



MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item #
 MCPB 01-24-08

MEMORANDUM

DATE: January 10, 2008
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RAK*
 Robert A. Kronenberg, Supervisor *RAK*
 Development Review Division
FROM: Sandra Pereira *SP*
 Planning Department Staff
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REVIEW TYPE: Project Plan Amendment
APPLYING FOR: Approval of 241 multi-family dwelling units, including 31 MPDUs, and 3,663 square feet of retail space on 2.62 acres
PROJECT NAME: **The Galaxy**
CASE #: **92005005A**
REVIEW BASIS: Sec. 59-D-2, M. C. Zoning Ordinance
ZONE: CBD-1 and Ripley/ South Silver Spring Overlay Zone
LOCATION: Located on the southeast quadrant of the intersection of 13th Street and Eastern Avenue in south Silver Spring
MASTER PLAN: Silver Spring CBD
APPLICANT: RST Development
FILING DATE: September 27, 2007
HEARING DATE: January 24, 2008

Attached is the staff report for the proposed Galaxy Project Plan Amendment. The Planning Board public hearing for this application is scheduled for January 24, 2008. A draft Planning Board report for the Project Plan will be available on January 14, 2008. The Staff recommends **Approval** with conditions as delineated in the staff report.

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SUMMARY

The original Project Plan was approved on July 28, 2005, for 328 dwelling units, including 41 MPDUs, divided into three buildings with heights varying from 45 feet to 125 feet and constructed above a parking structure with 679 spaces, and a total of 42,300 square feet of on-site public use space, amenities and off-site improvements.

The application proposes a reduction in the number of dwelling units by about 25 percent to 241 units, including 31 MPDUs, divided into two buildings with heights varying from 45 feet to 75 feet and above a parking structure with 434 spaces, and a total of 36,625 square feet of on-site public use space, amenities and off-site improvements. In addition, this Amendment proposes to add 3,663 square feet of retail space on the 2.62 acres of land in the CBD-1 and South Silver Spring/ Ripley Overlay Zones in the Silver Spring Central Business District. Amenities and facilities proposed include a new public plaza with a children's playground area, a new mid-block alley connecting 13th Street to King Street, and a mosaic panel along the façade of Building 1 on 13th Street. The proposal exceeds the 20 percent onsite public use space requirement, and in addition is providing off-site streetscape improvements on King Street, and 13th Street (including the area in front of the Gramax Building), as well as on Eastern Avenue, if permitted by the District of Columbia.

The Applicant filed a concurrent Preliminary Plan Amendment No. 12005089A and Site Plan Amendment No. 82006013A, which will be heard by the Planning Board on the same day. Staff recommends approval of the Project Plan Amendment with the conditions listed in the Staff Recommendation section on the following page.

Community Outreach

The Applicant has presented the proposed development to various civic and community groups and adjacent property owners including: Downtown Silver Spring Urban District, the ANC of Washington D.C. (Shepherd Park Community), and the Aurora Condominium. To this day, Staff has not received any concerns or comments from the community in regards to this Amendment.

Additionally, the Applicant presented their revised art program to the Art Review Panel on November 2, 2007, for elements within the public use space. The "Panel" requested that the Applicant use adequate lighting levels for the mosaic wall at different times of the day, consider safety concerns of the commissioned art benches and depressed area underneath the chandelier, and be sensitive to the delicate inter-play between design and art in the public use spaces so that they complement rather than compete with each other [Appendix B].

STAFF RECOMMENDATION

The staff recommends approval of Project Plan Amendment No. 92005005A, for 241 multi-family dwelling units, including 31 MPDUs, and 3,663 square feet of retail space on 2.62 acres. All site development elements as shown on The Galaxy plans received and stamped by the M-NCPPC on November 29, 2007, shall be required except as modified by the following conditions:

1. Development Ceiling

- a. The proposed development shall be limited to a maximum of 241 multi-family dwelling units or 92 dwelling units per acre.
- b. The proposed development shall be limited to a maximum of 3,663 square feet of retail space.

2. Building Height/Mass

- a. The height of the proposed Building 1 shall not exceed 75 feet as measured from 13th Street.
- b. The height of the proposed Building 2 shall not exceed 45 feet, within the 100 foot setback, as measured from Eastern Avenue.

3. Transportation Improvements

- a. Provide standard Silver Spring streetscape along the property boundary on 13th Street and King Street, and extend the streetscape off-site, as shown on the approved Project Plan.
- b. Provide a Class III bikeway (on-road, signed shared roadway) on the south side of 13th Street.

4. Moderately Priced Dwelling Units (MPDUs)

The applicant shall provide 31 MPDUs (or 12.5% of the total number of units) on-site, consistent with the requirements of Chapter 25A.

5. Public Use Space and Amenity

- a. The proposed development shall provide at least 27 percent (23,468 square feet) of on-site public use space and 15.15 percent (13,157 square feet) of off-site public amenity space for a combined total of 42.18 percent or 36,625 square feet. In addition to the proposed on and off-site public use space and amenities, the Applicant shall provide 4,134 square feet of streetscape improvements along Eastern Avenue, consistent with approvals from the District of Columbia Department of Public Works.
- b. The proposed public use space shall be easily and readily accessible to the general public and used for public enjoyment.

6. Streetscape

- a. The Applicant shall provide full-width streetscape improvements along the 13th Street (Type 'B') and King Street (Type 'B') frontage using the *Silver Spring Streetscape Plan* (April 1992) Technical Manual, or as amended. The following elements are proposed: stone, poured-in-place concrete, brick pavers, street trees, lighting, and any other details that are necessary, including placing the utilities underground along the frontage of the property, to fulfill the Silver Spring streetscape standards.
- b. The Applicant shall provide the full-width streetscape improvements along the Eastern Avenue frontage (District of Columbia right-of-way) using the *Silver Spring Streetscape Plan* (April 1992) Technical Manual, or as amended, consistent with approvals from District of Columbia Department of Public Works.
- c. Off-site improvements including upgrading the pavement per the *Silver Spring Streetscape Plan* (April 1992) Technical Manual, or as amended, shall be provided along 13th Street in front of the Gramax Building.

7. Public Art

A public art program shall be developed to include opportunities within the public plaza area to reinforce the architecture of the building, provide for pedestrian interaction and involve local artists to display artwork. The Applicant has identified three areas or elements that could be incorporated into the public art component: a public plaza between Buildings 1 and 2, a mosaic wall along the 13th Street façade of Building 1, and the new mid-block alley connecting 13th Street to King Street on the east side of Building 1.

The Applicant shall enlist the services of local artists to provide public art in the public use space on the site.

8. Staging of Amenity Features

- a. The proposed project shall be developed in a single phase.
- b. Landscaping for each building to be installed no later than the next growing season after completion of that building and public plaza.
- c. Streetscape improvements and public art associated with each building to be installed prior to occupancy of each building, in accordance with the phasing for the site.

9. Maintenance and Management Organization

Prior to certified site plan, the Applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member of and enter into an agreement with the Silver Spring Urban District for the purpose of maintaining public open spaces, and participating in community events.

10. Coordination for Additional Approvals Required with Site Plan

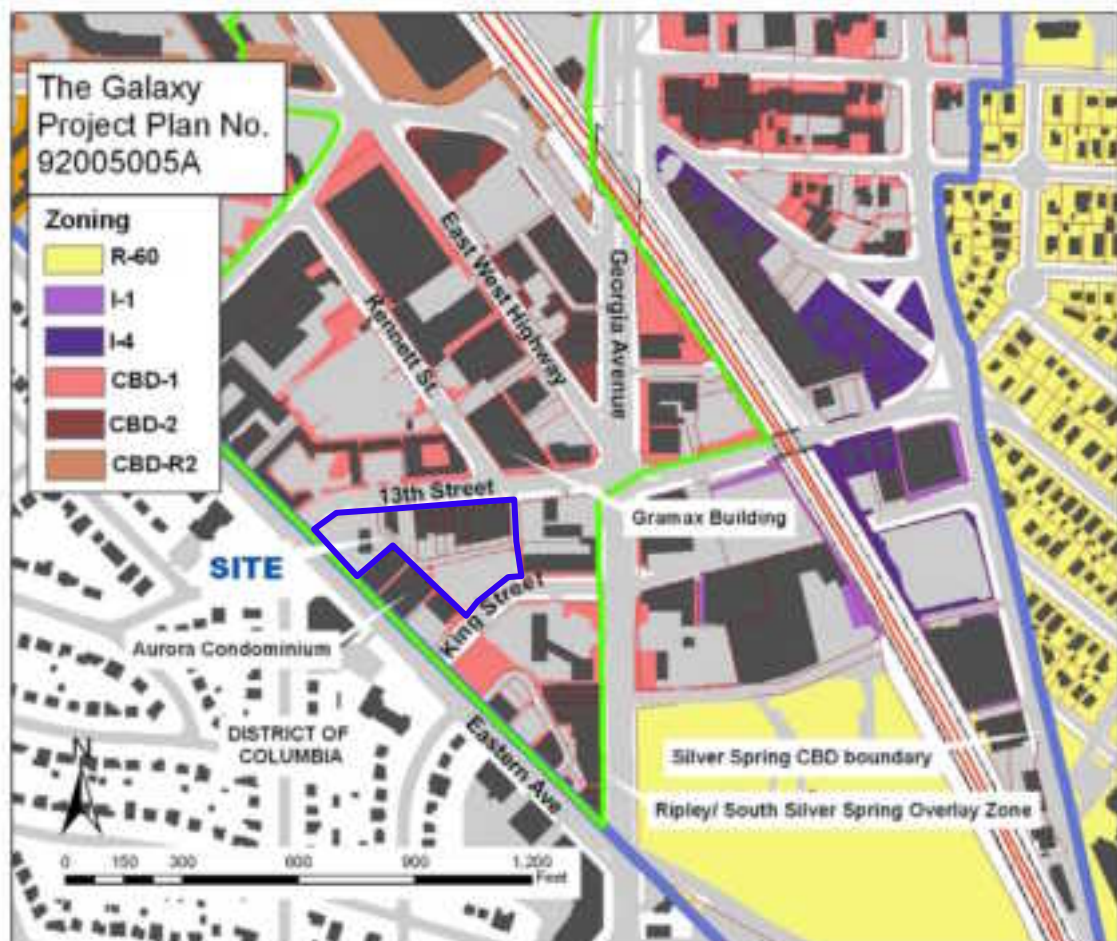
The Applicant shall secure the following additional approvals prior to certified Site Plan:

- a. Enter into a maintenance agreement with the Silver Spring Urban District for maintenance of all or some of the streetscape improvements.
- b. The Applicant shall meet with the M-NCPPC staff and the District of Columbia Department of Public Works to discuss the streetscape improvements along Eastern Avenue.

PROJECT DESCRIPTION: Surrounding Vicinity

The subject site is located in the northeast quadrant of the intersection of 13th Street and Eastern Avenue in south Silver Spring. This site is at the southwest edge of the Silver Spring CBD, where it borders the District of Columbia, and it is less than one mile from the Silver Spring Metro stop. The area is characterized by mixed building types and diverse commercial uses. This property is subject to the standards of the CBD-1 and Ripley/South Silver Spring Overlay Zone. The Overlay Zone encourages redevelopment by providing more flexibility in the development standards and the range of permitted uses.

In the immediate vicinity of the subject site, there are a variety of uses. A Travelodge hotel and a Days Inn hotel are directly across 13th Street, and a Ramada Inn hotel is directly east of the site on King Street. The renovated 129-foot Gramax Tower apartment building is located across 13th Street at the intersection with Kennett Street. The Aurora Building (Site Plan No. 820040280), a 90-110 foot condominium building, abuts the southeastern boundary of the property and fronts onto Eastern Avenue. The Kennett Street public parking garage is located approximately 100 feet north of the subject site along Kennett Street. A mix of commercial and retail uses, including a car wash, bank and auto-related service buildings, are situated between Georgia Avenue and the subject property. The properties across Eastern Avenue, located within the District of Columbia, are comprised of three churches and one-family detached dwellings within the Shepherd Park Community.



PROJECT DESCRIPTION: Site Description

The subject 2.62-acre site, bounded by 13th Street to the north, Eastern Avenue to the west and King Street to the south, was originally comprised of 8 lots and parcels, and a public alley. The Preliminary Plan No. 120050890, approved on July 28, 2005, consolidated the 8 lots and parcels into one lot (the subject site), and concurrently DPWT Docket No. 667 approved the abandonment of the public alley.

The northern portion of the site, along 13th Street, is currently vacant without any vegetation, whereas the southern portion, along King Street, has a surface parking facility (King Street Parking Lot) operated by Montgomery County with 57 parking spaces. On an East-West axis, elevations on the site drop between 10 and 15 feet from the highest point on King Street to the lowest elevation on Eastern Avenue. On a North-South axis, the King Street Parking Lot is approximately five feet above the northern portion of the site. Overhead utilities exist along the property frontage on 13th Street, Eastern Avenue and King Street. The right-of-way for Eastern Avenue is within the District of Columbia.



PROJECT DESCRIPTION: Proposal

This Amendment proposes two buildings with a combined total of 241 multi-family dwelling units (including 31 MPDUs), 3,663 square feet of retail space, and 36,625 square feet of public use space and amenities on 2.62 acres in south Silver Spring.



Site Plan of The Galaxy

Building Program

The proposal envisions two separate buildings, instead of the three buildings previously approved, situated atop a parking structure that spans the majority of the lot. Similarly to the previous approval, the building program is sensitive to the site’s location and vicinity. The massing of the proposed structures closer to the northeastern portion of the site complements the massing of the existing Gramax building and future development near the Georgia Avenue corridor. The scale transitions in height and mass from the northeast to the southwest along Eastern Avenue to emphasize a shift from the urban context to the residential character associated with the Shepherd Park community in the District.

The building mass steps down from 75 feet at the northeast boundary of the site to 45 feet along Eastern Avenue. The proposed building height is lower than the previously approved height (125 feet), which closely matched the height of the existing Gramax building (129 feet) across 13th Street and the Aurora building (90-110 feet) along Eastern Avenue.



Perspective drawing illustrating Building 1 and the public plaza as viewed from 13th Street.

Building 1 creates a distinct urban edge along the northern and eastern property boundary, adjacent to 13th Street and the new mid-block alley, respectively. Building 1 is a five-story building, with 195 residential units and two street-level retail spaces, located above four stories of parking and with a landscape court at its center. On 13th Street, the two-stories above-grade parking garage will be screened with the ‘art wall’ that consists of a mosaic panel depicting planets, orbital patterns, and other celestial bodies on a grand scale.

Building 2 is a four-story building with 46 residential units located above 1 level of sub-surface parking. The massing and scale of this building is less than Building 1 and the adjacent Aurora building, which increases compatibility with the one-family residential neighborhoods across from Eastern Avenue. The materials of Building 1 and 2 will match and provide a consistent urban visual fabric for this entire development.



South elevation of 13th Street depicting Building 1 and Building 2 of The Galaxy.

Public Use Space and Amenity

The on-site public use space consists of two separate and distinct outdoor areas, designed to promote the type of recreational activities needed to enhance the vitality of the south Silver Spring urban community. The concept of light, which relates to the name of the development, is used as the unifying element throughout the design and features in the public use spaces.

The first and most prominent outdoor public space is the new urban plaza located on 13th Street between Buildings 1 and 2. This plaza anchors the onsite public use space and radiates out towards Eastern Avenue and King Street. The plaza has a circular geometry focused towards an offset central feature located under the canopy overhang of Building 1. The plaza incorporates art, and it provides benches, and movable tables and chairs that relate to the retail uses at the northwestern corner of Building 1.

Intimately connected to the plaza to the south is an area programmed for active child recreation. Three play structures that relate to the overall theme are provided. This area incorporates seating and its location is adequately buffered from the street to avoid safety hazards. This urban plaza as a whole is intended to function as a destination for gathering and recreation, as well as a circulation route for pedestrians.



The second area of public use space is the new mid-block alley connecting 13th Street to King Street. This is an area designated on the Silver Spring Pathways Plan, a conceptual pedestrian pathways plan prepared by the Department of Housing and Community Affairs (DHCA) to provide mid-block connector alleys between King Street and 13th Street. This outdoor space will feature rotating artwork by local artists. The ground plane will consist of ornamental landscaping in terraced planters next to the building façade, a band of the decorative specialty concrete paving (“Galaxy aggregate”), and lighting.

On the 13th Street façade, Building 1 proposes a commissioned mosaic panel that will feature galactic bodies and stars. This panel is intended to screen the above grade parking garage façade and activate that side of the building.

While the minimum required public use space for this project is 17,367 square feet (20 percent of the net lot), the project plan proposes 23,468 square feet of public use space and amenities provided on-site which equals 27.03 percent of the net lot. The Applicant is also proposing an additional 13,157 square feet of off-site streetscape improvements adjacent to the site and in front of the Gramax Building. In total, the Applicant proposes 36,625 square feet of on-site public use space, amenities and off-site improvements or 42.18 percent of the net lot area. In addition to the public use space, amenities and off-site improvements, the Applicant proposes 4,134 square feet of streetscape improvements outside the Montgomery County jurisdictional boundaries along the Eastern Avenue frontage. If improvements on Eastern Avenue were credited toward this development, the overall public use space and amenity package would equal 47 percent of the net lot area.

Parking and Access

The site is located in the Silver Spring Parking Lot District, and therefore the Applicant is not required to provide any on-site parking. Nonetheless, this site plan provides a total of 434 parking spaces, of which 160 are in the public parking garage, and 274 are in the private parking garage. The public garage, located in the two levels above grade and accessed from 13th Street and King Street, replaces the existing 57 surface parking spaces in the King Street Lot. The two below-grade stories of the garage, accessed exclusively from King Street, will provide parking for the residential and retail tenants of the Galaxy, as well as for residents of the Aurora condominiums (Site Plan No. 82004028A).

On the original Project Plan for The Galaxy, the Applicant committed to providing 145 of the total parking spaces to the residents in the adjacent Aurora Building. However with this amendment, the Applicant has chosen to decrease the number of dwelling units in the proposed development (from 328 to 241) and the number of parking spaces available for the residents in the proposed Galaxy Buildings and the existing Aurora Building, from 679 to 434. In addition to the reduction of parking spaces for the private residential and non-residential development, the Applicant renegotiated their agreement with the County to reduce the number of public parking spaces (from 200 to 160) also due to the reduction in the number of units. Aside from the obligation of the Applicant for the number of public parking spaces, the site is located in the Parking Lot District and is not required to provide the full complement of parking spaces for the private development.

The original Preliminary Plan (No.120050050) approved an additional 41 feet of dedication as measured from the centerline of 13th Street. King Street already contained the full-width dedication and Eastern Avenue is within the boundaries and jurisdiction of the District of Columbia. Streetscape improvements will be made on all public streets to accommodate and encourage pedestrian circulation.

PLANNING AND REGULATORY FRAMEWORK:

Master Plan

The Project Plan Amendment is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan (February 2000), including the provisions in the Ripley/South Silver Spring Overlay Zone. A description of the themes and goals for Silver Spring are outlined within the Sector Plan Conformance standards on page 28 of this report.

Prior Approvals

The proposed development is zoned CBD-1 (Central Business District-1). This property consists of four parcels (Parcels N156, N157, N159 and P169), Lots 1, 3 and 4 of the Silver Spring subdivision (Plat Book 158, Page 14), and Lot 5A of the Silver Spring subdivision (Plat Book 154, Page 46) recorded in November 1955 and October 1956, respectively.

The Planning Board approved the Project Plan No. 920050050 on July 28, 2005, with a dated Opinion of October 21, 2005 for 328 dwelling units including 41 MPDUs.

The Planning Board approved the Preliminary Plan No. 120050890 on July 28, 2005, with a dated Opinion of October 21, 2005, for 328 dwelling units including 41 MPDUs, with private and public parking facilities.

The Planning Board approved the Site Plan No. 820060130 with a dated Opinion of February 22, 2006 for 321 dwelling units including 41 MPDUs.

Concurrent Amendments

A Preliminary Plan Amendment (12005089A) and a Site Plan Amendment (82006013A) will be presented concurrently with the Project Plan Amendment to the Planning Board.

BASIS FOR CONSIDERATION OF ISSUES

Per Sec. 59-D-2.43, in making its decision on an application for an optional method project plan, the Planning Board must consider:

- (a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under Chapter 56.
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.

- (c) Whether the vehicular circulation system, including access and off-street and loading, is designed to provide an efficient, safe and convenient transportation system.
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with Chapter 25A if that Chapter applies.
- (g) The staging program and schedule of development.
- (h) The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.
- (i) The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.

FINDINGS for Project Plan Review:

Section 59-D-2.42 of the Zoning Ordinance establishes the findings, which must be made by the Planning Board and forms the basis for the Board's consideration of approval. In accordance herewith, the staff makes the following findings:

- (a) *As conditioned, the proposal complies with all of the intents and requirements of the zone.*

Purpose Clause Section 59-C-6.212

The Montgomery County Zoning Ordinance states the purposes, which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

- (1) *"To encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board."*

The Project Plan proposes to use the optional method of development to build two separate mid-rise condominium buildings with retail space at street level. This is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan. High density residential is permitted in the CBD-1 Zone.

The two buildings will vary in height from 45 to 75 feet, which is in conformance with the standards of the Montgomery County Zoning Ordinance for the CBD-1 and Ripley/South Silver Spring Overlay Zone, which permits a maximum height of 45 feet for buildings fronting Eastern Avenue and a maximum of 125 feet for buildings set back at least 100 from Eastern Avenue. The height restriction on Eastern Avenue is higher due to the adjacent one-family residential uses located in the District.

The project is proposing 241 (rather than 328 previously approved) dwelling units, including 31 or 12.5% Moderately Priced Dwelling Units (MPDUs) provided on-site, and 3,663 square feet of retail space. The total density of this development is 2.26 FAR, which is below the maximum 3.0 FAR allowed under the zone for optional method projects. Because this is a mixed use project the FAR calculations apply, however for informational purposes, the development proposes 92 dwelling units per acre rather than 125 previously approved, which is the maximum that the zone permits.

The Project Plan will accomplish important Sector Plan objectives by providing a residential component within Ripley/South Silver Spring, including MPDUs, new commercial space, promoting redevelopment, upgrading the physical environment and enhancing the pedestrian circulation. The proposal improves the area by replacing a vacant lot and surface parking lot with a modern residential building with retail. The proposed development provides an appropriate transition between residential and

institutional uses on Eastern Avenue, and commercial and retail uses in the Georgia Avenue corridor.

- (2) *“To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents.”*

The project plan responds to the need for housing in south Silver Spring and fulfills smart growth policies to develop where infrastructure, community facilities and elements of an urban district already exist. The Sector Plan encourages housing as an important component to the revitalization efforts and specifically identifies a portion of the site for residential development. Since the last approval, this project plan has responded to shifting market conditions and, as a result, it is providing less residential units and incorporating a retail component.

Under the optional method, this project encourages the creation of active urban streets by providing significant public spaces abutting street edges and improving the quality of the pedestrian environment within the improved streetscapes. The project supports the economic base in the downtown by making it more convenient for workers in Silver Spring to live near their jobs. This project will also increase the vitality of south Silver Spring and add an economic infrastructure for commercial and retail businesses in the Ripley district.

This project adds a variety of activities to the CBD. Active recreation is accommodated in the children’s play area. Passive recreation is accommodated in sitting areas with benches and movable chairs and tables. Art elements throughout the site make this development more appealing and inviting for workers, shoppers and residents in this expanding mixed-use market.

- (3) *“To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.”*

The proposed project strengthens the Ripley/South Silver Spring area by complementing the scale and mix of existing design elements along the Eastern Avenue and Georgia Avenue corridors while respecting the Ripley/South Silver Spring Overlay Zone height limitations and providing a compatible and desirable relationship with adjacent and surrounding uses. This project provides the pedestrian friendly environment envisioned in the Sector Plan. The varying heights of the proposed buildings provide the necessary and applicable transition from the adjacent residential neighborhood of Shepherd Park in the District to the higher density uses and buildings closer to Georgia Avenue.

The design creates an effective relationship with adjacent uses and amenities and allows for a more interactive pedestrian and vehicular circulation pattern. In addition to the improved streetscapes on the periphery of the site, the pedestrian circulation onsite accommodates pedestrian desire lines through the mid-block connections.

- (4) *“To promote the effective use of transit facilities in the central business district and pedestrian access thereto.”*

The proposed development is located approximately 3000 feet south of the Silver Spring Metro Station. The proximity to transit facilities, as well as to the downtown employment core, will reduce the dependency on the automobile for the residents of the development. In addition, the streetscape improvements along 13th Street and King Street encourage pedestrian connectivity to the metro station and core areas in the Silver Spring CBD. The proposed streetscape improvements along both streets, including the expanded streetscape improvements in front of the Gramax building, will promote pedestrian circulation to Georgia Avenue and other businesses in the downtown corridor. The expansion of public parking spaces in the CBD will also facilitate parking needs for the expanding residential and commercial base.

As part of the previous approvals, the Applicant entered into a Traffic Mitigation Agreement (TMA) with the Planning Board to help the Project achieve the non-driver commuting goal for development in the Silver Spring CBD. The approved TMA outlines possible transit alternatives, monitoring of the program and commuter display information.

- (5) *“To improve pedestrian and vehicular circulation.”*

This project plan encourages the development of active urban streets and improves the quality of the pedestrian environment by providing the enhancement to the streetscape as prescribed in the *Silver Spring Streetscape Plan* (April 1992) Technical Manual, or as amended.

The full streetscape improvements along the south side of King Street will complete a portion of the block that stretches from Eastern Avenue to Georgia Avenue. The additional partial streetscape improvements by the Applicant in front of the Gramax building will promote pedestrian circulation toward Georgia Avenue.

The new mid-block alley connecting 13th Street to King Street will facilitate the Arts and Entertainment theme for Silver Spring and further activate pedestrian circulation through the site.

Vehicular circulation is enhanced with improved rights-of-way along the south side of 13th Street and north side of King Street. Additional area has been dedicated on the south side of 13th Street, which equates to 41 feet from the centerline for a total of 71 feet of right-of-way. The full width 60-foot right-of-way has already been dedicated on King Street. The dedication will ensure complete accommodation of the optional method streetscape treatment on the Applicant’s side of 13th Street and King Street. The north side of 13th Street already contains an improved streetscape. Eastern Avenue is within the District of Columbia right-of-way and will require the District’s approval for streetscape improvements along the frontage the property. The Applicant is committed to coordinating with the District to implement the Silver Spring streetscape standards

along Eastern Avenue. Additional off-site streetscape improvements are proposed with this application directly in front of the Gramax building on 13th Street.

The 160 spaces included within the public parking garage will gain access from both 13th Street and King Street. The private parking garage with 274 spaces will accommodate parking for the residents and retail users of the Galaxy (subject site) and residents of the Aurora (Site Plan No. 82004028A). One access point from King Street is provided to the private garage that spans across Buildings 1 and 2. The public and private garages are separate across the different levels of the parking structure. The public portion is located in the two stories above grade underneath Building 1, and the private portion is located in the two stories below grade spanning across the majority of the site.

- (6) *“To assist in the development of adequate residential areas for people with a range of different incomes.”*

This Amendment fulfills a major objective of Montgomery County to provide affordable housing in areas where public facilities, services and transit options are readily available. Consistent with Chapter 25A, the Applicant is committed to providing 31 MPDUs within the buildings, which represents 12.5% of the total number of dwelling units (12.5% is required). This amendment proposes ten fewer MPDUs than the plan originally approved as a result of the decrease in the total number of dwelling units (from 328 to 241 units). The Applicant is proposing a mix of 1 and 2-bedroom MPDUs that reflect the mix of market rate units and are distributed throughout the two buildings. The final breakdown and location of the MPDUs will be decided by the Department of Housing and Community Affairs (DHCA) during the building permit application.

- (7) *“To encourage land assembly and most desirable use of land in accordance with a sector plan.”*

The Preliminary Plan No. 120050890 approved the assemblage of four recorded lots, four unrecorded parcels and the County parking lot to allow for the unified redevelopment of the underutilized site. At the time that the Sector Plan was adopted, the Property was under multiple ownerships and redevelopment appeared unlikely, nonetheless it specifically identifies a portion of the property as a potential housing site. In addition, the Sector Plan identifies housing and retail as key components of the revitalization efforts for downtown Silver Spring. Consistent with the recommendation of the Sector Plan, the project plan introduces retail and a variety of housing types into an existing framework of commercial and retail uses in downtown Silver Spring, which will encourage further revitalization in the downtown corridor.

Requirements of the CBD-1 Zone

The following table demonstrates the conformance of the Project Plan with the development standards under the Optional Method of Development.

PROJECT DATATABLE

| Development Standard | Permitted/ Required | Previously Approved Project Plan.920050050 | Proposed |
|---|------------------------|---|-----------------------------|
| Min. Gross Tract Area (sf./ac.) | 18,000 (0.41 ac.) | 114, 310 (2.6242 ac.) | 114,310* (2.6242 ac.) |
| Net Lot Area (sf.) | not specified | 86,834 | 86,834 |
| Permitted Density Calculations (du/ac.) | | | |
| Max. Total Density (FAR) | 3.0 (342,930 sf) | 3.0 | 2.26 (258,080 sf) |
| Max. Non-Residential (FAR) | 2.0 (228,620 sf) | n/a | 0.03 (3,663 sf) |
| Min. Residential (FAR) | 1.0 (114,310 sf) | | 2.25 (254,417 sf) |
| Residential Density (du/ac.) | 125 | 125 | 92 |
| Max. Total Number of Units | 328 | 328 | 241 |
| MPDUs (%) | 12.5 | 12.5 41 MPDUs | 12.5 31 MPDUs |
| Public Use Space | | | |
| Min. On-site Public Use Space (sf) | 17,367 (20%) | 26,920 (31%) | 23,468 (27.03%) |
| Off-site Public Use Space (sf) | not specified | 11,470 (13.2%) | 11,784 (13.57%) |
| Additional Off-Site Improvements (sf) | not specified | 3,910 (4.5%) | 4,134 (4.76%)** |
| Total On and Off-Site Public Use Space And Improvements (sf) | 17,367 (20%) | 42,300 (48.7%) | 36,625 (42.18%)** |
| Max. Building Height (ft.) ¹ | | | |
| For properties fronting on Eastern Ave | 45 | 45 | 45 |
| For properties fronting 13 th St. and King St. | 125 | 125 | 75**** |
| Parking **** | | | |
| Residential Uses (Mkt. Rate) | | | |
| 1 BR @ 1.25 sp./unit (139 x 1.25) | 173.8 spaces | | |
| 2 BR @ 1.50 sp./unit (71 x 1.50) | 106.5 spaces | | |
| Residential Uses (MPDUs) | | | |
| 1 BR @ 0.625 sp./unit (21 x 0.625) | 13.1 spaces | | |
| 2 BR @ 0.75 sp./unit (10 x 0.75) | 7.5 spaces | | |
| (10% credit for residential in CBD) | (- 30 spaces) | | |
| Residential subtotal: | 271 spaces | 334 spaces | 257 spaces |
| Commercial uses | | | |
| 3,663 sf @ 5 sp/1000 GLS sf | 18.32 spaces | | |
| (10% credit for retail in CBD) | (-1.83 spaces) | | |
| Commercial subtotal for Galaxy Project: | 16.5 spaces | 0 spaces | 17 spaces |
| Total Private Parking | 288 spaces | 334 spaces | 274 spaces |

| | | | |
|---|------------------------|------------|----------------|
| Parking for County Parking Garage for Parking Lot District | 160 spaces | 200 spaces | 160 spaces |
| Total Parking Spaces | 448 spaces (Amendment) | 679 spaces | 434 spaces**** |

- * Includes previous street dedication (approximately 22,301 sf on King Street and 13th Street) and approximately 5,176 sf for the proposed 13th Street right-of-way dedication.
- ** Applicant is proposing off-site improvements within the Eastern Avenue public right-of-way, which is in the District of Columbia boundary. Applicant will coordinate with the DC Department of Public Works to improve the streetscape on Eastern Avenue right-of-way but is not given credit toward off-site public use space due to lack of regulatory control within a public right-of-way in another jurisdiction.
- *** Applicant is providing the 45-foot building height for Building 2 from Eastern Avenue and 75-foot building height for Building 1 from 13th Street¹. Building 1 conforms to the definition of height as described in the Montgomery County Zoning Ordinance for through lots. The measurement for the building is being taken from the highest point on 13th Street, which slopes down to Eastern Avenue.
- **** The proposed development is within the Silver Spring Parking District and is not required to provide any parking on site; however, the project is subject to the Parking District Tax. The final number of required parking spaces will be determined at Site Plan based on the unit mix. The Applicant has an agreement to provide 160 spaces to the Parking Lot District as part of the project proposal. A maximum total of 75 spaces in the Galaxy parking garage will be made available for purchase by the residents of the adjacent Aurora Building, who have entered into an Option Agreement with the Applicant to buy a parking space.

¹ Section 59-C-18.20. Ripley/South Silver Spring Overlay Zone.
59-C-18.202. Regulations.

- (b) Development Standards. The development standards are the same as those in the underlying zones, except:
 - (1) Building height in the Overlay Zone along Newell Street and Eastern Avenue that confronts a residential zone in the District of Columbia must not exceed a height of 45 feet. However, this building height may be increased to: (i) a maximum of 90 feet for any building or portion of a building that is set back at least 60 feet from the street, or as allowed in 59-C-18.204(b), Transfer of Development Credits; or (ii) a maximum of 125 feet for residential development that is set back at least 100 feet from Eastern Avenue and Newell Street, and that includes a public parking garage constructed under a General Development Agreement with Montgomery County, Maryland.

Amenities and Facilities Summary

On-Site Improvements

13th Street and King Street

- Provide landscape planters and ornamental landscaping at the base of the buildings and adjacent to the sidewalk.
- Provide commissioned mosaic panel on the façade of Building 1 on 13th Street.

Eastern Avenue

- Expand the existing streetscape improvements along Eastern Avenue to the building façade.

Public Park

- Public plaza with specialty concrete paving (“Galaxy aggregate”) that complements overall theme.
- Provide public access from all three public streets.
- Public Art to highlight public’s interest in the revitalization efforts of downtown Silver Spring. Local artist to be commissioned for art element.
- Specialty lighting in the plaza to emphasize the art elements, accentuate and visually activate the park at night, and provide security for patrons of the space.
- The paving in the plaza will be designed to include patterns that complement the artwork.
- Landscape beds and planters with irrigation and plant material to correspond to overall theme.

Mid-block alley connecting 13th Street to King Street

- Promenade with specialty concrete paving (“Galaxy aggregate”) to complement streetscape improvements and selected artwork.
- Public Art to highlight public’s interest of the revitalization efforts of downtown Silver Spring. A public art program shall be designed to incorporate selected pieces by local artists.
- Provide overhead trellis or pergola to direct pedestrians and create a focal feature.
- Provide accent and security lighting to complement overall theme and reinforce lighting element in the Park.

Existing overhead utilities shall be installed underground consistent with the Silver Spring Master Plan.

Make space available for entertainment, as needed in conjunction with the Silver Spring Urban District (SSUD), and accommodations for outdoor entertainment in all public use areas.

Off-Site Improvements

13th Street Right-of-Way

- Replace the existing streetscape and install streetscape (Type B) on the south side of 13th Street, along the entire property frontage to include Street trees, Brick Pavers and Street Lights (Washington Globe), consistent with *Silver Spring Streetscape Plan* (April 1992) Technical Manual, or as amended.
- Granite sets within the tree pits as specified in the *Silver Spring Streetscape Plan* (April 1992) Technical Manual, or as amended.
- Brick driveway aprons to be flush with pedestrian circulation.
- Existing overhead utilities and street level meters to be installed underground consistent with the Silver Spring Master Plan.

King Street Right-of-Way

- Replace the existing streetscape and install streetscape (Type B) on the north side of King Street, along the entire property frontage, to include Street trees, Brick Pavers and Street Lights (Washington Globe) consistent with *Silver Spring Streetscape Plan* (April 1992) Technical Manual, or as amended.
- Granite sets within the tree pits as specified in the *Silver Spring Streetscape Plan* (April 1992) Technical Manual, or as amended.
- Existing overhead utilities to be installed underground consistent with the Silver Spring Master Plan.

Eastern Avenue Right-of-Way

- Install streetscape (Type B) on the east side of Eastern Avenue, along the entire property frontage, to include Street trees, Brick Pavers and Street Lights (Washington Globe) consistent with *Silver Spring Streetscape Plan* (April 1992) Technical Manual, or as amended, if approved by the District of Columbia Department of Public Works.

(b) *As conditioned, the proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*

The approved CBD Sector Plan recommends the CBD-1 zoning for this site, which was applied through the Sectional Map Amendment (SMA) adopted July 18, 2000, consistent with County Council Resolution 14-600. The property is within the Ripley/South Silver Spring Overlay Zone, which provides for flexibility of development standards to encourage innovative design solutions.

The proposed mixed-use development is comprised of 3,663 square feet of retail and 241 residential units with separate private and public parking structure. High-rise multi-family units are permitted uses under the CBD-1 Zone with a maximum total density of 3.0 FAR. The Amendment proposes a total density of 2.26 FAR and uses the optional method of development.

While the minimum required public use space for this project is 17,367 square feet (20 percent of the net lot), the Applicant is proposing 23,468 square feet of onsite public use space and amenities, which equals to 27.03 percent of the net lot. In addition, the Applicant proposes 13,157 square feet of off-site streetscape improvements. In total, the Applicant proposes 36,625 square feet of on-site public use space, amenities and off-site improvements or 42.18 percent of the net lot area. In addition to the public use space, amenities and off-site improvements, the Applicant proposes 4,134 square feet of streetscape improvements outside the Montgomery County jurisdictional boundaries along the Eastern Avenue frontage.

Sector Plan Conformance:

The Silver Spring Central Business District and Vicinity Sector Plan, approved by the County Council on February 1, 2000, outlines six themes, which articulate the shared goals and vision for a revitalized Silver Spring. Three of these themes: Residential downtown, Green downtown, and Pedestrian-friendly downtown, apply to this proposed project. The Sector Plan encourages housing as an important component of the revitalization efforts and specifically identifies a portion of the proposed project site as a potential housing site. This project is being developed under the optional method of development and proposes new opportunities for landscaped public open spaces, public art and streetscapes. This project encourages the development of active urban streets by providing building entrances along the public streets and easily accessible public spaces with public art components as activity generators. This proposal improves the quality of the pedestrian environment by providing the optional method streetscape treatment and other amenities along 13th Street and King Street.

- A. **Compatibility:** The proposed mixed-use development is adjacent to the Aurora (Williams & Wilste, Site Plan No. 82004028A) condominium buildings (9 and 11 stories) and a bank to the west, and the Ramada Inn (6 stories) and a car wash to the east. The Days Inn hotel (2 stories) and the Gramax Tower apartment building (14 stories) are located across 13th Street from the proposed development. A Seven-Eleven convenience store and a vacant lot are located across King Street to the south.

Building height in the Ripley/South Silver Spring Overlay Zone along Eastern Avenue that confronts a residential zone in the District of Columbia must not exceed a height of 45 feet. However, this building height may be increased to a maximum of 125 feet for residential development that is set back at least 100 feet from Eastern Avenue and includes a public parking garage constructed under a General Development Agreement with Montgomery County, Maryland.

As proposed, Building 2 fronting on Eastern Avenue does not exceed 45 feet as measured from Eastern Avenue, and Building 1 fronting on 13th Street does not exceed 75 feet as measured from 13th Street. The proposed development as conditioned, meets the intent of the Sector Plan and the zoning ordinance in terms of building height, intensity and use, and will not adversely affect surrounding properties.

- B. **Sector Plan Street Rights-of-Way:** The original Preliminary Plan (No.120050050) approved an additional 41 feet of dedication as measured from the centerline of 13th Street. King Street already contained the full-width dedication and Eastern Avenue is within the boundaries and jurisdiction of the District of Columbia. The former public alley connecting to 13th Street at two points has been approved for abandonment per DPWT Docket No. 667.
- C. **Sector Plan Bikeways:** The Sector Plan recommends a Class II or III bikeway (on-road, bike lanes or signed shared roadway) along the south side of 13th Street. Staff recommends a Class III bikeway (on-road, signed shared roadway) along 13th Street.
- D. **Streetscape:** The Applicant proposes to improve the 13th Street and King Street frontages with the Type “B” streetscape treatment. The streetscape and public amenities for the proposed project should be in accordance with the standards of the *Silver Spring Streetscape* technical manual, or as modified, to include the bikeway. The Eastern Avenue frontage will be improved using elements from the Type “B” streetscape treatment subject to approval by the District of Columbia.

- (c) *As conditioned, because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The proposed residential use is compatible with the surrounding neighborhood and potential development within the Georgia Avenue and Eastern Avenue corridors. The proposed buildings are in scale with the adjacent Aurora building and Gramax building, and complement the surrounding community. The height and mass of the buildings fronting onto Eastern Avenue are less intense to complement the low-density residential character within the Eastern Avenue corridor.

The buildings have been sensitively designed to ensure compatibility with the surrounding development and the general neighborhood. The building fronting on Eastern Avenue will be 45 feet in height, significantly less than the 90-110-foot Aurora building. The buildings transition in height from the 45 feet along Eastern Avenue to 75 feet, as permitted by the zone. The project includes two separate buildings, which softens the impact of a fairly large site upon the surrounding community.

- (d) *As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

The use will not overburden existing public services or facilities. The project proposes residential units within an emerging mixed-use area of south Silver Spring. Parking is proposed at approximately a 0.75 space per unit ratio for the 241 units in the subject site, including an additional 17 parking spaces for retail and assuming that 75 parking spaces will

be used for Aurora residents. The Applicant has an Option Agreement with 75 Aurora residents that gives them the option of purchasing a space in the Galaxy parking garage. In addition to the private parking provided for the residents, 160 additional spaces are provided in the public parking garage. The remainder of the parking needed to satisfy the County Parking Ordinance for the proposed uses will take advantage of the parking in the public garage that is part of this proposal, and in the nearby Kennett Street garage, approximately 100 feet north of the site. Because the site is located within the Silver Spring Parking Lot District, it is permitted to minimize the number of spaces provided on-site to take advantage of the existing County's facilities.

There is adequate water and sewer capacity within the Silver Spring CBD Policy Area to accommodate the proposed increase in residential units. The Annual Growth Policy (AGP) Schools Test for FY2005 indicates that there is adequate capacity within the Montgomery Blair cluster to accommodate the student generation attributable to the proposed development.

As part of the previous approvals, the Applicant has entered into a Traffic Mitigation Agreement (TMA) with the Planning Board to help the Project achieve the non-driver commuting goal for development in the Silver Spring CBD.

- (e) *The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The Optional Method of Development permits a more efficient use of the land and promotes a higher quality project than the standard method of development. The Project Plan proposes to use the optional method of development and is in conformance with the goals and objectives of the Silver Spring Sector Plan. The development proposes 241 dwelling units, including 31 MPDUs (12.5%) provided onsite, and 3,663 square feet of retail with a total density of 2.26 FAR.

In addition to the provision of additional market-rate and MPDU units in south Silver Spring, the project will contribute a significant new public open space and art amenity package on the site. The project is providing over 42 percent of new on and off-site public use space, which would not have been possible through the standard method of development. An additional 4.76 percent of off-site improvements may be possible on Eastern Avenue if the District of Columbia permits streetscape improvements within their right-of-way. Additionally, the Applicant is enlisting the talents of local artists to enhance the new mid-block alley connecting 13th Street to King Street, and public use spaces throughout the site. Overall, the size and quality of the onsite public spaces and amenities would not have been possible through a standard method project.

- (f) *The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.*

This application requires thirty-one (31) Moderately Priced Dwelling Units (MPDUs) or 12.5 percent of the proposed residential dwelling units within the development.

- (g) *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from on lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:*

The project assembles four recorded lots, four unrecorded parcels and the Montgomery County surface parking lot to allow for a unified redevelopment of the currently underutilized and vacant site. The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.

- (h) *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #4-05144) was approved on March 21, 2005. The Applicant will need to address final Forest Conservation Plan requirements with the site plan but is permitted to pay a fee-in-lieu or claim credit for street trees planted within the property boundaries.

- (i) *As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

The proposed stormwater management concept, approved on January 7, 2008, consists of partial on-site water quality control via two proprietary filters and possibly by using green roof technology. Onsite recharge is not required because this is a redevelopment site. Channel protection volume is waived due to location in the CBD. A partial waiver of water quality requirements is also granted for a very small area [Appendix A].

APPENDICES

- A. Planning Board Resolution for Project Plan No. 920050050
- B. Art Review Panel Report
- C. Memoranda from Agencies

APPENDIX A

Date of Mailing: OCT 21 2005**MONTGOMERY COUNTY PLANNING BOARD
OPINION**

Project Plan No.: 9-05005
Project: The Galaxy
Date of Hearing: July 28, 2005

Action: **APPROVAL SUBJECT TO CONDITIONS.** (Motion to approve was made by Commissioner Bryant; duly seconded by Commissioner Wellington; with a vote of 4-0, Commissioners Berlage, Perdue, Bryant, and Wellington voting in favor. Commissioner Robinson was necessarily absent.)

The date of this written opinion is OCT 21 2005 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules of Court – State).

INTRODUCTION

On April 19, 2005, RST Development ("Applicant") submitted an application for the approval of a project plan for a proposed 497,257 square feet of residential development (consisting of a maximum of 328 multi-family dwelling units), of which 41 (or 12.5% of the total number of units) will be MPDUs, on 1 lot consisting of 2.62 acres of CBD-1-zoned land in the Silver Spring Central Business District ("Project Plan"). The Applicant filed a concurrent Preliminary Plan application #1-05089 ("Preliminary Plan") with the Planning Board; and, additionally, associated with the review of the Application, Applicant filed with the Montgomery County Department of Public Works and Transportation, a Petition for the abandonment of a public alley located within the Property.¹ On July 28, 2005, Project Plan Review #9-05005 was brought before the Montgomery County Planning Board for a public hearing, along with the Preliminary Plan. At

¹ The Petition for Abandonment was captioned AB667.

the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application.

THE SUBJECT PROPERTY

The 2.62-acre site ("Subject Property" or "Property") is comprised of 8 lots and parcels and a public alley within the Ripley/South Silver Spring Overlay Zone. The Subject Property is bounded by 13th Street to the north, Eastern Avenue to the west and King Street to the south. The right-of-way for Eastern Avenue is within the District of Columbia. The properties bounded by the public alley and King Street are controlled by Montgomery County (King Street Parking Lot) and include a surface parking facility containing 57 parking spaces. The properties within the site are currently improved with individual two-story commercial buildings that consist of a variety of uses, including a dog grooming business, plumbing business, and a carry-out restaurant. Elevations on the site vary 10-15 feet from the highest point on King Street to lower elevation on Eastern Avenue. The King Street Parking Lot is approximately five feet above the uses that are bounded by the public alley. Overhead utilities exist along the property frontage on 13th Street, Eastern Avenue and King Street. Additional above and below-ground utilities serve the existing buildings.

The surrounding vicinity consists of a Travelodge hotel and a Days Inn hotel directly across 13th Street and a Ramada Inn hotel directly east of the site on King Street. The newly renovated 129-foot Gramax Tower apartment building is located across 13th Street at the intersection with Kennett Street. The Williams and Willste building (Site Plan #8-04028), a 90-110-foot condominium building, abuts the southeastern boundary of the property and fronts onto Eastern Avenue. The Kennett Street public parking garage is located approximately 100 feet north of the subject site along Kennett Street. A mix of commercial and retail uses, including a car wash, bank and auto-related service buildings are situated between Georgia Avenue and the Subject Property. The properties across Eastern Avenue, located within the District of Columbia, are comprised of three churches and one-family detached dwellings within the Shephed Park Community.

The proposed development is zoned CBD-1 (Central Business District-1). The Property consists of four parcels (Parcels N156, N157, N159 and P169), Lots 1, 3 and 4 of the Silver Spring subdivision (Plat Book 158, Page 14), and Lot 5A of Silver Spring subdivision (Plat Book 154, Page 46) recorded in November 1955 and October 1956, respectively.

BACKGROUND

Master Plan

The Project Plan is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan, adopted February 2000 ("Sector Plan"), including the provisions in the Ripley/South Silver Spring Overlay Zone. A description of the themes and goals for Silver Spring are outlined within the Sector Plan Conformance standards.

PROPOSED DEVELOPMENT

The concurrently reviewed preliminary plan seeks to consolidate the above-mentioned lots and parcels into one buildable lot, which is proposed to accommodate 328 multi-family dwelling units, including 41 MPDUs and public use space on 2.62 acres in south Silver Spring.

Building Program

The proposal envisions three separate buildings situated atop a 3-level below-grade parking structure that spans the majority of the proposed lot. The proposed building design is a modern architectural approach, blending curvilinear forms with the surrounding buildings to accent prominent features and activate the public use spaces. The building program is intended to provide the massing of the proposed structures closer to the northeastern portion of the site to complement the massing of the existing Gramax building and future development near the Georgia Avenue corridor. The proposal transitions in height and mass from the northeast to the southwest near the frontage along Eastern Avenue in order to emphasize a move from the urban context to the pedestrian and residential character associated with the confronting Shepherd Park community in the District of Columbia.

Building 'A' creates a distinct urban edge along the northern and eastern property boundary, adjacent to 13th Street and the "Art Alley", which connects King Street to the south. Two-story maisonette units (possible live-work units) are envisioned along the "Art Alley" promenade to frame the environment, create an intimate atmosphere and provide a forum for local artists. Building 'B' has a two-story masonry base with floor lines expressed in exposed concrete, mixed with glass and steel. Building 'C' will be constructed of masonry and glass to complement the surrounding buildings under construction and the existing architecture in the neighboring communities.

The building mass steps down from the northeast boundary of the site at 125 feet to 45 feet along Eastern Avenue. Building 'B' will step down in height from the

125 feet to approximately 80 feet before transitioning to the 45-foot height in Building 'C'. The 125-foot height corresponds to the existing Gramax building (129 feet) across 13th Street and the Aurora building (90-110 feet) along Eastern Avenue.

Public Use Space

The on-site public use space consist of three separate and distinct outdoor areas on the site, designed to promote the type of recreational activities needed to enhance the vitality of the south Silver Spring urban community. The most prominent outdoor public space is the "Public Park", followed by the "Art Walk" and the covered glass walkway connecting 13th Street and the public parking garage. The Art Walk is located between Buildings 'A' and 'B' and is intended to provide artistic enjoyment through selected features while protecting pedestrians from the elements.

The Project Plan proposed 26,920 square feet of public use space and amenities provided on-site, which equals 31.0% of the net lot. The minimum required public use space for this project is 17,367 square feet (20% of the net lot). The Applicant also proposed an additional 11,470 square feet of off-site streetscape improvements. In total, the Applicant proposed 38,390 square feet of on-site public use space, amenities and off-site improvements or 44.2% of the net lot area. In addition to the public use space, amenities and off-site improvements, the Applicant proposed 3,910 square feet of streetscape improvements outside the Montgomery County jurisdictional boundaries along the Eastern Avenue frontage. If improvements on Eastern Avenue are credited toward this development, the overall public use space and amenity package will equal 48 percent of the net lot area.

In addition to the public use space, amenities and off-site improvements, the Applicant is providing approximately 147 additional public parking spaces within a below-grade structure for residents, employees and the local community.

Designed as a series of elliptical lawn terraces encircling a sculptural water element, the art element will be one of the commissioned pieces. Light will be an important component defining the theme of the spaces, accent the planting areas, and provide security and safety for patrons of the space. Access is provided for passive recreational activities, gathering and seating for residents, employees and the local community

Sensitive to the recommendations of the Silver Spring Pathways Plan, a conceptual pedestrian pathways plan prepared by the Department of Housing and Community Affairs ("DHCA"), the proposal provides mid-block connector alleys between King Street and 13th Street. This outdoor space will feature other

commissioned artwork by local artists. The entry to the walk will consist of an outdoor plaza, also serving as the entry to Building 'A' from 13th Street and a trellis and seating area marking the entry from King Street. The ground plane will consist of specialty pavers, ornamental landscaping in terraced planters and lighting to reinforce the theme in the public park.

Parking and Access

Parking will consist of 200 spaces within a new public parking garage, which will be accessed from Building 'A', via 13th Street, at the northern end of the Property. The public garage replaces the existing 57 surface parking spaces in the King Street Lot. The private parking garage will accommodate parking for the residents of the Aurora (Site Plan #8-04028) and the Galaxy (subject site). Three separate access points are provided to the private garage from 13th Street and King Street. Additional dedication is required along 13th Street. King Street already contains the full-width dedication and Eastern Avenue is within the boundaries and jurisdiction of the District of Columbia. Streetscape improvements will be made on all public streets to provide for pedestrian circulation.

SUMMARY OF TESTIMONY AND EVIDENCE IN RECORD

Development Review Staff ("Staff") recommended approval of the Project Plan in its memorandum dated July 13, 2005 ("Staff Report"). Staff presented its findings consistent with the Staff Report at the Hearing.

The Applicant appeared at the hearing represented by legal counsel. The Applicant testified that it accepted the Staff conditions in the Preliminary Plan and Project Plan report, including plans for the alley abandonment. The Applicant noted Plan features for providing parking and public use spaces. The Applicant further commented on the extent of its community outreach and the support of various organizations and property owners.

The Planning Board heard testimony during the hearing in support of the proposal with respect to additional public parking, public use space and improvements to a neglected area of South Silver Spring. Mr. Rick Siebert, Chief of Parking Operations, DPWT, testifying on behalf of the Silver Spring Parking Lot District, commented that the result of a year-long negotiation with Applicant was a proposed development that would allow the County to provide approximately 140 additional public parking spaces in an underground public parking facility on the site, which presently houses a public surface parking lot.

The Advisory Neighborhood Commissioner for Shepherd Park in the District of Columbia, Ms. Jordinia Brown, testified in support of the additional parking,

streetscape improvements and public use/open space the Applicant is providing with the application. Ms. Brown commended the Applicant for the outreach made to her community during the Project Plan process. She also commended the Applicant for its redevelopment of existing dilapidated buildings along Eastern Avenue. Ms. Brown voiced concern that there was insufficient proposed parking for the size of the proposed development; about the height of the proposed buildings; and about the impact of the traffic in the area for this project and others in the pipeline. Ms. Brown also questioned the accuracy of the traffic impact analysis for number of trips generated by this development and expressed preferences concerning the locations of the super bus shelters proposed as mitigation by the traffic analysis.

Representatives of Eastern Village CoHousing testified at the hearing in support of a livable and walkable community in south Silver Spring. These speakers testified to their desire that the project be developed as a mixed-use project, incorporating a street-level retail component. The speakers also requested that the design of the proposed development adhere to Crime Prevention Through Environmental Design principles ("CP-TED") in order to reduce the potential for crime.

The Board discussed with the speakers, Applicant, and Staff the potential for viability of additional retail and commercial use in the area in terms of marketing and other projects in the pipeline that have been approved or submitted that contained retail and commercial. The Applicant responded that it had considered retail and commercial space in this location but had concluded that there did not exist viable opportunities for retail development on the subject site. The Applicant testified that live-work units along the Art Walk are being considered to activate the edge of the building. Staff testified that a number of projects currently under construction and in the approval process at the intersection with East-West Highway, Blair Mill Road and Newell Street include commercial, retail and a grocery store. The Applicant responded to Board questions regarding crime prevention and street-friendly design, testifying as to the positioning of entrances to the project and design features in the project and public use areas intended to create activity on the site.

The Board requested, in addition to the provided number of units, that the square footage of the proposed buildings be included in the Project Data Table and that the heading should be revised to state "Proposed for Approval".

FINDINGS

Section 59-D-2.42 of the Zoning Ordinance sets forth the findings that the Planning Board must make in its review of a project plan application. Having given full consideration to the recommendations and findings of its Staff (including those

contained in the Staff Report dated July 13, 2005), which the Board hereby adopts and incorporates by reference; all of the testimony and evidence presented and contained in the record of the application the Montgomery County Planning Board makes the following findings:

- (a) ***As conditioned, the Project Plan complies with all of the intents and requirements of the zone.***

Section 59-C-6.212 (Intent of the [CBD] Zones).

The Montgomery County Zoning Ordinance states the purposes that the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to the following purposes:

- (1) *"To encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board."*

The Board finds that the Application is in accordance with the Sector Plan. The Project Plan proposes to use the optional method of development. The proposed development consists of three separate mid-to-high-rise condominium buildings. High-density residential is permitted in the CBD-1 Zone.

The buildings will vary in height from 45 to 125 feet, thereby conforming to the Montgomery County Zoning Ordinance requirement that permits a maximum height of 45 feet for buildings fronting Eastern Avenue and a maximum of 125 feet for buildings set back at least 100 feet from Eastern Avenue. The site is located within the boundaries of the Ripley/South Silver Spring Overlay Zone, which places limitations on the height as it relates to Eastern Avenue. The application proposed 328 dwelling units, including 41 (or 12.5%) Moderately Priced Dwelling Units (MPDUs) provided on-site. The proposal reflects a maximum yield of 125 dwelling units per acre. This density is the maximum allowed under the zone for optional method projects.

The Project Plan will accomplish important Sector Plan objectives by providing a residential component within Ripley/South Silver Spring, including Moderately Priced Dwelling Units, promoting redevelopment, protecting nearby residential development, upgrading the physical environment and enhancing the pedestrian environment. The proposal

improves the area by replacing a series of dilapidated buildings, an auto-related facility and surface parking lot with a modern residential building. The proposed development provides an appropriate transition between surrounding adjacent residential and institutional uses on Eastern Avenue and commercial and retail uses in the Georgia Avenue corridor.

- (2) *"To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents."*

The Board finds that the Project Plan responds to the need for housing in south Silver Spring and addresses the need for smart growth policies where infrastructure, community facilities and elements of an urban district already exist. The Project Plan is consistent with the Sector Plan, which encourages housing as an important component to the revitalization efforts and specifically identifies a portion of the site for residential development.

The Board finds that, under the optional method, this project encourages the development of active urban streets by providing public spaces near street edges and improves the quality of the pedestrian environment within the improved streetscapes. The improved streetscape, along with the amenities addressing the need for public interaction, enhances the downtown Silver Spring area. The project supports the economic base in the downtown by making it easier for workers in Silver Spring to live near their jobs. This project will also increase the vitality of south Silver Spring and add an economic infrastructure for commercial and retail businesses in the Ripley district. The inclusion of the "Art Walk" and possible live-work units facing the arcade will further meet the demand of workers, shoppers and residents in this expanding mixed-use market.

The Board considered the request of the representatives of the Eastern Village CoHousing, which was presented in writing and in verbal testimony at the public hearing, that the Property be developed as a mixed-use project rather than the proposed single-use residential development. The Board finds, based on the testimony of the Applicant that the incorporation of commercial uses into the development had been considered by the Applicant and that it had determined that retail uses would not be viable on the site, that the proposed development for solely residential uses is a reflection of market conditions. Additionally, based on Staff testimony that approved and proposed projects in the pipeline in the vicinity of the site include retail components (among others a project next to Acorn Park, a

core area of retail on a segment of East-West Highway, Newell Street, and Blair Mill, and a grocery store) the Board finds that the retail needs of workers, shoppers, and residents in the project and in the vicinity of the Project will be adequately served by existing, approved, and proposed development.

- (3) *"To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas."*

The Board finds that the proposed Project Plan strengthens the Ripley/South Silver Spring area by complementing the scale and mix of existing design elements along the Eastern Avenue and Georgia Avenue corridors while respecting the Ripley/South Silver Spring Overlay Zone height limitations and providing a compatible and desirable relationship with adjacent and surrounding uses. The proposed development will provide the pedestrian friendly environment envisioned in the Sector Plan. The varying heights of the proposed buildings provide the necessary and applicable transition from the adjacent residential neighborhood of Shepherd Park in the District of Columbia to the higher density uses and buildings closer to Georgia Avenue.

The design creates an effective relationship with adjacent uses and amenities and allows for an interactive pedestrian and vehicular pattern. The proximity of the Silver Spring Metro provides a pedestrian destination and enhances and activates the streets that contain commercial and retail establishments leading to the transit center.

- (4) *"To promote the effective use of transit facilities in the central business district and pedestrian access thereto."*

The Board finds that the Project Plan promotes effective use of the transit facilities and maximizes pedestrian access to the central business district. The proposed development is located approximately 3000 feet from the Silver Spring Metro Station. The proximity to transit facilities, as well as the downtown employment core, will reduce the dependency on the automobile for the residents of the development. The streetscape improvements along 13th Street and King Street facilitate the desire for pedestrian connectivity to the metro station core areas of development within Silver Spring and will promote pedestrian circulation to Georgia Avenue. These improvements, including expanded streetscape improvements in front of the Gramax building,

will direct pedestrian circulation to other businesses in the downtown corridor. The expansion of public parking spaces in the central business district will also facilitate parking needs for the expanding residential base.

As Staff informed the Board, the Applicant will enter into a traffic mitigation agreement ("TMA") with the Planning Board to help the Project achieve the non-driver commuting goal for development in the Silver Spring CBD. The TMA will outline possible transit alternatives, monitoring of the program and commuter display information.

(5) *"To improve pedestrian and vehicular circulation."*

The Board finds that the Project Plan encourages the development of active urban streets and improves the quality of the pedestrian environment by providing the enhancement to the streetscape as prescribed in the Silver Spring Streetscape Plan (April 1992) Technical Manual, as amended.

The Board finds that the Project Plan will improve vehicular circulation, which is enhanced through improved right-of-way along the south side of 13th Street and north side of King Street. Additional area is being dedicated on the south side of 13th Street, which equates to 41 feet from the centerline for a total of 71 feet of right-of-way. The full width 60-foot right-of-way has already been dedicated on King Street. The dedication will ensure complete accommodation of the optional method streetscape treatment on the applicant's side 13th Street and King Street. Portions of 13th Street and King Street were recently improved and will need to be reconstructed by the Applicant with the subject proposal. Eastern Avenue is within the District of Columbia right-of-way and will require the District's approval for streetscape improvements along the frontage the property. The Applicant is committed to coordinating with the District to implement the Silver Spring streetscape standards along Eastern Avenue. Additional off-site streetscape improvements are proposed with this application directly in front of the Gramax building on 13th Street and Kennett Street. 13th Street contains an improved streetscape on the north side.

The spaces included within the public parking garage will be accessible from the northern end of the property, on 13th Street, under Building 'A'. The private parking garage will accommodate parking for the residents of the Aurora (Site Plan #8-04028) and the subject proposed development. Three access points are provided to the private garage under Building 'B' from 13th Street and under Building

'A' from the service drive off of King Street. The public and private garages are separated by a wall. The parking garage is a 2-3-level below grade structure, planned to accommodate 200 public parking spaces and approximately 449 spaces for use by the residents. Signs indicating traffic circulation in and out of the garage will promote safety for pedestrian activity in the public use space. An existing public alley that originally provided access to the businesses on 13th Street will be abandoned concurrently with the Preliminary Plan (#1-05089) and Project Plan applications.

The full streetscape improvements along the south side of King Street will complete a portion of the block that stretches from Eastern Avenue to Georgia Avenue. The additional partial streetscape improvements by the Applicant in front of the Gramax building will promote pedestrian circulation toward Georgia Avenue. The "Art Walk", a mid-block connection from 13th Street to King Street will facilitate the Arts and Entertainment theme for Silver Spring and further activate pedestrian circulation through the site.

- (6) *"To assist in the development of adequate residential areas for people with a range of different incomes."*

The Board finds that the Project Plan assists in developing adequate residential areas for people with a range of different incomes. The objective of Montgomery County for moderately priced housing is to provide Moderately Priced Dwelling Units (MPDUs) in the Central Business District (CBD) zones, where public facilities, services and transit options are readily available. The Applicant will provide 41 MPDUs within the proposed buildings, which represents 12.5% of the total number of dwelling units (12.5% is required). The Applicant is proposing a mix of 1 and 2-bedroom MPDUs. The final breakdown and location of the MPDUs will be decided by the Department of Housing and Community Affairs "(DHCA)" in the building permit application.

- (7) *"To encourage land assembly and the most desirable use of land in accordance with a sector plan."*

The Board finds that the Project Plan responds to the need for housing in downtown Silver Spring and addresses the need for smart growth policies where infrastructure, community facilities and elements of an urban district already exist. The project assembles four recorded lots, four unrecorded parcels, and the County parking lot to allow for the unified redevelopment of the currently underutilized site. The Sector

Plan specifically identifies a portion of the property as a potential housing site, and encourages housing as an important component to the revitalization efforts for downtown Silver Spring. The Project Plan introduces market-rate condo units, retail and office into an existing framework of commercial and retail use in downtown Silver Spring, further encouraging revitalization in the downtown corridor.

Requirements of the CBD-1 Zone

The following table demonstrates the conformance of the Project Plan with the development standards under the Optional Method of Development.

PROJECT DATA TABLE

| | Zoning Ordinance Development Standard | Development Standard Approved by Planning Board and Binding on Applicant |
|--|---|--|
| Gross Tract Area (sf.): | 22,000 min. (0.51acre) | 114,310* (2.6242 acres) |
| Net Lot Area (sf.): | | 66,834 |
| Residential Density (dwelling units/acre): | 125 max. | 125 |
| Total Number of Units: | | |
| Building 'A' | | 174 |
| Building 'B' | | 130 |
| <u>Building 'C'</u> | | <u>24</u> |
| Total: | 328 | 328 |
| MPDUs (%): | 12.5 41 MPDUs | 12.5 41 MPDUs |
| Gross Floor Area of Buildings: | | |
| Building 'A' | no stated sq.ft. limitation | 274,241 |
| Building 'B' | (limitation for residential development expressed in terms of no. of dwelling units per acre) | 186,340 |
| <u>Building 'C'</u> | | <u>36,676</u> |
| Total: | | 497,257 |

| | | |
|--|-------------------|-----------------------|
| Lot Coverage of Buildings: | No restriction | |
| Building 'A' | | 21,672 |
| Building 'B' | | 11,647 |
| <u>Building 'C'</u> | | <u>9,169</u> |
| Total: | | 42,488 |
| | | |
| On-site Public Use Space (sf): | 17,367 (20%) | 26,920 (31.0%) |
| Off-site Public Use Space (sf): | | 11,470 (13.2%) |
| Additional Off-Site Improvements (sf): | | <u>3,910 (4.5%)**</u> |
| Total On and Off-Site Public Use Space And Improvements (sf): | 17,367 (20%) | 42,300 (48.7 %) ** |
| | | |
| Max. Building Height (ft.): | | |
| For properties fronting on Eastern Ave | 45 | 45*** |
| For properties fronting 13 th St. and King St. | 125 | 125*** |
| | | |
| Parking****: | | |
| (Parking for Galaxy Project) | | |
| Residential Uses (Mkt. Rate) | | |
| 1 BR @ 1.25 sp./unit (118 x 1.25) | 148 spaces | |
| 2 BR @ 1.50 sp./unit (166 x 1.50) | 249 spaces | |
| 3 BR @ 2.00 sp./unit (3 x 2.00) | 6 spaces | |
| Residential Uses (MPDUs) | | |
| 1 BR @ 0.625 sp./unit (27 x 0.625) | 17 spaces | |
| 2 BR @ 0.75 sp./unit (14 x 0.75) | 11 spaces | |
| (10% credit for residential in CBD 431 x .10 = 43) | | |
| Residential subtotal for Galaxy Project: | 388 spaces | 334 spaces |
| | | |
| (Parking for Aurora Building #8-04028) | | |
| Residential Uses (Mkt. Rate) | | |
| 1 BR @ 1.25 sp./unit (23 x 1.25) | 29 spaces | |
| 2 BR @ 1.50 sp./unit (103 x 1.50) | 155 spaces | |
| Residential Uses (MPDUs) | | |
| 1 BR @ 0.625 sp./unit (19 x 0.625) | 12 spaces | |
| (10% credit for residential in CBD 196 x .10 = 20) | | |
| Residential subtotal for the Aurora Project: | 176 spaces | 145 spaces |
| Residential totals for combined projects: | 561 spaces | 479 spaces |
| Parking for County Parking Garage for Parking Lot District | <u>200 spaces</u> | <u>200 spaces</u> |
| Total Parking Spaces | 761 spaces | 679 spaces**** |

* Includes previous street dedication (approximately 22,301 sf on King Street and 13th Street) and approximately 5,176 sf for the proposed 13th Street right-of-way dedication.

** Applicant proposes off-site improvements within the Eastern Avenue public right-of-way, which is in the District of Columbia boundary. Applicant will coordinate with the DC Department of Public Works to improve the streetscape on Eastern Avenue right-of-way

but will not be given credit toward off-site public use space due to lack of Planning Board regulatory control within a public right-of-way in another jurisdiction.

*** The 45-foot building height for Building 'C' will be measured from Eastern Avenue. Consistent with the provisions of the Ripley/South Silver Spring Overlay Zone, Buildings 'A' and 'B' may be constructed to a height of 125 feet.² However, because the subject lot is a through lot, Applicant has agreed to the measurement of the height of each building as follows: The 125-foot building height for Building 'B' shall be measured from 13th Street. The building height for that portion of Building 'A' fronting on King Street shall be measured from King Street using the applicable measurement method provided in the Zoning Ordinance. However, because 13th Street is approximately 7 feet lower than King Street, the Applicant has agreed to be subject to a condition that limits the height of that portion of Building 'A' fronting on 13th Street to 125 feet, as measured from 13th Street, using the applicable measurement method provided in the Zoning Ordinance.

**** The proposed development is within the Silver Spring Parking District and is not required to provide any parking on site; however, the project is subject to the Parking District Tax. The final number of required parking spaces will be determined at Site Plan based on the unit mix. The Applicant has an agreement to provide 200 spaces to the Parking Lot District as part of the project proposal and approximately 145 spaces (1 space per unit) for the Aurora Project (Site Plan #8-04028).

(b) As conditioned, the Project Plan conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.

The Board finds that the Project Plan implements the major principles and recommendations of the Sector Plan.

The approved CBD Sector Plan recommends the CBD-1 zoning for this site, which was applied through the Sectional Map Amendment ("SMA") adopted July 18, 2000, pursuant to County Council Resolution 14-600. The Property is within the Ripley/South Silver Spring Overlay Zone, which

² See Code § 59-C-18.202(b) Development Standards. The development standards are the same as those in the underlying zones, except:

- (1) Building height in the Overlay Zone along Newell Street and Eastern Avenue that confronts a residential zone in the District of Columbia must not exceed a height of 45 feet. However, this building height may be increased to:
 - (i) a maximum of 90 feet for any building or portion of a building that is set back at least 60 feet from the street, or as allowed in 59-C-18.204(b), Transfer of Development Credits; or
 - (ii) a maximum of 125 feet for residential development that is set back at least 100 feet from Eastern Avenue and Newell Street, and that includes a public parking garage constructed under a General Development Agreement with Montgomery County, Maryland.

provides for flexibility of development standards to encourage innovative design solutions.

The proposed mixed-use development is comprised of 328 residential units with private structured parking and a public parking structure. High-rise multi-family units are permitted uses under the CBD-1 Zone. The proposal will be implemented under the optional method of development. The maximum density allowed on this site is 125 dwelling units per acre or 328 units.

The minimum required public use space for this project is 17,367 square feet (20% of the net lot). The Applicant proposed 26,920 square feet of public use space and amenities provided on-site which equals 31.0% of the net lot. The Applicant also proposed an additional 11,470 square feet of off-site streetscape improvements. In total, the Applicant proposed 38,390 square feet of on-site public use space, amenities and off-site improvements or 44.2% of the net lot area. In addition to the public use space, amenities and off-site improvements, the Applicant proposed 3,910 square feet of streetscape improvements outside the Montgomery County jurisdictional boundaries along the Eastern Avenue frontage.

Sector Plan Conformance:

The Silver Spring Central Business District and Vicinity Sector Plan, approved by the County Council on February 1, 2000, outlines six themes, which articulate the shared goals and vision for a revitalized Silver Spring. Three of these themes--a residential downtown; a green downtown; and a pedestrian-friendly downtown--apply to this proposed project. The Sector Plan specifically identifies a portion of the proposed project site as a potential housing site. The Sector Plan encourages housing as an important component of the revitalization efforts. This project will be developed under the optional method of development and proposes new opportunities for landscaped public open spaces, public art and streetscapes. This project encourages the development of active urban streets by providing building entrances along the public streets and easily accessible public spaces with public art components as activity generators. This proposal improves the quality of the pedestrian environment by providing the optional method streetscape treatment and other amenities along 13th Street and King Street.

- A. **Compatibility:** The proposed mixed-use development is adjacent to the Aurora (Williams & Willste, Site Plan No. 8-04028) condominium buildings (9 and 11 stories) and a bank to the west and the Ramada Inn (6 stories) and a car wash to the east. A Days

Inn hotel (2 stories) and the Gramax Tower apartment building (14 stories) are located across 13th Street from the proposed development. A Seven-Eleven convenience store and a vacant lot are located across King Street to the south.

Building height in the Ripley/South Silver Spring Overlay Zone along Eastern Avenue that confronts a residential zone in the District of Columbia must not exceed a height of 45 feet. However, this building height may be increased to a maximum of 125 feet for residential development that is set back at least 100 feet from Eastern Avenue and includes a public parking garage constructed under a General Development Agreement with Montgomery County, Maryland.

Both Buildings 'A' and 'B' shall be setback a minimum of 100 feet from Eastern Avenue. The Board finds that the proposed development, as conditioned, meets the intent of the Sector Plan in terms of building height, intensity and use, and will not adversely affect surrounding properties.

- B. **Sector Plan Street Rights-of-Way:** The existing street right-of-way for 13th Street is approximately 60 feet. The applicant proposes to dedicate additional right-of-way equal to 41 feet measured from the centerline of the street. The existing public alley connecting to 13th Street at two points is proposed for abandonment. The alley currently provides vehicular service to the commercial buildings that are part of this proposal.
- C. **Sector Plan Bikeways:** The Sector Plan recommends a Class II or III bikeway (on-road, bike lanes or signed shared roadway) along the south side of 13th Street. The Board finds that the proposed Class III bikeway (on-road, signed shared roadway) along 13th Street will enhance transportation consistent with the Sector Plan recommendation.
- D. **Streetscape:** As conditioned, the Project Plan will comply with streetscaping recommendations in the Sector Plan. Applicant will improve the 13th Street and King Street frontages with the Type "B" streetscape treatment. The streetscape and public amenities for the proposed project shall be in accordance with the standards of the *Silver Spring Streetscape* technical manual or as modified to include the bikeway. The Eastern Avenue frontage will be improved using elements from the Type "B" streetscape treatment subject to approval by the District of Columbia.

The Board further finds that, with Applicant's provision of the following amenities and facilities, the Project Plan Conforms to the Sector Plan:

On-Site Improvements

13th Street and King Street

- Expand the existing streetscape improvements along 13th Street and King Street to include specialty pavers.
- Provide landscape planters and ornamental landscaping between the walk and buildings.

Eastern Avenue

- Expand the existing streetscape improvements along Eastern Avenue to include specialty pavers and accent planting.

Public Park

- Brick paved public plaza along majority of site frontage to complement streetscape improvements.
- Provide public access from all three public streets. Materials in the walkways need to complement the pavers proposed for 13th and King Street.
- Public Art to highlight public's interest of the revitalization efforts of downtown Silver Spring. A public art program shall be developed to include opportunities for the incorporation of an elliptical element and water feature. Local artist to be commissioned for art element.
- Specialty lighting in the plaza to emphasize the art elements, accentuate and visually activate the park at night, and provide security for patrons of the space.
- The paving in the plaza will be designed to include patterns that complement the artwork.
- Landscape beds and planters with irrigation and plant material to correspond to overall theme.

Covered Arcade and Walkway to the Public Parking

- Provide overhead glass canopy attached to building
- Provide ornamental planting to soften narrow space
- Provide artwork within canopy area

Art Walk

- Brick paved promenade to complement streetscape improvements and selected artwork.

- Public Art to highlight public's interest of the revitalization efforts of downtown Silver Spring. A public art program shall be designed to incorporate selected pieces by local artists.
- Provide overhead trellis or pergola to direct pedestrians and create a focal feature.
- Provide accent and security lighting to complement overall theme and reinforce lighting element in the Park.

Other Improvements

- Existing overhead utilities shall be installed underground consistent with the Silver Spring Master Plan.
- Make available a space for public outdoor interaction and activities in all public use areas.
- Make available a space for entertainment, as needed in conjunction with the Silver Spring Urban District (SSUD), and accommodations for outdoor entertainment in all public use areas.

Off-Site Improvements

13th Street Right-of-Way

- Replace the existing streetscape and install streetscape (Type B) on the south side of 13th Street along the entire property frontage to be expanded to include Street trees, Brick Pavers and Street Lights (Washington Globe) Brick Pavers, consistent with Silver Spring Streetscape Plan Technical Manual.
- Granite sets within the tree pits as specified in the Silver Spring Streetscape Plan Technical Manual.
- Brick driveway aprons to be flush with pedestrian circulation.
- Existing overhead utilities and street level meters to be installed underground consistent with the Silver Spring Master Plan.

King Street Right-of-Way

- Replace the existing streetscape and install streetscape (Type B) on the north side of King Street, along the entire property frontage, to include Street trees, Brick Pavers and Street Lights (Washington Globe) consistent with Silver Spring Streetscape Plan Technical Manual.
- Granite sets within the tree pits as specified in the Silver Spring Streetscape Plan Technical Manual.
- Existing overhead utilities to be installed underground consistent with the Silver Spring Master Plan.

Eastern Avenue Right-of-Way

- Install streetscape (Type B) on the east side of Eastern Avenue, along the entire property frontage, to include Street trees, Brick Pavers and Street Lights (Washington Globe) consistent with Silver Spring Streetscape Plan Technical Manual, if approved by the District of Columbia Department of Public Works.

- (c) **As conditioned, because of its location size, intensity, design, operational characteristics and staging, the Project Plan would be compatible with and not detrimental to existing or potential development in the general neighborhood.**

The Board finds that the Project's proposed residential use is compatible with the surrounding neighborhood and potential development within the Georgia Avenue and Eastern Avenue corridors. The proposed buildings are in scale with the adjacent Aurora building and are sensitive to the surrounding community. The height and mass of the building fronting on Eastern Avenue are less intense to emphasize the residential and community characteristics within the Eastern Avenue corridor. The proposed residential uses will be less intensive than the remaining non-residential uses in the Block and within the surrounding area.

The buildings have been sensitively designed to ensure compatibility with the surrounding development and the general neighborhood. The building fronting on Eastern Avenue will be 45 feet in height, significantly less than the 90-110-foot Aurora building. The buildings transition in height from the 45 feet along Eastern Avenue to 125 feet, as permitted by the zone. The project includes three separate buildings, which softens the impact of a fairly large site upon the surrounding community. The base of the buildings emphasizes a traditional masonry base, typically associated with residential uses.

- (d) **As conditioned, the Project Plan would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.**

The Board finds that the Project Plan use will not overburden existing public services or facilities. The project proposes residential units within an emerging mixed-use area of south Silver Spring. Parking is proposed at

approximately a 1 space per unit ratio for the 328 units in the subject site and the 145 units in the adjacent Aurora building. In addition to the private parking provided for the residents, 200 additional spaces are provided in the public parking garage that gains access from 13th Street. The remainder of the parking spaces needed to satisfy the County Parking Ordinance for the proposed use will take advantage of the parking in the public garage that is part of this proposal, and in the nearby Kennett Street garage, approximately 100 feet north of the site. The site is located within the Silver Spring Parking Lot District. Sites within the Parking Lot District are permitted to minimize the number of spaces provided on-site to take advantage of the County's facilities.

There is adequate water and sewer capacity within the Silver Spring CBD Policy Area to accommodate the proposed increase in residential units. The Annual Growth Policy (AGP) Schools Test for FY2005 indicates that there is adequate capacity within the Montgomery Blair cluster to accommodate the student generation attributable to the proposed development.

The Applicant will enter into a Traffic Mitigation Agreement (TMA) with the Planning Board to help the Project achieve the non-driver commuting goal for development in the Silver Spring CBD.

- (e) **The Project Plan will be more efficient and desirable than could be accomplished by the use of the standard method of development.**

The Board finds that the Project Plan would be more efficient and desirable than could be accomplished under the standard method of development. The Project Plan proposes to use the optional method of development and is in conformance with the goals and objectives of the Silver Spring Sector Plan. The proposed development intends to maximize its potential by providing the 125 dwelling units per acre and maximize the number of Moderately Priced Dwelling Units to 12.5% provided on-site.

In addition to the provision of additional market-rate and MPDU units in south Silver Spring, the project will include a significant new public open space and art amenity package on the site. The project is providing over 44% of new on and off-site public use space, which would not have been possible through the standard method of development. An additional 4.5% of off-site improvements may be possible on Eastern Avenue if the District of Columbia permits streetscape improvements within their right-of-way. Additionally, the Applicant is enlisting the talents of local artists to enhance the Art Walk and public use spaces throughout the site. The

Applicant is maximizing density for residential development and providing public amenities on the site that would not have been possible through a standard method project.

- (f) **The Project Plan will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.**

The Board finds that the Project Plan meets the requirements of Chapter 25A of the Code. This application requires forty-one (41) Moderately Priced Dwelling Units (MPDUs) or 12.5 percent of the proposed residential dwelling units within the development.

- (g) **The Project Plan will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.**

The project assembles four recorded lots, four unrecorded parcels and the Montgomery County surface parking lot. Thus, the Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C-6.2351 or 59-C-6.2352 (whichever is applicable). The Board finds that the Project Plan provides for a unified redevelopment of the currently underutilized site, resulting in an overall land use configuration that is significantly superior to that which could otherwise be achieved, and thus the Project Plan satisfies the requirement of section 59-D-42(g).

- (h) **As conditioned, the Project Plan satisfies any applicable requirements for forest conservation under Chapter 22A.**

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #4-05144) was approved on March 21, 2005. The Applicant will need to address final Forest Conservation Plan requirements with the site plan but is permitted to pay a fee-in-lieu or claim credit for street trees planted within the property boundaries. The Board finds that the plan meets the requirements of Chapter 22A.

- (i) **As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.**

A stormwater management concept plan has been submitted to the Montgomery County Department of Permitting Services (DPS) for

conditional approval. The Project Plan is proposing quality and quantity control within the green areas on the site as well as green roof technology on Buildings 'A' and 'B'. Approval of the Stormwater Management concept is required prior to submittal of the Site Plan application.

In approving the Application, and in making the above findings, the Planning Board considered, among other things:

- (a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures.
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.
- (c) Whether the vehicular circulation system, including access and off-street and loading, is designed to provide an efficient, safe and convenient transportation system.
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with Chapter 25A if that Chapter applies.
- (g) The staging program and schedule of development.
- (h) The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.
- (i) The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.

PLANNING BOARD ACTION AND CONDITIONS

The Montgomery County Planning Board **APPROVES** Project Plan Review #9-05005 for 328 multi-family dwelling units, including 41 MPDUs (or 12.5% of the total number of units), on 2.62 gross acres in the CBD-1 Zone with the following conditions:

1. Development Ceiling

The proposed development shall be limited to a maximum of 328 multi-family dwelling units or 125 dwelling units per acre.

2. Building Height/Mass

- a. The height of proposed Building 'C' (fronting on Eastern Avenue) shall not exceed 45 feet as measured from Eastern Avenue, using the applicable measurement method provided in the Zoning Ordinance.
- b. The height of proposed Building 'B' shall not exceed 125 feet, as measured from 13th Street, using the applicable measurement method provided in the Zoning Ordinance.
- c. The height of proposed Building 'A' shall not exceed 125 feet, and shall be measured as follows: (1) for that portion of Building 'A' fronting on King Street, the height shall be measured from King Street using the applicable measurement method provided in the Zoning Ordinance; (2) for that portion of Building 'A' fronting on 13th Street, the height shall be measured from 13th Street, using the applicable measurement method provided in the Zoning Ordinance.

3. Transportation Improvements

- a. The proposed development shall dedicate right-of-way, 41 feet from the centerline, to provide for a total of 71 feet right-of-way for 13th Street, as recommended in the Silver Spring CBD Sector Plan.
- b. Provide standard Silver Spring streetscape along the property boundary on 13th Street and King Street, and extend the streetscape off-site, as shown on the approved Project Plan.
- c. Provide a Class III bikeway (on-road, signed shared roadway) on the south side of 13th Street.
- d. Abandon the existing public alley connecting to 13th Street.

4. Moderately Priced Dwelling Units (MPDUs)

The Applicant shall provide 41 MPDUs (or 12.5% of the total number of units) on-site, consistent with the requirements of Chapter 25A.

5. Public Use Space

- a. The proposed development shall provide at least 31.0 percent (26,920 square feet) of on-site public use space and 13.2 percent (11,470 square feet) of off-site public use space for a combined total of 44.2 percent or 38,390 square feet. In addition to the proposed on and off-site public use space and amenities, the Applicant shall provide 3,910 square feet of streetscape improvements along Eastern Avenue, consistent to approvals from the District of Columbia Department of Public Works.
- b. The proposed public use space shall be easily and readily accessible to the general public and used for public enjoyment.

6. Streetscape

- a. The Applicant shall provide the full-width streetscape improvements along the 13th Street (Type 'B') and King Street (Type 'B') frontage using the *Silver Spring Streetscape Plan (April 1992)* Technical Manual. The following elements are proposed: stone, precast concrete, brick pavers, street trees, lighting, and any other details that are necessary, including the undergrounding of utilities along the frontage of the property, to fulfill the Silver Spring streetscape standards.
- b. The Applicant shall provide the full-width streetscape improvements along the Eastern Avenue frontage (District of Columbia right-of-way) using the *Silver Spring Streetscape Plan (April 1992)* Technical Manual, consistent to approvals from District of Columbia Department of Public Works.
- c. Off-site improvements shall be provided along the property frontage of 13th Street and Kennett Street, in front of the entrance to the Gramax Building.

7. Public Art

A public art program shall be developed to include opportunities within the public plaza area to reinforce the architecture of the building, provide for pedestrian interaction and involve local artists to display artwork. The Applicant has identified three areas or elements that could be incorporated into the public art component:

a public plaza between Buildings 'B' and 'C', a covered walkway to the public parking garage between Buildings 'A' and 'B', and the "Art Alley" that connects 13th Street and King Street on the east side of Building 'A'.

The Applicant shall enlist the services of at least three local artists to provide public art in the three spaces within the public use space on the site.

8. Staging of Amenity Features

- a. The proposed project shall be developed in two or three phases.
- b. Landscaping to be installed no later than the next growing season after completion of building and public plaza.
- c. Streetscape improvements and public art associated with each building to be installed prior to occupancy of each building, in accordance with the phasing for the site.

9. Maintenance and Management Organization

Prior to signature set of site plans, the Applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member of and enter into an agreement with the Silver Spring Urban District for the purpose of maintaining public open spaces and participating in community events.

10. Coordination for Additional Approvals Required Prior to Site Plan Approvals

The Applicant shall secure the following additional approvals prior to signature set of Site Plan Review:

- a. Enter into a maintenance agreement with the Silver Spring Urban District for maintenance of all or some of the streetscape improvements.
- b. Present the public art components to the Art Review Panel for review and comment to be available to the Planning Board.
- c. The Applicant shall meet with the M-NCPPC staff and the Montgomery Department of Public Works and Transportation (MCDPWT) staff regarding the final design and extent of the non-standard elements as part of the proposed streetscape improvements.
- d. The Applicant shall request a waiver for all non-standard elements and non-standard streetscape improvements as well as a maintenance and liability agreement with the MCDPWT.

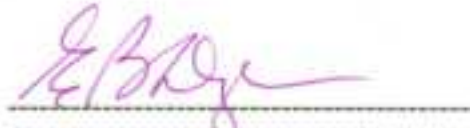
- e. The Applicant shall meet with the M-NCPPC staff and the District of Columbia Department of Public Works to discuss the streetscape improvements along Eastern Avenue.

APPROVED AS TO LEGAL SUFFICIENCY
TAB
M-NCPPC LEGAL DEPARTMENT
DATE 10/15/05

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

CERTIFICATION OF BOARD VOTE ADOPTING OPINON

At its regular meeting, held on Thursday October 20, 2005, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on the motion of Commissioner Bryant, seconded by Commissioner Wellington, with Chairman Berlage and Commissioners Bryant and Wellington voting in favor of the motion, ADOPTED the above Opinion which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for The Galaxy Project Plan No. 9-05005. Commissioner Robinson abstained and Commissioner Perdue was absent.



Certification As To Vote of Adoption
Technical Writer

APPENDIX B

PUBLIC ART REVIEW

TO: SANDRA PEREIRA
FROM: JOSHUA SLOAN
SUBJECT: PROJECT PLAN 92005005A: THE GALAXY
DATE: 11/2/2008
CC: C. SCOTT COPELAND, RST DEVELOPMENT

BACKGROUND

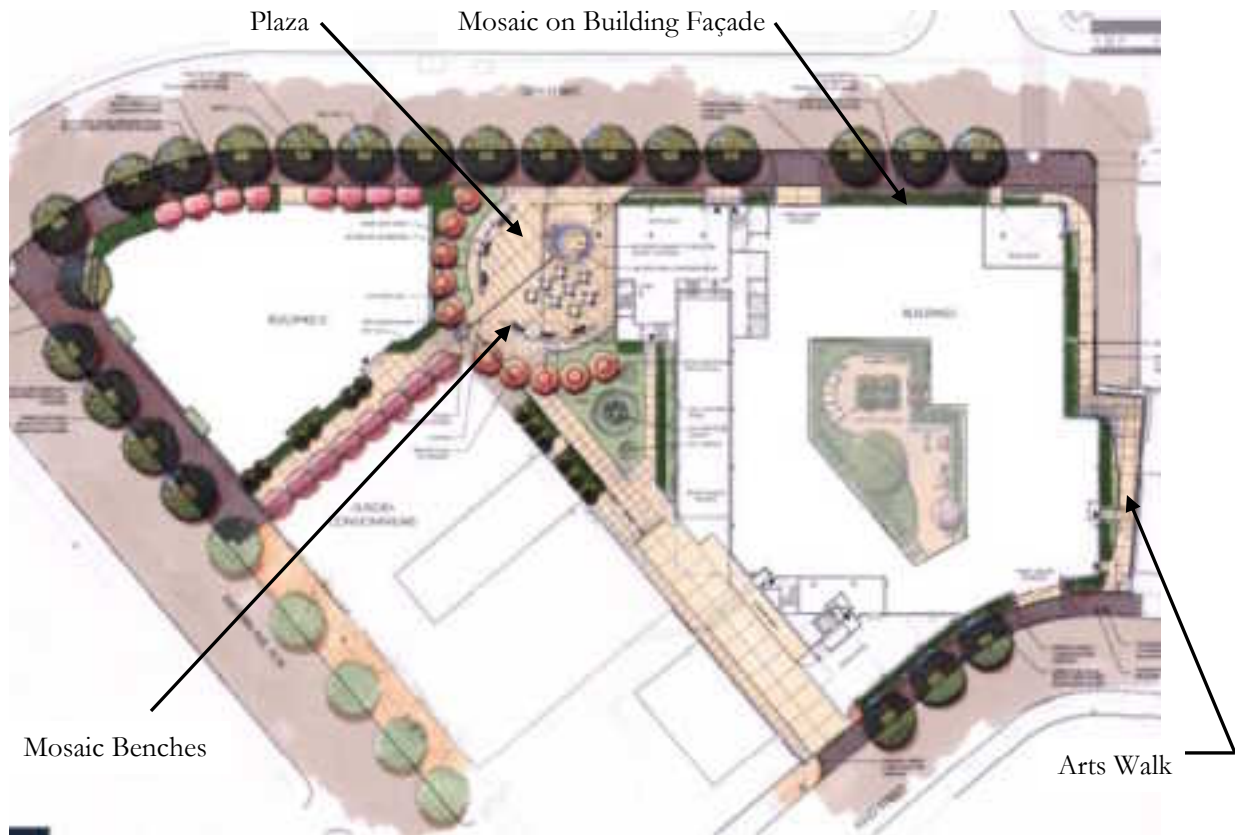
The Galaxy is a proposed mixed-use development in south Silver Spring at the Intersection of 13th Street and Eastern Avenue. It is an optional method project in the CBD-1 Zone with a proposed density of 2.28 FAR. Two-hundred and forty-one (241) multi-family residential units are being proposed as well as 3,663 gross square feet of retail space in two buildings. These buildings will be built above a below-grade parking garage with both public and private spaces. The building at the intersection of 13th Street and Eastern Avenue (building #2) will be 45' in height and the building spanning the lot from 13th Street to King Street will be 75' in height. On-site public use space, consisting of an internal plaza area and sidewalks within and around the property, totals 29.73% of the net lot area.

LANDSCAPE AND SPATIAL MASSING

The internal plaza sits between the two proposed buildings and opens to 13th Street on the north. It is defined by Building #1 to the east and trees and raised planters to the south and west. Directly to the south of this plaza is a playground area with structures and trees as well as a sidewalk leading to King Street. Just beyond the trees and planters to the west is building #1 and the existing Aurora Condominium. A wide sidewalk also runs from the plaza to Eastern Avenue between Building #2 and the Aurora. A section of the plaza is carved from the first floor of the building, which leads to a possible restaurant or café. This roughly 60'x30' covered space is open, being supported by four large columns to a height of approximately 22 feet. The first artwork described below is proposed in this plaza.

An "Art Walk" connection from King Street to Kennett Street follows the eastern property line that zig-zags in between Building #1 and the existing hotel and car wash. Although very narrow in areas, it is hoped that at least the northern section of the Walk can be expanded if and when the car wash property is redeveloped. The Walk itself is flanked by a fence on the eastern edge and raised planters along the western edge.

The northeast corner of Building #1 proposes a small retail space with a door onto 13th Street. The stretch between the plaza and this retail space proposes a wide sidewalk with raised planters along the foundation of the building and the standard Silver Spring Streetscape plantings and lighting along the street as well as all rights-of-way adjacent to the property.



Illustrative Plan

ARTWORK AND PANEL DISCUSSION

The Applicant presented the project as a collaboration between the architect, landscape architect, and the artist, Martha Jackson-Jarvis. The theme that the design team is working with is—The Galaxy. The implication to the design of the space and the artwork would be an emphasis in movement and gravitation and be light, reflective, and space-oriented in nature. The Panel's only criticism of the theme was how universal it was in nature rather than related to the context along the border of Washington DC and the edge of the arts district in Silver Spring. The Panel hopes that future development will take the opportunity to merge the kind of interdisciplinary collaboration seen on this project with the creation of more site-specific pieces.

After a brief overview of the project's concept, building size and treatments, the vehicular and pedestrian circulation patterns, land use relationships, and the site features, Ms. Jackson-Jarvis presented the two proposed art works.

The first proposed piece is a 46-foot by 17-foot mosaic along 13th Street between the retail space on the northeast corner of Building #1 and the plaza to the west. The piece is situated so that it is visible by pedestrians and vehicles along 13th Street and especially prominent as a terminus to Kennett Street which ends at 13th Street across from the subject property. Composed primarily of glass, stone, and tile, the mosaic depicts planets, orbital patterns, and other celestial bodies on a grand

scale. The project will be lit from above and, due to the materials proposed, should produce an eye-catching effect both day and night. Just above the mosaic is an overhanging metal grill that will itself be backlit as well as contain the lighting for the mosaic. Functionally, this metal canopy serves as a vent for the parking garage. The Panel stressed the importance that the lighting of the grill be soft so that the mosaic is not overpowered at night. It was also suggested that, because the piece faces north, daytime lighting might be necessary to catch the reflective nature of the materials.

The second proposed piece is a pair of benches with backs shaped like elongated wedges. One would be about twice the size of the other, which seems to be a bit larger than a standard bench. The front of each bench is a mosaic with patterns similar to the large wall mosaic on 13th street. The backs of each bench are treated differently – partially tiled, but not representational like the fronts. The proposed seats are cantilevered metal such as woven metal. The Panel discussed the use of materials and the need to ensure that the seats are in fact comfortable for sitting and that the benches may be climbed upon by children. Whether that is good or bad was left to the attorneys. Another thought the Panel asked the artist and project team to consider was whether the other benches and certain bands of paving within the plaza should reflect the materials in the sculptures or should remain distinct. Behind these two sculptural benches (and the ring of standard benches), which define the circular central space, is a single row of 15-foot high LED light poles. The panel stressed the need for these to be strong enough to define the space and welcomed the fact that all other safety and area lighting was to be kept low to the ground.

The benches themselves form a gateway feature between two ends of an elongated, asymmetrical dumbbell-shaped designed hardscape. At one end, a small circle of special glass and concrete paving is centered in the sidewalk near the opening between Building #2 and the Aurora. This circle is connected to another larger circle under the Building #1 overhang by a long strip of glass paving. The larger circle is roughly 15 feet in diameter and centered under a “chandelier” of hanging LED lights. As proposed, the large circle would be a concave form set into the plaza and use the same specialty paving as the small circle. The Panel would rather this depression become a fountain that reflected the nature of the chandelier with, for example, multiple jets to mirror the numerous hanging lights. If this is deemed a safety hazard, they suggested that the circle become convex and more interactive.

A separate component of the on-site art program is the Art Walk connection along the eastern property line between King Street and 13th Street. This sidewalk will have arts-related postings and event information and/or rotating space to exhibit local artists’ work. The point was made early on that the management and coordination of this kind of program needs to be established as soon as possible to be effective. Also, as stated earlier, the space seems minimal and needs expansion as adjacent development is proposed.

With respect to the landscaping, the Panel noted that the planting treatment needed to serve two purposes, viz.. First, to ensure that the residents surrounding the open space would feel the appropriate privacy. Second, whereas the public space had appropriate definition. Related to this, the Panel stressed as a general reflection that the key to the success of the space would be how every element was fine-tuned to ensure that the art read as “art” and that the design read as “design” and that each element should complement or contrast with the other suitably.

APPENDIX C



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

December 27, 2007

MEMORANDUM

TO: Sandra Pereira, Senior Planner
Development Review Division

VIA: Glenn Kreger, Team Leader, Silver Spring/Takoma Park Team *AK*
Community-Based Planning Division

FROM: John Marcolin, ASLA, Planner Coordinator *JM*
Community-Based Planning Division

SUBJECT: Project Plan #92005005A and Site Plan #82006013A
Galaxy II

The Community-Based Planning staff has reviewed the above referenced Site Plan for conformance with the Silver Spring Central Business District and Vicinity Sector Plan (approved February 2000), including the recommendations for the Ripley/South Silver Spring Overlay Zone. The subject property is bounded by 13th street on the north, Eastern Avenue on the west, and King Street on the south. The corner of Eastern Avenue and King Street is occupied by the Aurora Condominiums and another building owned by Montgomery Land Company, LLC, that is not part of this project. Community-Based Planning recommends the approval of the proposed Project Plan and Site Plan with the following conditions needed to ensure consistency with the approved CBD Sector Plan and the approved streetscape guidelines:

- 1) Streetscape and Public Use Space:
 - a. The brick to be used, Belden 470-479 "Silver Spring," should be clearly identified on all details.
 - b. The planting plan must delineate the location and extent of the required amended soil panels (per the *Silver Spring Streetscape Plan*) for all the proposed street trees. Please show in plan-view on the planting plan.
 - c. Clearly indicate where the specialty 'Galaxy Concrete' will be installed and where regular, scored concrete will be installed.

- 2) Lighting:
 - a. For Washington Globe Street light specify a Metal Halide lamp with a minimum of 100 watts.
 - b. Specifications should indicate house-side shields and louvers or optics that direct light downwards.
 - c. Indicate Diode lighting on lighting plan, sheet L5.01, and on the lighting details, sheet L5.02.

- 3) Play Area:
 - a. Clearly identify on the plans the location and extent of play surface materials and 'low maintenance' lawn, where they meet and how the transition between the two materials is handled.
 - b. Clearly show design of seat walls adjacent to the play area. It is not clear if there are two tiered seat walls with lawn in between, or if there is only one level of seat wall.

- 4) Planting Plan:
 - a. Replace proposed Zelkova with another street tree, such as 'Lacebark' elm (*Ulmus parviflora*).
 - b. The proposed evergreen, White Spruce (*Picea glauca*) is not adapted to Zone 7. Please review and replace with a more adapted species.

- 5) Miscellaneous: See attached comments from Development Review regarding parking agreements and calculations as well as number of proposed MPDU's.

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cc: Robert Kronenberg, Development Review Supervisor

Attachment

Marcolin, John

From: Pereira, Sandra
Sent: Wednesday, December 26, 2007 1:05 PM
To: 'Meredith Byer'
Cc: Kronenberg, Robert; Marcolin, John; Kreger, Glenn; 'chris.ruhlen@hklaw.com'
Subject: The Galaxy :: comments

Meredith,

A few comments on The Galaxy have come up that we need your assistance and clarification.

- On the parking calculations for the retail area, which parking ratio was used? It appears that the ratio for 'general retail' rather than 'restaurant or similar place dispensing food, drink or refreshments' was used, however we thought that this project proposed the latter category. Please clarify.
- As a follow-up to our DRC comments, we still need to document the parking agreement with the Aurora residents. Please provide the latest written agreement describing the parking commitment to those residents. From our discussions we understand there is an agreement with some Aurora residents that gives them the option of purchasing parking at the Galaxy project. It is important to understand the exact language of the latest agreement and the total number of residents that the agreement applies to.
- As mentioned to Chris Ruhlen last week, the MPDU numbers are not shown consistently on the plans. On C-2, under building tabulations, there are a total of 34 proposed, whereas on site tabulations there are 31 proposed. Also, please verify the MPDU numbers on AP-104 and AP-105. Please let us know the correct number.

Thank you,
Sandra

Sandra Pereira
Senior Planner

M-NCPPC Montgomery County Planning Department
Development Review Division
8787 Georgia Avenue, Silver Spring, MD 20910
phone (301) 495-2186 :: fax (301) 495-1306
sandra.pereira@mncppc-mc.org



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Richard Y. Nelson, Jr.
Director

December 28, 2007

Meredith L. Byer, RLA
Project Manager
VIKA, Inc.
20251 Century Blvd., Suite 400
Germantown, MD 20874

**Re: The Galaxy –
Site Plan No. 82006013A**

Dear Ms. Byer:

Thank you for your letter of November 29, 2007, in which you responded to comments by the Department of Housing and Community Affairs (DHCA) on the above project. As I told you over the phone, I have reviewed the revised plans for the project and have the following additional comments:

- The site tabulations on sheet C-2 of the Site Plan Set, as well as the floor plans in the architectural drawings, show that 31 MPDUs (the required 12.5 percent of the 241 total units) are provided in the two residential buildings. However, the Building Tabulations and Required Parking Tabulations on sheet C-2, as well as the tables provided on the architectural drawings for the floor plans of the two buildings, show 34 MPDUs. The tables need to be corrected to match the site tabulations and floor plans.
- The proportion of one- and two-bedroom MPDUs shown on the floor plans is in compliance with Section 25A-5(b)(3) of the Montgomery County Code, which states:

"In multi-family dwelling unit subdivisions, the number of efficiency and one-bedroom MPDUs each must not exceed the ratio that market-rate efficiency and one-bedroom units respectively bear to the total number of market-rate units in the subdivision."

- The MPDUs are reasonably distributed among the residential floors.

Division of Housing and Code Enforcement

| | | | |
|--------------------------------------|--|--|---|
| Code Enforcement FAX 240-777-3701 | Moderately Priced Dwelling Unit FAX 240-777-3709 | Housing Development and Loan Programs FAX 240-777-3691 | Landlord-Tenant Affairs FAX 240-777-3691 |
|--------------------------------------|--|--|---|

Ms. Meredith L. Byer
December 28, 2007
Page 2

If you need further information, please contact me at 240-777-3786.

Sincerely,



Lisa S. Schwartz
Senior Planning Specialist

cc: Scott Copeland, RST Development
Sandra Pereira, M-NCPPC ✓
Tedi Osias, HOC
Douglas Lohmeyer, Montgomery Consulting (for HOC)
Sharon Suarez, M-NCPPC
Richard Y. Nelson, Jr., DHCA
Scott Reilly, DHCA
Joseph Giloley, DHCA
Christopher Anderson, DHCA
Essayas Ababu, DHCA

S:\Fishes\FY 2008 Housing\MPD\Lisa Schwartz\Galaxy Letter 12-28-07.doc





FIRE MARSHAL COMMENTS

DATE: DECEMBER 17, 2007
TO: MEREDITH BYER - VIKI
FROM: TYLER MOSMAN
RE: THE GALAXY, 9-2005005A, 8-2006013A, 1-2005089A

PLAN APPROVED.

1. Review based only upon information contained on the plan submitted **12-17-07**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services

MNCPPC-MC



DEPARTMENT OF PERMITTING SERVICES

Carla Reid Joyner
Director

Isiah Leggett
County Executive

January 7, 2008

JAN - 7 2008

Mr. Jason Evans
Vika, Inc.
20251 Century Boulevard, Suite 400
Germantown, MD 20874

Re: Stormwater Management **CONCEPT REVISION**
Request for The Galaxy
Preliminary Plan #: 1-05089
SM File #: 217680
Tract Size/Zone: 2.0 Ac./CBD-1
Total Concept Area: 2.0 Ac
Lots/Block: 11/D
Watershed: Lower Rock Creek

Dear Mr. Evans:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of partial on-site water quality control via two proprietary filters and possibly by using green roof technology. Onsite recharge is not required since this is redevelopment. Channel protection volume is waived due to location in the CBD. A partial waiver of water quality requirements is also granted for a very small area.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Provide standard MCDPS external flow splitters, if possible.
6. The stormwater management structures must be moved out of the PIE if MCDPW&T does not accept the proposed locations.
7. Please submit architecture plans to verify areas for green roof.
8. Documentation of infeasibility must be submitted to DPS if green roof technology is not used. Also, the water quality structures must be designed as volume based.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,


Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm CN217680 Revision The Galaxy.DWK

cc: C. Conlon
S. Federline
SM File # 217680

ON - Waived; Acres: 2.0
OL - Onsite/Waived; Acres: 1.790.21
Recharge is not provided