



MONTGOMERY COUNTY PLANNING BOARD

O P I N I O N

DATE MAILED: April 30, 2004

PROJECT PLAN REVIEW 9-04005

PROJECT NAME: 930 Wayne Avenue

Action: Project Plan 9-04005, Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Wellington, with a vote of 4-0, Commissioners, Bryant, Robinson, Perdue and Wellington voting for. Commissioner Berlage was necessarily absent.

The date of this written opinion is April 30, 2004 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before May 31, 2004 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this Project Plan shall remain valid until April 30, 2006 (24 months from the initiation date, provided the applicant has filed a complete site plan application within 18 months of the initiation date), as provided in Section 59-D-2.7.

On April 29, 2004 Project Plan Review #9-04005 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

1. *As conditioned, the proposal complies with all of the intents and requirements of the CBD-2 zone.*
2. *As conditioned, the proposal conforms to the approved and adopted sector plan or an urban renewal plan approved under Chapter 56.*
3. *As conditioned, because of its location, size, intensity, design, operational characteristics and staging, the proposal is compatible with and not detrimental to existing or potential development in the general neighborhood.*

4. *As conditioned, the proposal does 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.*
5. *The proposal is more efficient and desirable than could be accomplished by the use of the standard method of development.*
6. *The proposal will include moderately priced dwellings units in accordance with Chapter 25A of this code.*
7. *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*
8. *As conditioned, the proposal satisfies any applicable requirements for water quality resource protection under Chapter 19.*

Therefore, the Montgomery County Planning Board **APPROVES** the Project Plan #9-04005 for 151,140 gross square feet, including 143 condominium apartments units, of which 18 are MPDUs and 1,740 square feet of commercial, with the following conditions:

1. Development Ceiling

The proposed development shall be limited to 151,140 square feet of gross floor area (Floor Area Ratio 5.0), for a total of 143 condominium apartments and 1,740 square feet of commercial.

2. Building Height/Mass

The height of the proposed building shall not exceed the maximum permitted height of 143 feet.

3. Transportation Improvements

The applicant shall dedicate 40 feet from the centerline to provide for a total of 80 feet right-of-way for Wayne Avenue as shown on the plan.

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. Landscaping to be installed no later than the next growing season after completion of building and public plaza.
- c. Art work to be installed prior to occupancy of the building.

6. Management Organization

Initially, the applicant, and subsequently, within ninety days of formation, the Condominium 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 full streetscape improvements along the Wayne Avenue frontage using the *Silver Spring Streetscape Plan (April 1992)* Technical Manual. The following elements are proposed: stone, precast concrete, brick pavers, street trees, lighting, and any other details that are necessary, including the undergrounding of utilities along the frontage of the property, to fulfill the streetscape standards. Off-site improvements shall be provided from the west property line of the subject site, on the south side of Wayne Avenue to the access alley at the intersection with Georgia Avenue. The following elements for off-site improvements are proposed: brick pavers, street trees, lighting, and any other details that are necessary, including the undergrounding of utilities on the south side of Wayne Avenue to Georgia Avenue, 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 prior to the submittal of site plan;
- c. Submit a revised Preliminary Plan (#1-89288) concurrently with the Site Plan, specifically to correct the previously approved land-use for a hotel and amount of retail.

9. Public Art

A public art program shall be developed to include a stainless steel structure measuring 85 feet wide, 22 feet tall and 34 feet deep, or as recommended by the Art Review Panel. The sculpture will be designed as an open latticework and curvilinear geometry of stainless steel pipe to complement the height and mass of the building. The public art shall enrich the pedestrian experience and be integrated with the design of the proposed building and public use space. 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 (MPDUs)

The applicant shall provide 12.5% or 18 MPDUs per the requirements of Chapter 25A on-site.

11. Maintenance of Public Open Spaces

Prior to occupancy of the building, the applicant, and subsequently within ninety days of 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.