**MEMORANDUM**

**DATE:** July 11, 2003

**TO:** Montgomery County Planning Board

**VIA:** Joe Davis, Chief *JRD*  
Michael Ma, Supervisor *Ma*  
Development Review Division

**FROM:** Robert A. Kronenberg, RLA *RAK*  
Planning Department Staff  
(301) 495-2187

**REVIEW TYPE:** Site Plan Review

**APPLYING FOR:** Approval of 136,752 gross square feet (gfs) of residential development, including 120 condominium units on approximately 1.65 acres.

**PROJECT NAME:** **8045 Newell Street**

**CASE #:** 8-03037

**REVIEW BASIS:** Montgomery County Zoning Ordinance, Div. 59-D-3, Ripley/South Silver Spring Overlay Zone, Sec. 59-C-18.205

**ZONE:** Silver Spring CBD-1/Ripley/South Silver Spring Overlay Zone

**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

**APPLICANT:** 8045 Newell Street, LLC  
C/o Patriot Group, LLC

**FILING DATE:** May 5, 2003

**HEARING DATE:** July 17, 2003



**STAFF RECOMMENDATION:** The staff recommends approval of Site Plan #8-03037 for 136,752 gsf, including 120 condominium units, of which 10 are MPDU's in the Ripley/South Silver Spring Overlay Zone, with the following conditions:

1. Signature Set  
Prior to signature set approval of the site/landscape plans the following revisions shall be made and/or information provided, subject to staff review and approval:
  - a. Show all easements, LOD's, ROW's, Stormwater Management Parcels, development program inspection schedule, numbers and dates of approval on the drawing;
  - b. Applicant shall comply with the recommendations from the Art Review Panel for

- the design, construction and implementation of the public art [Appendix A] to be placed on the property. The public art shall be fully developed and reviewed by the Art Review Panel prior to signature set approval;
- c. Provide details and specifications for M-NCPPC staff review and approval for the pathway on the adjacent county property prior to signature set of site plans. The details of the plan must include the pathway, landscaping, lighting, benches and other appropriate amenities, in accordance with an agreement between the applicant, Montgomery County Department of Housing and Community Affairs and Montgomery County Parking Authority [See letters from DHCA, Appendix B];
2. Wayfinding Signs  
Applicant to coordinate with the Silver Spring Regional Center on the placement of any proposed wayfinding signs in accordance with the Silver Spring Wayfinding Plan or as amended;
  3. Public Use Space  
The proposed on-site public use space shall not be less than the proposed 21.3 percent of the net lot area of the site. The proposed off-site public use space and amenities shall not be less than 23.7 percent, with a total combined on-site and off-site public use space of 44.9 percent. The space shall be easily and readily accessible to the general public and used for public enjoyment;
  4. Moderately Priced Dwelling Units  
Applicant to provide ten (10) Moderately Priced Dwelling Units (MPDU's) on-site. The amount to be paid to the Housing Initiative Fund in-lieu of providing the remaining five (5) MPDU's on-site shall be determined by the Montgomery County of Department of Housing and Community Affairs (DHCA) [See letter from DHCA, Appendix B]
  5. Streetscape  
Landscape and Lighting Plan to show the following:
    - a. Provide streetscape improvements on the south side of Newell Street along the frontage of the property and extending to Eastern Avenue in accordance with the Silver Spring Streetscape (April 1992) technical manual, or as amended. Improvements to include replacement of existing sidewalk, relocation of curb and repave, special paving along the frontage of the property, installation of eleven 4-4.5" caliper Silver Lindens within a five foot grass strip parallel to the street;
    - b. Provide streetscape improvements on the west side of Kennett Street along the frontage of the property in accordance with the Silver Spring (April 1992) technical manual or as amended. Improvements to include special paving, street trees to match the existing Silver Lindens on Kennett Street, and specialty lighting;
    - c. The applicant shall accept the maintenance and responsibility for the proposed streetscape improvements along Newell and Kennett Streets;
    - d. Replace the Littleleaf Linden on Kennett Street with a 4-4.5" caliper Silver Linden.
  6. Site Plan Enforcement Agreement  
Submit a Site Plan Enforcement Agreement, including Development Program and Homeowners Association Documents for review and approval prior to approval of the

signature set as follows:

- a. Development Program to include a phasing schedule as follows:
    - i. Street tree planting, streetscape, art work, on-site and off-site amenities and the pathway system must progress as building is completed, but no later than 6 months after completion of the units and parking;
    - ii. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
    - iii. Coordination of each section of the development and roads;
    - iv. Phasing of dedications, stormwater management, sediment and erosion control, public use spaces and amenities or other features;
    - v. Phasing for the design and construction of the integrated pathway system.
  - b. No clearing or grading prior to M-NCPPC approval of signature set of plans.
  - c. Prior to ratification of the sales contract, the applicant/developer/builder shall disclose in writing to all prospective purchasers the future impacts of any off-site developments adjacent to the proposed building, in accordance with the Mont. Co. Zoning Ordinance and Subdivision Regulations. (i.e. development potential of adjacent storage building and co-housing site)
7. Stormwater Management

Condition of MCDPS stormwater management concept approval dated February 24, 2003. [Appendix C] This project is a green tape project with the Department of Permitting Services.

## SUMMARY

The applicant, Newell Street, LLC, received Project Plan (9-03000) and Preliminary Plan (1-03021) approval for 134, 821 gross floor area (gsf) of development on 1.65 acres from the Planning Board on February 27, 2003. The development will consist of 120 condominium condo units, 10 of which will be Moderately Priced Dwelling Units (MPDU's). An alternative agreement for an amount to be paid to the Housing Initiative Fund in-lieu of providing the remaining 5 MPDU's on-site will be determined by the applicant and the Montgomery County Department of Community Affairs (DHCA). The two existing buildings, including the former Blair Post Office have been demolished and will be replaced 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 County has designated this project as a "Green Tape" site due to the innovative techniques that are proposed for stormwater management, specifically "Green Roof Technology".

The proposal will improve streetscape frontage along the south side of Newell Street and west side of Kennett Street 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 90 underground parking spaces and two loading spaces near the Newell Street entrance to the parking garage.

## OUTSTANDING ISSUES PERTINENT TO SITE PLAN REVIEW:

### Development Issues

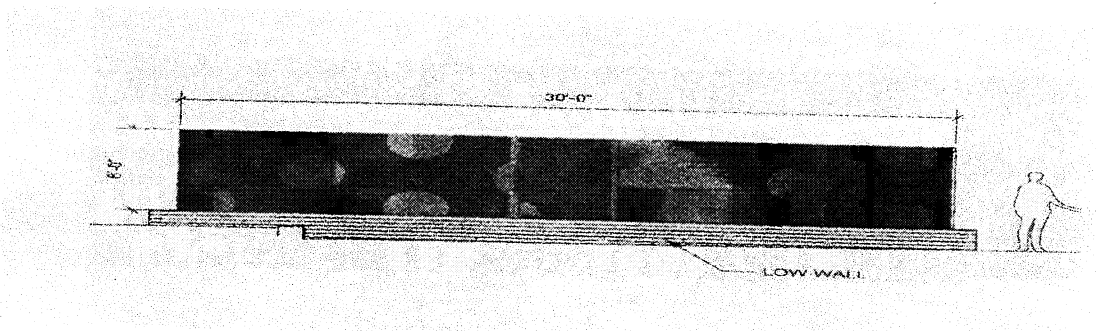
#### 1. Public Art

The applicant is required to provide an art component as part of the amenity feature for the Project Plan, under the Optional Method of Development. The art component is located in the plaza area at the intersection of Newell and Kennett Streets. The art is essentially an eight-foot by three foot by twenty-foot long wall. Details of the design for the art were to be determined during site plan with a review from the Art Review Panel. During the Project Plan, the Planning Board requested that the applicant *“present the public art components to the Silver Spring Art Review Panel for review and comment to be available to the Planning Board prior to signature set of site plan”*.

An Art Review Panel for Silver Spring was formed by M-NCPPC consisting of members from the Art, Academic and Development Community. The Art Review Panel provides guidance and design critiques for components of the location, type and context of all public art for proposed Optional Method Projects.

The applicant, along with Artist Heidi Lippman, presented a schematic design of the proposed art wall to the Art Review Panel on May 30, 2003. The proposed art wall is multi-colored glass composed of seven, 7/16-inch thick-framed panels made of tempered fused glass. It will be possible to see motion behind the wall as it is semi-transparent.

The Panel made specific technical and aesthetic comments relative to the design of the wall. The specific issues the Panel wanted the applicant and artist to address consisted of structural integrity of the wall, transparency and visibility of the art wall, lighting as an essential element, location of the proposed plant material associated with the wall, maintenance and wind load to permanence of the structure. The applicant is presenting the revisions associated with comments from the Art Review Panel on July 11, 2003. All of the outstanding issues must be resolved to the satisfaction of the Art Review Panel prior to signature set approval for the site plan.



2. **Moderately Priced Dwelling Units**

This proposal requires fifteen Moderately Priced Dwelling Units (MPDU's) or 12.5% of the proposed residential dwelling units in accordance with the requirements of Section 25- A on-site. The applicant has reached an agreement with the Montgomery County Department of Housing and Community Affairs (DHCA) to provide 10 of the MPDU's on-site with an alternative agreement for the remaining 5 MPDU's off-site. The agreement will include an amount to be paid by the applicant to the Housing Initiative Fund in-lieu of providing five of the units on-site.

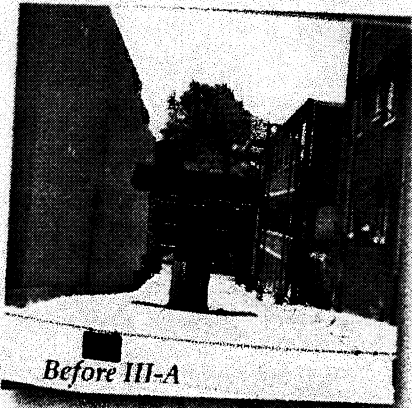
3. **Integrated Path System**

The Montgomery County Department of Housing and Community Affairs (DHCA) has prepared a conceptual Pedestrian Pathways Plan for South Silver Spring. The Pedestrian Pathways Plan consists of a series of pedestrian-oriented linkages routed primarily through the larger blocks typical of South Silver Spring. The pathways most affected by this development proposal are identified as III-B and III-C in Phase III of the plan. A briefing was held on May 15, 2003 to the Planning Board on the DHCA Pedestrian Pathways Plan.

The applicant, in coordination with DHCA, DPWT, Discovery Communications and the M-NCPPC planning staff, has agreed to design, construct and provide an easement for pathway III-B located in the public space between the proposed development and the County Garage 9 to the south. This fulfills the condition by the Planning Board to *"coordinate and participate financially with the Department of Housing and Community Affairs (DHCA) for the study and construction of an integrated path system on the County property adjacent to the parking garage and connecting Kennett Street and Eastern Avenue"*. The improvements include a concrete path, lighting and landscaping. The applicant has also agreed to provide an easement for the potential future implementation of pathway III-C located between the proposed development and Robbins Building to the west.

## Phase III: Kennett Links

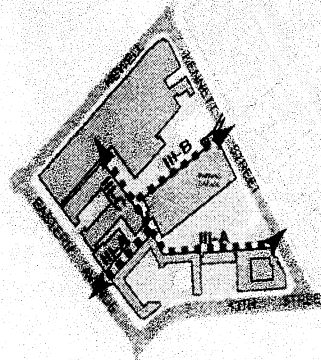
Impersonal driveways can become artistic attractions.



*This driveway from the public parking garage is not currently accessible.*



*This future driveway can provide residents and employees a pleasant and safe shortcut to services along Eastern Ave.*



### Add Streetscape Design Elements:

- Pavers
- Decorative Lighting
- Canopies
- Banners
- Planters and Landscaping
- Window Boxes
- New Signage
- Wall Mural

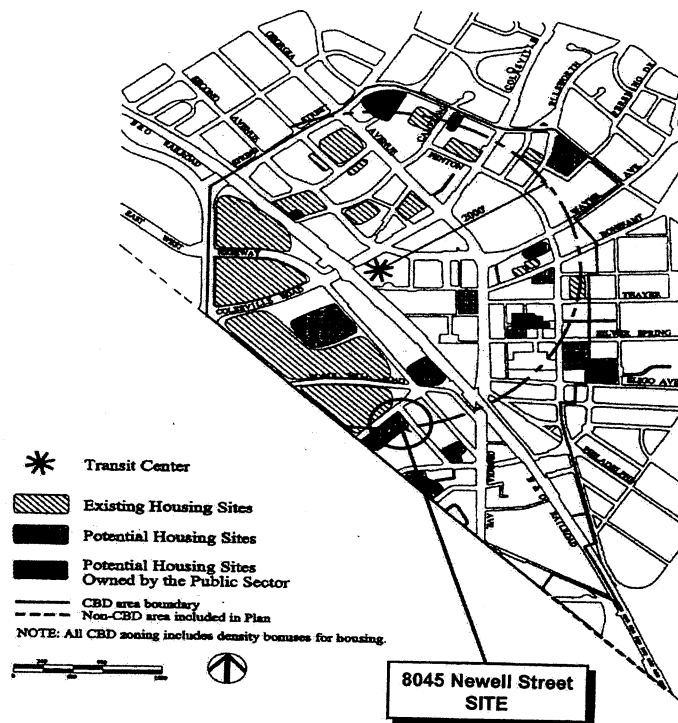
Photo of flag mural by Jack Ramsdale used with permission for DHCA sketch. Original mural by Meg Saligman

## 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 properties 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.

Attachment A- Map 35 Residential Downtown

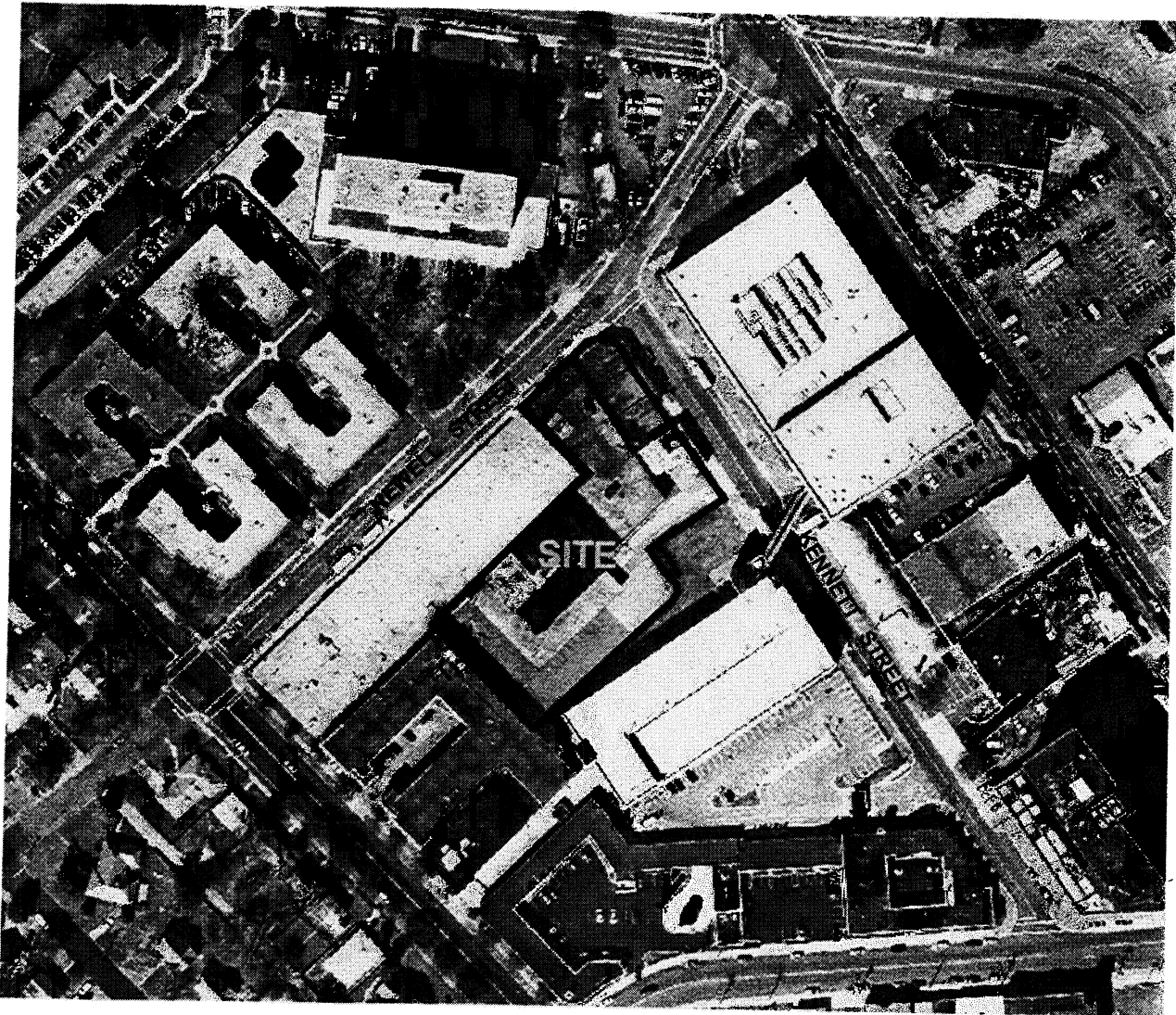
Map 35 Residential Downtown





## PROJECT DESCRIPTION: Surrounding Vicinity

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**PROJECT DESCRIPTION:            Prior Approvals**

The proposed development site is zoned CBD-R1 (Central Business District, Residential, 1.0). The subject properties (lots 14, 15 and p/o lots 14 and 15) were subdivided in June 27, 1905 (Plat B, Page 52). On October 25, 2001 a Project Plan (9-01001) and concurrent Preliminary Plan (1-01008) was submitted but withdrawn for a mixed use of office and restaurant.

Subsequently, a Preliminary Plan of Subdivision (1-03021) was presented to the Planning Board along with the Project Plan (9-03000) on February 27, 2003 and approved with the following conditions:

Preliminary Plan (1-03021)

*Approval, subject to the following conditions:*

- 1) *Approval, under this preliminary plan, is limited to one-hundred twenty (120) condominium garden apartments*
- 2) *Record plat to reflect dedication of 70 feet of right-of-way along Newell Street*
- 3) *Record plat to reflect dedication of 60 feet of right-of-way along Kennett Street*
- 4) *Provide five foot sidewalk along Newell Street and eight foot sidewalk along Kennett Street as shown on approved preliminary plan*
- 5) *Participate in the Silver Spring Transportation Management District in accordance with the approved Traffic Mitigation Agreement*
- 6) *Conditions of MCDPS stormwater management approval*
- 7) *No clearing, grading (except that allowed under DPS permit for the demolition of structures and removal of debris) or recording of plats prior to site plan enforcement agreement approval*
- 8) *Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bike paths will be determined at site plan*
- 9) *This preliminary plan will remain valid for thirty-seven (37) months from the date of mailing of the Planning Board opinion. Prior to the expiration of this validity period, a final record plat for all the property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed*
- 10) *The Adequate Public Facilities (APF) review for this preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion*
- 11) *Other necessary easements*

Project Plan (9-03000)

*Therefore the Montgomery County Planning Board **APPROVES** Project Plan #9-03000, for 134, 821 gross square feet, including 120 condominium apartment units, with the number of MPDU's required by the Montgomery County Code, as required by DHCA, 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.*

**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**

*Initially, the applicant, and subsequently, within ninety days of formation, the Condo Association 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.*

*The off-site streetscape improvements along Newell Street from the property line to Eastern Avenue shall include the installation of eight shade trees and minor modifications to the curb and sidewalk as shown on the development plan.*

**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 conceptual public art components to the Silver Spring CBD Art Review Panel for review and comment to be available to the Planning Board;*
- c. *Coordinate and participate financially with the Department of Housing and Community Affairs (DHCA) for the study and construction 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 Silver Spring CBD Art Review Panel prior to signature set for site plan.*

**10. Moderately Priced Dwelling Units**

*The applicant shall provide 12.5%, or 15 MPDU's on-site, per the requirements of Section 25A on-site. Alternatively, if the Director of the Department of Housing and Community Affairs (DHCA) finds, pursuant to Section 25A-5(e) that this is an exceptional case, Applicant shall provide the number of on-site MPDU's required by DHCA and shall make a monetary contribution to the Housing Initiative Fund that will produce significantly more off-site MPDU's than the number of MPDU's removed from the site.*

**11. Maintenance of Public Open Spaces**

*Initially, the applicant, and within 90 days of its formation, the Condominium Association shall enter into an agreement with the Silver Spring Urban District for the on-going maintenance of public open spaces associated with this project.*

**12. Historic Preservation**

*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.*

## **PROJECT DESCRIPTION: Proposal**

The Newell Street Lofts Development proposes a 136,752 square foot building, including 120 residential condominium units, of which 10 are MPDU's. The total FAR will be 1.90 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 90 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 artwork 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*.

### **Relationship to the South Silver Spring Pathways Plan**

The Montgomery County Department of Housing and Community Affairs (DHCA) has prepared a conceptual Pedestrian Pathways Plan for South Silver Spring. The Pedestrian Pathways Plan consists of a series of pedestrian-oriented linkages routed primarily through the larger blocks typical of South Silver Spring. The pathways most affected by this development proposal are identified as III-B and III-C in Phase 3 of the plan. A briefing was held on May 15, 2003 to the Planning Board on the DHCA Pedestrian Pathways Plan.

The Applicant, in coordination with DHCA, DPWT, Discovery Communications and the planning staff, has agreed to design, construct and provide an easement for pathway III-B located in the public space between the proposed development and the County Garage 9 to the south. The improvements include a concrete path, lighting and landscape plantings. The Applicant has also agreed to provide an easement for the potential future implementation of pathway III-C located between the proposed development and the Robbins Building to the west.

## DISCUSSION OF ISSUES

### ANALYSIS: Conformance to Master Plan

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 136,752 sf (1.90 FAR) of 120 residential condominium apartments including 10 MPDU's. 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 13,040 sf of the net lot area on site, in public use space, in addition to the 14,500 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 27,540 sf or 44.9% 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.

**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.



**ANALYSIS: Conformance to Development Standards**

**PROJECT DATA TABLE**

Development Standard	Permitted/ Required	Proposed
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 10 MPDU's)*
Floor Area Ratio (FAR): Optional Method (3 FAR)	3 (213,891 sf)	1.9 (136, 752 sf)
Building Height (ft.):	90 **	70 ft at Newell St.
Parking:	N/A***	90 (incl. 4 H/C)
Public Use Space (% of net lot area): On-Site	20% or 12,260 sf	21.3% or 13,040 sf
Off-Site		23.7% or 14,500 sf
Total On and Off-Site Public Use Space		44.9% or 27,540 sf

\* The Department of Housing and Community Affairs (DHCA) has entered into an alternative agreement for the five moderately priced dwelling units required for the proposed development with the applicant.

\*\* 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 a reduction of the required spaces is permitted in the Parking District. The applicant shall pay a tax to the Parking District for the remaining required spaces for maintenance and upkeep of the facilities.

### Recreation Analysis

<b>120 units-High Rise</b>	<b>D1</b>	<b>D2</b>	<b>D3</b>	<b>D4</b>	<b>D5</b>
	<b>Tots</b>	<b>Children</b>	<b>Teens</b>	<b>Adults</b>	<b>Seniors</b>
<b><u>Demand Points</u></b>					
Demand/100 units	4	4	4	77	46
120 units	<b>4.8</b>	<b>4.8</b>	<b>4.8</b>	<b>92.4</b>	<b>55.2</b>
<b><u>Supply Points</u></b>					
26A Indoor Community Space					
Unit Supply Values	0.10	0.15	0.30	0.30	0.40
Project Supply Values	0.48	0.72	1.44	27.72	22.08
Indoor Fitness Facility (2)					
Unit Supply Values	0.00	0.10	0.10	0.20	0.15
Project Supply Values	0.00	0.96	0.96	36.96	16.56
Picnic/Seating (7)					
Unit Supply Values	1.00	1.00	1.50	5.00	2.00
Project Supply Values	7.00	7.00	10.50	35.00	14.00
<b>Total Demand Points</b>	<b>4.8</b>	<b>4.8</b>	<b>4.8</b>	<b>92.4</b>	<b>55.2</b>
<b>Total Supply Points</b>	<b>7.48</b>	<b>7.48</b>	<b>12.90</b>	<b>99.68</b>	<b>52.64</b>

### Moderately Priced Dwelling Units (MPDU's)

**Required:** 12.5% of 120 dwelling units=15 units

**Proposed:** 10 units on-site, 5 units off-site\*

\*The Department of Housing and Community Affairs (DHCA) has entered into an alternative agreement for the five moderately priced dwelling units required for the proposed development with the applicant.

**FINDINGS for Site Plan Review:**

1. *The site plan is consistent with an approved development plan or a project plan for the optional method of development, if required.*

The site plan is consistent with the conditions of the approved Project Plan (#9-03000) for Optional Method of Development. The Planning Board approved the Project Plan on February 27, 2003.

2. *The site plan meets all of the requirements of the zone in which it is located.*

See Project Data Table above.

3. *The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

- a. **Location of Buildings**

The layout of the building was designed and oriented to incorporate architectural features consistent with the residential uses for a Central Business District.

The building is oriented to the lot configuration in an L-shaped configuration, taking advantage of the two adjacent streets. The primary front for the building is on Kennett Street with views from the condominiums to Newell Street.

- b. **Open Spaces**

Storm water management concept was approved on February 24, 2003 by DPS and consists of on-site water quantity control via a green roof and separator sand filter.

Green roof technology will be further implemented through DPS and is targeted as a "Green Tape" project due to the Green Roof Technology being utilized within the urban district.

- c. **Landscaping and Lighting**

The landscaping and lighting provides safety and efficiency for daily users of the site, neighboring residents and visitors in this urban setting.

The Applicant proposes streetscape improvements that are consistent with the design and materials specified in the *Silver Spring Streetscape* technical manual (April 1992).

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 artwork 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*. In addition, the existing sidewalk will be replaced along Newell Street from the property line and extending down to Eastern Avenue. Nine 4-4.5" caliper Silver Lindens will be installed in the grass strip parallel to the road.

Additional landscaping, seating and lighting will be constructed by the applicant to be incorporated into the design of the integrated pathway system, adjacent to the parking garage. The pathway is part of the County's Pedestrian Pathway Plan for pedestrian linkages through South Silver Spring.

d. Recreation

Recreation is provided in the form of Indoor Community Space and a Fitness Facility. The Community Space consists of rooms to accommodate meetings, games, club, office and restrooms and the Fitness Facility will include weight training and aerobic stations for the residents. The remainder of the recreation provided on-site consists of tables and benches within the private community space.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation in general is adequate, safe and efficient.

Vehicular access for the residents will consist of a below-grade parking structure accommodating 90 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.

Pedestrian circulation consists of an improved streetscape along the frontage of Newell and Kennett Streets, and extending to Eastern Avenue. The applicant has agreed to replace the sidewalk from the frontage of the property to Eastern Avenue.

Pedestrian circulation has also been expanded to include a portion of the integrated pathway system adjacent to the parking garage. The path will connect with an existing sidewalk leading to Kennett Street and provide future connections to the Robbins Building. The applicant has also agreed to place an easement on the west side of the property for additional path connections for links to the pedestrian system.

4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.

The structure and use is compatible with other uses and with existing and proposed adjacent development.

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.

The activity associated with the proposed development will not cause any negative effect on adjacent residential or commercial uses.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest*

*conservation.*

The property is exempt from Forest Conservation requirements.

## **APPENDIX**

- A. Memorandums from Community Based Planning Staff dated June 10, 2003 and July 10, 2003
- B. Memorandums from DHCA dated June 26, 2003
- C. Stormwater management concept approval from DPS dated February 24, 2003
- D. Letter from Linowes and Blocher dated May 2, 2003

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