

Montgomery County Planning Board

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DATE MAILED:

July 23, 2025

MCPB No. 25-078
Site Plan No. 820250050
8676 Georgia Avenue
Date of Hearing: June 26, 2025

RESOLUTION

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

WHEREAS, on November 27, 2024, 8676 Georgia Ave LLC (“Applicant”) filed an application for approval of a site plan for development of a mixed-use building with a density of 500,000 square feet and 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 the historic Tastee Diner on 1.04 acres of CR-5.0, C-5.0, R-5.0, H-300 & Downtown Silver Spring Overlay Zone zoned-land, located at the southern quadrant of the intersection of Georgia Avenue and Cameron Street, Silver Spring; at 8676 Georgia Avenue and 8601 Cameron Street (“Subject Property”), in the Silver Spring CBD Policy Area and *Silver Spring Downtown and Adjacent Communities Plan* (“Sector Plan”) area; and

WHEREAS, the site plan application for the Subject Property was designated Site Plan No. 820250050 Site Plan” or “Application”) and was considered concurrently with Preliminary Plan Amendment No. 12023015A; and

WHEREAS, following review and analysis of the Application by Planning Board staff (“Staff”) and other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 16, 2025 providing its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on June 26, 2025, the Planning Board held a public hearing on the Application and voted to approve the Application subject to conditions, on the motion of Commissioner Hedrick, seconded by Commissioner Bartley, with a vote of 3-0-1; Chair Harris, Commissioners Bartley and Hedrick voting in favor, and Commissioner Linden abstaining. Vice Chair Pedoeem was necessarily absent.

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820250050 for the development of a mixed-use building with a density of 500,000 square feet and 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 the historic Tastee Diner on the Subject Property, subject to the following conditions:¹

1. Density

The Site Plan is limited to a maximum of 500,000 square feet of total development on the 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.²

2. Height

- a) 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.
- b) 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.

¹ For the purpose 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.

² 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) 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 (CIF) 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.
- 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 percent 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-squarefoot 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 secured, 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 2nd 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:

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

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 8676 Georgia Avenue, Site Plan No. 820250050, submitted via ePlans to the M-NCPPC as of the date of the Staff Report are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations of its Staff as presented at the hearing and/or as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The development 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.

2. *The development satisfies 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.

3. *The development satisfies 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.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Development Standards

The Subject Property includes approximately 1.04 acres zoned CR-5.0, C-5.0, R-5.0, H-300 and Downtown Silver Spring Overlay Zone. The Application satisfies the applicable development standards as shown in the following data table:

Data Table

Development Standard	Permitted/ Required	Approved with Sketch Plan No.320230060 & Preliminary Plan No. 120230150	Approved by this Site Plan
Tract Area	n/a	45,503 sf (1.04 acres)	45,503 sf (1.04 acres)
Tract Area - Prior Dedication	n/a	8,854 sf (0.20 acres)	8,854 sf (0.20 acres)
Tract Area - Proposed Dedication	n/a	2,019 sf (0.05 acres)	2,019 sf (0.05 acres)
Site Area	n/a	34,630 sf (0.79 acres)	34,630 sf (0.79 acres)
Mapped Density CR-5.0 C-5.0 R-5.0 H-300			
Residential (GFA/ FAR)	227,515 sf (5.0)	202,515 sf (4.45)	207,515 sf (4.56)
Commercial (GFA/FAR)	227,515 sf (5.0)	25,000 sf (0.55)	20,000 sf (0.44)
Total Mapped Density (GFA/FAR)	227,515 sf (5.0)	227,515 sf (5.0)	227,515 sf (5.0)
MPDU Requirement	15%	15%	15.1%
MPDU Bonus Density (GFA/FAR)	n/a	44,553 sf (0.98)	45,985 sf (1.01)
Downtown Silver Spring Overlay Zone Density (DSS)	n/a	277,932 sf (6.11)	226,500 sf (4.98)
Total GFA/FAR (with MPDU bonus density & DSS Density)	n/a	550,000 sf (12.09)	500,000 sf (10.99)

Development Standard	Permitted/ Required	Approved with Sketch Plan No.320230060 & Preliminary Plan No. 120230150	Approved by this Site Plan
Building Height	300 ft	300 ft	312 ft ³
Public Open Space (min sf)	3,463 sf	Contribution-in-lieu	Contribution-in-lieu
Minimum Setbacks (ft) - Georgia Avenue (Downtown Boulevard)	Determined with Site Plan	Determined with Site Plan	23.25 ft
Minimum Setbacks (ft) – Cameron Street (Downtown Street)	Determined with Site Plan	Determined with Site Plan	15.5 ft
Minimum Setbacks (ft) – Ramsey Avenue (Downtown Street)	Determined with Site Plan	Determined with Site Plan	20 ft
Loading Spaces	2	3	3
Vehicle Parking (total spaces)	303 min. /770 max.	340	422 ⁴
Residential (spaces)	247 ⁵		297
Commercial (spaces)	56		125

³ 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.

⁴ The final number of vehicle parking spaces to be determined at building permit based on the final number of dwelling units and commercial area.

⁵ 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.

Development Standard	Permitted/ Required	Approved with Sketch Plan No.320230060 & Preliminary Plan No. 120230150	Approved by this Site Plan
Bicycle Parking			
Long Term (total spaces)⁶			96
Residential	95		95
Commercial	1		1
Short Term (total spaces)			8
Residential	5		5
Commercial	2		3

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.

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

⁶ The minimum required long term bicycle parking requirement is 96 spaces. The Site Plan includes up to 106 long term bicycle parking spaces.

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. Having considered compatibility and building height variation, the Planning Board approves the Applicant's proposal for an alternative building height measuring point.

Section 59-4.9.7.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 Site Plan.

- 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, and Planning Board approves, an allocation of 226,500 square feet of DSS density, which is within the 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 the Data Table.

- 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 approved with this Application is for use on the Subject Property and not to be transferred to any other property. The Planning Board finds the utilization of 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.

The Planning Board approves the allocation of 226,500 square feet of DSS density for residential square footage. There is no DSS density to be utilized for commercial square footage for this Site Plan.

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:

$$226,500 \text{ sf residential DSS density} \times \$5.29/\text{sf} = \$1,198,185 \text{ CIF contribution}$$

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

$$\frac{693 \text{ sf (MPDU sf} > 15 \text{ percent)}}{20,900 \text{ sf (average residential floor plate area)}} = 0.033$$

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 does not propose 25% MPDUs; therefore, 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 Planning Board has determined that 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 the Silver Spring Open Space Fee Master Plan Interpretation Policy 2024-01 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

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

Section 59. 4.7 Optional Method Public Benefits

In accordance with the Zoning Ordinance, Section 59-4.7, the Site Plan provides 107.65 public benefit points in four categories to satisfy the requirements:

Public Benefits Table

Public Benefit	Maximum Points Allowed	Approved by this Site Plan
Connectivity and Mobility		
Minimum Parking	10	5.01
Diversity of Uses and Activities		
Enhanced Accessibility	20	1.21
Moderately Price Dwelling Units	N/A	31.20
Quality Building and Site Design		
Architectural Elevations	20	10.00
Exceptional Design	10	10.00
Historic Resource Protection	20	20.00
Structured Parking	20	10.00
Protection and Enhancement of the Natural Environment		
Building Lot Terminations (BLT)	30	10.23
Recycling Facility Plan	10	10.00
Total Points	100 (minimum required)	107.65

Connectivity and Mobility

Minimum Parking

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 Project is eligible for 5.01 public benefit points in this category. The Planning Board approves 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 Project is eligible for the 1.21 public benefit points in this category. The Planning Board approves 1.21 public benefit points for the provision of enhanced accessible residential dwelling units based on the following formula:

$$\begin{aligned} (\text{ANSI 117.1 Type A Units} / \text{Total Units}) \times 300 &= \text{number of public benefit points} \\ (2 / 493) \times 300 &= 1.21 \text{ points} \end{aligned}$$

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. The Planning Board approves 31.20 public benefit points for Affordable Housing based on the following formula:

$$\begin{aligned} (\text{Proposed percent MPDUs} - 12.5 \text{ percent MPDU minimum}) \times 12 &= \text{number of public benefit} \\ &\text{points} \\ (15.1 \text{ percent MPDUs proposed} - 12.5 \text{ percent MPDU minimum}) \times 12 &= 31.2 \text{ points} \end{aligned}$$

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. The Planning Board approves 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 DAP recommends 10 public benefit points for Exceptional Design.

The *Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines* provide 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. Upgraded bicycle lanes and associated features are provided on the north and south side of Cameron Street proximate to the Site as envisioned by the Sector Plan. These are elements 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 specifically 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 includes bicycle lanes on the north and south side of Cameron Street proximate to the Site to implement segments 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 building will have 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 and providing wider sidewalks and new street trees on all frontages. The preservation and presentation of the historic Tastee Diner as a visual and functional element at the base of the new high-rise building adds site-specific character and charm to downtown's public realm.

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

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 Site Plan achieve 10 public benefit points for Exceptional Design. The Planning Board approves 10 public benefit 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 a 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. The Planning Board approves 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 an 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. The Planning Board approves 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. The Planning Board approves 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.

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. The Planning Board approves 10 public benefit points for the Recycling Facility Plan provided.

b. General Requirements

Section 59.6 General Development Standards

i. *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.

ii. *Parking, Queuing, and Loading*

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 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 by 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 8 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 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 longterm 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. The Planning Board grants 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.

iii. *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 separated bicycle lanes on both sides of Cameron Street adjacent to the Property to implement portions of the Central Green Loop as recommended by the *Silver Spring Downtown and Adjacent Communities Plan*.

iv. *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.

5. *The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code.*

a. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Site Development Stormwater Management Plan was approved by the Montgomery County Department of Permitting Services on December 27, 2024. The plan will meet stormwater management requirements using micro bioretention and green roofs.

b. 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. 42023137E⁷ 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.

6. *The development 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

⁷ 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.

accordance with the *Silver Spring Downtown and Adjacent Communities Plan*.

7. *The development substantially conforms to 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:

Downtown North District Recommendations

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

The building design includes a distinct base treatment that relates to the pedestrian scale and will frame the adjacent public realm on Georgia Avenue, Cameron Street, and Ramsey Avenue. 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.

- ii. *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.

- iii. *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 separated bike lanes on the north and south side of Cameron Street proximate to the Property, and new sidewalks, and street trees along the Property's frontage.

- iv. *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.

- v. *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.

Sector Plan General Recommendations

- i. *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 of 500,000 square feet. The corresponding contribution to the Civic Improvement Fund (CIF) is \$1,198,185 as detailed in Finding 4 above at paragraph 2(e), 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 Application 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 Finding 4 above at paragraph 5, regarding Site Plan conformance with the Downtown Silver Spring Overlay Zone.

ii. *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 restored and adaptively reused historic Tastee Diner, serving as a unique activating feature for the development and adjacent streetscape area.

iii. *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.

iv. *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 the 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 be installed to ensure impacts to indoor noise levels are mitigated.

v. *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.

vi. *Transportation and 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 separated bicycle lanes on the north and south sides of Cameron Street on the same block as the Site.

Enhance roadway accommodation for all users and eliminate conflict points.

The Project 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.

vii. *Parking and Loading*

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

The Application will provide 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.

viii. *Urban Heat Island 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.

ix. *Historic Resources*

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

The Site Plan preserves 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 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.

8. *The development 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.*

Preliminary Plan No. 120230150, approved by the Planning Board in 2024, included an adequate public facilities test. Preliminary Plan Amendment No. 12023015A, approved concurrently with this Site Plan, makes limited revisions to the previously approved Local Area Transportation Review (LATR) portion of the adequate public facilities test. The remainder of the adequate public facilities test previously approved is unchanged by the Preliminary Plan Amendment or this Site Plan, thus the development will be served by adequate public services and facilities.

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 Amendment No. 12023015A, public roadways will be adequate to support the development.

9. *The development is compatible with existing and 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), which was approved for the adaptive reuse of the existing office building, converting it to ground floor uses with residential units above.

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

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

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

July 23, 2025

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

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Hedrick, seconded by Commissioner Bartley, with a vote of 4-0-1; Chair Harris, and Commissioners Bartley, Hedrick, and Linden, voting in favor of the motion, Vice Chair Pedoeem abstaining, at its regular meeting held on Thursday, July 17, 2025, in Wheaton, Maryland and via video conference.



Artie L. Harris, Chair
Montgomery County Planning Board