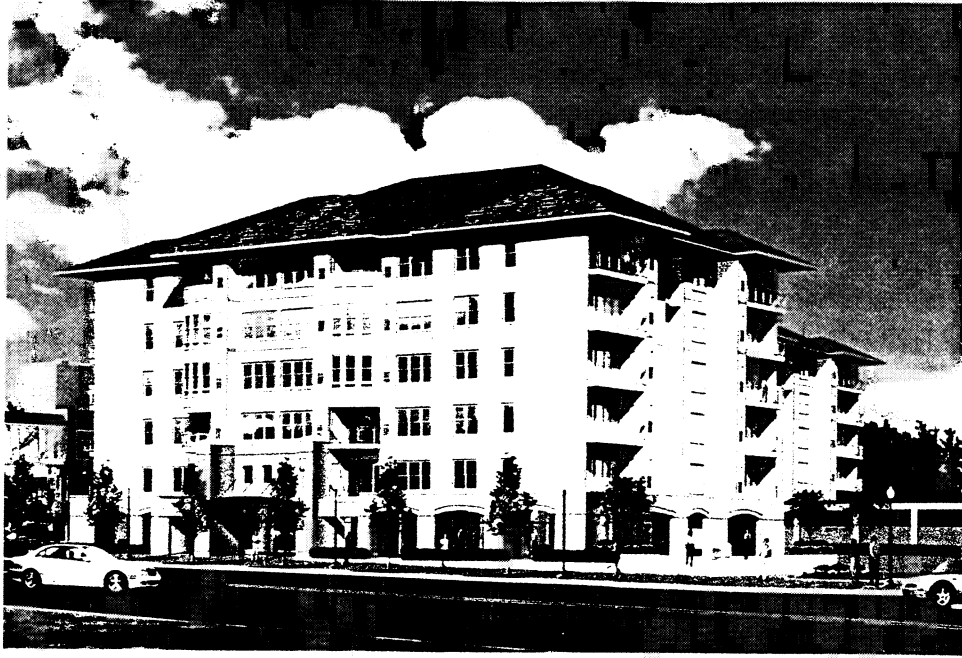


Newell Street Lofts

Silver Spring, Maryland



Staff Report for the Review of

Project Plan 9-03000
Utilizing the Optional Method of Development

8045 Newell Street, LLC
c/o Patriot Group, LLC, Applicant

Landmark Engineering, Engineer
A.R. Meyers & Associates, Inc., AIA, Architect
Trace, Inc., Landscape Architect
Linowes & Blocher, LLP, Attorney

Prepared for
The Montgomery County Planning Board
February 27, 2003



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

DATE: February 12, 2003
TO: Montgomery County Planning Board
VIA: Joe. R. Davis, Chief
Michael Ma, Supervisor *Ma*
Development Review Division
FROM: Robert A. Kronenberg, RLA *RAL*
Planning Department Staff
(301) 495-2187



PROJECT NAME: Newell Street Lofts
CASE #: 9-03000
REVIEW TYPE: Project Plan

ZONE: CBD-1
APPLYING FOR: Approval of 134, 821 gross square feet of development, including 120 residential condo units on approximately 1.41 acres
LOCATION: 8045 Newell Street, Southwest quadrant of the intersection of Newell Street and Kennett Street in Downtown Silver Spring
MASTER PLAN: Silver Spring Central Business District and Ripley/South Silver Spring Overlay Zone

REVIEW BASIS: Section 59-D-2.11 of the Zoning Ordinance requires submission of a Project Plan as part of the application for the use of optional method of development for a CBD zoned property.

APPLICANT: 8045 Newell Street, LLC
C/o Patriot Group, LLC
FILING DATE: October 4, 2002
HEARING DATE: February 27, 2003

Attached is the staff report for the proposed Newell Street Lofts Project Plan. The Planning Board public hearing for this application is scheduled for February 27, 2003. A draft Planning Board opinion for the Project Plan will be available on February 12, 2003. The staff recommends Approval with conditions as delineated in the staff report.

TABLE OF CONTENTS

Staff Recommendations.....	3
Summary and Development Issues.....	6
Project Description	
• Surrounding Vicinity.....	9
• Site Description.....	10
• Project Description-Proposal.....	11
• Prior Approvals.....	13
Basis for Consideration of Issues.....	14
Required Findings	
• Compliance with the intent and requirements of the zone.....	15
• Compliance to the Sector Plan.....	21
• Compatibility with the general neighborhood.....	24
• Adequacy of the existing or programmed public services.....	24
• More desirable than the standard method of development.....	24
• Provision of moderately priced dwellings units (MPDU's).....	25
• Development involved in more than one lot or one CBD zone.....	25
• Requirements for forest conservation.....	25
• Requirements for water quality resource protection.....	25
Appendix	
• A-Memos from staff	
• B-Letter from the Silver Spring Historical Society/Historic nomination	
• C- Recommendation by Historic Preservation Staff	
• D-Letters from Silver Spring Chamber of Commerce, Silver Spring Urban District and the Woodside Park Civic Association	
• E-Applicants request for fee-in-lieu of MPDU requirement	

STAFF RECOMMENDATION FOR PROJECT PLAN: Approval of Project Plan #9-03000 for 134, 821 gross square feet, including 120 condominium apartments units, of which 15 are MPDU's, with the following conditions:

1. Development Ceiling

The proposed development shall be limited to 134, 821 square feet of gross floor area (Floor Area Ratio "FAR" 1.88), for a total of 120 condominium condo apartments.

2. Building Height/Mass

The height of the proposed building shall not exceed the maximum permitted height of 90 feet if the building is setback 60 feet from Newell Street.

3. Transportation Improvements

The proposal shall comply with the Transportation Planning memorandum dated February 10, 2003 [See Appendix A]. The following conditions apply:

- a. Limit the Project Plan to 120 condominium apartments.
- b. Dedicate 70 feet of right-of-way along Newell Street.
- c. Dedicate 60 feet of right-of-way along Kennett Street.
- d. Provide five feet of sidewalk along Newell Street and eight feet of sidewalk along Kennett Street. Provide sidewalk connections into the development.
- e. Participate in the Silver Spring Transportation Management District in accordance with the approved Traffic Mitigation Agreement.

4. Public Use Space

The proposed public use space must be easily and readily accessible to the general public and used for public enjoyment. All streetscape improvements shall be in accordance with the *Silver Spring Streetscape Plan (April 1992) Technical Manual* or as amended.

5. Staging of Amenity Features

- a. The proposed project shall be developed in one phase.
- b. The removal of existing elements associated with the Post Office and Blair Homestead and the proposed amenities for the Newell Street design shall be completed prior to the occupancy of the proposed development.
- c. Landscaping to be installed no later than the next growing season.

6. Management Organization

The applicant shall become a member of the Silver Spring Urban District for the purpose of maintaining public open spaces and participating in community events.

7. Streetscape

The applicant shall provide the frontage improvements to Newell and Kennett Streets using the *Silver Spring Streetscape Plan (April 1992)* Technical Manual. The following elements are proposed: stone, precast concrete, brick pavers, street trees, benches, lighting, and any other details that are necessary to fulfill the streetscape standards.

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

The applicant shall secure the following additional approvals prior to Site Plan Review:

- a. Coordinate with the Silver Spring Regional Service Center on the placement of the proposed way finding signs;
- b. Present the public art components to the Silver Spring CBD Art Review Panel for review and comment to be available to the Planning Board;
- c. Coordinate with the Department of Housing and Community Affairs (DHCA) for the study of an integrated path system on the County property adjacent to the parking garage and connecting Kennett Street and Eastern Avenue.

9. Public Art

A public art program shall be developed to include a framework structure that is anchored in a low wall that serves as a base. The public art shall enrich the pedestrian experience and be integrated with the surrounding neighborhood. Various elements within the framework of the art may include commemoration of the Blair Mansion and Blair Post Office. The art proposals for the project shall be fully developed and reviewed by the Planning Board's Art Panel prior to site plan review.

10. Moderately Priced Dwelling Units

The applicant shall provide 12.5% or 15 MPDU's per the requirements of Section 25A on-site.

11. Maintenance of Public Open Spaces

The applicant shall enter into an agreement with the Silver Spring Urban District for the on-going maintenance of public open spaces associated with this project.

SUMMARY

The applicant, Newell Street, LLC, requests the use of the Optional Method of Development and Project Plan approval for 134, 821 gross floor area (gsf) of development on 1.41 acres. The development will consist of 120 condominium condo units, (12.5%) 15 of which will be Moderately Priced Dwelling Units (MPDU's) on approximately 1.41 acres. The Newell Street, LLC development proposes to demolish two existing buildings and replace them with an L-shaped building corresponding to the existing lot configuration. The new building will vary in height with the street grade, with five stories facing Newell Street and six stories proposed on Kennett Street.

In accordance with the CBD-1 zone and the Ripley/South Silver Spring Overlay Zone, the building has been set back 60 feet from Newell Street in order to accommodate the height restriction. The maximum height of the proposed building is 69 feet, 6 inches in order to comply with the Sector Plan and overlay zone and maintain a residential character in the surrounding neighborhood.

A lobby and main entrance will be located on Kennett Street with condo apartments above on the second through fifth stories. Private patios have been proposed for units on the second floor to the north and west side of the building. Private patios have also been proposed for units on the south side of the building, including private community space, consisting of seating areas and extensive landscaped features. Recreation will consist of private work out areas and private seating areas within the courtyard areas. This portion of the building will include a green roof with landscaping to address environmental issues and quality stormwater management.

The proposal will improve streetscape frontage along Newell and Kennett Streets with brick sidewalks, street trees and streetlights. Public amenity space will include an arcade along Kennett Street and expanding the streetscape improvements within the right-of-way. The arcade will lead pedestrians into a public plaza containing public art, a special paving treatment to accentuate the street and building, and specialty landscaping at the intersection of the streets. In addition on-site to the improvements along Kennett Street, the applicant is proposing to replace a section of curb on Newell Street and provide street trees within the grass strip between the curb and sidewalk. The plan also includes 87 underground parking spaces and two loading spaces near the Newell Street entrance to the parking garage.

Development Issues

1. Historic Preservation

The Silver Spring Historic Society (“Historic Society”) has expressed concern over the removal and demolition of the Blair Station Post Office (“Post Office”), which they feel has historic standing [See Appendix B]. The Historic Society would like the applicant to preserve the building and incorporate it into the proposed design as a public amenity. The Historic Society would also like the footprint of the Blair homestead to be preserved and investigate the site for historic artifacts associated with the homestead.

The Post Office is not designated as a historic structure on the national registry, although it has recently been nominated [See Appendix B-Letter dated 12-27-02] for addition to the *Locational Atlas and Index of Historic Sites* and the *Master Plan for Historic Preservation*. The Historic Society expressed concerns over the preservation of the building, primarily due to innovative machinery that was integral to the Post Office during the Post World War II Era.

On January 22, 2003 the Historic Preservation Commission (“HPC”) held a public hearing and work session with regard to the nomination. After presentation by staff and hearing testimony from the public, the HPC supported the staff recommendation [See Appendix C] and declined to recommend to the Planning Board that the former Blair Station Post Office be added to the *Locational Atlas and Index of Historic Sites* and the *Master Plan for Historic Preservation*. On January 30, 2003, the Planning Board supported HPC and M-NCPPC staff recommendations that the Blair Station Post Office to the *Locational Atlas and Index of Historic Sites*.

Staff requested that the applicant meet with the Historic Society to address issues with the nomination of the postal facility to the *Locational Atlas of Historic Sites*. Consistent to their meeting, the applicant said they would consider preserving the building, but only if staff provided relief of the required 20% minimum on-site public use space. The applicant did not present a proposal to incorporate the building into the design and no specific use of the building was reviewed. Given the circumstances and elements of the proposal by the applicant, staff could not permit a reduction of the base requirement, directly affecting any proposal for the building as a public use or amenity.

The applicant has agreed to let the County perform an archeological investigation on the Blair House to search for historic artifacts after the demolition of the buildings. The applicant proposes to commemorate the historical nature of the Post Office by incorporating artifacts and replicas from the building into the public art proposed for the plaza. A portion of the paving will take the form of a canceled stamp in order to create a reference to the former postal facility. Staff has requested that a history of the Blair Post Office and homestead be incorporated into the plaza in the form of a marker or plaque describing the significance of the site to the public.

2. Community Outreach

The applicant has presented the proposed development to various civic groups including the Shepherd Park Citizen's Association (DC), the Gateway Coalition, Gateway Georgia, the Silver Spring Chamber of Commerce, the Silver Spring Urban District and the Silver Spring Historic Society, as requested by staff. The associations and civic groups are generally supportive of the proposed development, especially with respect to market-rate units, however; they did express concerns about the public spaces, traffic and the preservation of the existing former Blair Post Office [See Appendix D].

As noted in the Historic Preservation summary above, HPC and the Planning Board recommended against the preservation of the Blair Station Post Office. The Silver Spring Historic Society expressed concerns over the preservation of the building, primarily due to the development of innovative machinery that was integral to the Post Office during the post World War II Era. Although the building will be removed, the applicant proposes to incorporate the theme of the post office into the design of the apartments and public use and amenity space associated with the development.

The Silver Spring Urban District and the Chamber of Commerce expressed support for market-rate units for South Silver Spring and excitement that this will be the first condominium project among an area with numerous rental properties. Additional housing and the associated activity will help to promote urban activity and enliven the South Silver Spring revitalization area.

3. Moderately Priced Dwelling Units

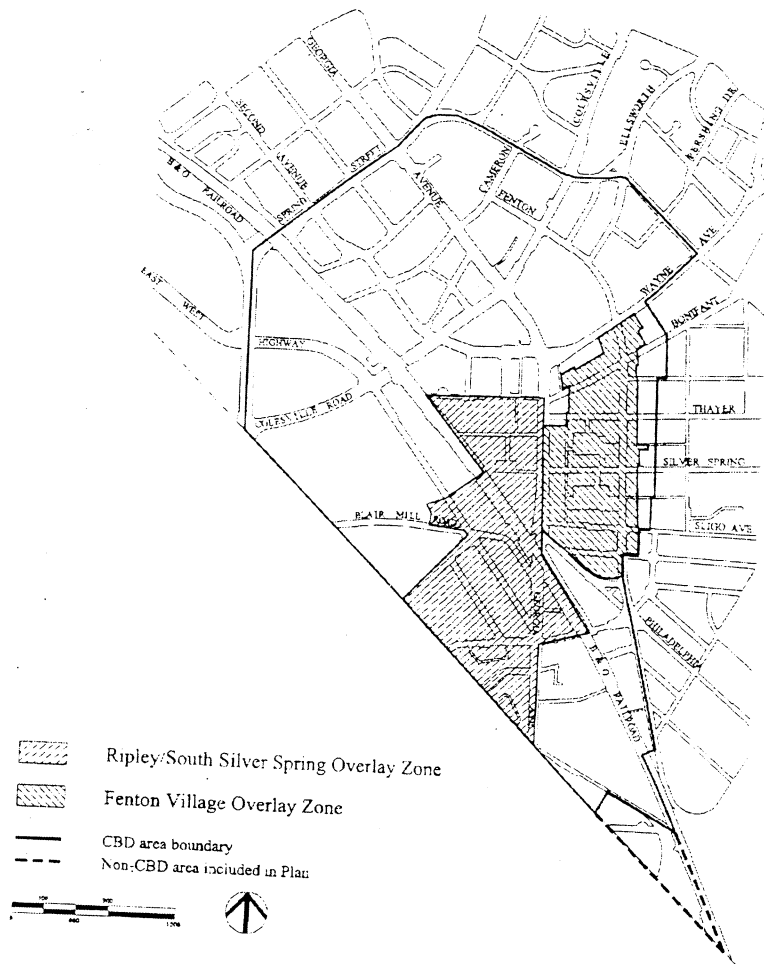
This proposal requires fifteen Moderately Priced Dwelling Units (MPDU's) or 12.5% of the proposed residential dwelling units within the development. The applicant is proposing to provide ten MPDU units on-site, and pay a fee-in-lieu for the remaining five MPDU units off-site. A letter requesting the fee-in-lieu for the units has been provided to the Department of Housing and Community Development, although no response has been forwarded to this office. Staff does not recommend a fee-in-lieu of the units off-site, rather, the entire 12.5% of the proposed residential units should be located within the development.

PROJECT DESCRIPTION: Surrounding Vicinity

The Newell Street development is within the CBD-1 zone. The site is surrounded by CBD-1 and R-10 zoned property and by existing high density office, retail and residential uses. Located to the north, beyond Kennett Street is the Discovery Communications (Caldor Building, Project Plan #9-00002) building, which is a recently renovated office building. The historic Acorn Park and silver spring are located directly adjacent to the Discovery building and are zoned CBD-1. Across Newell Street to the west, are two four-story garden apartment buildings and a fourteen-story high-rise known as Springwood apartments, zoned R-10 and CBD-1 respectively. Directly adjacent to the subject property is a one-story self-storage building fronting on Newell Street and zoned CBD-1. The property directly abutting the site to the south is a one-story storage building fronting on Newell Street and Eastern Avenue. A four-story office building known as the "Arts Building", fronts on Eastern Avenue and is zoned CBD-1. Directly to the east of the property is Montgomery County Parking Garage No. 9, a five level parking structure along with the associated public open space, located directly adjacent the site, and zoned CBD-1.

NOTE: This corrected map replaces page 59 in the bound version of the February 2000 Silver Spring CBD Sector Plan.

Map 21 Overlay Zones

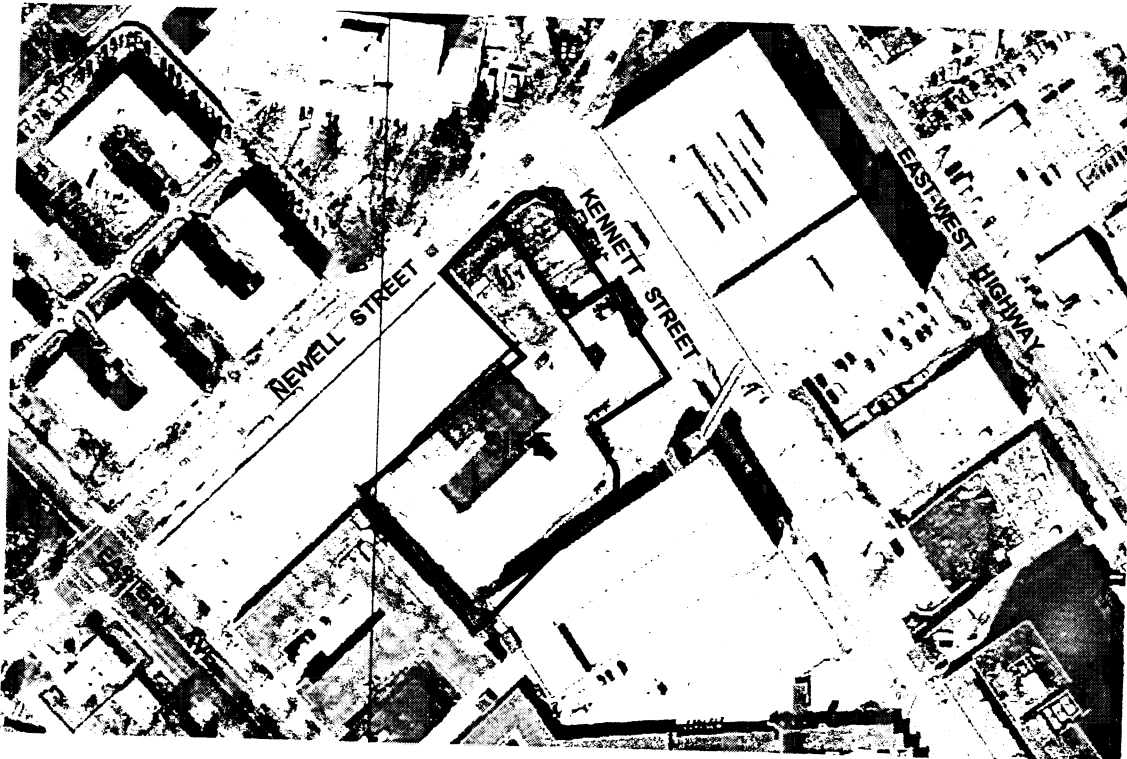


PROJECT DESCRIPTION: **Site Description**

The site is comprised of two properties: Parcel B, containing the Professional Office and Retail/Storage building; and N975, a re-subdivision of an unrecorded plat containing the Blair Station Post Office. Both properties will be subdivided into one lot with the concurrent Preliminary Plan (#1-03021) application for this site. The property is improved with two existing buildings: the former Blair Post Office Facility, a two-story brick and stone building and a two-story brick professional office building. Both buildings will be removed and replaced by the proposed improvements associated with the Project Plan. The property includes concrete sidewalks along the two street frontages, although the adjacent public facility to the southeast of the property has partially improved street frontage along Kennett Street.

The topography on the property slopes from the southwest to the north and northwest by approximately 9 to 11 feet. There is a high point near the adjacent parking garage sloping down to the intersection of Newell and Kennett Streets. There is no significant vegetation on the property with the exception of the street trees along Kennett Street, which will be preserved.

The site is the location of the former Blair Lee family homestead, formerly a residence, which was torn down around 1956. The site also contains the former Blair Station Post Office, built in approximately 1954, which was used as a postal facility to accommodate the rapid growth of Silver Spring during the post World War II Era. The Blair Station Post Office has been recently nominated by the Silver Spring Historical Society to be placed on the Montgomery County Master Plan for Historic Preservation Sites and the *Locational Atlas and Index of Historic Sites*. The building did not receive approval from the Historic Preservation Commission and the Planning Board for addition to the *Locational Atlas and Index of Historic Sites* or on the *Master Plan for Historic Sites* [Appendix C].



PROJECT DESCRIPTION: Proposal

The Newell Street Lofts Development proposes a 134, 821 square foot building, including 120 residential condominium lofts, and consisting of (12.5%) 15 MPDU's. The total FAR will be 1.88 for the proposed building, well under the 3.0 FAR permitted within the zone.

Building Design

The "L" shaped building will have a six-story residential wing along Kennett Street, with the five-story wing facing Newell Street. The varying heights of the buildings conform to the setbacks required in the Ripley/South Silver Spring Overlay Zone. Private patios have been proposed for units on the second floor to the north and west side of the building. Private patios have also been proposed for units on the south side of the building, including private community space, consisting of seating areas and extensive landscaped features. The main entry into the building is from Kennett Street and will be at street grade. A lobby is proposed at the Kennett Street entry to welcome residents who wish to access the apartments.

Vehicular Access/Parking

Vehicular access for the residents will consist of a below-grade parking structure accommodating 87 parking spaces, including 4 handicapped spaces. The access to the garage will be from Newell Street adjacent to the one-story storage facility. Two loading spaces to service the residents will be located directly off the entrance from Newell Street and adjacent to the storage building.

On street parking on Newell and Kennett Streets is proposed along with the improvements to the public roads. Visitors can also park in Garage 9.

Public Amenity Space

This development proposes two major amenity spaces on-site for public use.

The first amenity is an arcade along Kennett Street, which will expand the streetscape improvements. The improvements start at the existing public use space, associated with the parking garage and consists of streetscape improvements, pedestrian connections, green space and landscaping. The proposed arcade will consist of specialty paving and lighting, landscaping and other design elements to invite the public into the space and blended architectural features relating to the building design. The space will also include seating areas.

The second amenity at the southwestern intersection of the two public roads, a public plaza, is the highlight of the public use and amenity space. This plaza will frame the proposed building and create an inviting setting for the building entrance and act as an attractive gathering space for the benefit of the public. Specialty pavers will provide a setting for the building, combined with the landscaping and terraced seating and planting areas within the plaza. The pavers will also commemorate the postal facility in the form of a canceled stamp. A public art panel will enclose the plaza on the south side depicting the historical and regional aspects of the Blair Station Post Office and the Blair-Lee family homestead. A plaque or marker will outline the history of both

structures to assist in educating the public. The art work will be visible from the adjacent Acorn Park and East-West Highway.

Off-site improvements will include the completion of streetscape improvements along Newell and Kennett Streets. These improvements will consist of street trees, specialty pavers and specialty lighting as outlined in the *Silver Spring Streetscape Plan Technical Manual*.

PLANNING AND REGULATORY FRAMWORK: Master Plan

The Project Plan is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan (February 2000). A description of the themes and goals for Silver Spring are outlined within the Sector Plan Conformance standards on page 20 of this report.

PLANNING AND REGULATORY FRAMEWORK: Prior Approvals

The proposed development is zoned CBD-1 (Central Business District-1). On October 25, 2001 a Project Plan (#9-01001) and concurrent Preliminary Plan (#1-01008) was withdrawn for a mixed use of office and restaurant. No additional submittals have been presented for this property.

A Preliminary Plan of subdivision (#1-03021) is being reviewed concurrently with this project plan application.

BASIS FOR CONSIDERATION OF ISSUES

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

- (a) *The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under Chapter 56.*
- (b) *Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.*
- (c) *Whether the vehicular circulation system, including access and off-street and loading, is designed to provide an efficient, safe and convenient transportation system.*
- (d) *Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.*
- (e) *The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.*
- (f) *The adequacy of provisions for construction of moderately priced dwelling units in accordance with Chapter 25A if that Chapter applies.*
- (g) *The staging program and schedule of development.*
- (h) *The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.*
- (i) *The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.*

FINDINGS for Project Plan Review:

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

- (a) *It would comply with all of the intents and requirements of the zone.*

Purpose Clause Section 59-C-6.212

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

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

The Project Plan proposes to use the optional method of development and is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan. The plan uses the more intense method of development standards conforming the goals of the Sector Plan and Ripley/South Silver Spring Overlay Zone. The proposed development is limited to 134, 821 square feet of gross floor area (Floor Area Ratio "FAR" 1.88), utilizing the Optional Method of Development. The proposed development is well under the permitted 3.0 FAR for Optional Method Development for uses in the CBD-1 zone, although it needs to use the optional method to achieve the increase in height and lessened setbacks. A total of 120 condominium apartments, compared to 206 units permitted in the zone, and consisting of 15 MPDU's is proposed within the building.

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

The project plan responds to the need for housing in South Silver Spring and addresses the need for smart growth policies where infrastructure, community facilities and elements of an urban district already exist. The Sector Plan specifically identifies the proposed project site as a potential housing site. Under the optional method, this project encourages the development of active urban streets by providing public spaces along street edges and improves the quality of pedestrian environment with the improved streetscapes. The improved streetscape along with the amenities

addressing the need for public interaction enhance the South Silver Spring area. The project supports the economic base in the downtown by making it easier for workers in Silver Spring to live near their jobs.

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

The proposed project strengthens the neighborhood corridor by complementing the scale and mix of existing design elements within the development. The proposed design, building façade, streetscape improvements and amenities provide a more desirable and cohesive network, adding to the existing framework of South Silver Spring. The project blends well with the mix of mid-rise buildings along Newell and Kennett Street as well as the buildings on Eastern Avenue along the District of Columbia line. The proposal seeks a height of 70 feet along the street frontage with the setbacks allowed within the optional method, and is compatible with the adjacent residential zones and uses. The compatibility of the building is enhanced by the existing residential and commercial buildings to the southeast of the property and to the north across Newell Street. The design and proximity of all of the buildings is connected by the proposal for the project’s public use space at the intersection of Newell and Kennett Streets. The design provides an effective relationship with adjacent uses and amenities and allows for a more interactive pedestrian and vehicular circulation pattern.

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

The proposed development is located less than a quarter mile (5 minute walking distance) from the Silver Spring Metro Station. The proximity to transit facilities as well as the downtown employment core will reduce the dependency on the automobile for the residents of the development.

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

This project plan encourages the development of active urban streets and improves the quality of the pedestrian environment by providing the optional method streetscape treatment as prescribed in the Silver Spring Streetscape Technical Manual.

Vehicular circulation is enhanced with improved right-of-ways along Newell and Kennett Streets and the location of the entry to the parking garage on the south side of Newell Street. The loading spaces are separate from the parking garage, so as not to interfere with vehicular traffic in the garage and on the public roads. Signs indicating traffic circulation in and out of the garage will promote safety for pedestrian activity in the public use space.

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

The objective of Montgomery County for moderately priced housing is to provide MPDU's in the CBD zones where public facilities, services and transit options are readily available. Consistent to Chapter 25A, the applicant is committed to providing 12.5% or 15 units of the total dwelling unit count as MPDU's.

The applicant is proposing to provide ten MPDU units on-site, and pay a fee-in-lieu for the remaining five MPDU units off-site. A letter requesting the fee-in-lieu for the units has been provided to the Department of Housing and Community Development [See Appendix E], although no response has been forwarded to this office. Staff does not recommend a fee-in-lieu of the units off-site, rather, the entire 12.5% of the proposed residential units should be located within the development.

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

The Silver Spring Central Business District and Vicinity Sector Plan specifically identifies the proposed project site as a potential housing site. The Sector Plan encourages residential units throughout the CBD and specifically recommends residential for the site. The project plan introduces market-rate condo units into a mixed use of rentals within south Silver Spring, further encouraging revitalization in the downtown corridor.

Additional Intent of the CBD-1 Zone (Section 59-C-6.213) of the Zoning Ordinance

- (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;”*

The development of this residential project meets the need for market-rate and moderately priced units amid a mix of rental units and the need to encourage pedestrian and transit oriented commuters in the CBD. The residents in the apartments will strengthen the commercial centers and add increased value to the surrounding residential neighborhoods. The density recommended in the Sector Plan and permitted in the Optional Method of Development allows this specific type of development.

- (2) *“To provide a density and intensity of development which will permit an appropriate transition from the core of central business districts to the less dense peripheral areas within and adjacent to the district.”*

The development associated with this project plan is an appropriate transition and compliment to the surrounding mix of residential and commercial activities, both on the periphery of South Silver Spring and the District of Columbia. The density is compatible with the surrounding residential neighborhood, and in fact is less than actually permitted on the site. This project is being developed under the Optional Method of Development, providing opportunities for public open spaces and amenities, as well as improved streetscapes to the public roads.

- (3) *“To provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment.”*

The proposed residential units are within one-half mile of the core commercial center of downtown Silver Spring, as well as commercial and retail activities within the District, making this development a key component for residents who wish to live and work in the CBD. The nearby metro and transit station also allows direct commuting to and from the key commercial districts in Maryland and Washington.

Requirements of the CBD-1 Zone

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

PROJECT DATA TABLE FOR CBD-1 ZONE

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>
Gross Tract Area:	22,000 sf	71,797 sf
Net Site Area (after dedication)	N/A	61,297 sf
Permitted Density Calculations: Residential Apartments (125 units/ac. X 1.41 ac.)	176 d/u	120 d/u (includes 15 MPDU's/12.5%)
Floor Area Ratio (FAR): Standard Method (1FAR) Optional Method (3 FAR)	71,797 sf 213,891 sf	N/A 134, 821 sf (1.88 FAR)
Building Height (ft.):	90 *	70 ft at Newell St.
Parking:	N/A**	87 (incl. 4 H/C)
Public Use Space (% of net lot area): On-Site Off-Site	20% or 12,260 sf	20% or 12,640 9, 500 sf
Total On and Off-Site Public Use Space		22, 140 sf or 36%

* Consistent with the Ripley Overlay Zone (South Silver Spring), buildings along Newell Street can increase the height if setback 60 feet from the right-of-way. The proposed building is setback 62 feet from Newell Street right-of-way.

** The proposed development is within the Silver Spring Parking District and is not required to provide any parking on site if they are subject to the Parking District Tax.

Amenities and Facilities Summary

On-Site Improvements

Kennett Street Arcade and Building Entry

- Paved arcade area along the entire building frontage with stone, precast concrete, or brick paving to compliment streetscape improvements
- Serpentine wall, of seating height, veneered with stone, brick or precast concrete. Permanent seating to be incorporated into the wall or column of the arcade.
- Glass wall along entire ground floor façade.
- Groupings of stainless steel gazing balls of various diameters and selective colors arranged in such a way, along with paving patterns and serpentine wall, to draw people into the space and provide linear continuity and repetitious patterns within the arcade.
- Materials within arcade to be selected and used to evoke an industrial, contemporary theme. Materials to be generally light in color to reflect light.
- Specialty lighting in arcade to accentuate glass wall, landscaping and gazing balls.
- Landscape beds with irrigation and shade tolerant plants. Two freestanding planters at building entry.
- Building base to be more contemporary with remainder of building and surrounding neighborhood
- Make available a space for public outdoor interaction

Newell and Kennett Street Plaza

- Public Art-to highlight public's interest of the former Blair Post Office and Blair homestead and ability to access the space
- Commemorative plaque to highlight the former Blair Lee House and Blair Station Post Office
- Specialty paving to commemorate post office theme and historic setting
- Specialty lighting within the plaza area
- Terraced plaza area to encourage public interaction
- Make available a space for entertainment as needed in conjunction with the Silver Spring Urban District (SSUD), and accommodations for outdoor entertainment
- Landscape planters to accommodate grade difference and planter for seasonal plants to highlight entry to space

Off-Site Improvements

Newell Street Right-of-Way

- Street trees (Silver Lindens) in the plaza area and along the south side of Newell to Eastern Avenue
- Existing sidewalk on Newell in front of storage building to be modified for planting of street trees. Modified area of sidewalk to be replaced with pavers,

stone or block in accordance with the Silver Spring Streetscape Plan Technical Manual.

- Brick Pavers (per Silver Spring Streetscape Plan Technical Manual)
- Street Lights (Washington Globe), south side of Newell Street
- Brick driveway apron consistent with patterns proposed in the plaza, entrance to parking garage from Newell Street
- Groundcover with lawn panels for street trees

Kennett Street Right-of-Way

- Street trees (Silver Lindens), protect existing trees during construction and replace with same species
- Brick Pavers (per Silver Spring Streetscape Plan Technical Manual)
- Street Lights (Washington Globe), west side of Kennett Street
- Individual tree pits/wells for street trees (per the Silver Spring Plan Technical Manual)

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

Zoning and Land Use:

The approved CBD Sector Plan recommended that the CBD-1 (Central Business District, 1.0) zoning for this site. This zoning was enacted through the Sectional Map Amendment (SMA) adopted July 18, 2000 per County Council Resolution 14-600. The proposed development is subject to the provisions of the Ripley/South Silver Spring Overlay Zone as recently amended.

The proposed project plan conforms to the uses permitted in the existing CBD-1 zoning for the site. The development proposes 134, 821 sf (1.88 FAR) of 120 residential condominium apartments including 15 MPDU's/12.5%. The proposed development is well under the permitted maximum of 3.0 FAR of mixed use for optional method projects in the CBD-1 zone. The minimum required public use space for this project is 12,259 sf (20% of the net lot area). The project proposes the minimum, 12,640 sf of the net lot area on site, in public use space, in addition to the 9, 500 sf proposed for off-site improvements for Newell and Kennett Streets. The total public use and amenity space provided by the applicant for this development is 22, 140 sf or 36% of the net lot area.

Sector Plan Conformance:

The Silver Spring Central Business District and Vicinity Sector Plan, approved by the County Council on February 1, 2000 outlines six themes, which articulate the shared goals and vision for a revitalized Silver Spring. Three of these six themes, which directly apply to this development, include *a Commercial Downtown, a Green Downtown* and a *Pedestrian-friendly Downtown*. Market-rate residential units will emphasize the residential compatibility of the Silver Spring corridor and adjacent Washington D.C. residential neighborhoods, such as Shepherd Park. The residential element will also cater

to a variety of professionals who wish to strengthen the economic viability of downtown Silver Spring. The project is being developed under the Optional Method of Development, which requires that applicants provide public use and amenity space on and off their site. This type of development provides residential corridors an opportunity to improve urban streetscapes and pedestrian circulation in an active urban setting. In addition to the proposed improvements, the Sector Plan specifically encourages the redevelopment of vacant or underutilized buildings.

- A. Ripley/South Silver Spring Overlay Zone:** The project is located within the South Silver Spring Revitalization Area, one of four revitalization areas identified in the Sector Plan. The Sector Plan recommends an Overlay Zone for the Ripley/South Silver Spring revitalization areas designed to encourage development and provide incentives for revitalization through flexible development standards and a broader range of permitted uses. The Overlay Zone also provides for specific setbacks, specifically Newell Street, to ensure that new development is compatible with nearby existing residential uses. The overlay Zone was amended by the County Council to create development credits for the demolition of existing buildings, although no development credits are being requested for this project.

The Sector Plan also states that the *“revitalization of the under-used buildings and properties in this gateway to the County and the CBD will create a strong economic future for a neighborhood of complementary mixed uses spurred by spin-off use from Discovery Communications”* [Resolution 14-416, p. 7]. This development proposes to revitalize a significant portion of an urban block currently filled vacant or underused buildings. The applicant proposes to construct 120 market-rate residential condominium apartments to compliment the adjacent residential neighborhoods. The visibility of the project and will add to the economic viability of downtown Silver Spring.

- B. Compatibility:** Directly across Newell Street is the Spring Garden Apartment and Springwood Apartment community. The Sector Plan and Ripley/South Silver Spring Overlay Zone address issues relevant to compatibility by requiring special development standards with regard to building heights and setbacks. The Overlay Zone requires that building heights along Newell Street confronting residential uses may not exceed 45 feet, although the building height may be increased to 90 feet if the structure is setback 60 feet from the street.

The proposed building will be 70 feet in height from the street grade at Newell Street and will be setback 62 feet from the Newell Street right-of-way. The building will be five stories along Newell Street and six stories along Kennett Street. The building frontage along Kennett Street will be at street level and will include the residential lobby. The buildings vehicular access to the parking garage, and primary loading and service area is located directly off of Newell Street. Loading will be visually screened to the south by the existing storage building and from Newell Street with appropriate landscaping. The access drops

in grade from Newell Street to enter the below grade parking garage. The loading will be screened as appropriate from the adjacent public open space plaza by the careful location of the proposed art and with landscaping as appropriate.

The applicant proposes to improve the streetscape with street trees, specialty pavers and lighting to assist in integrating the proposed building with the surrounding environment and residential communities. The applicant has committed to enhancing the public participation and enjoyment by proposing a public plaza with art, seating and landscaping. The project will also include an arcade leading from the public open space designated for the county parking garage along Kennett Street to the public plaza at the intersection of the two streets. The arcade will consist of landscape, art and specialty paving and lighting elements.

The open space designated for the county parking garage is proposed to include a generator for combined use by Montgomery County for their parking garage, and Discovery for their building across Kennett Street. The applicant originally proposed public use and amenity space adjacent to the County's existing space but the generator precluded any advantageous use of this area due to safety concerns and practical use of the area. The generator completely cuts the public use space in half and creates a visual barrier to the rear of the property, hindering any safe and useable access to East-West Highway. The applicant's proposal to provide the required public use and amenity space along Kennett Street, including the arcade, and at the intersection of Newell Street accomplishes the goals of amenity space for this project. Staff feels that the generator is not appropriate for the adjacent site but views it as an existing feature, and recommends that the proposed units are compatible with the surrounding uses based on the efforts made by the applicant to enhance the site.

- C. **Streetscape:** This development proposes improvement to Newell and Kennett Streets on the frontage of the property, which is consistent with the design guidelines of the *Silver Spring Streetscape Plan (Adopted April 1992) Technical Manual*.

The applicant proposes to improve Kennett Street as specified in the Silver Spring Streetscape Plan Technical Manual with the recommended species of Silver Lindens. Staff requests that the single Littleleaf Linden planted by DHCA be replaced with the appropriate Silver Linden at a similar size with the street trees established along Kennett Street.

The applicant also proposes to improve that portion of the south side of Newell Street from the parking garage entrance to Eastern Avenue with street trees and modifications to the sidewalk. Pavers or stone blocks will be placed over the modified section of sidewalk in the locations of the tree wells. A specific species of street trees is not recommended in the streetscape manual for improvements

along Newell Street, although, a suitable species will be reviewed by staff at site plan.

D. Silver Spring Wayfinding System: Coordinate with the Silver Spring Regional Service Center regarding the placement of any way finding signs as described by the Silver Spring Way finding System.

E. Public Art: The Planning Commission has formed an Art Review Panel composed of representatives from the development, academic and arts community. The Panel provides input on the location, type and community context for all public art proposed for Optional Method Development projects in Silver Spring. The public art component proposed by the applicant must be presented to the Silver Spring CBD Art Review Panel for review and comment prior to Site Plan review by the Planning Board.

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

The project is complementary to the range of commercial and residential characteristics of the surrounding neighborhood. The design and scale of the project, pedestrian and vehicular circulation and improvements to the streetscape provide an enhancing and interactive relationship with the South Silver Spring and adjacent District of Columbia community. The residential component of this mid-rise building is compatible with the properties to the north and west of the site, and provides a transitional buffer to the adjacent commercial uses, both adjacent to the site and within the CBD.

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

The project proposes market-rate units amid a number of housing projects within the downtown Silver Spring area. Parking for the proposed residential units will occur on-site within a sub-surface parking garage.

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

The Optional Method of Development permits a more efficient and desirable product than by using the standard method of development. The Project Plan proposes to use the optional method of development and is in conformance with the Silver Spring Sector Plan. The plan uses the more intense method of development standards conforming the goals of the Sector Plan and Ripley/South Silver Spring Overlay Zone. The proposed development is limited to 134, 821 square feet of gross floor area (Floor Area Ratio

“FAR” 1.88), utilizing the Optional Method of Development. The proposed development is well under the permitted 3.0 FAR for Optional Method Development for uses in the CBD-1 zone, although needs to use the optional method to accommodate the increase in height and lessened setbacks.

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

This proposal requires fifteen Moderately Priced Dwelling Units (MPDU's) or 12.5% of the proposed residential dwelling units within the development. The applicant is proposing to provide ten MPDU units on-site, and pay a fee-in-lieu for the remaining five MPDU units off-site. A letter requesting the fee-in-lieu for the units has been provided to the Department of Housing and Community Development, although no response has been forwarded to this office. Staff does not recommend a fee-in-lieu of the units off-site, rather, the entire 12.5% of the proposed residential units should be located within the development.

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

Not Applicable.

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

The requirements for forest conservation will be met through on-site landscaping or mitigation off-site, if applicable. A final forest conservation plan will be submitted for review at the time of site plan.

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

Conditional approval from the Montgomery County Department of Permitting Services (DPS) for Stormwater Management is pending. Approval of final Stormwater Management is required prior to submittal of the Site Plan application. Consideration of Green Roof Technology is recommended by DPS to address quality and quantity management.

APPENDICES

- A. Memos from Staff
- B. Letters from the Silver Spring Historical Society (includes Nomination to Historic Sites)
- C. Historic Preservation Commission recommendation
- D. Planning Board Recommendation for HPC action
- E. Letters from Silver Spring Chamber of Commerce, Silver Spring Urban District and the Woodside Park Civic Association
- F. Applicants request for fee-in-lieu of MPDU's

G:\APP_STAFFRPT\9-03000.doc