




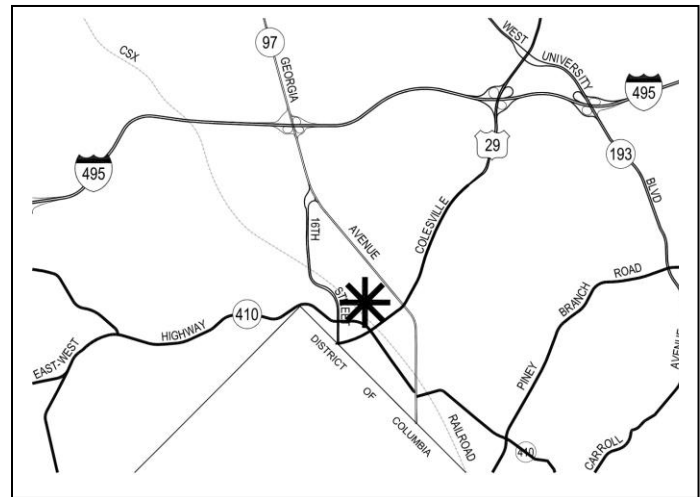
**Elizabeth Square: Project Plan No. 920150010, Preliminary Plan No. 120150030, and Mandatory Referral No. MR2015024**

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**Description**

**Completed: 07/10/2015**

- Project Plan: Construction of up to 766,046 square feet of residential development with up to 907 dwelling units, up to 6,032 square feet of non-residential uses, and 63,896 square feet of government-operated facilities;
- Preliminary Plan: Combine 5 existing lots into 1 2.68 acre lot (net area);
- Mandatory Referral;
- Current use: two high-rise multi-family residential buildings, the Elizabeth House and the Alexander House and three two-story commercial buildings, Fenwick Professional Park;
- Located at the northwest quadrant of the intersection of Second Avenue and Apple Avenue;
- 3.12 gross acres zoned CBD-1 and CBD-2 in the *Silver Spring CBD and Vicinity Sector Plan* area;
- Applicant: Lee Development Group, Inc. and the Housing Opportunities Commission of Montgomery County;
- Filing date: September 25, 2014.



**Summary**

- The Elizabeth Square project is a mixed-use optional method of development project within the Silver Spring CBD in close proximity to the Silver Spring metrorail station. Construction on the site is proposed in two phases.
- The project includes 68% on-site public use space (55% as Government Operated Facilities as Public Use Space) calculated over the net tract area.
- The project includes a total of 15% Moderately Priced Dwelling Units and 10% Workforce Housing Units.
- Because this application was submitted before October 30, 2014, it is eligible to be processed under the CBD zone in the Zoning Ordinance in effect as of October 29, 2014, per Section 59-7.1.1.B.1.
- The Applicant requests that the Planning Board consider the Mandatory Referral review that applies to the public agency component of this Project (under Section 20-301 of the Land Use Article of the Md. Ann. Code) as part of the Planning Board's review of Project Plan No. 920150010 and Preliminary Plan No. 120150030.
- Staff recommends approval of the Mandatory Referral MR2015024, Project Plan 921050010 and Preliminary Plan 120150030.

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## SECTION 1: RECOMMENDATION AND CONDITIONS

### Project Plan No. 920150010

Staff recommends approval of Project Plan No. 920150010 and Mandatory Referral No. MR2015024, Elizabeth Square, covering a 3.123 gross acre tract comprised of four lots zoned CBD-2 and one lot zoned CBD-1, (the "Site"), including a total of up to 772,078 square feet of development including up to 766,046 square feet of residential development and up to 6,032 square feet of non-residential uses. The following site development elements shown on the Project Plan stamped "Received" by the M-NCPPC on April 13, 2015, are binding under Section 59-D-2.12 and subject to the following conditions, which supersede the conditions included in Project Plan No. 919880020<sup>1</sup>:

1. Development Ceiling

The development is limited to a maximum 772,078 gross floor area consisting of a maximum 6,032 square feet of commercial uses and a maximum 766,046 of residential development. In addition, the development includes 63,896 square feet of government-operated facilities as public use space. Final dwelling unit count to be determined at Site Plan(s).

2. Moderately Priced Dwelling Units

The Applicant must provide on-site a minimum of 15% of the total number of the constructed units as Moderately Priced Dwelling Units or Montgomery County Department of Housing and Community Affairs (MCDHCA) approved equivalent, consistent with the requirements of Chapter 25A, in accordance with the MCDHCA letter dated May 29, 2015.

3. Workforce Housing

- a. The Applicant must provide a minimum of 10% of the total number of market-rate units Workforce Housing Units (WFHUs) or MCDHCA approved equivalent.
- b. All units that are considered WFHUs or MCDHCA approved equivalent, must comply with the requirements of Chapter 25B of the Montgomery County Code, in accordance with the MCDHCA letter dated May 29, 2015.

4. Building Height, and Mass

- a. The existing Alexander House building, Site Plan No. 819890710, within the Site is limited to a maximum building height of 165 feet as measured from the applicable building height measurement point to be illustrated on the Certified Site Plan.
- b. The Phase 1, CBD-1 zoned building (Elizabeth House III), is limited to a maximum building height of 143 feet as measured from the applicable building height measurement point to be illustrated on the Certified Site Plan.
- c. The Phase 2, CBD-2 zoned building (Elizabeth House IV) is limited to a maximum building height of 200 feet as measured from the applicable building height measurement point to be illustrated on the Certified Site Plan.
- d. At the time of Site Plan(s), the Planning Board will determine final maximum building heights not to exceed 143 feet in the CBD-1 zone and 200 feet in the CBD-2 zone allowed by Section 59-C-

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<sup>1</sup> For the purposes of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor (s) in interest to the terms of this approval.

6.235 of the 2004 Zoning Ordinance, footnotes 1 and 11, as necessary to accommodate the following:

- i. WFHUs;
  - ii. Other affordable housing units accepted by MCDHCA as WFHU equivalent; or
  - iii. On-site private amenities available to the WFHUs and that enhance the quality of building .
- e. Any increase pursuant to Project Plan Condition 4.d. above will not require the Applicant to amend this Project Plan.

5. Architecture

The exterior architectural character, proportion, material, and articulation must be substantially similar to the schematic elevations shown on the submitted architectural drawings, as determined by Staff, unless modified during site plan(s) review.

6. Public Use Space, Facilities, and Amenities

- a. With the submittal of the final site plan for the development, the Applicant must demonstrate a minimum of 68% of the net lot area as public use space on-site. The Applicant must complete the on-site public use space improvements associated with each phase prior to issuance of the final Use and Occupancy Certificate for that phase.
- b. The public use space on the Subject Property must, at a minimum, be open to the public from 9 a.m. until 7 p.m. daily, and for scheduled classes and organized events, all except for occasional closures for maintenance and cleaning, or if otherwise required by the Planning Director. Within the public use space, the Applicant must post one or more prominent signs declaring that the space is open to the public and displaying the hours of operation. The size and locations of the sign or signs must be shown on the certified site plan.
- c. Within the public use space and the amenity areas on the Subject Property, the Applicant may post reasonable rules of conduct that permit public use of the space in a manner that does not unreasonably interfere with others' use and enjoyment of the space and surrounding buildings. Before they are posted, rules of conduct must be reviewed by the M-NCPPC Office of the General Counsel and approved in writing by the Planning Director or the Director's designee, along with the number, size, and locations of all signs displaying rules of conduct. The Applicant may incorporate approved rules of conduct into signage advertising the public's right to use the space and applicable hours of operation. Rules of conduct may be amended from time to time with the written approval of the Planning Director or the Director's designee.
- d. As a public amenity, the Applicant must provide streetscape improvements consistent with the Silver Spring CBD Streetscape Standards, including the undergrounding of public utilities along the property's frontage. Phasing of the streetscape improvements will be determined at the time of the applicable site plan for each particular portion of the frontage.
- e. All record plats that include public use space must include a note that all public use spaces as illustrated on the certified Site Plan(s) must be maintained in perpetuity by the property owners and access must be provided to the general public, in accordance with this Condition No. 6.
- f. The Applicant must install the landscaping associated with each phase no later than the next growing season after completion of the building and site work.

## 7. Environment

- a. The Applicant must obtain approval of a Final Forest Conservation Plan (FFCP) from the Planning Department prior to clearing, grading or demolition. The Final Forest Conservation Plan must be consistent with the approved Preliminary Forest Conservation Plan and must:
  - i. Show all grading and disturbance contained within the Limits of Disturbance (LOD).
  - ii. Show the LOD to be shifted outside of the existing planting bed of Tree #3.
  - iii. Shift the locations of credited trees as applicable to avoid conflicts with drain lines or other utilities.
  - iv. Have all tree protection measures certified by an International Society of Arboriculture certified arborist who is also a Maryland Licensed Tree Care Expert.
  - v. Have the forest conservation worksheet and associated tables revised for consistency and clarity.
- b. Prior to any clearing or grading within the project area, the Applicant must submit a fee-in-lieu payment or certificate of compliance which satisfies the 0.50 acre afforestation requirements (or as determined by the FFCP) for approval by M-NCPPC staff.
- c. The soil volume within the courtyard (over the parking structure) must be reviewed at Site Plan(s) to ensure proper tree survivability and any amendment to proposed planting as a result of the required planting volumes must be incorporated into the Final Forest Conservation Plan. Soil volumes must be a minimum of five (5) feet in depth for trees and tall shrubs and three (3) feet in depth for shrubs, perennials, ornamental grasses, and groundcovers.

### **Preliminary Plan No. 120150030**

Staff recommends approval of Preliminary Plan No. 120150030, subject to the following conditions, which supersede the conditions included in Preliminary Plan No. 119881410:

1. Approval is limited to one lot with a maximum density of 772,078 square feet of total development, which includes i) up to 766,046 square feet of residential uses for up to 907 high rise residential dwelling units (a net increase of up to 436 residential units above the existing number), including 15% moderately priced dwelling units ("MPDUs") and 10% workforce housing units ("WFHUs"), or MCDHCA approved equivalent for either, and ii) up to 6,032 square feet of non-residential uses; with up to an additional 63,896 square feet for community recreational center use.
2. The Applicant must comply with the conditions of approval for Project Plan 920150010.
3. The Planning Board accepts the recommendations of the Montgomery County Department of Housing and Community Affairs ("MCDHCA") in its letter dated May 29, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDCHA, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Service ("MCDPS") – Water Resources Section in its stormwater management concept letter dated July 2, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by

MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

5. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (“MCDOT”) in its letter dated June 16, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. The Planning Board accepts the recommendations of the Montgomery County Department of Fire and Rescue (“MCFRS”) in its letter dated July 1, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCFRS, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
7. No release of any above grade building permit for new development on the site will be permitted prior to recordation of plat(s), except for any sheeting and shoring permit and permit for renovation of an existing building.
8. The Applicant must satisfy the provisions for access and improvements which are associated with each plat, as required by MCDOT.
9. The Applicant must dedicate and show on the applicable final record plat(s) the following right-of-way dedications consistent with the *Silver Spring CBD Sector Plan* and Montgomery County Code Chapter 50 Subdivision Regulation requirements:
  - a. A dedication of 10 feet along the portion of the Apple Avenue frontage that has not yet achieved full dedication to provide the Sector Plan recommended 30-foot wide right-of-way between the Subject Property line and right-of-way centerline.
  - b. A public use and access easement, for the full width and extent of the Metropolitan Branch Trail (future Capital Crescent Trail) (12-foot shared use path) on the Subject Property, granted to Montgomery County, in trust for the public, in a recordable form containing provisions to address the following:
    - i. Entitlement for open and unobstructed public use of the easement for all customary pedestrian, bicycle, general public, and emergency access. The easement granted to the public is a surface easement, intended to permit use of the area beneath the shared use path as structured parking;
    - ii. Obligation for the Applicant to design and construct the shared use path as shown on the Preliminary Plan pursuant to comparable MCDOT structural construction standards, at the Applicant’s expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;
    - iii. Obligation for the Applicant to maintain and repair the shared use path, as shown on the Preliminary Plan, in a condition acceptable to MCDOT for all access, at the Applicant’s expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;
    - iv. Obligation for the Applicant to keep the shared use path free of snow, litter and other obstructions and hazards at all reasonable times, at its expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;

- v. Entitlement for the Applicant or its designee to close the shared use path for normal maintenance and repair at reasonable times and upon reasonable prior notice to the public.
10. The Applicant must install short-term public bicycle parking along both the retail and community center frontages and near public use space, and secure long-term bicycle parking, internal to the residential buildings or garages, for use by staff and residents. The exact number and location of bicycle parking will be determined at the time of Site Plan(s).
11. The Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Silver Spring Transportation Management District and must execute the TMAg prior to the release of any above grade building permit for new development on the site except for any sheeting and shoring permit and permit for renovation of an existing building. The TMAg must include trip mitigation measures recommended by MCDOT.
12. The certified Preliminary Plan must contain the following note:  
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
13. The record plat must show necessary easements.
14. The final number of MPDUs and WFHUs as per condition #1 above will be determined at the time of site plan approval.
15. The Subject Property is within the Einstein School cluster area. The Applicant must make a School Facilities Payment to MCDPS at the high school level at the high-rise unit rates for all units for which a building permit is issued and a School Facilities Payment is applicable. The timing and amount of the payment will be in accordance with Chapter 52 of the Montgomery County Code.
16. At the time of each site plan submittal, the Applicant must provide a noise analysis that includes exhibits of existing noise contours and 20-year projection.
17. No clearing, grading or recording of plats prior to Certified Site Plan approval for the new development on the site.
18. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan for the relevant phase.
19. The Adequate Public Facility ("APF") review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of the Planning Board resolution.

## SECTION 2: SITE DESCRIPTION

### Site Vicinity

The subject site (Subject Property or Property) includes a Housing Opportunities Commission of Montgomery County (HOC) property, and Lee Development Group, Inc. (LDG) property. The Subject Property is bordered by Second Avenue on the east, Fenwick Lane on the north, Apple Avenue on the south, and the CSX railroad right-of-way on the west, all in the 2000 *Silver Spring CBD and Vicinity Sector Plan* (Sector Plan) area. The Property is located near the northern edge of the CBD, approximately 700 feet north of the Silver Spring Transit Center.

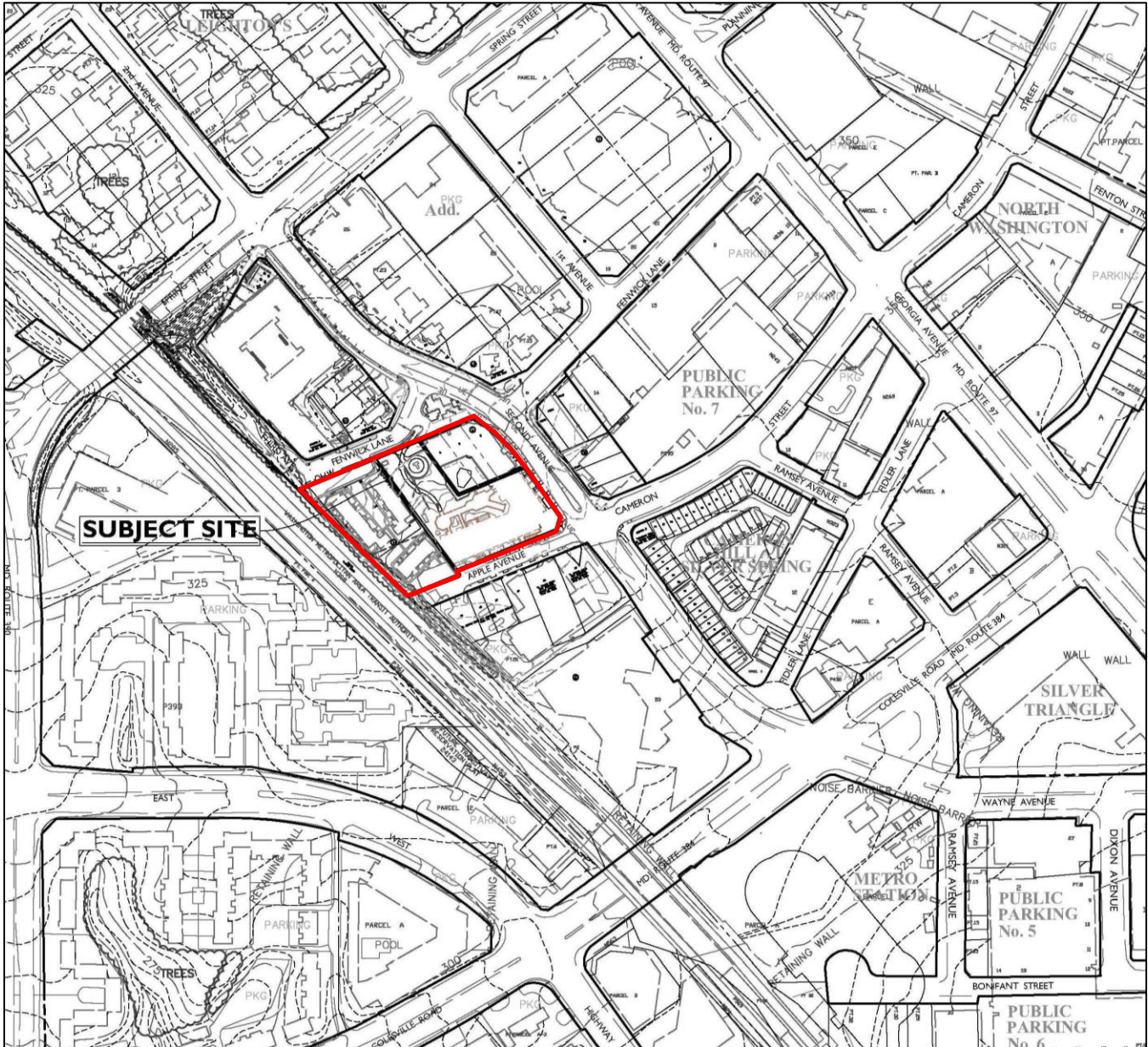


Figure 1-Vicinity Map



The neighborhood surrounding the Subject Property includes multi-family residential uses, commercial uses, and retail uses. The recently constructed, mixed-use development project, Fenwick Station, across Fenwick Lane to the north is zoned CBD-1<sup>2</sup>. The southeastern portion of that adjoining block on which Fenwick Station is located, contains older, small, residential-style buildings, now used for commercial purposes, and is zoned CBD-1. Across Second Avenue to the northeast are a few older, small commercial buildings, also zoned CBD-1. To the north of and adjacent to the small commercial buildings on Second Avenue is a commercial condominium building. Across Second Avenue to the east and southeast is a surface parking lot that serves an 8-story building currently being converted to residential units located along the south side of Fenwick Lane, both are zoned CBD-2. Adjacent to the surface parking lot is County Parking Garage No. 7, also zoned CBD-2. To the south across Apple Avenue is the District Court of Maryland courthouse, zoned CBD-2.

### Site Analysis

The Subject Property includes a HOC property, consisting of four (4) lots and associated rights-of-way containing a total of 89,137 square feet of gross tract area, and a LDG property, which consists of one (1) lot and associated rights-of-way containing a total of 46,895 square feet of gross tract area, zoned CBD-1 and CBD-2.

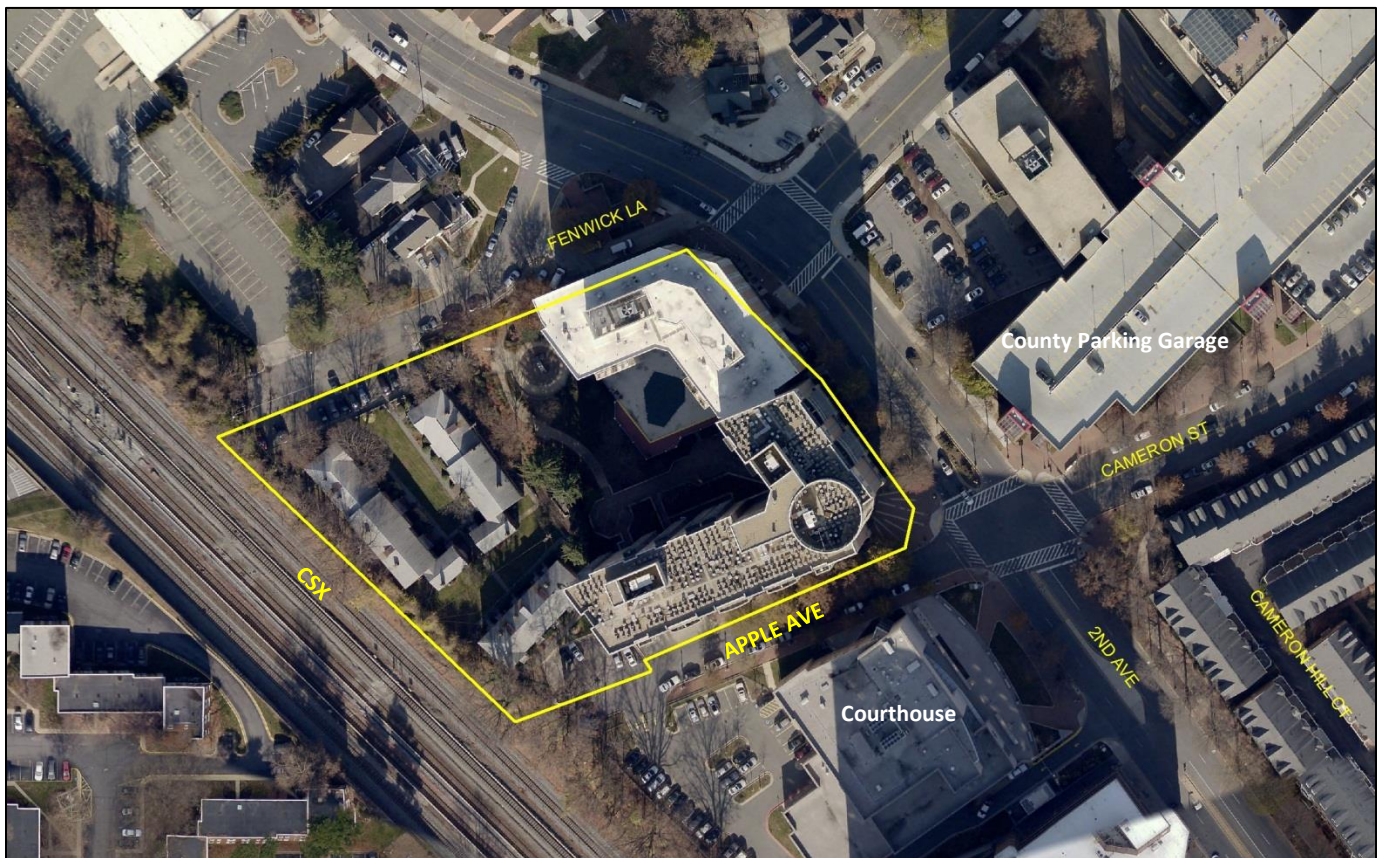


Figure 2-Aerial View

The Property is currently developed with a mix of residential and commercial uses. HOC owns 1400 Fenwick Lane and 8560 Second Avenue, which are developed with two high-rise multi-family residential buildings. The

<sup>2</sup> The CBD zones are being referenced here because the Applications were submitted prior to the adoption of the 2014 Zoning Ordinance that changed the CBD zones to CR zones.

first, Elizabeth House, is a 14-story (approximately 120 feet) building constructed around 1966 that has 160 affordable senior multi-family units and is located in the northeast corner of the Property. The other, Alexander House, is a 16-story (143 feet) building constructed in 1992 with 311 multi-family units and is located in the southeast corner of the Property. LDG, Inc. owns the property adjacent to the HOC Property, at 1315 Apple Avenue, which is developed with three two-story commercial buildings, built in 1953, in an office townhouse configuration, and is located on the west side of the Property. The offices in these buildings are occupied by commercial tenants.

The site contains no forest, streams, wetlands, or environmental buffers. There are no known rare, threatened, or endangered species on site; there are no 100-year floodplains, stream buffers, or wetlands on site. There are no historic properties on site.

### **SECTION 3: PROJECT DESCRIPTION**

#### **Previous Approvals**

The Alexander House received Project Plan, Preliminary Plan, and Site Plan approvals in 1989, for a 16-story multi-family building, currently containing 311 residential units (Project Plan No. 919880020, Preliminary Plan No. 119881410 and Site Plan No. 819890710). The Alexander House is approximately 22 years old and is home to a mixed-income population – 40% of the units are income-restricted. Of these units, half are rented to residents with incomes at or below 60% of Area Median Income (AMI) and half to residents with incomes between 60% and 90% of AMI. The remaining units are market rate.

The Applicant has elected not to amend the prior Project and Preliminary Plan approvals for the Alexander House, but to incorporate the Alexander House into the new Project Plan and Preliminary Plan applications. An administrative site plan amendment for the Alexander House to address minor interior and exterior modifications to the building was approved on June 12, 2015 (Attachment A). As part of the administrative site plan amendment, certain functional and programmatic changes will be made to the Alexander House including: reducing the number of units from 311 to 300 (11 units will be relocated to the future Elizabeth House IV); reprogramming the interior of levels 1 and 2 (replacing the 11 relocated units) to incorporate publicly operated government facilities that support county or state government programs or services (and therefore qualify as public use space); and revising the distribution of units. These interior changes will result in some residential functions, such as the community room and fitness center, relocating to what is now the roof area of the building.

#### **Proposal**

##### Project Plan & Mandatory Referral

The Applicant has requested that the Planning Board consider the mandatory referral review that applies to the public agency component of this Project (under Section 20-301 of the Land Use Article of the Md. Ann. Code) as part of the Planning Board's review of the Project Plan No. 920150010.

The Applicant believes that it would be in the public interest and would further "administrative economy" for the Applications and any mandatory referral review to be considered at the same time as part of the Applications because: (1) the submission requirements for project plan applications are very comprehensive (more comprehensive than the requirements for mandatory referral review); (2) the development proposals

contained in the Applications are the same as the development proposal that would be considered under a separate mandatory referral review; and (3) the time allowed for the Planning Board to review the Applications is longer than the time allowed for the Planning Board to review a project under mandatory referral review. The Applicant agreed to waive the 60-day review period required under Section 20-304 of the Mandatory Referral Review statute, in order to allow the Applications and the required mandatory referral review to be considered and acted upon at the same time by the Planning Board as part of the review of the Project Plan and Preliminary Plan Applications. (Attachment B) Staff supports the Applicant's request.

Uses and Density

Per Section 59-7.1.1.B.1 of the Zoning Ordinance, "Any development plan, schematic development plan, diagrammatic plan, concept plan, project plan, sketch plan, preliminary plan, record plat, site plan, special exception, variance, or building permit filed or approved before October 30, 2014 must be reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014". The Project Plan and Preliminary Plan applications were filed on September 25, 2014; therefore, it is under the CBD-1 and CBD-2 zoning of the Property that this Application was processed.



Figure 3-Project Plan (Aerial View Looking East)

The Property will be the site for a proposed mixed-use project consisting of three buildings: the new Elizabeth House III senior housing building, the new Elizabeth House IV multi-family building, and the renovated Alexander House. There will be a total of 772,078 gross square feet on the Property, including up to 766,046 square feet of residential use and up to 6,032 square feet of non-residential uses. In addition, 63,896 square feet of government operated facilities as public use space will be provided. The Applicant proposes 557 parking spaces and is requesting to reduce the number of parking spaces required, which will be addressed at the time of Site Plan(s). Of the total 772,078 gross square feet, 287,303 square feet is attributable to the Alexander House and the remainder will be new construction. There will be up to 907 residential units in the Project, with at least 15% of the newly constructed and renovated units being MPDUs (or MCDHCA approved equivalent) and 10% WFHUs (or MCDHCA approved equivalent).



Figure 4-Illustrative Site Plan

**Buildings**

*Elizabeth House III*

The Elizabeth House III building will be located at the rear of the site, and rises 15 stories (143 feet) along the CSX tracks. (Figure 5) As the western face of the central plaza, the building massing will step down from the 15 stories on the north side of the building to 10 stories on the south side of the building to allow as much direct western light as possible into the proposed central plaza space. Access to the Elizabeth House III building will be

from Fenwick Lane and Apple Avenue. The entrance to the shared underground parking garage and loading/service access will be located on Fenwick Lane. All of the parking for the Project is proposed to be located underground.

In addition to residential uses, the building will also include a public community pool, fitness center and lockers, meeting/class space, the Wellness Center (through partnership with Holy Cross Hospital), and the Bistro Kitchen, an educational kitchen to teach residents and the community how to cook healthy, nutritious meals. The community spaces at the plaza level in the building will be transparent to connect the inside and outside. On each floor, a residents' lounge will have views to the central plaza.

Stone is proposed along the base of the building. The upper floors are envisioned to be clad in terra-cotta and masonry. A wood-like cladding is planned on the stair towers at the ends of the building and along the canopies at the base of the building. Copper-like cladding will be used as an accent material along the canopies at the base of the building as well. Metal mesh Juliette railings are proposed in conjunction with a system of operable insulated glass windows. Along the base of the building near the railroad right-of-way, metal mesh screens are proposed to allow the garage to ventilate naturally, while shielding the view of the cars.



*Figure 5- Elizabeth House III Conceptual Perspective-Fenwick Lane*

### *Elizabeth House IV*

The building will be made of two distinct masses: one that touches the ground along Fenwick Lane and backs up to the plaza, the other that spans over a four-story breezeway connecting 2<sup>nd</sup> Avenue and the Central Plaza (Figure 6). Similar materials will unify the two masses and will create a strong relation to the materials used in Elizabeth House III, such as terra-cotta cladding. Elizabeth House IV is planned to include balconies, rather than Juliette railings. The plaza level of the building will house the most public functions: the main lobby, café, conference leasing office, and artist studios, which will be similar to live-work units. The 19th floor will house the community room, and will have access to a pool, pool deck, grills, and catering kitchen. Access to the Elizabeth House IV building will be from Fenwick Lane and Second Avenue. The entrance to the shared underground parking garage and loading/service access will be located on Fenwick Lane.



*Figure 6- Elizabeth House IV Conceptual Perspective*

### *Alexander House*

While the overall building footprint of the Alexander House remains unchanged, the Applicant will be making exterior upgrades, including new windows and balconies, approved by a separate administrative site plan amendment from June 12, 2015. (Figure 7) The roof will be a green roof and will help with the stormwater management on the Property. With this Project Plan, the Applicant is requesting additional building height for the Alexander House to accommodate WFHUs. This additional height was not part of the approved

Administrative Site Plan Amendment and must be approved by the Planning Board under a new Site Plan or Site Plan Amendment.



*Figure 7- Alexander House Façade Rendering*

Open Space and Amenities

The Project includes a mix of open space and public amenities to serve residents and the surrounding community. Pursuant to CBD-1 and CBD-2 zone requirements, the Applicant must provide on-site a minimum of 20% of the net lot area as public use space. This project is proposing 63,896 square feet, approximately 55% of the net lot area, of government-operated public facilities to serve as public use space, as allowed under Section

59-C-6.2357 on the Zoning Ordinance. The Applicant also proposes an additional 15,255 square feet, or approximately 13% of the Property, as additional public use space along the perimeter of the site, including sidewalks along the street frontages, as well as a the entire section of the future Capital Crescent Trail along the rear of the property.

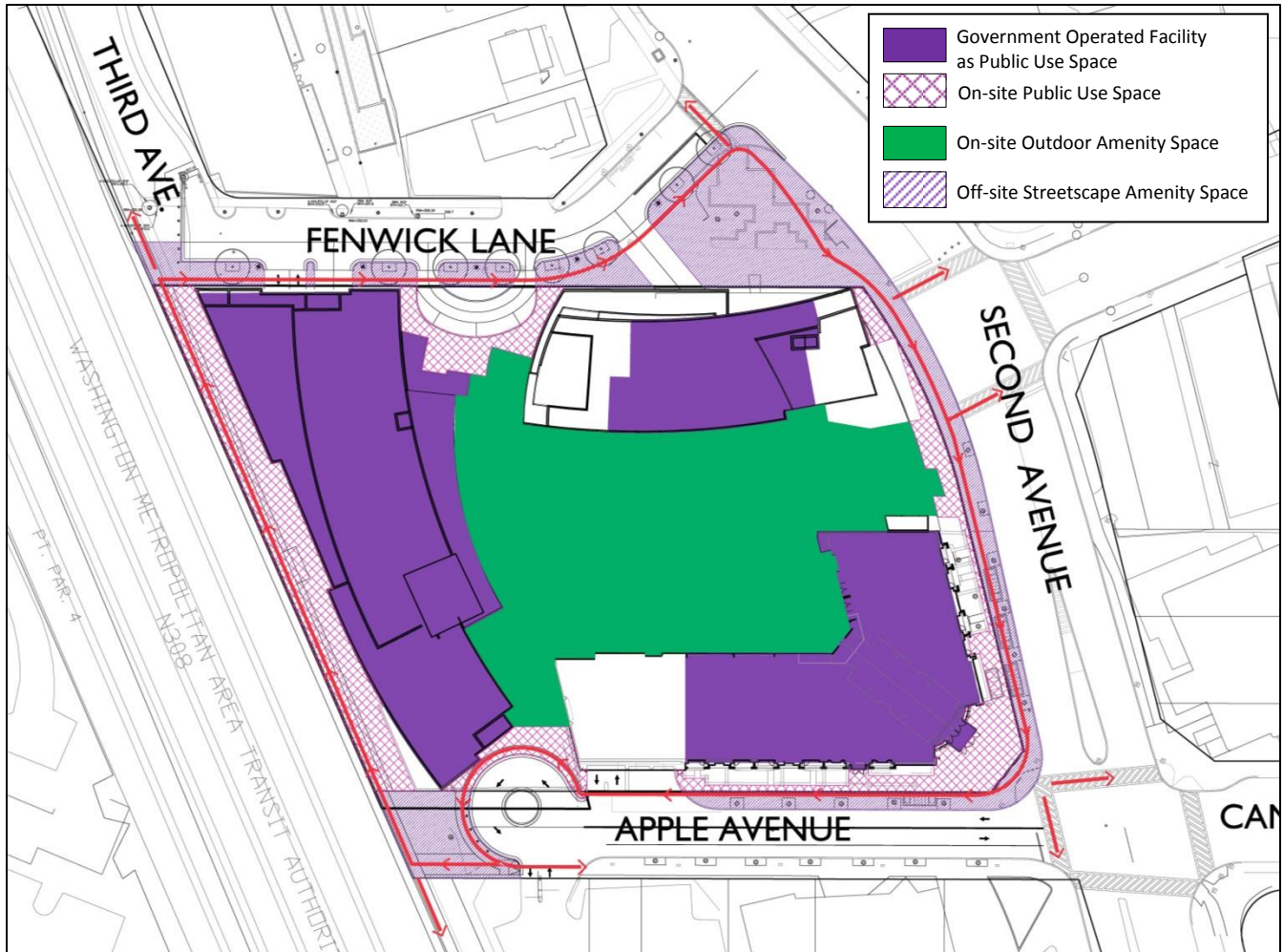


Figure 8-Public Use Space & Amenity Plan

The government-operated public recreation and service facility, proposed to be managed and operated by Montgomery County Department of Recreation (MCDR) includes a community pool, fitness center and lockers, meeting/class space, the Wellness Center, and the Bistro Kitchen. The facilities will be open to the public.

The Project also includes 33,405 square feet of on-site and off-site outdoor amenity space. The outdoor public amenity space for the Project will have several components that include: a main Central Plaza; the streetscape and entry court along the south side of Fenwick Lane between the two new buildings; the entry court at the terminus of Apple Avenue; pedestrian connections to the Metropolitan Branch Trail (future Capital Crescent Trail); and the distance-measured walking circuits on the Property and in the public right-of-way. (Figure 8) To allow the Applicant to retain their desired measure of control over these on-site amenity spaces for the security and enjoyment of their residents, access will be monitored and controlled by the HOC at their discretion. Of course, amenity areas in public rights-of-way will have customary public access.



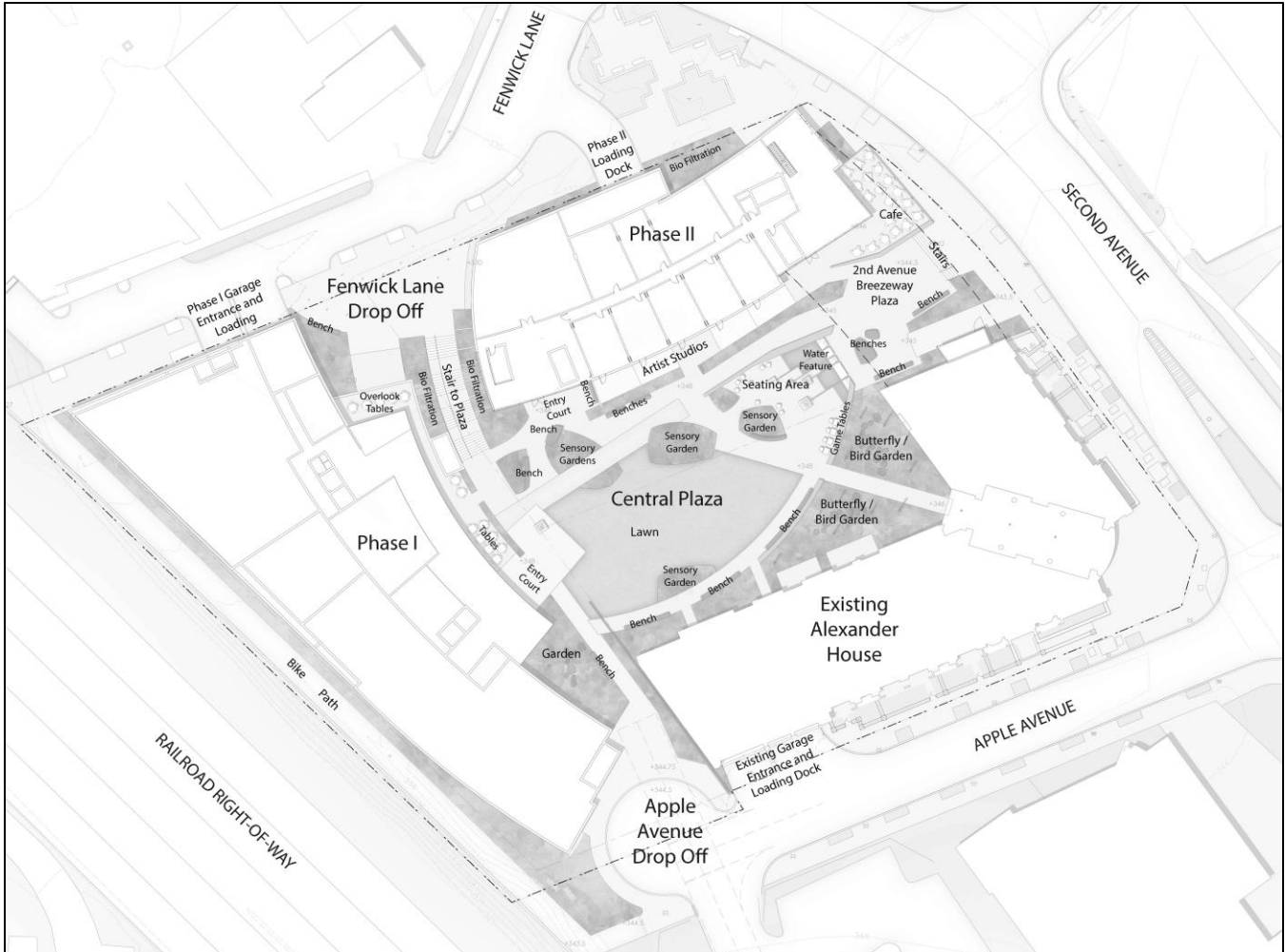


Figure 9-Illustrative Landscape Plan

**Central Plaza**

A two-story grand staircase will connect the central plaza to the main drop-off area on Fenwick Lane, inviting the public into the open space (Figure 6). Large planters, which may be used for storm water management and bio-retention, will be incorporated into the staircase and along the plaza level to reinforce the connection between the building and the landscape. The central plaza includes a large lawn area, framed by gardens to the south and trees along the artist studios to the north. The purpose of the lawn area is to provide an open and flexible area for informal gathering, occasional events, and lawn games. The gardens which frame the space provide bird and butterfly habitats, and also provide a buffer between the existing residences and the open lawn area. (Figure 10)



*Figure 10-Central Plaza View*

*Entry Court/Drop-Off Areas at Fenwick Lane and Apple Avenue*

There are two entry court and drop-off areas, one at Fenwick Lane and one at Apple Avenue. The Fenwick Lane drop-off provides seating and shade at the proposed MCDR pool entrance. (Figure 11)



*Figure 11-Entry Court/Drop-Off Areas at Fenwick Lane*

The Apple Avenue drop-off provides access to the Wellness Center, and to the central plaza and gardens by way of a short path that runs along proposed screen wall to be installed on the now-blank wall of Alexander House. Both entry courts and drop-offs allow for access to the Metropolitan Branch Trail, which runs along the southwestern edge of the Property adjacent to the railroad right-of-way. The Applicant will construct the portion of the Metropolitan Branch Trail, and final trail design will be determined at the Elizabeth House III Site Plan.

*Street Level Plaza at Second Avenue*

The street level plaza at Second Avenue, with seating and bike racks, provides a covered entry that connects the street and to the central plaza lawn areas and gardens. The upper garden is slightly raised from the street level plaza, and accessible by ramp. The area is proposed to contain shaded seating and chess/game tables. (Figure 12)



*Figure 11-2<sup>nd</sup> Avenue View/breezeway into the Central Plaza*

*Streetscape*

On-site and off-site streetscape improvements will include brick paving, street trees, seating, bicycle racks, trash receptacles, lighting, and undergrounding of utilities, consistent with the Silver Spring Streetscape Standard.

Circulation

There will be four vehicular access points into the Project, two of which will access a unified below-grade parking garage. The renovated Alexander House will retain its current parking and loading access from Apple Avenue. Elizabeth House III will have garage and loading access from Fenwick Lane. Elizabeth House IV will have its own loading access from Fenwick Lane and parking access through Elizabeth House III. There will also be vehicular drop-off points along both Fenwick Lane and Apple Avenue.

There will be four pedestrian access points into the Project: the vehicular drop-off points on Fenwick Lane and Apple Avenue (the latter adjacent to the Metropolitan Branch Trail); the proposed Elizabeth House IV breezeway near the intersection of Second Avenue and Fenwick Lane, and the existing Alexander House entrance.

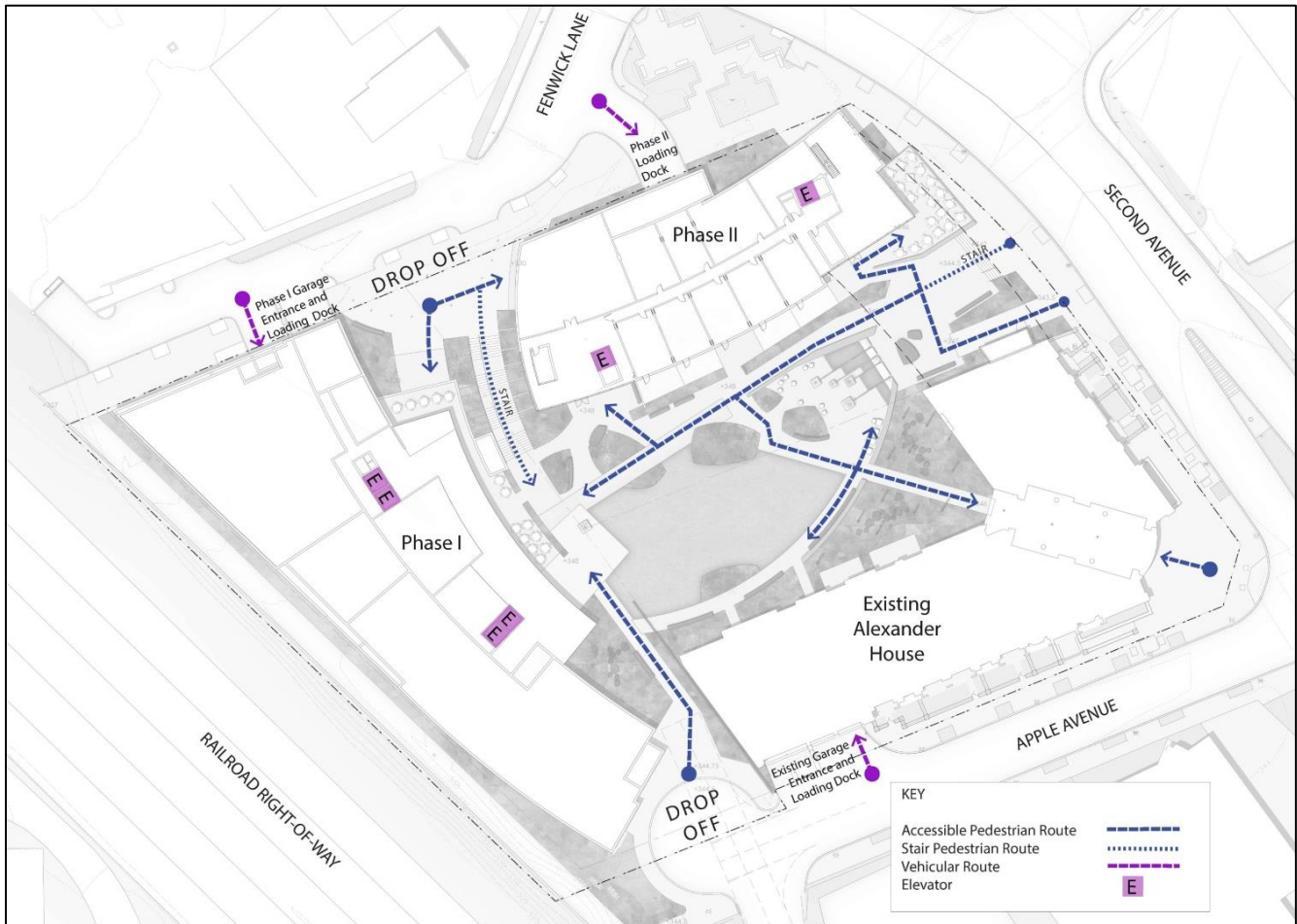


Figure 13-Circulation Plan

Subdivision

The Preliminary Plan (Attachment C) will create one 2.68 acre lot to allow for a maximum density of 766,046 square feet of development of residential uses, up to 63,896 square feet of community recreational center use (government operated facility), and 6,032 square feet of non-residential uses (Figure 14). Additional dedication is required for Apple Avenue.

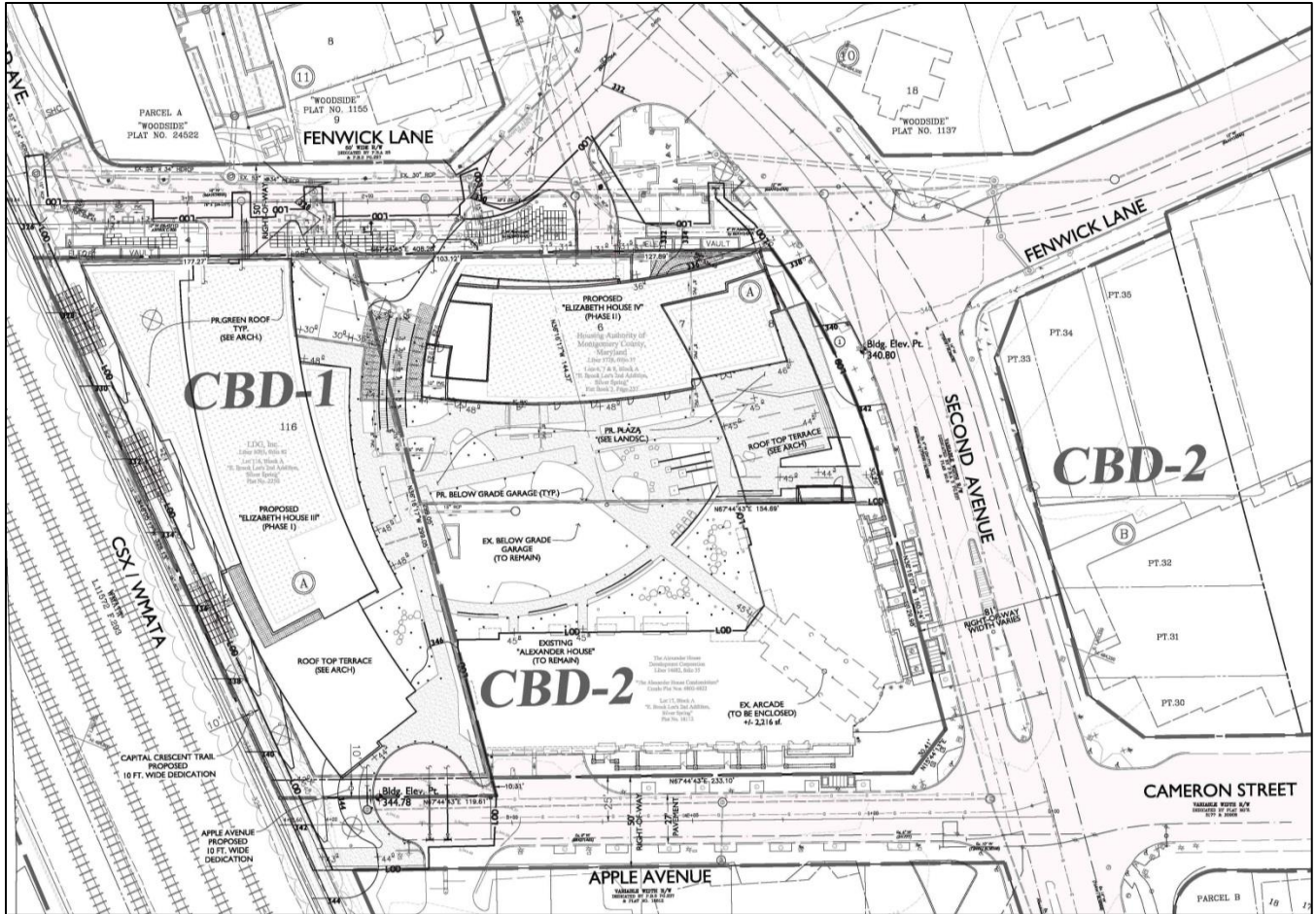


Figure 14-Preliminary Plan

### Community Outreach

The Applicant has met all signage, noticing, and submission meeting requirements. On June 26, 2014, the Applicant held a pre-submittal public meeting at Lee Plaza, located at 8601 Georgia Avenue, Silver Spring. Staff has received phone calls from current residents of the Alexander House and has met with residents in regards to general questions about the proposed plans and processes. Staff has not received written correspondence from community groups or citizens as of the date of this report.

### SECTION 4: PROJECT PLAN

#### BASIS FOR CONSIDERATION

Project Plans have a standard of review that includes a Basis for Consideration and Findings. The Basis for Consideration are listed below and their discussion for the Board’s consideration is incorporated within the Findings Section.

Section 59-D-2.43, Basis for Consideration, states: In reaching its determination on the application for the optional method of development and in making the required findings, 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.*
- (b) *Whether the open spaces, including developed open space, are sized and located to provide convenient areas for recreation, relaxation and social activities for the residents and patrons of the development. Open spaces should be planned, designed and situated to provide sufficient physical and aesthetic open areas among and between individual structures and groups of structures. The proposed setbacks, yards and related walkways must be wide enough and located to provide adequate light, air, pedestrian circulation and necessary vehicular access.*
- (c) *Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.*
- (d) *Whether the proposed development contributed to the overall pedestrian circulation system. Pedestrian walkways must:*
  - (1) *be located, designed and sized to conveniently handle pedestrian traffic efficiently and without congestion;*
  - (2) *be separated from vehicular roadways and designed to be safe, pleasing, and efficient for movement of pedestrians; and*
  - (3) *contribute to a network of efficient, convenient and adequate pedestrian linkages in the area of the development, including 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 the construction of moderately priced dwelling units in accordance with Chapter 25A of this Code if applicable.*
- (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.*
- (j) *Payment of a fee acceptable to the Planning Board may satisfy all or some of the requirements for any public use space, or public facilities and amenities under the requirements established elsewhere in this Section.*

## FINDINGS

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board in concert with the Basis for Consideration.

Staff makes the following findings:

- a) *The application would comply with all of the intents and requirements of the zone.*

The Subject Property is zoned CBD-1 and CBD-2. Section 59-C-6.212 of the Montgomery County Zoning Ordinance establishes the CBD-1 and CBD-2 Zones, and this section outlines the description, intent and general requirements of the CBD zones. The CBD-1 zone is intended for use in areas where higher densities are not appropriate and the CBD-2 zone is intended for land lying generally between the core area and the areas of the lowest density within the central business district.

More specifically, 59-C-6.213(a) establishes that the further intent of the CBD-2 zone is (1) to foster and promote the orderly development of the fringes of the Central Business Districts of the county so that these areas will provide land uses at a density and intensity which will encourage small business enterprises and diverse living accommodations, while complementing the uses in the interior portions of these districts; and (2) to provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts. Section 59-C-6.213(b) establishes that the further intent of the CBD-2 zone is to foster and promote the orderly development of the Central Business Districts of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment.

### Overall Intent

The overall intent of the CBD zones is as follows:

- (a) 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.
- (b) 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.
- (c) 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.
- (d) To promote the effective use of transit facilities in the central business district and pedestrian access thereto.
- (e) To promote improved pedestrian and vehicular circulation.
- (f) To assist in the development of adequate residential areas for people with a range of different incomes.
- (g) To encourage land assembly and the most desirable use of land in accordance with a sector plan.

The density and amenities achieved through the optional method of development enables the realization of the recommendations of the *Silver Spring CBD Sector Plan*, as described in Finding b) below. Currently, the Elizabeth House building on the HOC Property is more than 40 years old. Elizabeth House is home to 194

senior citizens who occupy all 160 dwelling units and who qualify for public housing. Due to the age of the structure and its need to be modernized to serve its older residents, the Elizabeth House is in need of replacement. The Alexander House is approximately 22 years old and is home to a mixed-income population – 40% of the units are income-restricted. Of these units, half are rented to residents with incomes at or below 60% of Area Median Income (AMI) and half are rented to residents with incomes between 60% and 90% of AMI. The remaining units are market rate. The Fenwick Professional Park structures adjacent to the HOC Property are 60 years old. The assemblage of the LDG Property and the HOC Property will create a unified development.

The application proposes 15% MPDUs (or approved equivalent by MCDCHA) in the development, which will increase the number of MPDUs available in this location of Silver Spring. This increase will allow for more residents to live within walking distance of a range of amenities, including transit and the Capital Crescent Trail. For land assembly, the Project will combine the HOC Property and the LDG Property into one record lot.

#### Height

The maximum building height in the CBD-1 zone is 90 feet and in the CBD-2 zone 143 feet. However, the Zoning Ordinance provides for projects to exceed those limitations as necessary to accommodate WFHUs. This Application provides 907 residential units - 300 units in the Alexander House, 277 in Elizabeth House III, and 330 in Elizabeth House IV – and includes 15% MPDUs and 10% WFHUs (or MCDHCA approved equivalent units).

For CBD-1 properties, Section 59-C-6.2 (footnote 1) allows the Planning Board to approve a height that exceeds 90 feet, but not more than 143 feet, under the optional method of development if the additional height is necessary for the project to accommodate workforce housing under Section 59-A-6.18; however, the additional height must not be more than required for the number of workforce housing units that are constructed.

Similarly, for CBD-2 properties, Section 59-C-6.2 (footnote 11) allows the Planning Board to approve a height that exceeds 143 feet, but not more than 200 feet under the optional method of development process if the additional height is necessary for the project to accommodate workforce housing under Section 59-A-6.18; however, the additional height must not be more than required for the number of workforce housing units that are constructed.

Ninety-one (91) WFHUs are included with this Application (though the distribution could change at Site Plan): 30 WFHUs in the renovated Alexander House, 28 WFHUS in Elizabeth House III, and 33 WFHUs in Elizabeth House IV.

In April 2013, the Planning Board addressed a similar issue for the 8261 Georgia Avenue project (Project Plan Amendment No. 920100001A and Site Plan Amendment No. 82011006A). The Board approved additional height for the project to accommodate WFHUs, and included in their calculation associated rooftop building amenities including a swimming pool, pool lounging and sitting areas, and an indoor community room. The Planning Board found that these amenities benefited not only the market rate units but also the additional WFHUs included and furthermore added value to the building that would translate into higher market rate rents to support the added cost of providing the WFHUs. (Attachment D)



The Elizabeth Square Project Plan application is requesting additional height to accommodate WFHUs and associated building amenities, as described below.

The renovated Alexander House includes a maximum building height of 165’, an increase of 22 feet over 143’, to accommodate 30 new WFHUs units and rooftop building amenities including a fitness center, rooftop garden, green roof and an indoor community room.

Elizabeth House III includes a maximum building height of 143’, an increase of 53’ over 90’, to accommodate the 28 WFHUs, and rooftop building amenities including a rooftop garden and green roof that will serve the residents of the building.

Elizabeth House IV includes a maximum building height of 200’, an increase of 56’ over 143’, to accommodate the 33 WFHUs units and rooftop building amenities including a swimming pool, green roof and an indoor community meeting room.

In general, the addition of unique amenities will benefit not only the market rate units but the greater number of affordable units included with the Application. However, the level of design detail necessary to determine the extent to which additional floors are needed to accommodate the WHFUs themselves is beyond the information required and reviewed at Project Plan. This finding recognizes the potential to achieve the maximum heights described above. At time of Site Plan for each of the buildings, the Applicant must provide detailed information on unit sizes and floor configurations to demonstrate how much additional building height will be necessary for each building to accommodate WHFUs and associated private on-site amenities. As noted in the Project Plan conditions, the Planning Board will make the final determination on additional height at that time.

Development Standards

The Property is subject to the CBD-1 and CBD2 zoning standards. The CBD-1 zone is intended for use in areas where higher densities are not appropriate and the CBD-2 zone is intended for land lying generally between the core area and the areas of the lowest density within the central business district.

Section 59-C-6.23 of the Zoning Ordinance sets forth the development standards for the optional method of development within the CBD-1 and CBD-2 Zones. As demonstrated in Table 1 below, the project complies with the requirements of the CBD Zones.

**Table 1: Project Data Table for the CBD-1 and CBD-2 Zones**

Section	Development Standard	Permitted/Required	Proposed
<b>59-C.23</b>	<b>Gross Tract Area (Square Feet)</b>		<b>136,032 sf (3.12 acres)</b>
	Prior Dedications (Apple & Second Avenue)		18,032 sf (0.41 acres)
	Proposed Dedication		1,191 sf (0.03 acres)
<b>59-C-6.231</b>	<b>Net Lot Area</b>	18,000 sf (0.41 acres)	<b>116,809 sf (2.68 acres)</b>

Section	Development Standard	Permitted/Required	Proposed
<b>59-C-6.233</b>	<b>Minimum Public Use Space</b> Government Operated Facility as Public Use Space <sup>3</sup> On-site Public Use		55% (63,896 sf) 13% (15,255 sf)
	<b>Total Public Use</b>	<b>20% (23,362 sf)</b>	<b>68% (79,151 sf)</b>
	On-Site Outdoor Amenity Space Off-site Streetscape Amenity Space	n/a n/a	29% (33,405 sf) 17% (20,367 sf)
<b>59.C-6.234(b)(iii)</b>	<b>Maximum Density</b> CBD-1 CBD-2	3.0 FAR/140,685 sf 5.0 FAR/445,685 sf	
	<i>Subtotal</i>	<i>586,370 sf</i>	
	Proposed Non-Residential	6,032 sf	
	<i>Subtotal</i>	<i>580,338 sf</i>	
	MPDU Bonus (22%) WFHU Bonus (10%)	127,674 sf 58,034 sf	
	<b>Total Allowable Residential FAR</b> <b>Total Allowable Non-Residential FAR</b> <b>Total Project FAR</b>	<b>766,046 sf</b> <b>6,032 sf</b> <b>772,078 sf</b>	<b>766,046 sf</b> <b>6,032 sf</b> <b>772,078 sf</b>
<b>Proposed Density of Development</b> Alexander House (300 Dwelling Units) Elizabeth House III (277 Dwelling Units) Elizabeth House IV (330 Dwelling Units)		287,303 sf 243,420 sf 772,078 sf	
<b>Total Building Floor Area</b> NON-FAR Floor Area: Floor Area Deduction (Gov't Operated Facility as Public Use Space <sup>4</sup> )		<b>835,974 sf</b> 63,896 sf	

<sup>3</sup> Special standards for optional method of development projects that include a building or land for publicly owned or operated government facility, per Section 59.C6.2357.

- (a) The public facility and amenity requirement and the public use space requirement are satisfied when:
- (1) The Planning Board finds that the project plan application warrants approval with a publicly owned or operated facility satisfying the amenity and the public use space requirements;
  - (2) the applicant conveys in fee simple, to the County or other government body, the identified land or building space, and the County accepts the land or building space for a publicly owned or operated government facility within the same central business district; and
  - (3) the proposed total interior area for all floors of the building space conveyed for a publicly owned or operated government facility or the land dedicated for that purpose is at least 20 percent of the net lot area.
- (b) Once the County or other government body has accepted the fee simple conveyance of the land or building space for the publicly owned or operated government facility:
- (1) the public facility and amenity requirement also is satisfied for any amendment to the original optional method of development project plan that does not increase the floor area of the project;
  - (2) the land area that is conveyed to the County for the publicly owned or operated government facility also is treated as public use space for any amendment to the original project plan that does not increase floor area; and
  - (3) any transfer or lease of the building, land, or any portion thereof, by the County will not affect the approval of the optional method of development project plan or the site plan.
- (c) Standard streetscaping improvements along the frontage of the phase of the project that is intended to accommodate the publicly owned or operated government facility use must be provided during the phase of the project that contains the facility.

Section	Development Standard	Permitted/Required	Proposed
	<b>TOTAL PROJECT GROSS FLOOR AREA</b>		<b>772,078 SF</b>
<b>59-C-6.235(b)</b>	<b>Maximum Building Heights</b> Existing Alexander House <sup>5</sup> CBD-1 (Elizabeth House III) <sup>6</sup> CBD-2 (Elizabeth House IV) <sup>7</sup>	200 feet 143 feet 200 feet	165 feet 143 feet 200 feet
<b>59-C-6.236</b>	<b>Minimum setbacks</b> Existing Alexander House Elizabeth House III Elizabeth House IV		0 feet 0 feet 0 feet
<b>59-E</b>	<b>Parking (vehicular spaces)<sup>8</sup></b> Existing Alexander House Elizabeth House III Elizabeth House IV <b>Total vehicular spaces</b>	298 spaces 228 spaces 408 spaces <b>934 spaces</b>	191 spaces 165 spaces 201 spaces <b>557 spaces</b>
<b>59-E-2.3</b>	<b>Parking (motorcycle spaces)</b> Existing Alexander House Phase I (Elizabeth House III) Phase II (Elizabeth House IV) <b>Total motorcycle spaces</b>	4 spaces 4 spaces 5 spaces <b>10 spaces</b>	0 spaces 4 spaces 12 spaces <b>16 spaces</b>
	<b>Parking (bicycle spaces)</b> Existing Alexander House Phase I (Elizabeth House III) Phase II (Elizabeth House IV) <b>Total bicycle spaces</b>	10 spaces 9 spaces 11 spaces <b>20 spaces</b>	0 spaces 33 spaces 21 spaces <b>54 spaces</b>

<sup>4</sup> The gross floor area of the publicly owned or operated government facility that is provided in satisfaction of the public facility and amenity requirements for the optional method of development under Section [59-C-6.2357](#) must not be counted in the gross floor area of the optional method project.

<sup>5</sup> Under the optional method of development process, the Planning Board may approve height over 143 feet, but not more than 200 feet, if the additional height is necessary for the project to accommodate workforce housing under Section [59-A-6.18](#); however, the additional height must not be more than required for the number of workforce housing units that are constructed.

<sup>6</sup> For projects using the optional method of development, the Planning Board may approve height over 90 feet, but not more than 143 feet, if the additional height is necessary for the project to accommodate workforce housing under Section [59-A-6.18](#); however, the additional height must not be more than required for the number of workforce housing units that are constructed.

<sup>7</sup> Under the optional method of development process, the Planning Board may approve height over 143 feet, but not more than 200 feet, if the additional height is necessary for the project to accommodate workforce housing under Section [59-A-6.18](#); however, the additional height must not be more than required for the number of workforce housing units that are constructed.

<sup>8</sup> The Project is within the Parking Lot District and the Applicant is requesting to reduce the number of parking space required, which will be addressed at the time of Site Plan(s) based on the final number of residential units.

Section 59-C-6.2357 contains special standards for optional method of development projects that include a publicly owned or operated government facility, as this project proposes:

***Section 59-C-6.2357 Special standard for optional method of development projects that include a building or land for a publicly owned or operated government facility.***

*(a) The public facility and amenity requirement and the public use space requirement are satisfied when:*

- 1) The Planning Board finds that the project plan application warrants approval with a publicly owned or operated facility satisfying the amenity and the public use space requirements;*
- 2) the applicant conveys in fee simple, to the County or other government body, the identified land or building space, and the County accepts the land or building space for a publicly owned or operated government facility within the same central business district; and*
- 3) the proposed total interior area for all floors of the building space conveyed for a publicly owned or operated government facility or the land dedicated for that purpose is at least 20 percent of the net lot area.*

*(b) Once the County or other government body has accepted the fee simple conveyance of the land or building space for the publicly owned or operated government facility:*

- 1) the public facility and amenity requirement also is satisfied for any amendment to the original optional method of development project plan that does not increase the floor area of the project;*
- 2) the land area that is conveyed to the County for the publicly owned or operated government facility also is treated as public use space for any amendment to the original project plan that does not increase floor area; and*
- 3) any transfer or lease of the building, land, or any portion thereof, by the County will not affect the approval of the optional method of development project plan or the site plan.*

*(c) Standard streetscaping improvements along the frontage of the phase of the project that is intended to accommodate the publicly owned or operated government facility use must be provided during the phase of the project that contains the facility.*

The plaza level one and plaza level two of the Phase I building (Elizabeth House III) are planned to be a government-operated recreation and service facility operated by the MCDR and is being proposed as the majority of the public use space for the Project, under the provisions of Section 59-C-6.2357(a)(3). The Phase I building will be owned by HOC, just as it owns the existing Elizabeth House and Alexander House. HOC operates as a public housing agency, a housing finance agency, and a housing developer to provide affordable housing and supportive services to individuals and families in Montgomery County. The facility is planned to include a pool, fitness center and lockers, meeting/class space, the Wellness Center, and the Bistro Kitchen, all which will be open to the public. The interior space of the plaza level floors is approximately 63,896 square feet, which is greater than the required 20% of the net lot area of the Property for the facility to be treated as public use space under Section 59-C-6.2357(a)(3) of the

Zoning Ordinance. Standard streetscaping improvements will be installed for both phases of the Project, in accordance with the Silver Spring Streetscape Guidelines.

b) *The application would be consistent with the applicable sector plan or urban renewal plan.*

#### Site-Specific Recommendations

The site lies within the “Other Areas of the CBD” section identified in the 2000 *Silver Spring CBD Sector Plan*. The Sector Plan reconfirmed the zoning applied to all parcels in the remaining areas of the CBD outside the Revitalization Areas defined in the Plan and contained no other specific recommendation.

This proposed development in the “Other Areas” portion of the CBD will expand the availability of diverse living opportunities in the CBD by providing market rate dwelling units, MPDUs, and WFHUs within easy walking distance to public transportation. The ground level interior public use space in Phase I: the pool, the Wellness Center, and the Bistro Kitchen, may provide some employment and economic opportunities for residents in the CBD, as well as provide needed services. Through the on-site partnerships, HOC may be able to create employment opportunities for its residents both on and off-site.

#### Urban Design Recommendations

The Sector Plan provides general urban design recommendations for redevelopment projects in the Silver Spring CBD. The guidelines most applicable to the application site are listed below with analysis immediately following.

- *Create an attractive pedestrian environment by creating a system of short blocks, and defining streets with buildings, open spaces, and streetscaping at a human scale created by street-front retail, frequent doors and windows, architectural detail, and appropriately scaled building heights (Page 73)*

The development will create an attractive pedestrian environment defined by well-designed buildings providing pedestrian residential, retail, and service entrances, open space connections, and other visual interest. A central landscaped plaza will be accessible from the three surrounding streets, and the Metropolitan Branch Trail (future CCT) will pass behind the building. The building heights are maximized along the train tracks and step down towards Fenwick Avenue. The site continues the transition from the single-family and mid-rise residential buildings to the north and the taller commercial and mixed-use buildings in the core.

- *Through urban design treatments, establish streetscapes that emphasize the hierarchy of the circulation system*

Although streetscape specifications will be finalized at the site plan(s) stage, the Applicant has shown on the Project Plan appropriate streetscape. On-site and off-site streetscape improvements, such as brick paving, seating, bicycle racks, trash receptacles, and lighting, will enhance the pedestrian experience, and are consistent with the Silver Spring Streetscape Guidelines.

The Project’s streetscape plan reinforces the identity of the community by providing a unified streetscape around the Property and well-located vehicular drop-off points at two locations in the Project.

- *Create formal and informal civic spaces—buildings and open spaces—that add to property values, provide amenity, and improve downtown’s aesthetic appearance*

The Applicant envisions the public use spaces as an opportunity to upgrade the indoor and outdoor areas of the Project with a variety of public uses, and as a means for the Project to reach out to the broader community.

The Project includes several areas of public use space. The indoor public use space will be the government operated recreation and service facility, proposed to be managed and operated by MCDR and open to the public. The indoor public use space includes the pool, fitness center and lockers, meeting/class space, the Wellness Center, and the Bistro Kitchen. Part of the existing outdoor public use space from the Alexander House, located along the Second Avenue and Apple Avenue faces of the building, is also included as part of the public use space. This area is currently landscaped and contains paving at the entry from Second Avenue and Apple Avenue. These areas will remain and will be incorporated into the Project.

The outdoor public amenity space for the Project will have several components that include: a main central plaza area framed by existing residences and the Phase I building; the streetscape and entry court along the south side of Fenwick Lane between the Phase I and Phase II buildings; the entry court at the terminus of Apple Avenue; pedestrian connections to the Metropolitan Branch Trail; and the distance-measured walking circuits on the Property and in the public right-of-way.

The Project will provide public use spaces, public amenity spaces, and other features that will enhance the community, enliven the area, and connect to other downtown area uses.

### General Recommendations

For the general goals of the Plan, the Sector Plan’s vision for Silver Spring’s future is “to create a development environment that invites revitalization” (page 28). The Plan outlines six themes: transit-oriented downtown, residential downtown, commercial downtown, green downtown, civic downtown and pedestrian friendly downtown that guide the vision for the Silver Spring CBD, all which apply to the Project.

The Property is within a short walking distance to the Silver Spring Transit Center, 2 ½ blocks away, that includes Metro, the MARC Line, Metrobus, Ride-on Bus, and the future Purple Line. The Project will provide 907 residential units, an increase of 436 more than those existing on the Property today, as well as 63,896 square feet of community recreational center use, and up to 6,032 square feet of non-residential uses. The Project will help to activate the streets of Second Avenue, Fenwick Lane, and Apple Avenue. Along Second Avenue, the Project proposes a retail café. The café will be accessible from the plaza and street level on Second Avenue. The public use space will be strategically located on the ground level of the Phase I building, accessible to residents and open to the public. The indoor public use space will be the government operated recreation and service facility, and includes the pool, fitness center and lockers, meeting/class space, the Wellness Center, and the Bistro Kitchen. The streetscape along Second Avenue, Fenwick Lane, and Apple Avenue will be upgraded as necessary with street trees, paving, and lighting to improve the pedestrian experience, to interact with their neighbors, and to frequent the retail establishments in the Project and near the Property. The public amenity spaces in the central plaza and along the streetscape will enhance the experience of residents and the public when walking along the streets or enjoying the plaza space. The Application is consistent with the six themes.

### Circulation Systems Recommendations

The Sector Plan recommends creating a system of trails and bike routes, implementing streetscape to create a safe and pleasant pedestrian environment to assess, and where appropriate, reuse public parking facilities, and to make circulation improvements to local roads. (Page 93)

The Applicant will construct the portion of the Metropolitan Branch Trail (future Capital Crescent Trail) adjacent to the Property; the final trail design and section to be determined at Site Plan. The Project will upgrade the physical environment and pedestrian access to and from the trail and other CBD facilities with upgraded sidewalks along all frontages, to be improved to the Silver Spring streetscape standard. The Application conforms to the Sector Plan recommendations for Circulation Systems.

### Housing Recommendations

The housing objective of the Sector Plan is to develop new residential projects to provide housing and encourage maintenance of existing housing, creating Silver Spring as an even more desirable residential market. The recommendations include:

- provide housing choice and market-feasible development options, including apartments and townhouses;
- rezone CBD properties to encourage residential development; and
- convert selected public sector surface parking lots to housing.

The Plan identified the Subject Property as an existing housing site and potential housing site. The Application proposes a new mixed-use project with up to 907 residential units with 15% on-site MPDUs, with the existing Alexander House to remain with 300 residential units, that will offer housing opportunities proximate to the numerous transit options of downtown Silver Spring. The Application meets the Sector Plan's housing objective.

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

The location, size, intensity, design, and operational characteristics proposed for this Project are compatible with the existing and potential development in the general neighborhood. The heights, massing and orientation of the two new buildings responds to the surroundings. The scale of the Project will be compatible to the existing development in the area as it will be lower in height along the western side of the Property, including along Apple Avenue and along the westernmost portion of Fenwick Lane. Elizabeth House III, the Phase I building on the CBD-1 zoned portion of the Property, will be up to 143 feet in height to accommodate the inclusion of WFHUs, other affordable housing units accepted by MCDHCA as WFHU equivalent, and on-site private amenities available to the WFHUs, in addition to the stepping of the building to allow sunlight to reach the internal central plaza. The lower massing of the Phase I building along Apple Avenue will allow greater sun exposure into the central plaza that is an integral part of the outdoor public amenity space for the Project. Elizabeth House IV, the Phase II building on the CBD-2 zoned portion of the Property, will be up to 200 feet in height to accommodate the inclusion of WFHUs, other affordable housing units accepted by MCDHCA as WFHU equivalent, and on-site private amenities available to the WFHUs. The Phase II building (Elizabeth House IV) will have a large four-story breezeway along Second Avenue, created by making an opening in the mass of the building that will act as a link between Second Street and the central plaza.

The ground floor retail spaces will have entry and exit points from the roadways and public use areas of the Property, where visibility and pedestrian activity will be greatest. The garage entry and loading dock entry points are appropriately located off Fenwick Lane and Apple Avenue.

Staging of construction will occur in such a way that the necessary public use spaces adjacent to each building will be completed prior to use and occupancy of each building.

- d) *The application 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, is subject to a traffic mitigation agreement that meets the requirements of that article.*

The Project's development program will not overburden existing public facilities and services nor those programmed for availability. The application for the proposed residential and commercial development satisfies the transportation requirements of the Adequate Public Facilities (APF) review as fully outlined in the Preliminary Plan section of this report. The Property is located within a transportation management district, therefore, the Applicant is required to enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and Montgomery County Department of Transportation. As detailed in the Preliminary Plan findings below, public facilities, including traffic, police, fire and rescue, water, and sewer, are adequate. The Property is located in the Albert Einstein High School Cluster, which is currently operating between 105-120% of capacity at the high school level, and a school facilities payment is required.

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

The Project proposes to develop the Property using the optional method of development, which is more efficient and desirable than the standard method of development. The optional method allows greater densities in an area that has extensive public transit opportunities in exchange for greater public amenities and facilities.

Construction of a standard method project would yield overall development constructed to a maximum 2.0 FAR with maximum building heights of 60 feet in the CBD-1 zone and a maximum 3.0 FAR with maximum building heights of 60 feet in the CBD-2 zone. If developed under the standard method of development, the Subject Property's maximum potential would not be fully realized, and the buildings would be shorter and smaller than with the optional method, providing fewer residential units, thereby providing fewer affordable housing units. The number of proposed affordable housing units exceeds what could be achieved under the standard method.

The 68% public use space proposed on the site (55% government operated facilities and 13% on-site public use space) will contribute to the vision of the Silver Spring CBD Green Space Guidelines, whereas only 10% public use space would be required for a standard method project, making this achievement more difficult. The Project will provide approximately 63,896 square feet of indoor public use space, consisting of a government operated recreation and service facilities such as a swimming pool with a fitness center, the Wellness Center, class/meeting rooms, and the Bistro Kitchen. In addition, the Project will provide approximately 29% (33,405 square feet) on-site outdoor amenity areas that invite the public in to enjoy.



For a site located in the Silver Spring CBD, buildings constructed under the standard method would not be required to have significant public amenities or substantial open space, and would be insufficient to reach the critical mass and density envisioned for this property within very close proximity to the Silver Spring metrorail station. Given the recommendations of the Sector Plan and the Project's proximity to transit, employment and services, the optional method of development is much more desirable and efficient for this site.

- f) *The application would include moderately priced dwelling units in accordance with Chapter 25A, if the requirements of that chapter apply.*

The Project will provide 15% of the total number of new units as MPDUs (or approved equivalent by MCDCHA). The Project Plan has been reviewed by DHCA. DHCA recommends approval at this stage with the condition that final MPDU locations, bedroom compositions and layouts be determined at certified site plan(s) with review and approval by DHCA (Attachment E).

- 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, under 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Planning Board may approve the project plan only if:*

- 1) *The project will preserve a historic site, building, or structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or*
- 2) *The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
- 3) *The project will result in an overall land use configuration that is significantly superior in meeting the goals of the applicable master or sector plan and the zone than what could otherwise be achieved without the proposed transfer.*

Approval of the optional method at this location permits a greater density of development to be provided in an area with extensive public transit opportunities. The Property is in the area of the CBD encompassed by the Silver Spring CBD Sector Plan and is recommended for residential development. The comprehensive redevelopment of the Property could be attained only under the optional method. The redevelopment proposed in the Project includes the removal of an inefficient surface-parking lot on the LDG Property and replacement of parking spaces to below grade structures, more in keeping with the urbanization of the Silver Spring CBD and the removal of four existing outdated structures that will be replaced by two new, modern, multi-family residential buildings, one with senior housing and one with housing for individuals and families.

Both buildings will contain MPDUs and WFHUs (or approved equivalent by MCDHCA), as does the existing and remaining Alexander House. Utilization of the optional method also means the provision of greater public use space than under standard method, consisting primarily of the plaza level one and plaza level two areas of the Phase I building. The indoor public use space will include a swimming pool with fitness center, meeting/class space, the Wellness Center and the Bistro Kitchen. The public amenity space for the Project will consist of the large central plaza, the gardens, a water feature, the walking circuits, the artist studios, and the bike path.

Finally, under the standard method, only approximately half of the gross square feet of space as proposed would be provided, compared to the optional method envisioned for the Project. The standard method does not coincide with the vision of the area as described in the Sector Plan and results in an underutilization of this Property within the CBD.

h) *Any applicable requirements for forest conservation under Chapter 22A.*

#### **Natural Resource Inventory/Forest Stand Delineation (NRI/FSD)**

The NRI/FSD (# [420141320](#)) for this Property was approved on April 15, 2014. The Property contains no forest, streams, wetland, floodplains or associated buffers. Furthermore, there are no known rare, threatened, or endangered species on or near the site. There are five significant trees and two specimen trees within the study area. Tree #1 is Mockernut Hickory (*Carya tomentosa*) that measures 44" DBH and is significantly larger than the existing County and State champion trees of the same species which are approximately 30" DBH. The potential champion tree (which has not been formally nominated) is located near the western end of Apple Lane. There is also a tree stand along the railway corridor adjacent to the site; however, the wooded setting does not meet forest definition. The project area is within the Lower Rock Creek watershed which is a use I watershed<sup>9</sup>.

#### **Preliminary Forest Conservation Plan**

The latest version of the Preliminary Forest Conservation Plan was submitted through Eplans on May 29, 2015. Although no forest exists onsite, the Project Plan is subject to the Forest Conservation Law and there is an afforestation requirement of 0.50 acres. Given the relatively small size of the Property, the lack of environmentally sensitive areas, and the modest amount of afforestation requirements, the afforestation will be satisfied offsite by either a fee-in-lieu payment or the use of a forest conservation bank. Due to the proposed density of the development and the priority to provide onsite mitigation plantings under Section 22A-12b(3), the Subject property is not an appropriate setting to also accommodate landscape plantings applied toward forest conservation requirements.

The Project proposes to remove two that are subject to a Forest Conservation Variance discussed further below. Details of protection measures for trees to remain will be addressed with the Final Forest Conservation Plan (FFCP). The FFCP will also address any protection measures and/or removals associated with the construction impacts at the edge of the tree stand along the railway corridor.

#### **Forest Conservation Variance**

Section 22A-12(b) (3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal of the subject tree or disturbance within the trees' critical root zone (CRZ), requires a variance. An applicant for a variance must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. The law requires no impact to trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the

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<sup>9</sup> Use I:

WATER CONTACT RECREATION & PROTECTION OF AQUATIC LIFE

Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply and industrial water supply.

current State champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The proposed project includes removal of trees which are subject to a variance due to their size measuring 30 inches DBH or greater, and because one the affected trees also exceeds 75 percent of the diameter of the current State champion tree. The Applicant submitted the variance request on June 4, 2015, for the impacts and removals of subject trees (see Attachment F for variance request). The Applicants' request is to remove two trees that are considered high priority for retention under Section 22A-12(b) (3) of the County Forest Conservation Law.

**Table 2: Subject Trees to be Removed**

TREE NUMBER	TYPE	DBH	CONDITION	IMPACT
1	Hickory	44"	Fair	100%
7	Pin Oak	33"	Poor	100%

**Unwarranted Hardship**

The Planning Board must make findings that the Applicant has met all requirements of this Chapter 22A-21 before granting the variance. In addition to the required findings outlined numerically below, the Applicant has demonstrated that enforcement of the variance provision would result in an unwarranted hardship for the following reasons:

- The DOT and MCFRS has determined that a “T” turnaround is necessary for Fire Department access, and the required design will necessitate the direct removal of the two variance trees.
- The subject trees have some health or structural issues which may limit the long term preservation of the subject trees.

Variance Findings

The Planning Board must make the following findings that the Applicant has met all requirements of this Chapter 22A-21 before granting the variance.

1. *Will not confer on the Applicant a special privilege that would be denied to other applicants;*

Projects within CBDs generally have dense development programs that necessitate removals and impacts of subject trees. The planned construction and maintenance activities independent of the Project relating to the Capital Crescent Trail, existing utilities, and appropriate emergency access needed on Apple Avenue are within the critical root zones. These trees will need to be removed to provide the appropriate emergency access needed. Therefore, the variance request would be granted to any applicant in a similar situation.

2. *Is not based on conditions or circumstances which are the result of actions by the Applicant;*

The requested variance is based upon proposed CBD optional method use of the site, access to the site, existing infrastructure, and a desire to build a modern, state of the art mixed use development within the constraints of the existing zoning and associated regulations, rather than on conditions or circumstances which are the result of actions by the Applicant.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is a result of the proposed development on the Subject Property and not as a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

The Department of Permitting Services (DPS) staff approved the storm water management (SWM) concept for the project on July 2, 2015. The SWM concept proposes to meet required storm water management goals by the use of green roof, micro-biofiltration/planter boxes and Silva Cells. Additionally, the mitigation plantings will contribute to these goals. The requested variance will not violate State water quality standards or cause measurable degradation in water quality.

#### County Arborist's Recommendation on Variance

In accordance with Montgomery County Code, Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The request was forwarded to the County Arborist on June 5, 2015. As of the date of this Staff Report, Staff has not received the County Arborist's final recommendation on the variance request. Staff fully expects a recommendation by the time of the Planning Board hearing.

#### **Mitigation for Trees Subject to the Tree Variance**

There are two subject trees proposed for removal in association with the project. Planting mitigation for the removals should be at a rate that approximates the form and function of the trees removed, at a ratio of approximately 1" DBH for every 4" DBH removed, using trees that are a minimum of 3" DBH. This means that for the 77 diameter inches of trees to be removed, the Applicant must provide mitigation of at least 19.25 inches of caliper replacements. Therefore, the mitigation requirements are more than satisfied by the proposed planting of seven (7) 3" caliper trees.

#### Variance Recommendation

As a result of the above findings, Staff recommends the Board approve, with conditions, the Applicant's request for a variance from Forest Conservation Law to remove two subject trees associated with the project. The variance approval is assumed into the Planning Board's approval of the Forest Conservation Plan.

- (i) *Any applicable requirements for water quality resources protection under Chapter 19.*

The plan complies with Section 50-24(j) which requires that stormwater requirements be satisfied as part of preliminary plan review, however, the stormwater management concept must be resubmitted prior to any future site plan approvals so additional details can be reviewed by DPS.

- (j) *Any public use space or public facility or amenity to be provided off-site is consistent with the goals of the applicable Master or Sector Plan and serves the public interest better than providing the public use space or public facilities and amenities on-site.*

The Application does not propose public use space and amenities to be provided off-site, other than the improvements to the property frontages within the right-of-way for Fenwick Lane, Apple Avenue and Second Avenue. These improvements are consistent with the goals of the Sector Plan and serve the public interest by providing a consistent and aesthetically pleasing streetscape within the Silver Spring CBD.

## SECTION 6: PRELIMINARY PLAN

### Sector Plan Conformance

As discussed in the Project Plan section of this report, the Application substantially conforms to the 2000 *Approved and Adopted Silver Spring CBD Sector Plan*. The Application complies with the specific density recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan.

### Adequate Public Facilities Review

#### Public Facilities

##### *Access, Parking, and Public Transportation*

The site has vehicular access points on Apple Avenue and Fenwick Lane. The application proposes to maintain the existing Apple Avenue garage and loading entrances for the Alexander House and to reconfigure the western terminus of Apple Avenue to accommodate a drop-off cul-de-sac between Phase I and the Alexander House. On Fenwick Lane, access points are configured as follows: a single garage access point (24-foot wide) for both Phase I and Phase II near the western terminus of Fenwick Lane, two loading access points (one each for Phase I and Phase II), and a circular drop-off lay-by between the Phase I and Phase II buildings. Parking will be provided within structured garages, accessed via Apple Avenue and Fenwick Lane, internal to the site. Pedestrian and bicycle access to the site will be provided on all frontages via public sidewalks and low-volume urban streets, respectively. Additionally, the west (rear) face of the property will include the regional Metropolitan Branch Trail shared use path within a public access easement.

The immediate area is well served by transit that includes the Red Line Silver Spring Metrorail Station, Metrobus, RideOn, and the Silver Spring VanGo Circulator. Future transit in the area includes a proposed Purple Line station at the existing Metrorail Redline station. Specific transit routes near the site include:

1. RideOn Bus Routes 1, 2, 3, 4, 5, 11, 12, 13, 18, and 28
2. WMATA Metrobus Routes J5, Q1, Q2, Q4, S2, S4, Y5, Y7, Y8, Y9, Z2, Z6, Z8, Z9, Z11, Z13

#### Master Plan Roadways and Pedestrian/Bikeway Facilities

The 2000 *Approved and Adopted Silver Spring CBD Sector Plan* and the 2005 *Countywide Bikeways Functional Master Plan* include the following nearby roadway/bikeway facilities:

1. Second Avenue: a Business District roadway, between Spring Street and Colesville Road, with a minimum master planned right-of-way of 80 feet. The east side of Second Avenue (opposite the subject property) is the site of the Silver Spring Green Trail (SP-10).
2. Apple Avenue: a Business District roadway with master planned on-road bicycle facilities located along the southern Site frontage, west of Second Avenue, with a minimum master planned right-of-way of 60 feet.
3. Fenwick Lane: a Business District roadway with master planned on-road bicycle facilities located along the northern Site frontage, west of Second Avenue, with a minimum master planned right-of-way of 50 feet.
4. Metropolitan Branch Trail (SP-12): A regional shared use path, located along the west site frontage, that connects between Silver Spring, Maryland and Union Station in the District of Columbia. SP-12 will

be constructed as a 12-foot wide path within a public use and access easement as part of the subject project.

**Sector-Planned Transportation Demand Management**

As a mixed-use development within the Silver Spring Transportation Management District (TMD), the applicant is required to enter into a Traffic Mitigation Agreement to participate in the Silver Spring TMD.

**Adequate Public Facilities Review**

A traffic study (dated July 28, 2014 and revised March 30, 2015) was submitted for the subject application per the *Local Area Transportation Review (LATR)/Transportation Policy Area Review (TPAR) Guidelines* since the proposed development was estimated to generate more than 30 peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods.

**Trip Generation**

A site trip generation summary for the proposed development, provided in Table 2, shows that the project will generate 406 peak-hour trips during the weekday morning peak period and 471 peak-hour trips during the weekday evening peak period. When compared to existing uses (less those identified for removal through this application), the proposed development will result in an increase of 265 peak-hour trips during the morning peak period and 330 peak-hour trips during the evening peak period.

TABLE 3: SUMMARY OF SITE TRIP GENERATION-PROPOSED ELIZABETH SQUARE REDEVELOPMENT

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
<b>Proposed</b>						
907 High-Rise Residential Units (HRDUs)	54	218	272	190	82	272
63,896 SF Community Recreational Center*	86	45	131	86	89	175
6,032 SF General Retail	2	1	3	6	6	12
<b>Proposed Trip Generation</b>	<b>142</b>	<b>264</b>	<b>406</b>	<b>282</b>	<b>177</b>	<b>459</b>
<b>Existing (Credit)</b>						
160 High Rise Dwelling Units (HRDUs) to be Removed	(10)	(38)	(48)	(34)	(14)	(48)
311 High Rise Dwelling Units (HRDUs) to be Retained	(19)	(74)	(93)	(65)	(28)	(93)
<b>Credit</b>	<b>(29)</b>	<b>(112)</b>	<b>(141)</b>	<b>(99)</b>	<b>(42)</b>	<b>(141)</b>
<b>Total Net New Peak Hour Trips</b>	<b>113</b>	<b>152</b>	<b>265</b>	<b>183</b>	<b>135</b>	<b>318</b>

\*Land Use Code 495 "Recreational Community Center," ITE Trip Generation Manual 9th Edition  
 Source: Kimley Horn & Associates, Inc. Traffic Study dated July 28, 2015; revised March 30, 2015

**Local Area Transportation Review**

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis for the weekday morning and evening peak-hour periods, presented in Table 3, shows that the total (Build) condition will remain within the policy area

congestion standard of 1,800 CLV. Based on the analysis presented in the traffic study, it is concluded that the subject application will satisfy the LATR requirements of the APF test.

TABLE 4: SUMMARY OF CAPACITY CALCULATIONS-PROPOSED ELIZABETH SQUARE REDEVELOPMENT

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Spring Street/ Second Avenue	613	904	733	1136	828	1253
Georgia Avenue/ Spring Street	1037	882	1212	1118	1243	1136
Georgia Avenue/ Cameron Street	886	826	1076	953	1081	1007
Georgia Avenue/ Colesville Road	1134	1080	1231	1168	1244	1190
Colesville Road/ Second Avenue/ Wayne Avenue	667	672	772	786	806	800
Second Avenue/ Fenwick Lane (west leg)	260	294	358	341	568	561
Second Avenue/ Fenwick Lane (east leg)	271	332	282	353	340	438

Source: Kimley Horn & Associates, Inc. Traffic Study dated July 28, 2015; revised March 30, 2015

*Transportation Policy Area Review*

Since the proposed development is within the Silver Spring CBD Policy Area, the project is exempt from both the roadway and transit tests set forth in the 2012-2016 Subdivision Staging Policy. As a result, the proposed development is not required to pay transportation impact tax to satisfy the TPAR requirement.

Conclusion

Staff concludes that the Application satisfies the LATR and TPAR requirements of the APF review with the recommendations described in this memorandum.

**Other Public Facilities**

Public facilities and services are available and will be adequate to serve the proposed development. The property will be served by public water and sewer systems. The application has been reviewed by MCFRS, and emergency vehicle access has been deemed adequate. Electrical and telecommunications services are also available to serve the subject property. Local health clinics, police stations and fire stations are all operating within acceptable levels as established by the Subdivision Staging Policy.

The project is located in the Albert Einstein High School Cluster. The proposed 436 new multi-family housing units are subject to the Annual School Test effective for FY15. The current Subdivision Staging Policy School Test for FY2015 requires school facility payments for subdivision approval at the high school level in the Albert Einstein High School Cluster. As conditioned, the applicant will be required to make school facilities payments, if applicable.

**Compliance with Zoning Ordinance and Subdivision Regulations**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. The proposed lot size, width, shape, and orientation are appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated. As discussed in

the Project Plan section of this report, the application substantially conforms to the 2000 Approved and Adopted Silver Spring CBD Sector Plan. The application complies with the specific density recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan. As evidenced by the preliminary plan, the site is sufficiently large to efficiently accommodate the proposed mix of uses.

The lot was reviewed for compliance with the dimensional requirements for the CBD-1 and CBD-2 zones as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in those zones. A summary of this review is included in Table 5.

**Table 5: Preliminary Plan Data Table**

<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>
Minimum Lot Area	18,000 sq. ft.	116,809 sq. ft. minimum
Setbacks		
Front	0 ft. Min.	Must meet minimum <sup>1</sup>
Side	0 ft. Min.	Must meet minimum <sup>1</sup>
Rear	0 ft. Min.	Must meet minimum <sup>1</sup>
Maximum Floor Area per Zoning	772,078 sq. ft.	772,078 sq. ft.
MPDUs	12.5% Min.	15% Min.
Site Plan Required	Yes	

<sup>1</sup> As determined by MCDPS at the time of building permit.

**Environment**

As discussed in the Project Plan section of this report, the application meets the Environmental Guidelines and Forest Conservation Law. Staff recommends that the Planning Board approve the Forest Conservation Plan with the conditions cited in this staff report as part of the Project and Preliminary Plans, respectively. The variance approval is assumed in the Planning Board’s approval of the Forest Conservation Plan.

**Stormwater Management**

The MCDPS Stormwater Management Section approved the stormwater management concept on July 2, 2015. According to the approval letter, the stormwater management concept meets stormwater management requirements via environmental site design to the maximum extent possible through the use of green roof, micro-biofiltration/planter boxes and Silva Cells. (Attachment G)

**CONCLUSION**

The project satisfies the findings under Section 59-D-2.42 of the Zoning Ordinance, the Subdivision Regulations, and substantially conforms to the recommendations of the 2000 *Silver Spring CBD and Vicinity Sector Plan*. Therefore, Staff recommends approval of the Mandatory Referral, Project Plan and Preliminary Plan with the conditions specified at the beginning of this report.



**ATTACHMENTS**

- A. Site Plan Amendment No. 81989071A approval letter
- B. Mandatory Referral letter
- C. Preliminary Plan
- D. 8621 Georgia Avenue Resolution
- E. DHCA acceptance letter
- F. Variance Request
- G. Agency Letters