the original Resolution was 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.

* * * * *

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 Vice Chair Pedoeem, with a vote of 4-0-1; Chair Harris, Vice Chair Pedoeem, and Commissioners Hedrick, and Linden, voting in favor of the motion, Commissioner Bartley abstaining at its regular meeting held on Thursday, September 26, 2024, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board