

 Montgomery Planning

**8676 GEORGIA AVENUE**

**PRELIMINARY PLAN AMENDMENT NO. 12023015A &**

**SITE PLAN NO. 820250050**



Request to construct a mixed-use building with up to 500,000 square feet of total density, including up to 20,000 square feet of ground floor commercial uses and up to 480,000 square feet of residential uses for up to 493 multifamily units, with 15.1% MPDUs, utilizing 226,500 square feet of Downtown Silver Spring Overlay Zone Density with an associated Civic Improvement Fund contribution, and adaptive reuse of the historic Taste Diner.

COMPLETED: 6/16/2025

PLANNING BOARD HEARING DATE: 6/26/2025

MCPB ITEM NO. 8

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### LOCATION/ADDRESS

Southern quadrant of the intersection of Georgia Avenue and Cameron Street, Silver Spring; at 8676 Georgia Avenue and 8601 Cameron Street

### MASTER PLAN

*2022 Silver Spring Downtown and Adjacent Communities Plan*

### ZONE

CR-5.0, C-5.0, R-5.0, H-300 & Downtown Silver Spring Overlay Zone

### PROPERTY SIZE

1.04 acres

### APPLICANT

8676 Georgia Ave LLC

### ACCEPTANCE DATE

11/27/2024 - Site Plan

2/26/25 – Preliminary Plan Amendment

### REVIEW BASIS

Chapters 50 & 59

### Summary:

- Staff recommends approval with conditions of the Preliminary Plan Amendment and Site Plan applications.
- The Site Plan includes up to 500,000 square feet of density and height of 312 feet, with up to 493 multifamily dwelling units, with 15.1% MPDUs, and up to 20,000 square feet of commercial uses, and adaptive reuse of the historic Taste Diner.
- The Preliminary Plan Amendment aligns the previously approved development density with that of the proposed Site Plan and updates the previously approved off-site Local Area Transportation Review (LATR) to conform with the latest 2024-2028 *Growth and Infrastructure Policy* (GIP).
- The Historic Preservation Commission and Silver Spring Design Advisory Panel support approval of the Site Plan.
- A Parking Waiver and alternative building height measuring point are requested with the Site Plan and supported by Staff.
- The Site Plan review period was extended twice at the Applicant's request, cumulatively from March 27 to June 26, 2025.
- Community correspondence was received regarding the Site Plan.

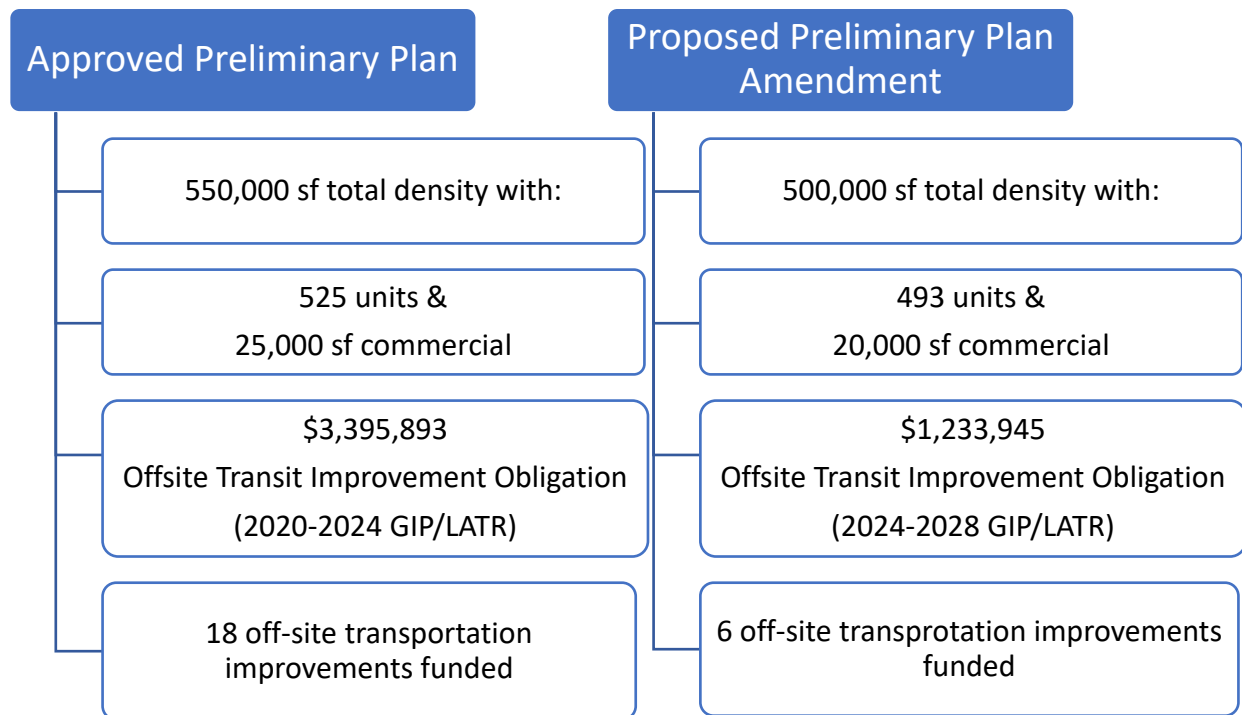
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## SECTION 1: EXECUTIVE SUMMARY

### PRELIMINARY PLAN AMENDMENT NO. 12023015A

Preliminary Plan Amendment No. 12023015A requests to reduce the previously approved Preliminary Plan density (from 550,000 to 500,000 square feet) and residential unit count (from up to 525 units to up to 493 units) to align with associated Site Plan No. 820250050. The Amendment further requests to update the Project's required Local Area Transportation Review (LATR) offsite improvement obligation under the 2024-2028 *Growth and Infrastructure Policy* (GIP). Combined, the reduction in development scale and application of the current LATR metrics results in a significantly lower offsite transportation improvement obligation and a corresponding reduction and reprioritization of the previously required offsite transportation improvement projects.



### SITE PLAN NO. 820250050

The Site Plan Application for 8676 Georgia Avenue brings forth the detailed redevelopment plan for two vacant, low-density commercial properties in the core of downtown Silver Spring, as envisioned in Sketch Plan No. 320230060 and Preliminary Plan No. 120230150 approved by the Planning Board in July 2024, and as proposed with the Preliminary Plan Amendment No. 12023015A.

A single, mixed-use, high-rise building with up to 493 multifamily residential units, internal structured parking, and ground floor commercial uses, including a potential grocery store, is proposed for construction. Unique aspects of this Site Plan application include:

- Historic Resource Protection – The Tastee Diner, a County-designated Master Plan Historic Site, is to be rehabilitated and integrated in the Property redevelopment as a unique feature.
- Downtown Silver Spring Overlay Zone (DSS) Density – This is the first Site Plan to utilize DSS density and make a corresponding Civic Improvement Fund contribution.
- Building Height - At 312 feet tall, when constructed, this will be the tallest building in Montgomery County. The Project is allowed to exceed the zoned height limit (300 feet) by one additional floor for the provision of additional MPDUs beyond the requirement.
- Loading Management – One viable route is identified for tractor trailer trucks to access the Property to serve the potential grocery store tenant. Safe access for this vehicle type is predicated on the implementation of the off-site transportation improvement projects identified in Preliminary Plan Amendment No. 12023015A and adherence to a Loading Management Plan.

The Historic Preservation Commission (HPC) supports the Proposal relative to its incorporation of the Tastee Diner.

The Silver Spring Design Advisory Panel (DAP) supports the Proposal and recommends it can achieve ten points for the Exceptional Design public benefit category.

Community correspondence was received regarding the Site Plan application and is included in Attachment G. A summary of comments with associated Staff analysis is included in Section 5 of this Report.

## SECTION 2: RECOMMENDATIONS AND CONDITIONS

### PRELIMINARY PLAN NO. 12023015A

Staff recommends approval with conditions of the Preliminary Plan Amendment to reduce the previously approved Preliminary Plan development density to align with Site Plan No. 820250050 and to modify the previously approved Local Area Transportation Review (LATR) and associated offsite improvements to conform with the 2024-2028 *Growth and Infrastructure Policy* (GIP). All site development elements shown on the latest electronic version of the Preliminary Plan No. 120230015A submitted via ePlans to the M-NCPPC, as of the date of this Staff Report, are required, except as modified by the following conditions. Conditions Nos. 1, 4, and 18 modify the previous conditions of the same number, with all other conditions remaining in full force and effect:

## Modified Conditions

1. This Preliminary Plan is limited to one (1) lot for up to ~~550,000~~ 500,000 square feet of total development, including up to ~~525 493~~ multifamily dwelling units and up to ~~25,0000~~ 20,000 square feet of non-residential density.
4. The Planning Board has reviewed and accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated ~~June 25, 2024~~ June 5, 2025, and incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations in the letter, with Conditions 6 and 7 modified as below:
  6. Turning Templates: The final details of the turning templates shall be reviewed and approved by MCDPS. As part of the ROW permit, the following improvements shall be the responsibility of the applicant to facilitate the WB-67 turning movements:
    - a. The wheel tracks should be clear of the sidewalk for pedestrian safety. When a WB-67 vehicle is turning, encroachment into opposing traffic should be minimized to the maximum extent possible.
    - b. The loading management plan shall address the allowable truck routes and other elements as described in Condition 7.
    - c. Cameron Street and 2nd Avenue: The Right Turn from Cameron Street to 2nd Avenue is encroaching on the bike lane, and the applicant shall install the proposed off-site improvements as part of P-3 listed below.
  7. Prior to Certified Site Plan, the applicant must submit for review and approval, a loading management plan with the building management company monitoring and coordinating the frequency of daily and weekly deliveries to reduce potential conflicts. The Plan will include the following items:
    - a. Include route restrictions for commercial deliveries as shown in the turning template plans.
    - b. The facility's point(s) of contact, including Name, Address, Phone Number must be provided prior to issuance of the first certificate of occupancy.
    - c. For the size of delivery vehicle and frequency of commercial deliveries, the loading dock expects to serve approximately two (2) WB-67 trucks per day on average. The tenant and building management company will monitor and coordinate the frequency of daily and weekly deliveries to reduce potential conflicts.

18. Before issuance of the first certificate of occupancy permit, the following off-site improvements as identified in the Transportation Impact Study (revised ~~May 14 and June 17, 2024~~ April 21, 2025) must be permitted and bonded (to ensure construction) pursuant to MCDOT and/or MDOT SHA requirements, unless modified by the applicable agency:
- a. ~~Projects No. 14 and 15: Add a median to the south crossing of Georgia Avenue at Colesville Road~~
  - b. ~~Project No. 95: Add a HAWK signal to the south crossing Georgia Avenue at Fenwick Lane~~
  - c. ~~Project No. 25: Rebuild the ADA curb ramps to meet ADA cross slope design standards at the southeast corner of Ramsey Avenue and Fidler Lane (facing Ramsey Avenue)~~
  - d. ~~Project No. 26: Rebuild the ADA curb ramps to meet ADA cross slope design standards at the southeast corner of Ramsey Avenue and Fidler Lane (facing Fidler Lane)~~
  - e. Project No. 42: Rebuild the ADA curb ramp to meet ADA gutter slope design standards at the northeast corner of Georgia Avenue and Cameron Street
  - f. Project No. 43: Rebuild the ADA curb ramp to meet ADA gutter slope design standards at the northwest corner of Georgia Avenue and Cameron Street (facing Cameron Street)
  - g. Project No. 44: Rebuild the ADA curb ramp to meet ADA gutter slope design standards at the northwest corner of Georgia Avenue and Cameron Street (facing Georgia Avenue)
  - h. ~~Project No. 45: Rebuild the ADA curb ramp to meet ADA gutter slope design standards at the northwest corner of Georgia Avenue and Fidler Lane (facing Fidler Lane)~~
  - i. ~~Project No. 46: Rebuild the ADA curb ramp to meet ADA cross slope design standards at the southwest corner of Georgia Avenue and Fidler Lane (facing Fidler Lane)~~
  - j. ~~Project No. 47: Rebuild the ADA curb ramp with a cross slope and running slope to meet ADA cross slope and running slope design standards at the northeast Corner of Georgia Avenue and Colesville Road~~
  - k. ~~Project No. 48: Rebuild ADA curb ramp with a gutter slope and flared slope to meet ADA gutter and flared slope design standards at the southeast corner of Georgia Avenue and Colesville Road (facing Colesville Road)~~
  - l. ~~Project No. 49: Rebuild the ADA curb ramp with a cross slope and gutter slope to meet ADA gutter and cross slope standards at the southeast corner of Georgia Avenue and Colesville Road (facing Georgia Avenue)~~
  - m. Project No. 99: Install an ADA accessible parking space on Fidler Lane between Georgia Avenue and Ramsey Avenue, consistent with Applicant's 10% design plans dated June 17, 2024.
  - n. ~~Project No. 63: Construct separated bicycle lanes on Cameron Street between Ramsey Avenue and Fenton Street, consistent with Applicant's 10% design plans dated June 17, 2024.~~
  - o. Project No. P1: Construct a protected intersection at Cameron Street and Ramsey Avenue, consistent with Applicant's 10% design plans dated June 17, 2024.

- ~~p. Project No. P2: Construct a protected intersection at Cameron Street and Georgia Avenue, consistent with Applicant's 10% design plans dated June 17, 2024.~~
- q. Project No. P3: Construct a protected intersection at Cameron Street and Second Avenue, consistent with Applicant's 10% design plans dated June 17, 2024.

24. Before submittal of the Certified Preliminary Plan, the Applicant must make the following changes:

- a. Show resolutions and approval letters on the certified plan set.
- b. Include the lists of required LATR Off-Site Improvements and alternative LATR Off-Site Improvements on the certified plan set.
- c. Update plan sheets to show the required LATR Off-Site Improvements.
- d. Update the data table to reflect final development data.

#### SITE PLAN NO. 820250050

Staff recommends approval of Site Plan No. 820250050 for the construction of a mixed-use building with a density of up to 500,000 square feet and a maximum height of 312 feet, including up to 20,000 square feet of ground floor commercial uses and up to 480,000 square feet of residential uses for up to 493 multifamily units, with 15.1 percent MPDUs, utilizing 226,500 square feet of Downtown Silver Spring Overlay Zone Density with an associated Civic Improvement Fund contribution, and adaptive reuse of designated historic Tastee Diner.

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320230060 as listed in the MCPB Resolution No. 24-065, dated October 9, 2024, and Preliminary Plan No. 120230150 as listed in MCPB Resolution No. 24-066, dated October 9, 2024, and any amendments thereto. 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 500,000 square feet of total development on the

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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.



Subject Property, including up to 480,000 square feet of residential uses, for up to 493 multifamily dwelling units, and up to 20,000 square feet of ground floor commercial uses.<sup>2</sup>

2. Height

- e. The development is limited to a maximum height of 312 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.
- f. A minimum of 15.1 percent MPDUs, at least one more MPDU than the required 15 percent, must be provided to qualify for up to 12 feet of additional building height above 300 feet, pursuant to Section 59.4.9.7.C.3.b of the Zoning Ordinance.

3. Downtown Silver Spring Overlay Zone Density & Civic Improvement Fund Contribution

The Applicant must pay to the M-NCPPC a Civic Improvement Fund (CIF) contribution of \$1,198,185 before release of the first above-grade building permit for the allocation of 226,500 square feet of Downtown Silver Spring (DSS) Overlay Zone Density. In the event the final allocation of density from the DSS Overlay Zone is less than the approved amount, or if the amount of exempt MPDU density changes, the Applicant may apply to reduce the allocation of density from the DSS Overlay Zone, and/or modify the CIF contribution, as approved by Planning Staff.

4. Green Cover

- a. The Applicant must provide a minimum of 35 percent of Green Cover on the Site comprised of intensive green roof, native canopy tree plantings, and/or bioretention planter boxes, as shown on the Certified Site Plan.
- b. Any green roof installed pursuant to this condition must have a minimum soil depth of six (6) inches (eight (8) inches for intensive green roof) or Planning Staff-approved equivalent.
- c. The Certified Site Plan must include a section of the green roof demonstrating depth, soil media, and a combination of the proposed structure to be built in place and/or with an alternative system as approved by Planning Staff.

## OPEN SPACE, FACILITIES AND AMENITIES

5. Public Open Space, Facilities, and Amenities

- a. The Applicant must provide a contribution of \$346,300 to the M-NCPPC Montgomery Parks Capital Improvement Fund (CIP) in lieu of providing 3,463 square feet (ten percent of the site area) as public open space. The contribution must be submitted to M-NCPPC before the release of the first above-grade building permit.

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<sup>2</sup> Commercial retail use space can be changed to other commercial uses if there is no adverse impact on the Site Plan and the APF findings and it is approved by Planning Staff.

- b. Before release of the surety bond, the Applicant must construct the streetscape improvements, including the undergrounding of utilities, along the Property's frontage on Georgia Avenue, Cameron Street, and Ramsey Avenue, consistent with the *Silver Spring Downtown and Adjacent Communities Design Guidelines* and the approved *Silver Spring Streetscape Standards*.
- c. Before the issuance of final certificate of occupancy for the residential portion of the development, all public use and amenity space areas on the Subject Property must be completed. The Applicant must install landscaping no later than the next growing season after completion of the site work.

6. 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
  - i. Minimum Parking – The Applicant must not provide more than 422 parking spaces.
- b. Diversity of Uses and Activities
  - i. Affordable Housing/MPDUs
    - a. The Applicant must provide a minimum of 15.1% MPDUs, or MCDHCA-approved equivalent, consistent with the requirements of Chapter 25A and the applicable Master Plan. The Applicant is receiving 45,985 square feet of MPDU bonus density (1.01 FAR) for providing 15.1 percent MPDUs (or MCDHCA-approved equivalent) and receiving 12 feet of additional building height for providing 15.1 percent MPDUs.
    - b. Before issuance of any building permit for any residential unit, 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 February 13, 2025, 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.
- c. Enhanced Accessibility for the Disabled
 

The Applicant must construct two (2) dwelling units that satisfy American National Standards Institute A117.1 Residential Type A standards or an equivalent County standard.
- d. Quality Building and Site Design

- i. Architectural Elevations - Final elevation design must be shown on the Certified Site Plan. The exterior architectural elements must be substantially similar to architectural elevations as shown on the Certified Site Plan and as determined by M-NCPPC Staff.
- ii. Exceptional Design – The Applicant must construct the building consistent with the architectural elevations included in the Certified Site Plan.
- iii. Historic Resource Protection –The Applicant must rehabilitate, adaptively reuse, and incorporate the Tastee Diner (Master Plan Historic Site No. 36/13 in the Master Plan for Historic Preservation in Montgomery County) in the development in accordance with the Certified Site Plan and the recorded and/or amended historic preservation easement on the site, and in coordination with the Historic Preservation Commission through the Historic Area Work Permit process.
- iv. Structured Parking – The Applicant must provide all parking spaces within a parking structure.
- e. Protection and Enhancement of the Natural Environment
  - i. Building Lot Terminations (BLTs) – Before issuance of any building permit, the Applicant must provide proof of purchase and/or payment of 1.1363 BLTs to the MCDPS and M-NCPPC Staff.
  - ii. Recycling Facility Plan – The Applicant must provide recycling facilities and services in accordance with the Recycling Facilities Plan included with the Certified Site Plan, as approved by the Montgomery County Department of Environmental Protection, Division of Solid Waste Services.

#### 7. Recreation Facilities

The Applicant must provide the required recreation facilities as shown on the Certified Site Plan (CSP) prior to the issuance of the final use and occupancy permit for the residential portion of the development, with installation of any landscaping no later than the next growing season after completion of the site work.

#### 8. Historic Preservation

- a. The approximately 800-square-foot Tastee Diner structure must be clearly delineated on the Certified Site Plan.
- b. Before submission of any demolition permit that would impact the 800-square-foot Tastee Diner structure, the Applicant must apply for and receive a Historic Area Work Permit (HAWP) for the relocation and storage of the 800-square-foot Tastee Diner structure.
- c. Before issuance of any building or alteration permits for the Property, the Applicant must apply for and receive a Historic Area Work Permit for the final treatment of the 800-square-foot Tastee Diner structure.

9. Maintenance of Public Amenities

The Applicant is responsible for maintaining all on-site publicly accessible amenities including, but not limited to streetscape elements, sidewalks, urban plaza, landscaping, lighting, bicycle racks, and outdoor seating.

## NOISE

10. Before issuance of the first above-grade building permit, the Applicant must provide certification to M-NCPPC Staff from an engineer 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. Any noise impacted units must be identified on the Certified Site Plan.
11. If any changes occur to the Site or Preliminary Plan(s) that affect the validity of the noise analysis dated January 31, 2025, acoustical certifications, and/or noise attenuation features, a new noise analysis will be required and submitted to Planning Staff for review and approval to reflect the changes and new noise attenuation features may be required.
12. 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 Professional Engineer must certify to the Planning Department and DPS that the noise-impacted units have been constructed in accordance with the certification of an engineer that specializes in acoustical treatments.
13. For all noise-impacted residential dwelling units, the Applicant must disclose in writing to all prospective purchasers that those homes 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 must be included in any noise-impacted sales or lease contracts, any illustrative site plan(s) on display within any sales-related offices(s); in Homeowner Association documents; with all Deeds of Conveyance of noise impacted units; and by inclusion on all signature subdivision and site plans.

## STORMWATER MANAGEMENT

14. The Planning Board has reviewed and accepts the recommendations of the MCDPS Water Resources Section in its stormwater management concept letter dated December 27, 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

### 15. 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 March 11, 2025, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations in their memo, except for condition 2.a.v.6, which is replaced with a requirement that the Loading Management Plan include a provision that states: The loading dock expects to serve approximately two (2) WB-67 trucks per day on average. The building management company will monitor and coordinate the frequency of daily and weekly deliveries to reduce potential conflicts. DPS-ROW may amend its March 11, 2025, memo if the amendments do not conflict with other conditions of Site Plan approval.

### 16. Pedestrian & Bicycle Circulation

- a. The Applicant must provide a minimum of 96 long-term and 8 short-term bicycle parking spaces.
- b. The residential long-term spaces must be in a secured, well-lit bicycle room on the fourth floor of the parking garage. The commercial long-term spaces must be in a secure, well-lit bicycle room on the second floor of the parking garage.
- c. Short-term spaces must be inverted-U racks (or an approved equivalent) installed on the building's Cameron Street and Georgia Avenue frontages. The specific location(s) of the short-term bicycle rack(s) must be identified on the Certified Site Plan.
- d. The Applicant must provide one bicycle repair station in the residential long-term bicycle parking room.
- e. Before release of the applicable right-of-way permits, the Applicant must provide the following master planned pedestrian and bicycle facilities, as illustrated on the Certified Site Plan. The exact location, design, and construction of these facilities must comply with requirements of the Montgomery County Department of Transportation, Division of Traffic Engineering and Operations:
  - i. Georgia Avenue: 10.5 (ten and one-half)-foot-wide sidewalk with an 8 (eight)-foot-wide buffer from traffic.
  - ii. Cameron Street: On the south (Site) side, an 8 (eight)-foot-wide sidewalk with a 6 (six)-foot-wide pedestrian and bicycle buffer with tree plantings, a 5 (five)-foot-wide separated bike lane, which is buffered partially by an 11 (eleven)-foot-wide floating bus stop near Ramsey Avenue and a 3 (three)-foot-wide concrete street buffer and an 8 (eight)-foot-wide parking lane where shown on the Certified Site Plan.

- iii. Ramsey Avenue: 8 (eight)-foot-wide sidewalk, except where it is shown as 6 (six) feet wide and an 8 (eight) foot-wide street buffer, as shown on the Certified Site Plan.
- iv. Intersection of Georgia Avenue at Cameron Street, Ramsey Avenue at Cameron Street, and Cameron Street at 2<sup>nd</sup> Street: Protected intersection treatments in compliance with the Montgomery County design standards.

17. Fire and Rescue

- a. The Planning Board has reviewed and accepts the recommendations of the MCDPS Fire Department Access and Water Supply Section in its letter dated February 20, 2025, 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.
- b. Before approval to release any portion of the site plan performance bond, the Applicant must deliver to the Planning Department, with a copy to MCDPS, certification by a professional engineer licensed in the State of Maryland that the fire access improvements have been constructed and installed per the recommendations from the Fire Department Access and Water Supply Section, and as shown in the approved MCDPS fire access plan, or as amended.

18. Loading Signage

Prior to final inspection for the commercial space, the Applicant must install a sign on the exterior of the building immediately adjacent to the loading bay to the effect of “For commercial loading information, please contact building management at [phone number]”. The size and text of the sign must be illustrated on the Certified Site Plan but may be changed only to reflect new contact information without amending this condition. The Applicant must update the new point of contact information in a timely fashion or within five business days.

SITE PLAN

19. Site Design

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

20. 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 must 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. Pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- f. On the rooftop of the building, the light pole height must not exceed the height of the lighting fixtures illustrated on the Certified Site Plan.

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

Before issuance of any above-grade building permit, sediment control permit, or Use and Occupancy Certificate (excluding core and shell), 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 M-NCPPC Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements only for facilities located on the Property (not in the public rights-of-way), including, but not limited to landscaping, trees and plant material, on-site lighting, indoor and outdoor recreational facilities, short and long-term bicycle parking facilities, site furniture, seating and/or retaining walls, fences, railings, sidewalks, plaza space, private utilities, and storm drainage facilities. 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.

#### 22. 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.

#### 23. 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:

- d. Include the stormwater management concept approval letter, development program, and Site Plan resolution and other applicable resolutions on the approval or cover sheet(s).
- 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 the approved Fire Department Access Plan.
- g. Modify the data table to reflect development standards approved by the Planning Board.
- h. Modify the public benefit points table to reflect the points approved by the Planning Board.
- i. Ensure consistency of all details and layout between Site and Landscape plans.
- j. Show noise impacted units.
- k. Show enhanced accessibility units.
- l. Show final streetscape paving and plant materials.
- m. Add a note to the parking table indicating assignment of tandem parking spaces with two-bedroom residential units.
- n. Update plan sheets to reflect the off-site transportation improvements required by Preliminary Plan Amendment No. 12023015A.



## SECTION 3: SITE DESCRIPTION

### VICINITY

The Property (“Subject Property” or “Property” or “Site”) is located at the southern quadrant of the intersection of Georgia Avenue and Cameron Street. This is within the Downtown North district of the 2022 *Silver Spring Downtown and Adjacent Communities Plan* (“Sector Plan”), as shown in Figure 1. The Property is zoned CR-5.0, C-5.0, R-5.0, H-300, and Downtown Silver Spring Overlay Zone. Nearby properties are similarly zoned. As shown in Figure 2, the Property occupies approximately one-half of the block defined by Georgia Avenue to the east, Fidler Lane to the south, Ramsey Avenue to the west, and Cameron Street to the north. The Cameron-Second Street Public Parking Garage and a seven-floor commercial office building confront the Property across Cameron Street.

Townhouses and a single-story commercial building confront the Property across Ramsey Avenue. A single-story commercial building (Mi Rancho Restaurant) and a seven-floor Verizon utility building abut the Property to the south. Commercial office buildings are located across Georgia Avenue from the Property. The Paul S. Sarbanes Transit Center, with access to multiple bus routes, the Silver Spring Metro Station, and the future Purple Line Station, is located approximately 0.3 miles southwest of the Property.

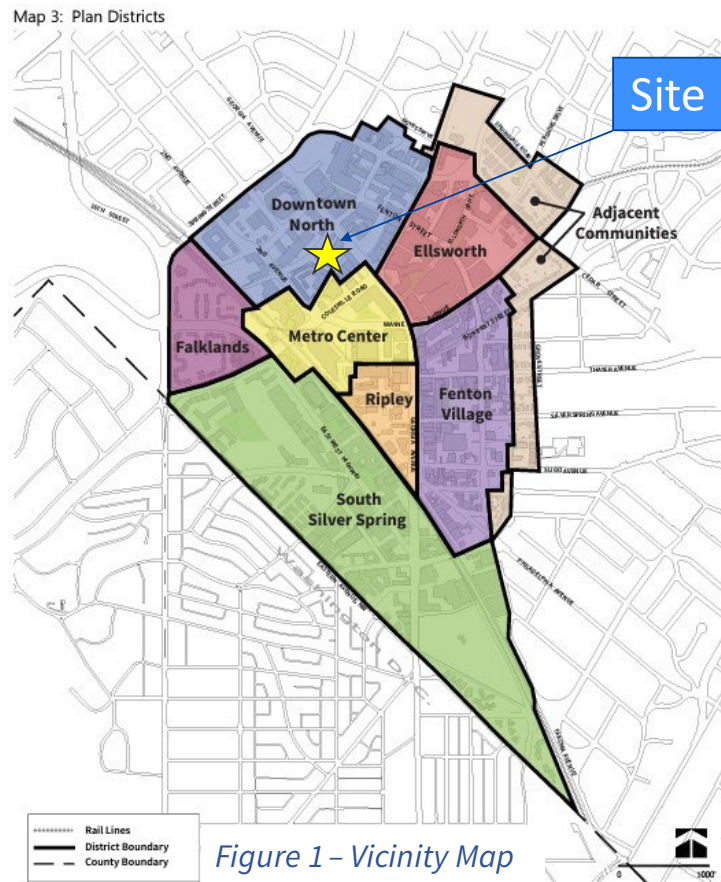


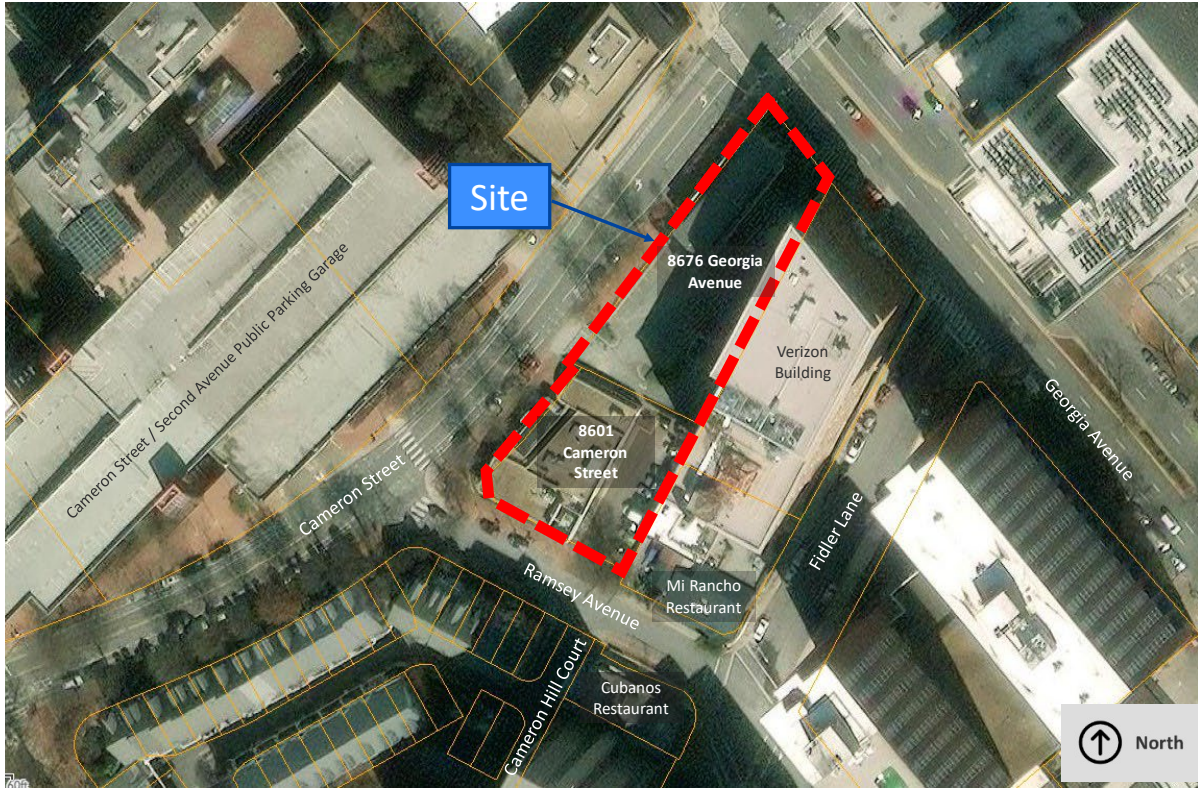


Figure 2 – Neighborhood Map

## PROPERTY DESCRIPTION

The existing Property has a tract area of 1.04 acres, which is reduced to a Site Area of 0.79 acres after considering prior and proposed right-of-way dedications. It consists of two lots as illustrated in Figure 3 and Figure 4. The first is an existing lot at 8676 Georgia Avenue, as recorded by deed in the Land Records of Montgomery County at Book 66167, Page 414. This lot is improved with a low-rise commercial building (former bank) and a surface parking lot. The second tract at 8601 Cameron Street (also referred to as 8711 Ramsey Avenue) is known as “Lot 10, Ward and Fidler Subdivision” as recorded among the Land Records of Montgomery County, Maryland at Plat No. 21255, and is improved with the historic Tastee Diner, an attached non-historic addition to the Diner, and surface parking. The bank building and Tastee Diner buildings are both unoccupied.





*Figure 3– Existing Conditions*

The Property has frontage on Georgia Avenue, Cameron Street, and Ramsey Avenue. All three frontages are improved with brick sidewalks of varying widths and street trees. The Property is generally narrow and wedge-shaped. It is widest at its Ramsey Avenue frontage and slimmer along Georgia Avenue. Access to the existing Property is through two curb cuts, one on Cameron Street serving the bank property, and the second on Ramsey Avenue serving the Diner property.



*Figure 4 – Existing Site Conditions – Georgia Avenue at Cameron Street Intersection*

A unique feature of the Property is the historic Tastee Diner, a designated historic structure listed in the *Master Plan for Historic Preservation in Montgomery County* (Master Plan Historic Site No. 36/13). The designated historic portion of the Tastee Diner and its environmental setting consist of the approximately 800-square-foot original diner structure with an exterior surface of porcelain enamel with wraparound bands of trim and stainless-steel detailing. For this Report, “historic Tastee Diner” means the 800-square-foot structure as listed in the *Master Plan for Historic Preservation in Montgomery County*, as shown in Figure 5 and Figure 6. The existing, attached addition to the diner is not part of the historically designated structure.



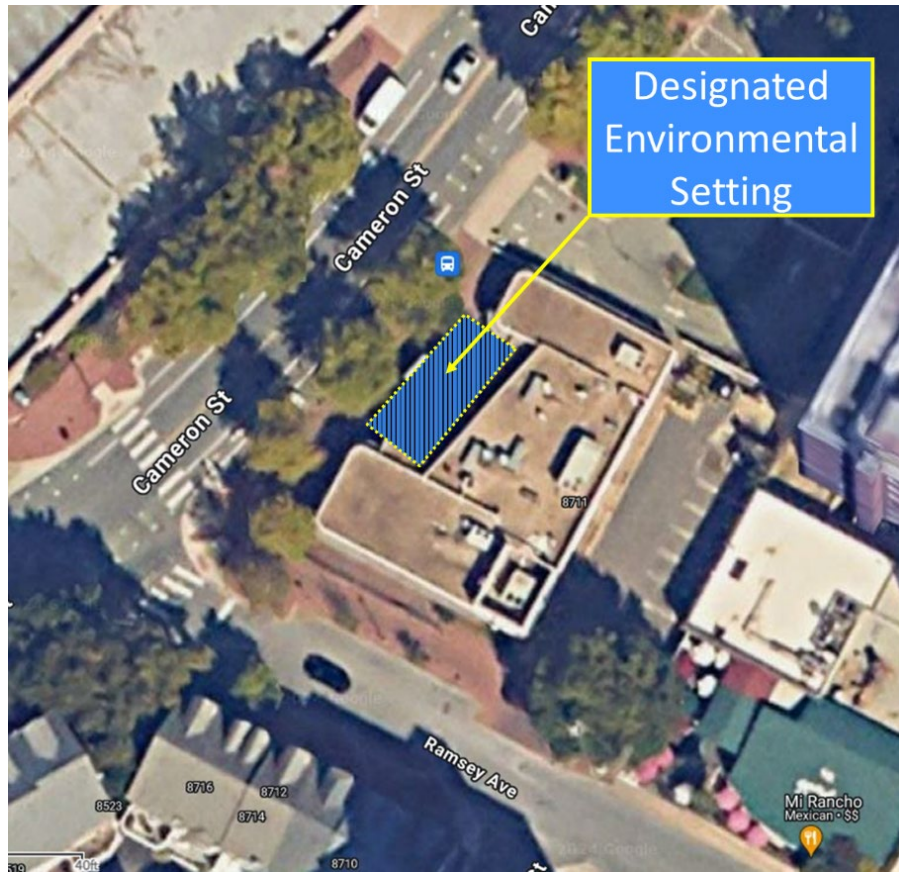


Figure 5: Designated Environmental Setting for the Tastee Diner Master Plan Historic Site



Figure 6 –Tastee Diner Building

The Property is in the Lower Rock Creek watershed, which is a tributary to the Anacostia River, and is a Use-Class I watershed.<sup>3</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 with a 24-inch or greater diameter at breast height (DBH). There are no hydric or highly erodible soils on or near the site.

## SECTION 4: PROJECT DESCRIPTION

### PREVIOUS APPROVALS

#### Preliminary Plan No. 119990890 and Site Plan No. 819990450

In Opinions dated August 10, 1999, the Planning Board approved Preliminary Plan No. 119990890 and Site Plan No. 819990450 for the relocation of the historic Tastee Diner from its original location at 8516 Georgia Avenue to its current location at 8601 Cameron Street and provided for the construction of the non-historic restaurant addition and associated site and streetscape features existing today.

#### Historic Easement Agreement

On June 5, 2001, a Historic Easement Agreement was executed with Montgomery County to ensure the historic Tastee Diner is maintained in a manner consistent with its historic designation, with a focus on preserving its historic, aesthetic, and cultural character and appearance. The Easement Agreement is perpetual in duration.

In a letter dated March 19, 2024, the Historic Preservation Supervisor noted the redevelopment proposal does not constitute an alteration under the Historic Easement Agreement, and further noted that the Proposal would be subject to further review by the Historic Preservation Commission through the requisite Historic Area Work Permit review. The Historic Easement Agreement and letter from the Historic Preservation Supervisor are included in Attachment D. These materials were also previously provided to the Planning Board in its review of Sketch Plan No. 320230060.

#### Sketch Plan No. 320230060

The Planning Board approved Sketch Plan No. 320230060 (MCPB Resolution No. 24-065, Attachment A) on July 26, 2024 and issued a Corrected Resolution on October 9, 2024, for the redevelopment of the Site with up to 550,000 total square feet of density, utilizing up to 277,932 square feet of density from the Downtown Silver Spring Overlay Zone, for a mixed-use development of up to 300 feet in

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<sup>3</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.

height, 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.

#### Preliminary Plan No. 120230150

The Planning Board approved Preliminary Plan No. 120230150 (MCPB Resolution No. 24-066, Attachment A) on July 26, 2024, and issued a Corrected Resolution on October 9, 2024, to create one lot for 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. The previously approved Preliminary Plan was superseded by the approval of Preliminary Plan No. 120230150.

#### Historic Preservation Commission (HPC) – Site Plan Letter of Support

Relevant to this Site Plan Application, following a Preliminary Consultation at the November 13, 2024, HPC meeting, the HPC issued a letter on December 5, 2024 (Attachment C) supporting the proposed site and building design as they relate to the historic Tastee Diner.

### **PROPOSAL**

This Application delivers the detailed site and building design to implement the development concept approved with Sketch Plan No. 320230060 and subdivision plan approved with Preliminary Plan No. 120230150 in July 2024, as well as Preliminary Plan Amendment No. 12023015A. The Site Plan Application proposes to construct a mixed-use building with up to 500,000 total square feet, including up to 20,000 square feet of ground floor commercial uses and up to 480,000 square feet of residential uses for up to 493 units, with 15.1 percent MPDUs, utilizing 226,500 square feet of Downtown Silver Spring Overlay Zone Density with an associated Civic Improvement Fund contribution, and adaptive reuse of the designated historic Tastee Diner. As illustrated in Figure 7, the Site Plan fits the building footprint into the wedge-shaped Site, allowing for frontage enhancements along the three frontages in accordance with the Sector Plan. The building consists of a single tower with a maximum height of 312 feet proximate to Georgia Avenue that steps down in height proximate to Ramsey Avenue.



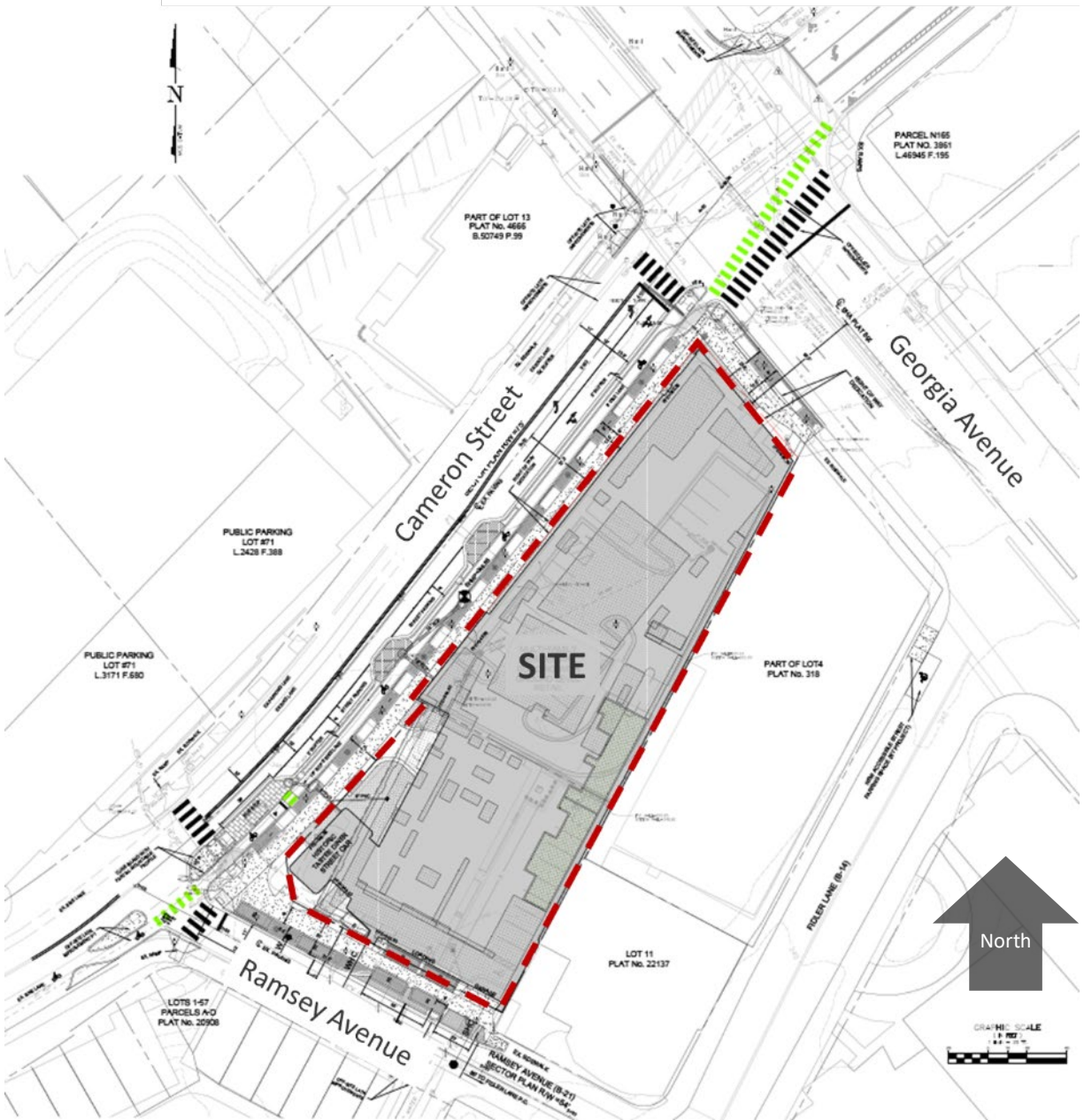
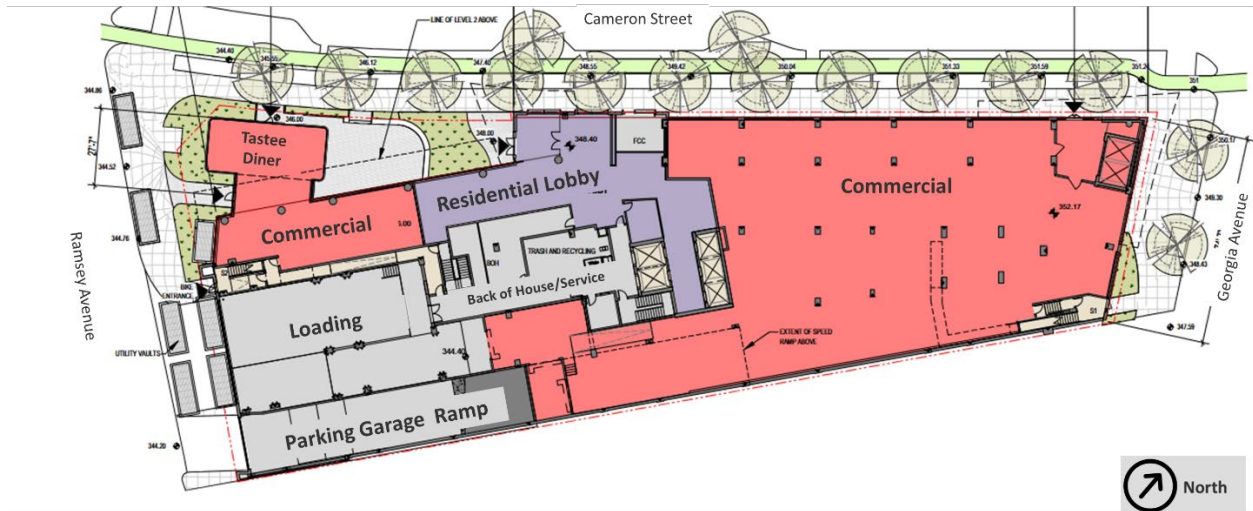


Figure 7: Site Plan





*Figure 8: Ground Floor Plan*

As illustrated in Figure 8, the ground floor of the building will be lined with activating uses on Georgia Avenue and Cameron Street. Pedestrian entrances to the main commercial space will be proximate to the Georgia Avenue and Cameron Street corner of the building, and the main lobby serving the residential component is centrally located on the building's Cameron Street frontage. The Tastee Diner is positioned at the intersection of Ramsey Avenue and Cameron Street and is a highly visible, unique site feature at the street level. The new high-rise building pulls back from its build-to line at this corner, adding visual prominence to the Diner and allowing for a street-level plaza and landscaping to be included as illustrated in Figure 9.



*Figure 9: Illustrative – Streetscape at the Tastee Diner (DAP submission image)*

A floating bus stop will be located at the corner of Ramsey Avenue and Cameron Street. A separated bicycle lane is provided along the Property's Cameron Street frontage. The provision of the bicycle lane in this location is a step toward implementing the Central Green Loop in Silver Spring, as envisioned by the *Silver Spring Downtown and Adjacent Communities Plan*. Streetscapes on all frontages will be enhanced per the *Silver Spring Downtown and Adjacent Communities Plan Design Guideline*. Facilities for commercial and residential loading and the parking garage access for both uses are from Ramsey Avenue. A three-bay loading dock is provided, with one space designed to accommodate a tractor-trailer truck and two spaces sized to accommodate standard box trucks. The internal parking structure occupies the remainder of the building base. It provides dedicated parking for the commercial use on its lower levels and reserves upper-level spaces to serve the residential use.

## DEVELOPMENT DENSITY

As shown in Table 1, Finding 2, in Section 6: Findings and Analysis, the total development density proposed with the Preliminary Plan Amendment and Site Plan is 500,000 square feet (10.99 FAR). To achieve this density, the building will utilize all of the Property's underlying mapped CR zone density of 227,515 square feet (5.0 FAR), plus bonus density of 45,985 square feet (1.01 FAR) for the provision of more than 12.5 percent MPDUs<sup>4</sup> and requests to utilize 226,500 square feet (4.98 FAR) of Downtown Silver Spring Overlay Zone (DSS) density to support the residential portion of the Proposal.

$$227,515 \text{ sf CR zoned density (5.0 FAR)} + 45,985 \text{ sf MPDU bonus density (1.01 FAR)} + 226,500 \text{ sf DSS density (4.98 FAR)} = 500,000 \text{ sf total development density proposed (10.99 FAR)}$$

As provided by Section 59.4.9.7.C.2.e of the Zoning Ordinance, to qualify to utilize DSS density, this development must make a corresponding contribution to the Civic Improvement Fund (CIF) before the issuance of any building permit, as further detailed in Section 6: Findings and Analysis.

## BUILDING/ARCHITECTURE

The proposed building will occupy the majority of the Property. It includes a well-defined base, lined with activating uses at the street level, with structured parking above (floors two through seven), and a two-tier tower that rises to a maximum height of 312 feet proximate to Georgia Avenue and steps down in height proximate to Ramsey Avenue. The architectural design incorporates step-backs, geometric modulation and articulation of façade elements, and the incorporation of a variety of materials and colors to add visual interest to the building and break down its perceived mass and scale. As illustrated in Figure 10, the proposed building will have a unique and distinct character that conforms with the various architectural and urban form recommendations of *Silver Spring Downtown and Adjacent Communities Design Guidelines*, as detailed in Section 6, Findings and Analysis.

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<sup>4</sup> In addition to utilizing DSS density to increase FAR, the residential density may be increased above the mapped residential FAR by providing more than 12.5 percent MPDUs in accordance with 59.4.5.2.C.1 of the Zoning Ordinance.

View toward Cameron Street / Ramsey Avenue Intersection



View north on Georgia Avenue







*Figure 10: Architectural Images (DAP submission images)*

As shown in the Figure 11 below, the Tastee Diner building will be rehabilitated and repurposed at the street level of the Site, proximate to the intersection of Cameron Street and Ramsey Avenue. The Diner is treated as a unique feature on the Property. It is given visual prominence through its placement on-site and connection to the new building's residential lobby space. The architectural character of the parking structure behind the Diner has been specifically designed, with input from the HPC, to complement its Streamline Moderne architecture.



*Figure 11: Incorporation of the Tastee Diner viewed from Cameron Street looking south*

Consistent with the Site's approved Sketch and Preliminary Plans, loading and parking garage access is from Ramsey Avenue. The loading dock includes three bays, with one bay designed to accommodate a tractor-trailer truck and two spaces sized for box trucks. The loading bay and garage entrance is designed to blend with the base design as shown in Figure 12. The window pattern in the garage façade design facing Ramsey Avenue is carried around the corner of the building base facing neighboring Mi Rancho Restaurant. The singular garage access point provides ingress and egress to the parking garage, with the two lower parking levels reserved for the building's commercial use. Upper parking levels are reserved for residential tenants, with gate-controlled access separating residential and commercial parking areas. The façade of the garage has been designed to minimize its appearance as a parking structure from the public realm. As previously noted, the garage façade behind the Tastee Diner is specifically designed with a higher degree of horizontality than the rest of the garage face in to highlight and pay tribute to the Diner's architectural style as shown in Figure 11 above.



Figure 12: Ramsey Avenue Façade, Loading and Vehicle Access Design

### Design Advisory Panel & Historic Preservation Commission Reviews

The Silver Spring Design Advisory Panel (DAP) reviewed the proposed design on three occasions during the Site Plan process. The DAP provided input regarding architecture, urban design and landscape architecture relative to the Site Plan’s conformance with the *Silver Spring Downtown and Adjacent Communities Plan Design Guidelines* and Exceptional Design Public Benefit criteria. Upon completion of their review, the Panel recommended the development achieves 10 points for the exceptional design public benefit category under Section 59.4.7.3.E.4. This is further detailed in Section 6, Findings and Analysis, under the Public Benefits discussion.

The HPC reviewed the Project on August 16, 2023, October 25, 2023, and November 13, 2024. The HPC provided feedback at each preliminary consultation, which was incorporated into the design revisions. The HPC reviewed the detailed site plan design relative to its inclusion and incorporation of the historic Tastee Diner and found it to be acceptable.

The Historic Preservation Commission’s recommendation of approval of the Project to the Planning Board is included herein as Attachment C.



## BUILDING HEIGHT

The CR zoning of this Property generally allows for a maximum building height of 300 feet. This Site Plan proposes a maximum building height of 312 feet. The Downtown Silver Spring Overlay Zone allows for additional building height beyond that established by the underlying zone for the provision of more than 15 percent MPDUs. This Site Plan provides 15.1 percent MPDUs and qualifies for the additional 12 feet building height, for a maximum building height of 312 feet, as further described in Section 6: Findings and Analysis.

The Site Plan also requests approval of an alternative building height measuring point in accordance with Section 59.4.1.7.C.2.a of the Zoning Ordinance. The alternative building height measuring point requested will have no visually perceivable impact on the proposed building's compatibility within downtown Silver Spring, and is supported by Staff, as further discussed in Section 6: Findings and Analysis.

## 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) to be provided as public open space. However, in accordance with Section 59-4.9.8.C.5 regarding Public Open Space in the Downtown Silver Spring Overlay Zone and the public open space criteria of the *Silver Spring Downtown and Adjacent Communities Plan*, this Property is not recommended to provide on-site public open space and therefore the Site Plan will provide a contribution in lieu of on-site open space. This contribution is further discussed in Section 6: Findings and Analysis.

## RECREATION

The Site Plan provides recreational amenities for residents in conformance with the 2017 *Recreation Guidelines*. Recreation amenities included with the Site Plan include a bicycle lane on Cameron Street, an urban plaza adjacent to the Tastee Diner, a multipurpose lobby area, an indoor fitness room, and an amenitized rooftop recreation space, illustrated in Figure 13, to include a pool, seating, and grilling area.



*Figure 13: Rooftop Amenity Area*

## TRANSPORTATION

### Vehicular Access and Loading

All vehicular and loading access to the Site will be provided on Ramsey Avenue, consistent with the Project's approved Sketch and Preliminary Plans. Of the three Site frontages, Ramsey Avenue is the most suitable for vehicular and loading access to the proposed building because of the roadway's comparatively low vehicular, pedestrian, and bicycle travel volumes, and the location's ability utilize the Site's length to create an efficient access arrangement. Alternative vehicular and loading access locations from Georgia Avenue and/or Cameron Street to the Property were analyzed and determined not to be appropriate for functional and safety reasons as part of the Sketch Plan and Preliminary Plan review.

A loading management plan is included with the Site Plan and outlines measures to limit the impacts of loading operations on the surrounding neighborhood. This loading management plan identifies one specific ingress and egress route for tractor-trailer trucks (WB-67) to service the Property as shown in Figure 14. The LATR off-site improvement projects required for implementation with Preliminary Plan Amendment No. 12023015A will make the minimum roadway intersection upgrades necessary to create the single, viable ingress and egress route specified for WB-67s to access the development's loading dock.





Figure 14: WB-67 Ingress and Egress Routes – Loading Management Plan

## Parking

Structured parking is proposed on floors two through seven of the building, above the ground floor retail and residential lobby spaces. Architectural screening of the parking structure is provided in accordance with the *Silver Spring Downtown and Adjacent Communities Plan Design Guidelines*.

In accordance with Section 59.6.2.3 and Section 59.6.2.4 of the Zoning Ordinance regarding Calculation of Parking and Parking Requirements, the baseline minimum parking requirement for this Site Plan is 76 spaces (20 spaces for the residential use<sup>5</sup> and 56 spaces for the commercial use) and total maximum parking allowed is 770 spaces. The internal parking structure includes a total of 422 parking spaces, which falls between the minimum and maximum parking requirements. This is further discussed in Section 6: Findings and Analysis. Parking to serve the ground-floor commercial use consists of 125 spaces on garage floors two and three. Parking for the residential use consists of 297 spaces on floors four through seven. The residential parking ratio is 0.60 spaces per unit (297 spaces / 493 units). Designated spaces are provided as required by the Zoning Ordinance for accessible access, electric vehicle charging, and other features as required by Section 59.6.2, as detailed in Section 6 Findings and Analysis.

The total number of existing on-street parking spaces along the Site's Cameron Street and Ramsey Avenue frontages will be reduced by one space, from six existing spaces to five proposed spaces, to accommodate bicycle and pedestrian improvements as described below. The five proposed spaces

<sup>5</sup> As the Property is located within ½ mile of a Metro station, the minimum residential parking requirement is reduced to 0 spaces, with the provision of a minimum ratio handicapped accessible parking spaces in accordance with Section 59-6.2.3.1.8 of the Zoning Ordinance.

will be located on Cameron Street. One handicapped accessible space is also to be provided on Fidler Lane.

### Bicycle and Pedestrian Access

Pedestrian and bicyclist safety will be improved by the consolidation of multiple existing curb cuts on Cameron Street and Ramsey Avenue to a single vehicular and loading access point on Ramsey Avenue and by the provision of protected intersection elements at the intersections of Cameron Street at Ramsey Avenue, and Cameron Street at 2<sup>nd</sup> Street and accessibility improvements to curb ramps at the intersection of Georgia Avenue at Cameron Street.

Bicycle access will be upgraded on the south side of Cameron Street, along the Site frontage, through the provision of a new separated bicycle lane as part of the Sector Plan envisioned Central Green Loop. Long-term bicycle parking is provided for residential users in a secured bicycle room on the fourth floor of the parking structure. Long-term bicycle parking serving the commercial use is located on the second floor of the parking structure. A waiver is requested, and supported by Staff, to locate the residential bike parking on a higher-than-first floor position in the garage, as is discussed in Section 6 Findings and Analysis.

Pedestrian access will be improved along all three site frontages, in accordance with the 2022 *Silver Spring Downtown and Adjacent Communities Plan*. Georgia Avenue will be improved with a 10.5-foot-wide sidewalk with an eight-foot-wide street buffer. Cameron Street will be improved with an eight-foot-wide sidewalk, six-foot-wide pedestrian and bicycle buffer with street tree plantings, and a five-foot-wide separated bike lane. An 11-foot-wide floating bus stop is located at the corner of Cameron Street and Ramsey Avenue. Two existing on-street parking spaces on the south side of Cameron Street (Site side) will be removed to accommodate the floating bus stop. One additional existing on-street parking space on Cameron Street, near the Georgia Avenue will be removed to accommodate an additional tree planting as part of the implementation of the Central Green Loop. Ramsey Avenue will be improved with an eight-foot-wide sidewalk and a six-and-one-half-foot wide street buffer. All existing on-street parking (two spaces) will be removed from Ramsey Avenue along the Site frontage.

### ENVIRONMENT AND SUSTAINABILITY

This Site Plan will implement multiple techniques to positively contribute to the local environment. The proposal will deliver 493 new residential units within a short walk from multiple public transportation options, and other amenities in downtown Silver Spring. The Site Plan will add stormwater management infrastructure, new street trees and landscaping, a bike lane and improved sidewalks; the sum of which contributes to creating a greener, more pleasant, walkable and bikeable block in Silver Spring's urban core. The Site Plan also incorporates elements of Bird Safe Design and includes a facility Recycling Plan that exceeds County standards, providing residents with the opportunity to recycle a wider array of items than traditional, curb-side recycling.

The Property is within the Lower Rock Creek Watershed, which is a Use-Class I.<sup>6</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 is one tree onsite measuring 24-inch diameter at breast height (DBH) or greater. There are no hydric or highly erodible soils on or near the site.

#### Forest Conservation Plan Exemption No. 42023137E

This Application is subject to Chapter 22A Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan. Forest Conservation Exemption<sup>7</sup> No. 42023137E (Attachment A) was confirmed under Section 22A- 5(S)(1) as the proposed development is occurring on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

The Site Plan includes tree-protection measures for trees generally along the property line, as well as the proposed removal of one (1) young tree. With the approval of the Exemption, and recommendations included herein, all Chapter 22A Forest Conservation requirements have been met.

## SECTION 5: COMMUNITY OUTREACH

The Applicant has complied with all submittal and noticing requirements for each Application, including hosting a pre-submittal public meeting on October 17, 2024 for the Site Plan. A pre-submittal community meeting for the Preliminary Plan Amendment was not required. Minutes from the Site Plan pre-submission community meeting captured questions regarding details of the building architecture, anticipated building uses, bedroom unit mix, and construction schedule. The Applicant team provided responses to questions posed as reflected in Attachment F.

Community correspondence was received regarding this Site Plan application and is included in Attachment G. Written feedback was submitted in support of the development proposal as well as in opposition to it. Letters of support were received from the Art Deco Society of Washington, the Silver Spring Chamber of Commerce, the Cameron Hill Townhome HOA, and from one downtown Silver Spring resident. Letters objecting to the Proposal were received from two Silver Spring residents. Objections expressed concerns regarding the height of the proposed building, and potential for traffic problems associated with the proposed Ramsey Avenue garage access location.

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<sup>6</sup> WATER CONTACT RECREATION & PROTECTION OF NONTIDAL WARMWATER 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>7</sup> Based on the initial acceptance date for the exemption request, the Forest Conservation Exemption is subject to the Forest Conservation Law in effect prior to April 4, 2023.

Staff response to concerns:

### Building Height

The concerns shared were generally that the proposed building is too tall and out of character with the neighborhood.

The proposed building height of 312 feet conforms with the requirements of the Downtown Silver Spring Overlay Zone, Section 59.4.9.7.C.3.b of the Zoning Ordinance, which provides that the height limit of the underlying zone does not apply to the extent required to provide MPDUs. This Overlay zone stipulation further allows for an additional 12 feet of building height for the provision of MPDUs above the 15% minimum requirement. The Property's underlying CR zoning allows a maximum building height of 300 feet. This development provides for MPDUs above the minimum requirement and thus is not bound by the 300-foot height limitation, and it qualifies for the additional 12 feet of building height. This allowance is further described in Section 7, Site Plan Findings and Analysis. Additionally, the Sector Plan envisions and promotes high-density, mixed-use, urban infill projects at the Subject Site and those around it. The proposed redevelopment of the Property conforms with the vision of the Sector Plan.

### Ramsey Avenue - Garage Access and Traffic Concern

The concerns shared are that the number of parking spaces for the garage increased from Sketch to Site Plan applications and that Ramsey Avenue is not appropriate to accommodate the vehicular traffic the new building is estimated to generate.

The building's garage access point at Ramsey Avenue was reviewed and approved as part of the Proposal's Sketch and Preliminary Plan in July 2024. The Preliminary Plan Amendment and Site Plan maintain this garage access location, which was determined to be the most appropriate, safe and efficient for the proposed development. Ramsey Avenue is sized to accommodate vehicular circulation, presents the fewest points of conflict between all modes of transportation, and has the lowest traffic volume of all roadway frontages of the Site. The number of parking spaces proposed did, and can increase during the regulatory review process, with the final number of parking spaces determined through Site Plan review. The total number of spaces proposed, 422 parking spaces, is less than the maximum number of spaces allowable, and is acceptable to conform with the Zoning and Subdivision Ordinances.

## **SECTION 6: PRELIMINARY PLAN 12023015A FINDINGS AND ANALYSIS**

The Planning Board approved Preliminary Plan No. 120230150 MCPB No. 24-066 to create one (1) lot on the Subject Property with conditions.

Preliminary Plan Amendment No. 12023015A requests to reduce the previously approved Preliminary Plan density to align with associated Site Plan No. 820250050 and to modify the previously approved

off-site Local Area Transportation Review (LATR) to conform with the 2024-2028 Growth and Infrastructure Policy (GIP) and to revise the corresponding lists of required and backup off-site transportation improvement projects. The proposed Preliminary Plan Amendment does not alter the intent of the previous findings, which remain applicable, except as modified below.

- 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.**

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

The Preliminary Plan Amendment reduces the previously approved total development density by 50,000 square feet from 550,000 square feet to 500,000 square feet. This adjustment then correspondingly reduces the requested quantity of Downtown Silver Spring Overlay Zone density (DSS) from 277,932 square feet to 226,500 square feet and provides minor increase in MPDU Bonus density (+1,432 sf). While not specifically noted on Table 1, the total number of multifamily units is proposed to be reduced from up to 525 units, to no more than 493 units. All other development data regarding conformance with the basic requirements of Chapter 59, the Zoning Ordinance, remain unchanged as previously approved by the Planning Board.

*Table 1: 8676 Georgia Avenue Preliminary Plan Amendment Data Table for CR Zone, Optional Method*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved</b>	<b>Proposed Amendment</b>
<b>Tract Area</b>	n/a	45,503 sf (1.04 acres)	No change
<b>Tract Area - Prior Dedication</b>	n/a	8,854 sf (0.20 acres)	No change
<b>Tract Area - Proposed Dedication</b>	n/a	2,019 sf (0.05 acres)	No change
<b>Site Area (tract area minus dedications)</b>	n/a	34,630 sf (0.79 acres)	No change
<b>Mapped Density CR-5.0 C-5.0 R-5.0 H-300</b>			
<b>Residential (GFA/ FAR)</b>	227,515 sf (5.0)	202,515 sf (4.45)	No change
<b>Commercial (GFA/FAR)</b>	227,515 sf (5.0)	25,000 sf (0.55)	No change
<b>Total Mapped Density (GFA/FAR)</b>	227,515 sf (5.0)	227,515 sf (5.0)	No change
<b>MPDU requirement</b>	15%	15%	No change
<b>MPDU Bonus Density (GFA/FAR)<sup>2</sup></b>	n/a	44,553 sf (0.98)	45,985 sf (1.01)
<b>Downtown Silver Spring Overlay Zone Density (DSS)</b>	n/a	277,932 sf (6.11)	226,500 sf (4.98)

<b>Total GFA/FAR (with bonus density)</b>		550,000 sf (12.09)	500,000 sf (10.99)
<b>Building Height, max average</b>	300 ft	300 ft	312 ft <sup>8</sup>
<b>Public Open Space (min)</b>	3,463 sf	Contribution-in-lieu	No change

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

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

***For Applications with LATR Studies***

***Travel Mode Adequacy Test***

This Preliminary Plan Amendment has two key elements: first, it lowers the previously approved development density, as shown in Finding 1.d above. Secondly, this Amendment revisits the previously approved LATR transportation mitigation calculation and revises the associated off-site transportation improvement project list to conform with the current 2024-2028 GIP Proportionality Guide, and to reflect the lower development density. The Preliminary Plan, as originally approved in July 2024, was subject to the 2020-2024 GIP Proportionality Guide, which resulted in an off-site improvement obligation of \$3,395,893. The conditional approval required the construction of 18 transportation safety and circulation improvement projects proximate to the Site. This Amendment's request to lower the development density and apply the 2024-2028 GIP Proportionality Guide Rate calculation results in a reduced LATR off-site improvement obligation of \$1,244,945.

As shown in Table 2, the proposed Project is estimated to generate 124 total morning peak-hour vehicle trips and 190 total evening peak-hour vehicle trips. As illustrated in Table 3, after accounting for vehicle trips associated with the existing drive-in bank and diner on the Site (68 morning peak-hour trips and 97 evening peak-hour trips), the amended Project is estimated to generate 56 net new morning peak-hour vehicle trips and 93 net new evening peak-hour vehicle trips. This represents a reduction of 10 morning peak trips and a reduction of 19 afternoon peak trips from the approved Preliminary Plan. Since the Amendment results in an overall decrease in impact, the LATR Study completed as part of the 2024 Preliminary Plan continues to be satisfactory.

*Table 2 – 8676 Georgia Avenue Estimated Vehicle Trip Generation: Prior Approval v. Amendment A*

<b>Land Use</b>	<b>Morning Peak Hour Trips</b>	<b>Evening Peak Hour Trips</b>	<b>Daily Total Trips</b>
<b>2024 Approved Preliminary Plan</b>			

<sup>8</sup> The Proposal is eligible for 12 additional feet of building height based on the provision of MPDUs above 15% pursuant to Section 59.4.9.7.C.3.b of the Zoning Ordinance. Final building height is determined at Site Plan.



525 High-rise multi-family units	103	123	1,810
25,000 SF Retail	31	86	745
<b>Approved Subtotal</b>	<b>134</b>	<b>209</b>	<b>2,555</b>
<b>Proposed with this Amendment</b>			
493 High-rise multi-family units	98	116	1,718
20,000 SF Retail	26	74	623
<b>Proposed Subtotal</b>	<b>124</b>	<b>190</b>	<b>2,341</b>
<b>Difference in Approved and Proposed Vehicle Trips</b>	<b>-10</b>	<b>-19</b>	<b>-214</b>

*Table 3 – 8676 Georgia Avenue Estimated Vehicle Trip Generation: Amendment A Net New Trips*

<b>Land Use</b>	<b>Morning Peak Hour Trips</b>	<b>Evening Peak Hour Trips</b>	<b>Daily Total Trips l</b>
Existing Trips (credit)			
2,870 SF Drive-in Bank	29	60	288
7,074 SF High-turnover restaurant (“diner”)	39	37	440
<b>Existing Trips (credit) Subtotal</b>	<b>68</b>	<b>97</b>	<b>728</b>
Proposed Trips			
493 High-rise multi-family units	98	116	1,718
20,000 SF Retail	26	74	623
<b>Proposed Trips Subtotal</b>	<b>124</b>	<b>190</b>	<b>2,341</b>
<b>Net New Vehicle Trips (Proposed)</b>	<b>+56</b>	<b>+93</b>	<b>+1,613</b>

Source: LATR Study by Grove Slade dated April 21, 2025 amended by Planning Staff.

Under Chapter 4.A of the 2025 *Local Area Transportation Review Guidelines* (LATR Proportionality Guide), the recommended maximum cost of mitigation improvements the Applicant is required to construct or fund is \$1,223,945 in accordance with the following calculation:

$$\text{New Net Daily Motor Vehicle Trips} * \text{Proportionality Guide Rate} = \text{LATR Proportionality Guide Amount}$$

$$(1,613 \text{ net daily trips}) * (\$765 \text{ per trip}) = \$1,223,945$$

This lessened obligation will fund the implementation of six off-site transportation improvement projects from the previously approved list of to-be-constructed projects. The other previously required off-site transportation improvement projects are moved to the list of backup improvement projects. The updated list of required off-site

transportation improvements is shown in Table 4, and an updated list of backup projects is in Table 5 below.

The mitigation projects selected for construction with this Amendment are necessary for safe pedestrian and bicycle circulation, as well as for tractor-trailer (WB-67) ingress and egress to the Property, in accordance with the Proposal's loading management plan. Specifically, the protected intersection treatments (P1 at Cameron Street and Ramsey Avenue and P3 at Cameron Street and 2<sup>nd</sup> Avenue), which constitute a significant portion of the off-site improvement obligation, are necessary to enhance safety for all modes of transportation at these intersections, specifically to allow for WB-67s to access the Property to service the potential grocery store tenant. Both intersections are part of the single WB-67 loading route identified in the loading management plan determined to be acceptable for the WB-67 to access the Property. This route places tractor-trailer trucks with wide turning radii in regular contact with people biking, walking, rolling, and driving and these improvements at these locations are critical to ensure the intersections will function safely and support the loading management plan.

The improvements listed in Table 4 are determined to be the minimum necessary for the public roadway network surrounding the Property to be functionally adequate to support the development. While the estimated cost for these six improvement projects exceeds the Proportionality Guideline by \$46,108.76, they are the minimum necessary to support the adequate public facilities finding for public roadways of the associated Preliminary Plan.<sup>9</sup>

*Table 4: Preliminary Plan Amendment - LATR Mitigation Projects for Construction*

Map ID	Project Location	Project Description	Construct/ Mitigation Payment	May 2025 Construction/Mat erials Cost Estimates with Contingency Factors	May 2025 Cost Estimates with Permitting (15.8%) & Bonding (5%)
42	Northeast Corner of Georgia Avenue and Cameron Street	Rebuild ADA curb ramp with a gutter slope of less than five percent	Construct	\$36,816.00	\$44,489.91
43, 44	Northwest corner of	Rebuild ADA curb ramp with a	Construct	\$38,509.45	\$46,536.35

<sup>9</sup> Section 4.A.3 of the LATR Guidelines (June 2025) provides that while the LATR Proportionality Guide aims to ensure rough proportionality, the Planning Board may, in rare circumstances, find a modified approach to proportionality warranted (within the bounds of GIP). The Planning Board maintains the flexibility to determine when existing transportation infrastructure will not adequately support a proposed use or when the LATR Proportionality Guide amount presents an excessive burden on an Applicant.



	Georgia Avenue and Cameron Street (facing Cameron Street and facing Georgia Avenue)	gutter slope of less than five percent			
99	Fidler Lane between Georgia Avenue and Ramsey Avenue	Install an ADA accessible parking space	Construct	\$16,586.95	\$20,044.33
P1	Intersection Cameron Street and Ramsey Avenue	Construct a protected intersection	Construct	\$112,293.68	\$135,700.14
P3 (includes 23-34 curb improvements)	Intersection of Cameron Street and Second Avenue	Signal modifications to accommodate protected intersection treatment	Construct	\$855,055.47	\$1,033,283.02
Project Subtotal				\$1,059,261.55	
<b>Construction Subtotal with Permitting and Bonding</b>				<b>\$1,280,053.76</b>	
<b>Proportionality Guide</b>				<b>\$1,233,945.00</b>	

Situations may arise in which the Applicant proposes to replace a conditioned improvement with another improvement on the list of mitigation projects identified in the staff report. If this instance arises, the replacement project must be of similar cost to the conditioned project, as estimated in the staff report and adjusted for inflation. If the conditioned improvement has been made obsolete because it has been constructed or is under construction or because of a change to master plan recommendation, the Applicant can propose an alternative mitigation project from the list of improvements identified in Table 5 that is of similar value and this alternative improvement, if reviewed and approved by Planning Staff, can be substituted, and shown on a revised Certified Preliminary Plan. For all other reasons, an amendment to the preliminary plan is required.

*Table 5: 8676 Georgia Avenue LATR Mitigation Projects Backup List*

Map ID	Project Location	Project Description	Construct/ Mitigation Payment	May 2025 Construction/Materials Cost Estimates with Contingency Factors	May 2025 Cost Estimates with Permitting (15.8%) & Bonding (5%)
P2**, 11**, 12**	Intersection of Cameron Street and Georgia Avenue (North and south crossing of Georgia Avenue at Cameron Street and east side corners)	Construct a protected intersection (install pedestrian medians and protected intersection treatments on east corners)	Construct	\$574,185.02	\$693,868.00
14**, 15**	West and south crossing of Georgia Avenue at Colesville Road	Install pedestrian medians	Construct	\$435,909.21	\$526,770.02
21*, 22*, 23*	Northeast corner of Ramsey Avenue and Cameron Street (facing Cameron Street), Northwest corner of Ramsey Avenue and Cameron Street (facing driveway), Southwest corner of Ramsey Avenue and Cameron Street facing Ramsey Avenue	21: Rebuild ADA curb ramp with a cross slope less than 2 percent 22: Remove level change, add truncated domes, rebuild the ADA curb ramp with gutter slope 23: Rebuild ADA curb ramp with flared side slopes less than eight and one third percent	Construct	\$52,346.58	\$63,257.69
25**, 26**	Southeast corner of Ramsey Avenue and Fidler Lane (facing Ramsey Avenue and Fidler Lane)	Rebuild ADA curb ramp with a cross slope of less than two percent and flared side slope less than eight and one third percent	Construct	\$109,709.72	\$132,577.58
38*, 39*	Southwest corner of Georgia Avenue and Fenwick Lane (facing Fenwick Lane), Northwest corner of Georgia Avenue and Fenwick Lane (facing Fenwick Lane)	38: Rebuild ADA curb ramp with gutter slope less than five percent, and flared side slope less than eight and one third percent 39: Rebuild ADA curb ramp with cross slope less than two percent	Construct	\$35,086.39	\$42,399.78
45**, 46**	Northwest Corner of Georgia Avenue and Fidler Lane (facing Fidler Lane) and	45: Rebuild ADA curb ramp with a gutter slope of less than five percent	Construct	\$37,141.98	\$44,883.85

	Southwest corner of Georgia Avenue and Fidler Lane (facing Fidler Lane)	46: Rebuild ADA curb ramp with a cross slope of less than two percent			
47**	Northeast Corner of Georgia Avenue and Colesville Road	Rebuild ADA curb ramp with a cross slope of less than two percent and a running slope less than eight and one third percent	Construct	\$43,562.39	\$52,642.53
48**, 49**	Southeast corner of Georgia Avenue and Colesville Road (facing Colesville Road and facing Georgia Avenue)	48: Rebuild ADA curb ramp with a gutter slope less than five percent and a flared side slope less than eight and one-third percent 49: Rebuild the ADA curb ramp with a cross slope less than two percent and a gutter slope less than five percent	Construct	\$41,980.52	\$50,730.93
50*	Southwest corner of Georgia Avenue and Colesville Road	Rebuild ADA curb ramp flared side slope less than eight and one third percent	Construct	\$29,717.80	\$35,912.17
52*, 53*, 54*	Northeast corner of Colesville Road and Ramsey Avenue facing Colesville Road, facing Ramsey Avenue, northwest corner of Colesville Road and Ramsey Avenue facing Ramsey Avenue	52: Rebuild ADA curb ramp with truncated domes, a running slope of less than eight and one third percent, a cross slope less than two percent, a gutter slope less than five percent and a flared side slope with less than eight and one third percent 53: Rebuild ADA curb ramp with truncated domes, a running slope of less than eight and one third percent, and flared side slope with less than eight and one third percent 54: Rebuild ADA curb ramp with truncated domes, cross slope of	Construct	\$42,359.45	\$51,188.84

		less than two percent, and flared side slope with less than eight and one third percent			
63**	Cameron Street between Ramsey Avenue and Fenton Street.	Construct separated bicycle lanes along off-site portion of Cameron Street	Construct	\$325,007.60	\$392,752.11
79	Colesville Rd & Georgia Ave – Bus Stop Location 2001140	Install bus shelter and real time information display	Construct	\$76,627.52	\$92,599.75
86*	Georgia Ave & Cameron St - Bus Stop Location 2000204	Install bus shelter and real time information display	Construct	\$76,627.52	\$92,599.75
89*	2nd Ave & Fenwick Ln -Bus Stop Location 25816	Install bus shelter and real time information display	Construct	\$49,787.50	\$60,165.19
95**	South crossing Georgia Avenue at Fenwick Lane	Install a HAWK signal	Construct	\$366,165.63	\$442,489.10
98	Ramsey Avenue & Cameron Hill Court (east-west, south side)	Raise sidewalk to street level, extend sidewalk across alley entrance	Construct	\$147,380.99	\$178,101.04

\*\*Indicates newly added backup project as part of this Amendment. These improvements were previously identified for implementation with the original Preliminary Plan approval. These improvements are now prioritized for consideration as potential substitute projects.

\*Indicates that the project is a priority project that should be considered second when substituting projects that are conditioned for approval.



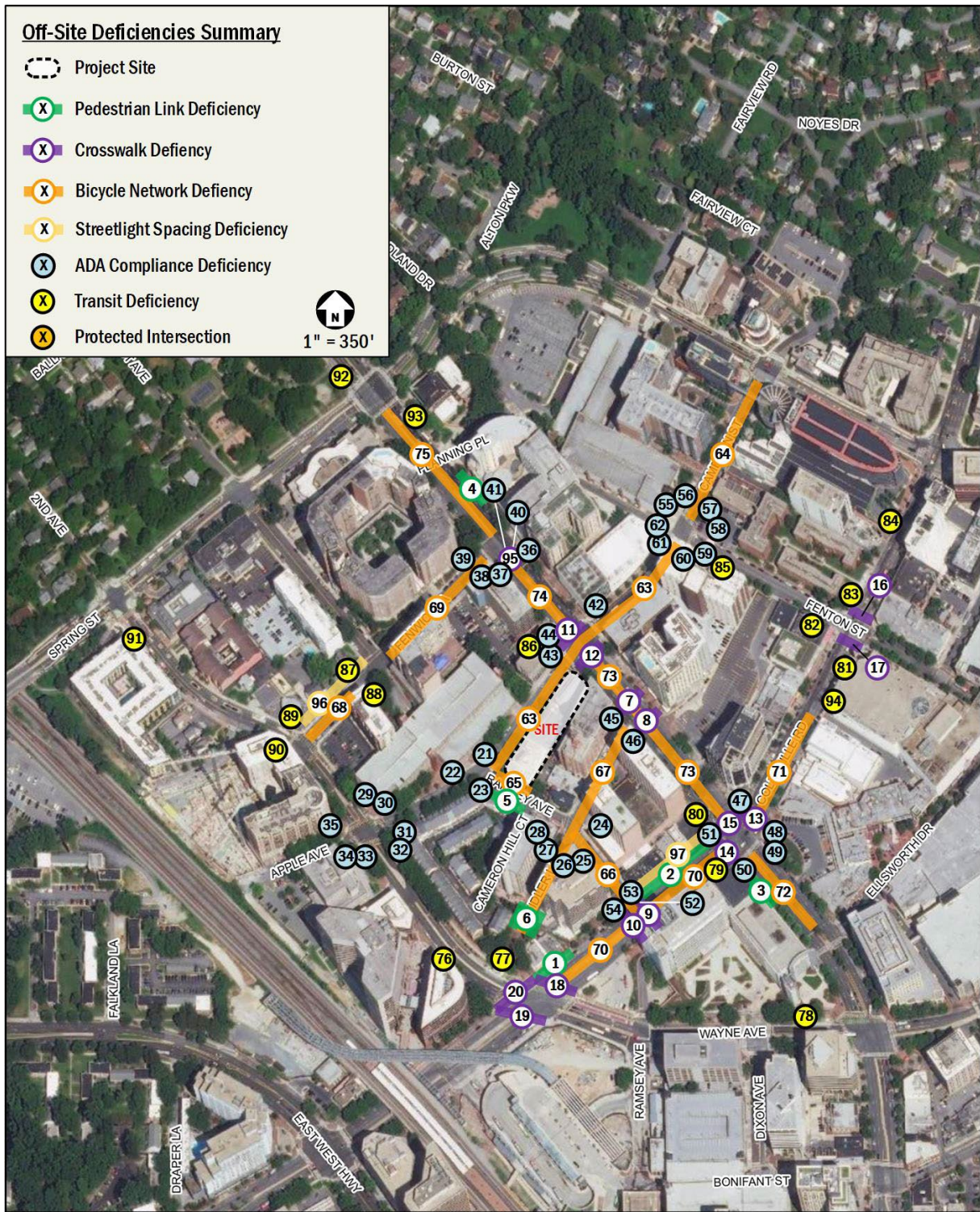


Figure 15– Nearby Off-Site Deficiencies Identified in the Transportation Impact Study



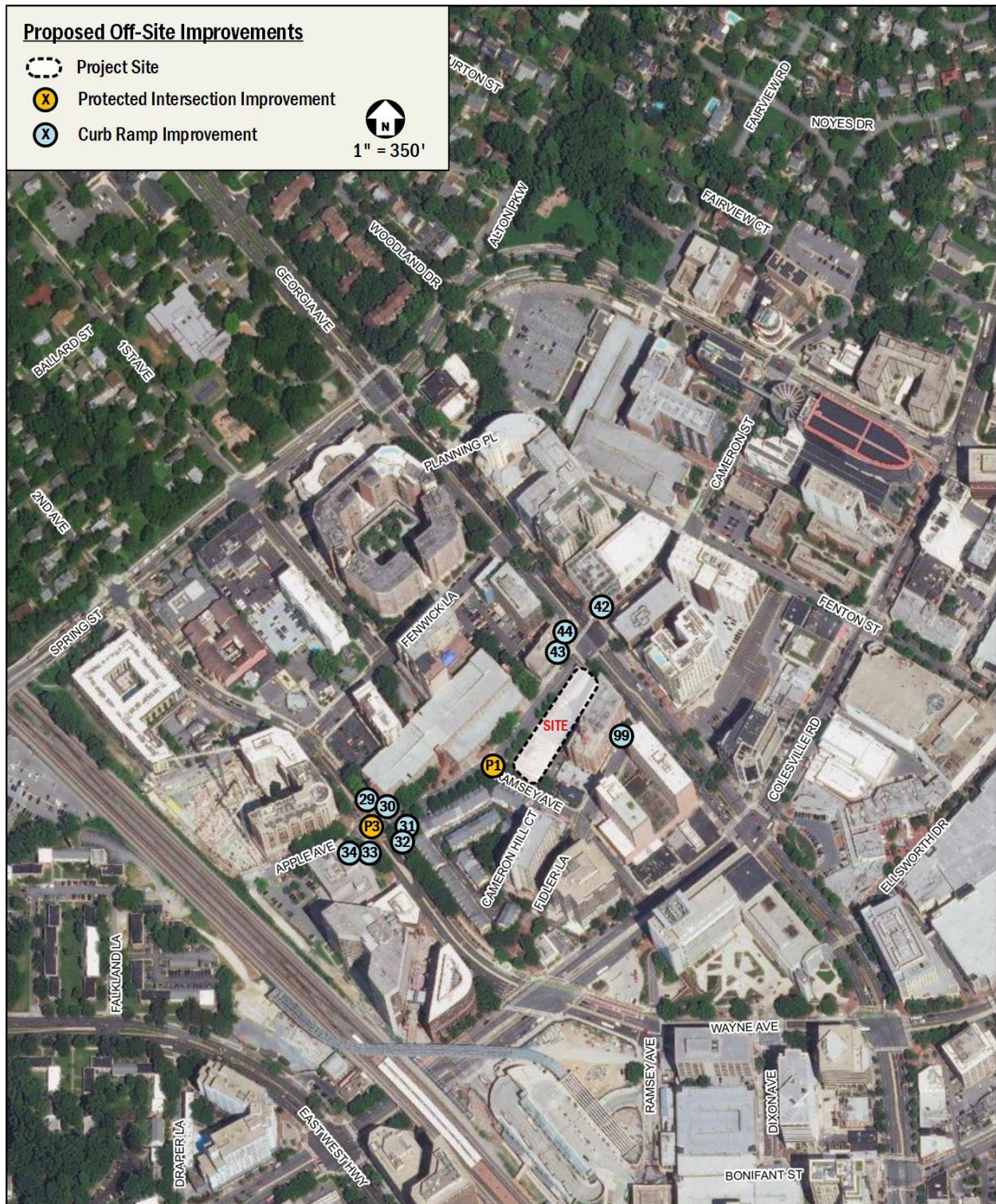


Figure 16 – Proposed Off-Site Transportation Improvement Projects



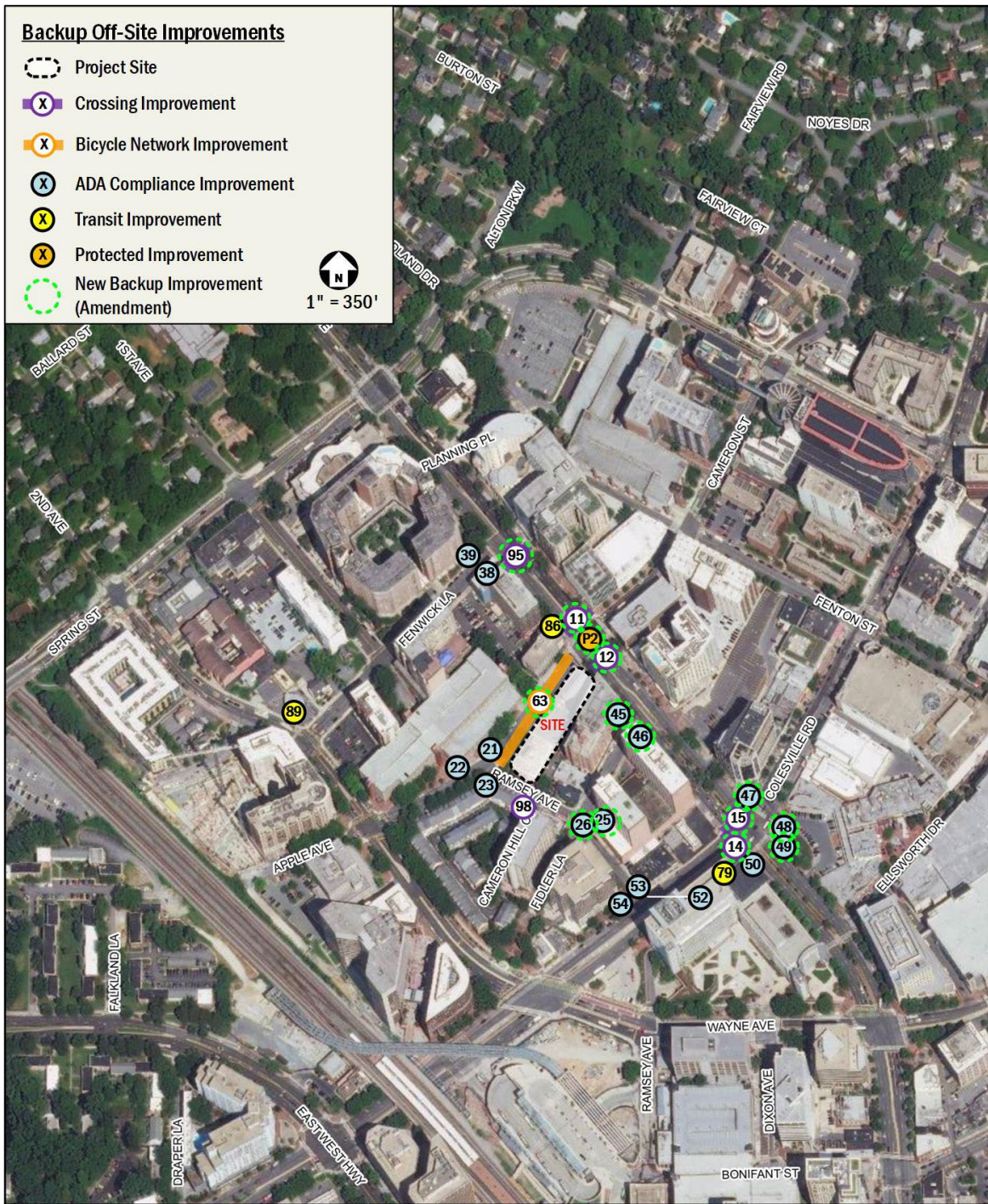


Figure 17 – Backup Transportation Improvement Projects

As conditioned with Preliminary Plan No. 120230150, all off-site mitigation projects must be permitted, bonded for construction, and all mitigation payments must be paid before the issuance of the first above grade building permit. Montgomery County Planning and MCDOT staff reviewed the TIS and approved the mitigation project list. Therefore, with the

conditions, the Applicant has satisfied the requirements of the LATR, and with the conditions, the public transportation facilities are adequate for the Site.

## SECTION 7: SITE PLAN 820250050 FINDINGS AND ANALYSIS

Section 59.4.5.4.A.1 requires that Optional Method projects in the CR 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 conforms to the applicable conditions and findings of Sketch Plan No. 320230060 (MCPB No. 24-065) and Preliminary Plan No. 120230150 (MCPB No. 24-066), as amended.

- 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 59-4.5.4 CR Zone Optional Method and Division 59-4.9.7 DSS Overlay Zone Development Standards***



Table 1: 8676 Georgia Avenue Site Plan Data Table

Development Standard	Permitted/ Required	Approved with Sketch Plan No.320230060 & Preliminary Plan No. 120230150	Proposed by this Site Plan
<b>Tract Area</b>	n/a	45,503 sf (1.04 acres)	45,503 sf (1.04 acres)
<b>Tract Area - Prior Dedication</b>	n/a	8,854 sf (0.20 acres)	8,854 sf (0.20 acres)
<b>Tract Area - Proposed Dedication</b>	n/a	2,019 sf (0.05 acres)	2,019 sf (0.05 acres)
<b>Site Area</b>	n/a	34,630 sf (0.79 acres)	34,630 sf (0.79 acres)
<b>Mapped Density CR-5.0 C-5.0 R-5.0 H-300</b>			
<b>Residential (GFA/ FAR)</b>	227,515 sf (5.0)	202,515 sf (4.45)	207,515 sf (4.56)
<b>Commercial (GFA/FAR)</b>	227,515 sf (5.0)	25,000 sf (0.55)	20,000 sf (0.44)
<b>Total Mapped Density (GFA/FAR)</b>	227,515 sf (5.0)	227,515 sf (5.0)	227,515 sf (5.0)
<b>MPDU Requirement</b>	15%	15%	15.1%
<b>MPDU Bonus Density (GFA/FAR)</b>	n/a	44,553 sf (0.98)	45,985 sf (1.01)
<b>Downtown Silver Spring Overlay Zone Density (DSS)</b>	n/a	277,932 sf (6.11)	226,500 sf (4.98)
<b>Total GFA/FAR (with MPDU bonus density &amp; DSS Density)</b>	n/a	550,000 sf (12.09)	500,000 sf (10.99)
<b>Building Height</b>	300 ft	300 ft	312 ft <sup>10</sup>
<b>Public Open Space (min sf)</b>	3,463 sf	Contribution-in-lieu	Contribution-in-lieu
<b>Minimum Setbacks (ft) - Georgia Avenue (Downtown Boulevard)</b>	Determined with Site Plan	Determined with Site Plan	23.25 ft
<b>Minimum Setbacks (ft) – Cameron Street (Downtown Street)</b>	Determined with Site Plan	Determined with Site Plan	15.5 ft
<b>Minimum Setbacks (ft) – Ramsey Avenue (Downtown Street)</b>	Determined with Site Plan	Determined with Site Plan	20 ft
<b>Loading Spaces</b>	2	3	3

<sup>10</sup> The Site Plan is eligible for 12 additional feet of building height based on the provision of MPDUs above 15% pursuant to Section 59.4.9.7.C.3.b of the Zoning Ordinance.

Development Standard	Permitted/ Required	Approved with Sketch Plan No.320230060 & Preliminary Plan No. 120230150	Proposed by this Site Plan
<b>Vehicle Parking (total spaces)</b>	76 min. /770 max.	340	422 <sup>11</sup>
<b>Residential (spaces)</b>	20 <sup>12</sup>		297
<b>Commercial (spaces)</b>	56		125
<b>Bicycle Parking</b>			
<b>Long Term (total spaces)<sup>13</sup></b>			96
<b>Residential</b>	95		95
<b>Commercial</b>	1		1
<b>Short Term (total spaces)</b>			14
<b>Residential</b>	5		6
<b>Commercial</b>	2		8

**Section 59.4.1.7.C.2.a - Building Height in the Commercial/Residential, Employment and Industrial Zones**

***For a building located within 35 feet of a street right-of- way, building height is measured from the level of approved curb grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof or to the mean height level between eaves and ridge of a pitched roof. If a building is located on a terrace, the height may be increased by the height of the terrace. For a corner lot or a lot extending through from street to street, the height is measured from the curb grade opposite the middle of the building façade along either right-of-way; however, under Section 7.3.4, Site Plan, the Planning Board may approve an alternative point of measurement as part of site plan approval. The alternative measurement point must be taken from the approved curb grade along either right- of-way. In approving an alternative point of measurement, the Planning Board must consider compatibility and building height variation on the site.***

<sup>11</sup> The final number of vehicle parking spaces to be determined at building permit based on the final number of dwelling units and commercial area.

<sup>12</sup> As the Property is located within ½ mile of a Metro station, the minimum residential parking requirement is 0 spaces in accordance with Section 59-6.2.3.I.8.a, with the provision of handicapped accessible parking spaces at the rate of 1 space per 25 dwelling units in accordance with Section 59-6.2.3.I.8.b.

<sup>13</sup> The minimum required long term bicycle parking requirement is 96 spaces. The Site Plan includes up to 106 long term bicycle parking spaces.

The Site is a corner lot that also extends through from street to street (Georgia Avenue to Ramsey Avenue), and as such, the building height is measured from the curb grade opposite the middle of the building façade along either right-of-way. For this Site Plan, the building height measuring point would typically be located at curb grade opposite the middle of the building as it fronts on Cameron Street.

The Site Plan proposes an alternative point of building height measurement at curb grade approximately 140 feet north of the middle of the building façade along Cameron Street, closer to the intersection of Cameron Street and Georgia Avenue. The requested shift in the building height measuring point will result in an additional two- and one-half feet (2.5 feet) of height tolerance for the northern portion of the building. This equates to less than a one percent (0.008 percent) adjustment to the overall height of the building. Use of the requested alternative building height measuring point will have a minimal impact on the overall scale of the building and will be imperceptible when viewed from the street.

The alternative building height measuring point does not change the overall design and height variation of the proposed building; with its maximum height proximate to Georgia Avenue and step down in tower height proximate to Ramsey Avenue. Implementation of the requested alternative building height measuring point does not impact the compatibility of the Proposal with this neighborhood context. Staff supports the Applicant's proposal for an alternative building height measuring point.

In addition to the general development standards outlined in Table 1, the Site 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:

ii. ***Section 59.4.9.8.C - Downtown Silver Spring Overlay Zone Development Standards***

***1. Building Height***

- a) Except as provided in Section 4.9.7.C.1.b or Section 4.9.7.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 underlying CR zone of this Property allows a 300-foot maximum building height. However, this Site Plan proposes a maximum building height of 312 feet, in accordance with the provisions of Section 59.4.9.7.C.3.b, which states "If a project exceeds 15 percent 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 percent divided by the average residential floor plate area, where each whole number and each remaining fraction allows an increase of 12 feet."

The Site Plan provides 15.1 percent MPDUs and qualifies for an additional 12 feet of building height, as is further discussed in Finding 3.b below.

## **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 mapped FAR of the Site is 5.0. The Planning Board approved Sketch Plan No. 320230060 under Section 59.7.3.3 for a redevelopment concept to include up to 277,932 square feet of DSS density (12.09 FAR). This Site Plan requests an allocation of 226,500 square feet of DSS density, which is within limit approved by the Sketch Plan.

The Site Plan will exceed the mapped total FAR of 5.0 for this Site by qualifying for MPDU bonus density and utilizing up to 226,500 square feet of DSS density as shown in Table 1.

- 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 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 226,500 square feet of DSS density is allocated for residential square footage. There is no DSS density to be utilized for commercial square footage.

**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.***
- 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.***

In December 2024, the Planning Board approved an adjustment to the DSS contribution rates in accordance with Section 59.4.9.7.C.2.e.ii of the Zoning Ordinance. The DSS density contribution rate increased from \$5 per square foot to \$5.29 per square foot of approved residential DSS density, and from \$3 to \$3.17 per square foot of approved non-residential DSS density. Based on this CIF rates and requested quantity of DSS density, the required contribution is:

226,500 sf residential DSS density x \$5.29/sf = \$1,198,185 CIF contribution

**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 493 multifamily residential units, of which 15.1 percent (75 of 493 units) are 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 Site Plan provides 15.1 percent MPDUs and qualifies for an additional 12 feet of building height in accordance with this provision as follows:

MPDU floor area above 15 percent / average residential floor plate area

693 sf (MPDU sf > 15 percent) / 20,900 sf (average residential floor plate area) = 0.033

0.033 sf remaining = 12 feet additional height for MPDUs

***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 Site Plan includes 15.1 percent MPDUs. A contribution to the Civic Improvement Fund for an allocation of DSS density is required as detailed herein under DSS Overlay Zone Finding 2.e above.

**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 or awarded.

***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 Site Plan at three meetings on October 16, 2024, January 27, 2025, and February 19, 2025. At the meeting on February 19, 2025, the DAP recommended that the Planning Board approve 10 public benefit points for Exceptional Design.

## 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 Sector Plan does not recommend creating new public open space on the Property. Therefore, the Site Plan will contribute funds in lieu of providing the 3,463 square feet of on-site public open space that would be otherwise required. The Planning Board issued Master Plan Interpretation Policy 2024-01 (Attachment E) in March 2024 that established the following applicable metrics for calculating contributions:

Required Public Open Space square feet X (Normalized Base Rate X Approved FAR, not to exceed mapped FAR) = Open Space Fee-In-Lieu Contribution Amount

$$3,463 \text{ sf} \times (\$20 \times 5.0 \text{ FAR}) = \$ 346,300$$

### iii. **Division 4.7 Optional Method Public Benefits**

In accordance with the Zoning Ordinance, Section 59.4.7, the Site Plan proposes 110.09 public benefit points in four categories to satisfy the requirements:

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

Public Benefit	Maximum Points Allowed	Approved in Concept with Sketch Plan No. 320230060	Proposed
<b>Connectivity and Mobility</b>			
Minimum Parking	10	9.86	5.01
<b>Diversity of Uses and Activities</b>			
Enhanced Accessibility	20	2.85	1.21
Moderately Price Dwelling Units	N/A	30.00	31.20
<b>Quality Building and Site Design</b>			
Architectural Elevations	20	10.00	10.00
Exceptional Design	10	10.00	10.00
Historic Resource Protection	20	10.00	20.00
Structured Parking	20	10.00	10.00

<b>Protection and Enhancement of the Natural Environment</b>			
Building Lot Terminations (BLT)	30	11.30	10.23
Recycling Facility Plan	10	10.00	10.00
<b>Total Points</b>	<b>100 (minimum required)</b>	<b>104.01</b>	<b>107.65</b>

## CONNECTIVITY AND MOBILITY

### Minimum Parking

The Applicant requests 7.79 public benefit points for providing fewer than the maximum allowed number of parking spaces. The Site Plan data table indicates 406 total spaces are provided, but plans show 422 spaces. The request for 7.79 Minimum Parking public benefit points was based on 406 parking spaces but should have been based on 422 spaces provided. Additionally, since the time of approval of Sketch Plan 320230060, parking standards have changed to eliminate minimum parking requirements for residential uses near transit, which applies to this Site Plan.

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, with 422 parking spaces provided, and minimum requirement of 76 parking spaces, the Proposal is eligible for 5.01 public benefit points in this category. Staff supports 5.01 public benefits points for minimum parking based on the following formula:

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

$$(770-422) / (770-76) * 10 = 5.01 \text{ points}$$

## DIVERSITY OF USES AND ACTIVITIES

### Enhanced Accessibility for the Disabled

The Applicant requests 1.21 public benefit points for providing two (2) 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 1.21 public benefit points in this category. Staff supports the 1.21 public benefits points for the provision of enhanced accessible residential dwelling units based on the following formula:

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

$$(2 / 493) \times 300 = 1.21 \text{ points}$$

### Affordable Housing

The Applicant requests 31.20 public benefit points for providing more than 12.5 percent of the residential units as MPDUs. This Application provides 15.1 percent of total number of residential units as MPDUs. This is 2.6 percent above the minimum required to qualify for public benefit points for Affordable Housing. For every percentage point over 12.5 percent MPDUs, 12 public benefit points can be awarded. Staff supports the request for 31.20 public benefit points for Affordable Housing based on the following formula:

$$(\text{Proposed percent MPDUs} - 12.5 \text{ percent MPDU minimum}) \times 12 = \text{number of public benefit points}$$

$$(15.1 \text{ percent MPDUs proposed} - 12.5 \text{ percent MPDU minimum}) \times 12 = 31.2 \text{ points}$$

### QUALITY BUILDING AND SITE DESIGN

#### Architectural Elevations

The Applicant requests 10 public benefit points for providing high-quality architectural elevations that include binding design elements approved with the Sketch Plan. These binding elements include a minimum percentage of transparency on the ground floor, maximum separation between operable doors on Cameron Street and incorporation of design priorities of the Sector Plan. The provision of well-proportioned and attractive architectural elevations is particularly significant at this highly visible Site in the core of downtown Silver Spring. Staff supports 10 public benefit points for Architectural Elevations.

#### Exceptional Design

The Silver Spring Downtown Overlay Zone requires development proposals to achieve 10 public benefit points for Exceptional Design, and further requires the Silver Spring Design Advisory Panel (DAP) to provide recommendations to heighten design excellence and improve the quality of architecture, urban design, and landscape architecture for all Optional Method Development proposals in the Downtown Silver Spring Overlay Zone.

The Applicant requests 10 public benefit points for Exceptional Design. The Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines provides that 10 points are appropriate for development that meets the following criteria:

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

The Site Plan provides a well-designed urban infill redevelopment Project on a narrow Property encompassing approximately half of a city block in downtown

Silver Spring. At the street level, the building base frames the public realm and is lined with activating uses. Wide sidewalks and streetscape enhancements are provided on all frontages. A bicycle lane and associated features is provided on the Site's Cameron Street frontage as part of the Sector Plan envisioned Central Green Loop. The historic Tastee Diner is incorporated into the design as a unique feature and given prominence. The Diner is flanked by outdoor seating areas and landscaping to further accentuate it and promote an active public realm around it. The architecture of the base of the proposed high-rise building behind the Diner has been specific designed to harmonize with the Diner's architectural character.

The building's maximum height of 312 feet is a major factor in achieving the high-level of density desired at this location by the CR Zone and DSS Overlay Zone. The narrowness of the Site requires a strong vertical development program to achieve higher density and that is delivered with this Site Plan. The building's height steps down proximate to Ramsey Avenue in response to the lower height of the existing neighboring townhouse community.

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 highly visible, high-density, mixed-use building with a distinct and attractive architectural character. The building's tower proximate to Georgia Avenue will include architectural elements to make it a visually prominent landmark along this corridor. The building will have an illuminated cap to its tower that will be highly visible in the Silver Spring skyline. The historic Tastee Diner is an existing local landmark that will be preserved, adaptively reused, and incorporated as a community-facing feature of the Property.

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

The Site Plan provides significant and distinct contributions to enhancing the public realm around the Property. The building base is designed to address the public realm with activating uses, including a residential lobby and amenity area and commercial spaces, including a potential grocer. The Project include a bicycle lane on the south side of Cameron Street in the Site's frontage to implement a segment of the Sector Plan-envisioned Central Green Loop. The historic Tastee Diner is brought forward as a major visible and functional feature of the development. Combined, these elements will transform the public realm in an original manner.

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



The proposed building has a unique character that fits its neighborhood context. The building's form is anchored by a rectangular base, with its tower rising up as two intersecting rectangular forms. A limited variety of materials and colors simplifies the design, while ample fenestration, plane changes, inclusion of balconies and other architectural techniques are incorporated to break down the perceived mass of the structure, add visual interest, and accentuate the building's form on all sides.

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

This Application seeks to replace two vacant, underutilized, low-density, commercial properties with surface parking in the core of downtown Silver Spring with a high-density, vertical infill development. The Project will deliver up to 493 new multifamily residential units, including 15.1 percent MPDUs and up to 20,000 square feet of ground-floor commercial uses 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 in the Site's frontage and by 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.***

In addition to incorporating all green building and site design elements required by the Zoning Ordinance and the Sector Plan, sustainability principles of LEED and SITES informed overall character of the Project, including:

- Redevelopment of a previously developed, underutilized site proximate to existing multimodal public transportation options.
- Incorporation of native plant and tree species on a site where few exist.
- Adaptive reuse of the historic Tastee Diner on-site.

The Silver Spring Design Advisory Panel (DAP) reviewed the Site Plan at their meetings on October 16, 2024, January 27, 2025, and February 19, 2025. The DAP's review focused on design details and arrangement of architectural elements at the building's cap, Georgia Avenue façade, screening of structured parking, building corner adjacent to the intersection of Georgia Avenue and Cameron Street, and building and site design proximate to the historic Tastee Diner. The building and site design were refined based on DAP feedback. At their

February 19, 2025 meeting, the DAP recommended the Planning Board approve 10 public benefit points for Exceptional Design. Staff supports ten points for Exceptional Design.

### Historic Resource Protection

The Sketch Plan approved 10 public benefit points in concept for Historic Resource Protection. The Site Plan increases the request for Historic Resource Protection to 20 public benefits.

The Tastee Diner is a historic resource designated as Master Plan Historic Site No. 36/13 in the Master Plan for Historic Preservation in Montgomery County as a significant example of commercial Art Deco/Moderne architecture. With this Site Plan the Diner will not only be preserved and rehabilitated, but also integrated into the larger development project in manner that allows for its adaptive reuse. The architectural design of the new mixed-used building has been designed to complement the Diner. Outdoor seating and landscaping are provided adjacent to the Diner.

The *CR and Employment Zone Incentive Density Implementation Guidelines* criteria for Historic Resource Protection states that ten points is appropriate for projects that protect designated historic resources through preservation or enhancement. The treatment proposed for the Tastee Diner goes beyond the ten-point baseline criteria for Historic Resource Protection public benefit points. The Site Plan proposes to rehabilitate, integrate and celebrate the Diner through its inclusion as a major feature in the Property's redevelopment. Staff supports 20 public benefit points for Historic Resource Protection.

### Structured Parking

The Applicant requests 10 public benefit points for providing Structured Parking. The Application includes an above-grade structured parking with 422 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 a above or below grade parking structure. The proposed parking qualifies for 10 public benefit points as 100 percent of the proposed parking spaces for the project will be located in an above-grade parking structure. Staff supports the Applicant's request for 10 public benefit points for structured parking.

## PROTECTION AND ENHANCEMENT OF THE NATURAL ENVIRONMENT

### Building Lot Terminations (BLTs)

The Applicant requests 10.23 public benefit points for the purchase of 1.1363 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. Staff supports the 10.23 public benefits points requested, based on the following calculation:

BLT Calculation:

$$(((\text{Project Density} - (\text{Standard Method Density})) \times 0.075) / 31,500) \times 9$$

$$(((500,000 - (22,751.50)) \times 7.5\%) / 31,500) = 1.1363 \text{ BLTs}$$

$$1.1363 \text{ BLTs} \times 9 \text{ points/BLT} = 10.23 \text{ public benefit points}$$

### Recycling Facility Plan

The Applicant requests ten points for committing to provide a recycling program that meets or exceeds Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04. As part of the Site Plan review, the Montgomery County Department of Environmental Protection reviewed and approved the recycling program as meeting or exceeding those requirements (Attachment C).

The CR Zone Incentive Density Implementation Guidelines note five points is appropriate meeting the baseline requirement of this public benefit subcategory. This recycling program exceeds the baseline requirements by including well-integrated, readily accessible recycling facilities, including for less common, but significant, recyclable materials including batteries, light bulbs, and plastic bags. Staff supports 10 public benefit points for the Recycling Facility Plan provided.

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

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

The Site Plan provides safe and convenient vehicular, bicycle and pedestrian circulation within and surrounding the Property. Vehicular and loading access is from a single point on Ramsey Street, eliminating multiple existing curb cuts from Cameron Street. Pedestrian and bicycle access is provided from multiple points on the building's Cameron Street frontage. This access arrangement minimizes points of conflict between vehicles, pedestrians and bicycles around the Property. This Site Plan access arrangement is consistent with the approved Preliminary Plan.

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

###### ***Vehicular Parking and Queuing***

In accordance with Section 59.6.2.3 and Section 59.6.2.4 of the Zoning Ordinance regarding Calculation of Parking and Parking Requirements, the baseline minimum parking requirement for this Site Plan is 76 spaces (20 spaces for the residential use<sup>14</sup> and 56 spaces for the commercial use) and total maximum parking allowed is 770 spaces. The internal parking structure includes a total of 422 parking spaces, which falls between the minimum and maximum parking requirements.

Parking to serve the ground-floor commercial use consists of 125 spaces on garage floors two and three. Parking for the residential use consists of 297 spaces on floors four through seven. The residential parking ratio is 0.60 spaces per unit (297 spaces / 493 units). Designated spaces are provided as required by the Zoning Ordinance for accessible access, electric vehicle charging, and other parking features as required this Section. Ample queuing space exists within the ramps and drive aisles of the parking structure.

### ***Loading***

Loading will be accommodated within three (3) bays, accessed from Ramsey Avenue. The loading management plan, included as part of the Site Plan, includes guidelines for operations to limit impacts to the surrounding community and ensure safe and efficient loading and service operations. This loading management plan identifies one specific ingress route and one specific egress route that can be safe and functional for tractor trailer trucks (WB-67s) servicing the Property. The LATR offsite improvement projects list is significantly reduced with the Preliminary Plan Amendment and includes projects to make necessary intersection improvements to allow for tractor trailer trucks to utilize the singular ingress and egress routes specified for the Site's WB-67 loading dock. Subject to implementation of said off-site transportation improvement projects, and adherence to the loading management plan, safe and functional loading is provided.

### ***Bicycle Parking***

Bicycle parking is provided to serve the development, consisting of 14 short-term and 106 long-term bicycle parking spaces. Short-term bicycle parking serving both uses is provided as bicycle racks spread along the Site's Cameron Street and Georgia Avenue frontages in convenient locations. Long-term bicycle parking for the commercial use is located on the second floor of the parking

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<sup>14</sup>As the Property is located within ½ mile of a Metro station, the minimum residential parking requirement is 0 spaces in accordance with Section 59-6.2.3.I.8.a, with the provision of handicapped accessible parking spaces at the rate of 1 space per 25 dwelling units in accordance with Section 59-6.2.3.I.8.b.

structure (the lowest level of parking serving the commercial use) in a secure and conveniently located bicycle room. The long-term residential bicycle parking is provided in a secure and conveniently located room on the fourth floor of the parking garage. This is the lowest residential-serving floor of the parking structure. Section 59.6.2.6.B.1.e of the Zoning Ordinance regarding Bicycle Parking Design Standards requires that long-term bicycle parking facilities to be located “no higher than the first complete parking level above grade”, as such a waiver from this parking standard is required to allow the long-term residential bicycle parking room to be located on the fourth floor of the parking structure.

#### ***Parking Waiver – Long-term Residential Bicycle Parking Room Location***

In accordance with Section 59.6.2.10 of the Zoning Ordinance regarding Parking Waivers, a waiver from conformance with ground-floor locational requirements for the residential portion of the building’s long-term bicycle parking is requested. The fourth-floor location and design of the residential bicycle parking room provides an easily accessible, convenient, and functional bike room for residents. Staff supports the waiver request as the fourth-floor location for long-term residential bicycle parking is reasonable within the context of this Site Plan. The fourth-floor bike room will be convenient to use and easily accessible by way of the building’s residential elevators.

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

As required by the Downtown Silver Spring Overlay Zone and associated Sector Plan, a fee in lieu of the provision of required on-site public open space area is provided.

Private on-site recreation amenities are included to serve the residential portion of the Site Plan in conformance with the *Recreation Guidelines*. These amenities include, but are not limited to, an amenitized rooftop recreational space, fitness room, and urban plaza at street level, adjacent to the Tastee Diner. The Site Plan also will construct a separated bicycle lane on the south side of Cameron Street adjacent to the Property to implement a portion of the Central Green Loop as recommended by the *Silver Spring Downtown and Adjacent Communities Plan*.

### ***(4) Division 6.4 General Landscaping and Outdoor Lighting***

Landscaping and outdoor lighting are provided in accordance with Division 6.4 of the Zoning Ordinance to ensure compatibility with the surrounding community and environment. Trees, shrubs, and other plantings are provided



on-site proximate to the Tastee Diner and in the Georgia Avenue frontage. Street trees and plantings are included in the adjacent right-of-way frontage area. Streetlights and building mounted lights are provided. The photometric plan provided with the Site Plan shows adequate exterior illumination is provided, with offsite glare minimized.

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

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

The Department of Permitting Services approved a Site Development Stormwater Management Plan on December 27, 2024 (Attachment C). The plan proposes to meet required stormwater management goals via micro bioretention and green roofs.

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

This Application is subject to Chapter 22A Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan. Forest Conservation Exemption No. 42023137E<sup>15</sup> (Attachment A) was approved on May 02, 2024, under Section 22A- 5(S)(1) as the development activity is occurring on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

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

The proposed development will provide safe, well-integrated parking, circulation, building massing, and site amenities, as envisioned by the *Silver Spring Downtown and Adjacent Communities Plan*. Parking and vehicular circulation are to be internal to the development's structured parking garage, with a single point for ingress and egress at Ramsey Avenue, consistent with the access arrangement approved with Preliminary Plan No. 120230150. Access, circulation, and transportation safety will be increased with the consolidation of curb cuts for vehicular access to the Site on Ramsey Avenue.

Massing of the building follows the concept approved with Sketch Plan No. 320230060. As is discussed in Findings herein relative to Division 6.3 Open Space and Recreation Findings, recreational features are provided in accordance with the Recreation Guidelines, and a fee-in-lieu of providing on-site public open space is provided in accordance with the *Silver Spring Downtown and Adjacent Communities Plan*.

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<sup>15</sup> Based on the initial acceptance date for the exemption request, the Forest Conservation Exemption is subject to the Forest Conservation Law in effect prior to April 4, 2023.

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

The 2022 *Silver Spring Downtown and Adjacent Communities Plan* includes recommendations that apply to this Site Plan 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 proposed 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. Activating uses will line the base of the building along Georgia Avenue and Cameron Street. The remainder of the base above the ground floor is structured parking. The exterior design of the structured parking levels is well integrated into the overall building design.

The building's tower is clearly differentiated from its base through variation in massing and materiality and incorporation of step backs. The tower pulls up vertically through the base treatment at the building's corner adjacent to the intersection of Georgia Avenue and Cameron Street, adding architectural interest at this highly visible location. The building tower steps down in height proximate to Ramsey Avenue. The design incorporates the 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.

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

Commercial retail uses and residential lobby and amenity spaces are proposed for the building's ground floor program. The Site Plan concentrates commercial uses proximate to Georgia Avenue, with the main pedestrian access point to this retail space is from Cameron Street, directly adjacent 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.***

The Site Plan provides Central Green Loop elements prescribed by the Sector Plan, including a separated bike lane on the south side of Cameron Street proximate to the Property, and new sidewalks, and street trees along the Property's frontage.

***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 Site Plan improves to the public realm around the Property by providing the aforementioned Central Green Loop features and new benches and bicycle racks in the Site's frontage, and developing 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 Tastee Diner. Per the Sector Plan, this Property is also recommended to provide a contribution in lieu of on-site 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 Site Plan, and its associated, approved Sketch and Preliminary Plans, include the opportunity site at 8676 Georgia Avenue and the neighboring Tastee Diner property at 8601 Cameron Street.

ii. ***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 226,500 square feet of Downtown Silver Spring Overlay Zone Density to reach a maximum development density 500,000 square feet. The

corresponding contribution to the Civic Improvement Fund (CIF) is \$1,198,185 as detailed in Section 6, Findings and Analysis, regarding Site Plan conformance with the Downtown Silver Spring Overlay Zone requirements, and as conditioned.

***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 Site 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, in accordance with the 2022 *Silver Spring Downtown and Adjacent Communities Plan*, the Property is not recommended to include new public open space. As such, the Proposal is required to provide a fee-in-lieu contribution of \$346,300 to conform with the public open space requirement of the Downtown Silver Spring Overlay Zone as detailed in Section 6 Findings and Analysis, regarding Site Plan conformance with the Downtown Silver Spring Overlay Zone.

#### **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 Site Plan provides new ground-floor retail uses in the core of Silver Spring, proximate to other existing retailers and service providers. The ground floor program also includes an activating residential lobby feature, attached to a rehabilitated and adaptively reused historic Tastee Diner, serving as a unique activating feature for the development and adjacent streetscape area.

#### **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 15.1 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 493 multifamily residential units, to include a mix of studio, one-bedroom and two-bedroom units, with 15.1 percent MPDUs and two 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 Downtown Silver Spring Overlay Zone includes allowances for additional development density. The Site Plan fully redevelops two underutilized, low-density, vacant, commercial properties with surface parking in the core of downtown, and replaces them with a single, mixed-use, high-density building with up to 493 new multifamily residential units and 20,000 square feet of commercial uses.

#### **Urban Design**

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

The proposed 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, it includes a signature tower cap proximate to Georgia Avenue, a well-integrated façade design for structured parking levels, and visual softening of the loading and parking access area. The building form and site design proximate to Ramsey Avenue has been specifically designed to incorporate the Tastee Diner as a major Site feature.

***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 visual bulk and make it relatable at the pedestrian level. The building tower steps-in from its base, and is accented by plane changes, geometric



expression and balconies. The tower steps down in height proximate to Ramsey Avenue.

A sun/shade study was reviewed with this Proposal's approved Sketch Plan and showed the proposed building orientation will allow many units to receive ample solar exposure in either the morning or evening hours. The sun/shade study also illustrated how the building will cast a shadow at different times of day throughout the year. The Site Plan maintains the same building orientation as was approved with the Sketch Plan.

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

A preliminary noise study was submitted with Preliminary Plan No. 120230150 that reviewed traffic noise levels for the Site's Georgia Avenue frontage only. A final noise study is included with the Site Plan that analyzes traffic noise impacts from Georgia Avenue and Cameron Street on the proposed development. The noise analysis concluded that some residential units fronting on Georgia Avenue and Cameron Street will require windows and balcony doors with higher acoustical dampening qualities to be installed to ensure impacts to indoor noise levels are mitigated.

**Public Realm**

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

The Application provides Central Green Loop features along the Property's frontage, including a protected bicycle lane, street trees and permeable pavers in the pedestrian buffer zone, wide sidewalks, and street trees.

**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.***

The Site Plan implements elements of the Central Green Loop, including a separated bicycle lane on the 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 contribute to the realization of the Central Green Loop in downtown, where pedestrian and bicyclist safety, comfort and convenience is prioritized. The Site Plan includes consolidated vehicle access and loading operations 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 will be upgraded with continental-style markings.

***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 proposed on Property frontages in general conformance with expectations for an urban infill site. A photometric plan included with the Site Plan demonstrates conformance with the outdoor lighting requirements of Chapter 59.6 of the Zoning Ordinance.

***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 on all 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.***

The Site Plan provides a separated bike lane on the south 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 proposes 422 vehicle parking spaces which is above the minimum parking requirement and below the maximum parking requirement. The quantity of vehicle parking provided conforms with the Parking Standards of the Zoning Ordinance.

**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 Downtown Silver Spring and Adjacent Communities 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 Site Plan includes new street trees in each frontage area, in general conformance with the recommendations of the *Design Guidelines*.

***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 Site Plan meets this requirement by providing an intensive green roof on 35 percent of the building's roof area.

**Historic Resources**

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

The Site Plan rehabilitates and adaptively reuses the historic Tastee Diner, a designated historic structured listed on Master Plan for Historic Preservation in Montgomery County (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 horizontal wraparound bands of trim and stainless-steel detailing.

The Historic Preservation Commission completed multiple Preliminary Consultations regarding the integration of the Diner into the larger redevelopment of the Property and provided guidance during the review of the Proposal's Sketch and Site Plan applications. The Historic Preservation Commission supports the Site Plan regarding its integration of the Tastee Diner and will continue to be involved in the Project through the Historic Area Work Permit process. The Planning Department's Historic Preservation Division and Montgomery County government executive office will oversee the administration of the existing Historic Easement Agreement.

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

As noted above, the Site Plan specifically integrates the adaptive reuse of the Tastee Diner as a major feature of the redeveloped Property. The distinct architectural character of the Diner is to be retained and rehabilitated. The ground floor and

parking garage façade of the new mixed-use building behind the Diner has been specifically designed to integrate and complement the Diner's architecture.

- i) 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;***

Preliminary Plan No. 120230150, approved by the Planning Board in 2024, included an adequate public facilities test. Preliminary Plan No. 12023015A, under consideration concurrent with this Site Plan, makes limited revisions to the previously approved LATR portion of the adequate public facilities test. The remainder of the adequate public facilities test previously approved is unchanged by this Amendment.

The amended LATR presented with Preliminary Plan No. 12023015A includes six off-site transportation improvement projects that must be completed for adequate and safe public roadways to exist to service the development. These projects make the minimum necessary changes to public roadway intersections proximate to the Property to allow for the Applicant's tractor trailer truck (WB-67) loading plan to be viable and for pedestrian circulation to be safe and adequate. Intersections will be modified to accommodate the wide turning radii of WB-67s and make associated safety adjustments. With the inclusion of the LATR off-site transportation improvements identified in Preliminary Plan No. 12023015A, public roadways will be adequate to support the proposed development.

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

The Property is in the CR Zone and Downtown Silver Spring Overlay Zone, not a rural residential or residential zone; therefore, this criterion is not applicable to this Application.

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

The Site Plan is designed to be compatible with existing, approved, and pending adjacent development. This Property is in the CR Zone and Downtown Silver Spring Overlay Zone,

which both support high-density, mixed-use redevelopment of the Subject Property, those surrounding it, and others in the core of downtown Silver Spring. Existing surrounding properties are developed with a mix of uses and variable heights. Pending or approved developments adjacent to the subject Site include the ongoing redevelopment and repurposing of the Guardian Building (Site Plan No. 82017010B). This former office building is in the process of adding height and density to support residential uses over ground floor commercial uses.

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 criterion is not applicable as this Site Plan does not include a restaurant with a drive-thru.

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

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

## SECTION 8: CONCLUSION

As conditioned, the Preliminary Plan Amendment satisfies the findings under the applicable standards of the Subdivision Regulations and substantially conforms to the recommendations of the 2022 *Silver Spring Downtown and Adjacent Communities Plan*. Therefore, Staff recommends approval of the Preliminary Plan Amendment with the conditions specified at the beginning of this report.

As conditioned, the Site Plan satisfies the findings under Sections 59.7.3.3 & 7.3.4 and the applicable standards of the Zoning Ordinance for the CR Zone and Downtown Silver Spring Overlay Zone and substantially conform to the recommendations of the *Silver Spring Downtown and Adjacent Communities Plan*. Therefore, Staff recommends approval of the Site Plan with the conditions specified at the beginning of this report.



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## ATTACHMENTS

*Attachment A: Preliminary Plan Amendment, Site Plan & Forest Conservation Exemption*

*Attachment B: Prior Approvals*

*Sketch Plan No. 320230060, MCPB Resolution No. 24-065*

*Preliminary Plan No. 120230150, MCPB Resolution No. 24-065*

*Attachment C: Agency Letters*

*Site Plan: MCDPS ROW, MCDPS Stormwater, MCDPS Fire, SHA, MCDHCA, MCDEP, HPC*

*Preliminary Plan Amendment: MCDOT*

*Attachment D: Historic Easement Agreement – Tastee Diner*

*Attachment E: Master Plan Interpretation Policy No. 24-01*

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

*Attachment G: Community Correspondence*

*Attachment H: Design Advisory Panel (DAP) Meeting Minutes*