

PLANNING AND REGULATORY FRAMEWORK:

Master Plan

The Project Plan is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan (February 2000), including the provisions in the Ripley/South Silver Spring Overlay Zone. A description of the themes and goals for Silver Spring are outlined with the Sector Plan Conformance standards on page 21 of this report.

Prior Approvals

The proposed development is zoned CBD-2 (Central Business District-2). This property consists of two separately platted parcels, N864, an unrecorded lot, and N811, shown on plat no. 5534.

Preliminary Plan

A Preliminary Plan of Subdivision (1-05084) is being reviewed concurrently with the Project Plan.

BASIS FOR CONSIDERATION OF ISSUES

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

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

FINDINGS for Project Plan Review:

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

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

Purpose Clause Section 59-C-6.212

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

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

The Project Plan proposes to use the optional method of development and is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan. The proposed development is a high-rise condominium, comprised of approximately 247 dwelling units. High density residential, office and commercial retail uses are permitted in the CBD-2 Zone.

The building is proposed for 13 stories or 142 feet, which is in conformance with the Montgomery County Zoning Ordinance that permits up to 143 feet in height under the Optional Method. The site is within the Ripley/South Silver Spring Overlay Zone, which provides for flexibility of development standards to encourage innovative design solutions. The project is proposing 247 dwelling units, including 31 (12.5%) Moderately Priced Dwelling Units (MPDUs) provided on-site. The proposal reflects a floor area ratio (FAR) of 4.50 or approximately 275,150 square feet. The maximum density allowed under the zone for mixed-use projects is 5.0 or 305,170 square feet.

The Project Plan will accomplish important Sector Plan objectives by providing a residential component within south Silver Spring, including Moderately Priced Dwelling Units, promoting redevelopment of vacant and underutilized properties, protecting nearby residential development, upgrading the physical environment and providing a pedestrian environment with local retail opportunities. The proposal improves the area by replacing two existing auto-related facilities and surface parking lot with a modern mixed-use high-rise 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 encourages housing and retail as an important component to the revitalization efforts for the Ripley/South Silver Spring area.

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 the pedestrian environment within the improved streetscapes. The improved streetscape, along with the amenities addressing the need for public interaction, enhance the downtown Silver Spring area. The project supports the economic base in the downtown by making it easier for workers in Silver Spring to live near their jobs. This project will also increase the vitality of downtown Silver Spring and add an economic infrastructure for commercial and retail businesses in south Silver Spring, especially with the development activity that provides only residential units.

- (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 south Silver Spring corridor by complementing the scale and mix of existing design elements along East-West Highway and Blair Mill Road and providing a compatible and desirable relationship with adjacent and surrounding uses. The proposed design provides a retail component along East-West Highway that will blend in with the existing retail and office uses. This provides the pedestrian friendly environment envisioned in the Sector Plan. The 142-foot building provides the necessary and applicable transition from the adjacent residential neighborhoods south and west East-West Highway and Blair Mill Road to the higher density uses and buildings that front East-West Highway toward Colesville Road.

The design creates an effective relationship with adjacent uses and amenities and allows for a more interactive pedestrian and vehicular pattern.

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

The proposed development is located approximately 1600-1800 feet from the Silver Spring Metro Station. The proximity to transit facilities, as well as the downtown employment core, will reduce the dependency on the automobile for the residents of the development. The streetscape improvements along East-West Highway and Blair Mill Road facilitate the desire for pedestrian connectivity to the metro station core areas of development within Silver Spring, especially with the existing and proposed improvements to East-West Highway in conjunction with the new developments under way. The proposed streetscape improvements along Blair Mill Road will promote pedestrian circulation to East-West Highway from Eastern Avenue for the residents of Springwood apartments to the south and west, as well as residents of Shepherd Park in the District. The expanded streetscape improvements along the southwest side of East-West Highway will direct pedestrian circulation to Colesville Road and Georgia Avenue and the associated businesses and restaurants in the downtown corridor.

The applicant will enter into a traffic mitigation agreement (TMA) with the Planning Board to help the Project achieve the non-driver commuting goal for development in the Silver Spring CBD. The TMA will outline possible transit alternatives, monitoring of the program and commuter display information. The Applicant is also coordinating with the developments across East-West Highway as part of their traffic mitigation to realign the crosswalks on East-West Highway to promote a safer crossing.

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

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

Vehicular circulation is enhanced with improved right-of-way along the southwest side of East-West Highway. An additional 25 feet is being proposed for dedication along the applicant’s property line to expand the total right-of-way dedication to 100 feet from the opposite side of East-West Highway. The Applicant has requested a reduction of the 110-foot right-of-way that is recommended in the Sector Plan. The 10-foot reduction will accommodate all of the optional method streetscape treatments, including a combined 15-foot-wide sidewalk and shared-use Class I bikeway (off-road). Additionally, the reduction would allow for window fenestration on the western (rear) property line that greatly enhances the appearance and livability of the building. The Applicant is requesting a right-of-way reduction of 7 feet from the 70 feet recommended by the Sector Plan for Blair Mill Road. The additional 3-foot dedication to the existing 60-foot right-of-way will provide for the standard Silver Spring streetscape improvements and Class II bikeway (on-road).

The entrance to the parking garage and loading area is located at the southwestern end of the property with direct access from Blair Mill Road. The parking garage is a 2-level below grade structure planned to accommodate 220 parking spaces. Signs indicating traffic circulation in and out of the garage will promote safety for pedestrian activity in the public use space.

The streetscape improvements along East-West Highway and Blair Mill Road will facilitate the desire for pedestrian connectivity to the bus and metro station. The streetscape improvements are being expanded along East-West Highway to complement that portion of the existing streetscape on the southwest side and the existing and proposed streetscape improvements on the opposite side of the road. The full streetscape improvements along East-West Highway will complete a portion of the block all the way to Colesville Road. The mixed street and store frontage along East-West Highway provides pedestrian movement.

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

The Sector Plan recognizes the need for market rate units in the CBD and the objectives of Montgomery County for moderately priced housing is to provide Moderately Priced Dwelling Units (MPDUs) where public facilities, services and transit options are readily available. Consistent with Chapter 25A, the applicant is committed to providing 31 MPDUs within the building, which represents 12.5% of the total number of dwelling units.

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

The project assembles two parcels for a significant, unified redevelopment initiative of the currently underutilized sites. The Sector Plan does not specifically identify the proposed project site as a potential housing site, however, the Sector Plan encourages housing as an important component of the revitalization efforts for downtown Silver Spring and does recommend a residential zone for the property. The project plan responds to the need for housing in downtown Silver Spring and addresses the need for smart growth policies where infrastructure, community facilities and elements of an urban district already exist. The project plan introduces market-rate condo units and retail into an existing framework of commercial and retail use in downtown Silver Spring, further encouraging revitalization in the downtown corridor.

Additional intent of the CBD-2 Zone (Section 59-C-6.213) states that:

(b) *In the CBD-R1, CBD-R2, CBD-2 and CBD-3 zones it is further the intent to foster and promote the orderly development of the Central Business Districts of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment.*

The Project will enhance the economic status of the County while providing sources of employment and living opportunities. New retail space and a variety of condominium types in close proximity to the Silver Spring Metro and Transit Center provides an expanding source of both residential and employment opportunities in the urban environment of South Silver Spring. The bulk and height of the proposed building is consistent with the Sector Plan recommendations. The building height and setbacks along East-West Highway and Blair Mill Road and the development of an urban plaza at the intersection of East-West Highway and Blair Mill Road have a compatible relationship with surrounding uses. Furthermore, the design and residential nature of the proposed building will provide the perfect transition from the CBD-2 zone on the eastern side of East-West Highway to CBD-R2 zone on the western side.

Section 59-C-6.23 describes the development standards applicable to the CBD-2 Zone. The table contained in the Project Plan section of this report summarizes the requirements and features provided in the Project.

PROJECT DATA TABLE (CBD-2)

Development Standard	Permitted/ Required	Proposed
Gross Tract Area (sf.):	22,000	61,034*
Net Lot Area (sf.):		31,789
Gross Floor Area (sq. ft.):		
Retail		10,600
Residential		<u>264,4000</u>
Total	305,170	275,000
Floor Area Ratio (FAR):	5.0	4.51
Public Use Space (%/ sf.):		
On-site Public Use Space	(20%) 6,360	(24%) 7,658
Off-site Public Use Space		<u>(36%) 11,511</u>
Total Public Use Space	(20%) 6,360	(60%) 19,169
Total Private Amenity Space (sf):		4,461
Max. Building Height (ft.):	143	142 (14 stories)
Parking:		
Residential Uses (Mkt. Rate)		
Efficiency Units @ 1 sp./unit (11 x 1.0)	11	
1 BR @ 1.25 sp./unit (136 x 1.25)	170	
2 BR @ 1.50 sp./unit (57 x 1.50)	86	
2 Br + Den @1.50 sp./unit (12 x 1.50)	18	
Residential Uses (MPDUs)		
Efficiency Units @ 0.5 sp./unit (2 x 0.50)	1	
1 BR @ 0.625 sp./unit (20 x 0.625)	13	
2 BR @ 0.75 sp./unit (8 x 0.75)	6	
2 Br + Den @1.50 sp./unit (1 x 1.50)	2	
Residential subtotal:	307	
Retail Uses:		
(10,600 sf @5 sp./1000)	<u>53</u>	
Total Base Parking Spaces	360	220**

* Includes previous dedication of 20,375 square feet on East-West Highway and proposed dedication of 8,135 square feet on East-West Highway.

** Site is within the limits of the Parking Lot District and not required to provide any parking spaces pursuant to Sect. 59-E-3 of the Montgomery County Zoning Ordinance; however, the PLD will assess a parking tax for the maintenance and use of the county facilities based on the number of spaces required for the uses proposed at the time of building permit. Parking credits are also applicable pursuant to Section 59-E-3.3 for residential in the CBD and proximity to the metro. The Applicant is proposing "vault space" under the rights-of-way for East-West Highway and Blair Mill Road to accommodate the 220 parking spaces proposed in the subsurface garage. The Applicant may not be able to accommodate the total number of proposed spaces if the "vault space" is not acceptable to the Montgomery County Department of Public Works.

Amenities and Facilities Summary

On-Site Improvements

East-West Highway and Blair Mill Road Urban Public Plaza

- Brick paved public plaza along majority of site frontage to complement streetscape improvements.
- Expand the existing streetscape improvements along East-West Highway and Blair Mill Road to include specialty pavers.
- Public Art to highlight public's interest of the revitalization efforts of downtown Silver Spring. A public art program shall be developed to include innovative types of new glass and light refraction technology. The artist will work with the project team to explore several opportunities for incorporation of significant art as part of the building and within the paving and seating elements that define the public use space.
- Specialty lighting in the plaza and up lighting of the art elements to softly accentuate and visually activate the plaza at night.
- The paving in the plaza will be designed to include patterns that complement the artwork, including the benches and railings.
- Landscape beds and planters with irrigation and plant material for seasonal accent and color. Plaza trees to be complementary to the proposed East-West Highway and Blair Mill Road streetscape, as well as providing a canopy for shade within the seating areas.
- Existing overhead utilities to be undergrounded consistent with the Silver Spring Master Plan.
- Make available a space for public outdoor interaction and activities.
- Make available a space for entertainment, as needed in conjunction with the Silver Spring Urban District (SSUD), and accommodations for outdoor entertainment.

Off-Site Improvements

East-West Highway Right-of-Way

- Streetscape on the south side of East-West Highway along the entire property frontage to be expanded to include Brick Pavers consistent with *Silver Spring Streetscape Technical Manual*, or as modified to include the bikeway.
- Provide a 15-foot-wide sidewalk and shared-use path separated from the curb by street trees.
- Existing overhead utilities and street level meters to be installed underground consistent with the Silver Spring Master Plan and the *Silver Spring Streetscape Technical Manual*.

Blair Mill Road Right-of-Way

- Streetscape (Type B) on the north side of Blair Mill Road, along the entire property frontage, to include street trees, brick pavers and street lights (Washington Globe) consistent with the standards of the *Silver Spring Streetscape Technical Manual*.
- Granite sets within the tree pits as specified in the *Silver Spring Streetscape Technical Manual*.
- Existing overhead utilities and street level meters to be installed underground consistent with the Silver Spring Master Plan and the *Silver Spring Streetscape Technical Manual*.

- (b) *As conditioned, 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 Silver Spring CBD Sector Plan recommends the CBD-2 zoning for this site, which was applied through a Sectional Map Amendment (SMA) adopted July 18, 2000, consistent with County Council Resolution 14-600. The property is within the Ripley/South Silver Spring Overlay Zone, which provides for flexibility of development standards to encourage innovative design solutions.

The proposed mixed-use development is comprised of 247 residential condominium units and 10,600 square feet of ground floor retail for a total of approximately 275,000 square feet of development. The permitted maximum density for this site is 5.0 FAR (floor area ratio) or 305,170 square feet of mixed-use development. The application is proposing to develop the site under the optional method of development.

The minimum required public use space for this project is 6,360 square feet (20% of the net lot area). The applicant is proposing 7,658 square feet of on-site public use space and amenities (24% of the net lot area). The applicant also proposes an additional 11,511 square feet of off-site public use space including the streetscape improvements to East-West Highway and Blair Mill Road for a total of 19,169 square feet (or 60% of the net lot area) of public use space, amenities and off-site improvements.

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. Four of these six themes (*i.e. a Residential Downtown, a Green Downtown, a Commercial Downtown and a Pedestrian-friendly Downtown*) directly apply to this development. This project expands the employment base within the CBD by providing new retail opportunities to serve the surrounding neighborhood. The Sector Plan does not specifically identify the proposed project site as a potential housing site. However, the Sector Plan does encourage housing as an important component to the revitalization efforts of downtown Silver Spring.

The proposed project will include new public open space and an art amenity. This project encourages the development of active urban streets by providing building entrances along East-West Highway and easily accessible and highly visible public space with a significant public art component as an activity generator. This proposal improves the quality of the pedestrian environment by extending the East-West Highway streetscape treatment and other amenities required for optional method projects, as well as providing a shared-use path on East-West Highway. The proximity to transit facilities and to the downtown employment core will reduce the dependency on the automobile for the residents of the development.

- A. Compatibility:** The proposed mixed-use project is adjacent to the Blair East high-rise apartment building to the north, Blair East parking structure to the west and the Spring Garden apartment building to the south. The Silver Spring Square (The Silverton) condominium and the Bennington apartment buildings are located across East-West Highway from the proposed development. The varying heights from 4 to 15 stories on

these existing and proposed building provides for a compatible relationship. The proposed development meets the intent of the Sector Plan and the Montgomery County Zoning Ordinance in terms of height and massing, and will not adversely affect the surrounding properties, the streetscape or the adequacy of light and air.

- B. **Silver Spring Wayfinding System:** According to the Silver Spring Wayfinding Master Plan prepared by the Silver Spring Regional Center, there are two wayfinding signs (#40-Type C1 and #210-Type D2) programmed along East-West Highway. Staff recommends the Applicant coordinate with the Silver Spring Regional Center for the placement of the proposed signs within the public right-of-way.
- C. **Sector Plan Street Rights-of-Way:** The existing right-of-way for East-West Highway is approximately 75 feet and has an asymmetrical (street not centered) cross section. The Sector Plan recommends a 110-foot right-of-way for East-West Highway; however, the Applicant is requesting a reduction in the full width to 100 feet. The Applicant justifies the 10-foot reduction by demonstrating that the 100-foot right-of-way more than adequately accommodates any current or future road width, streetscaping and the Class I bikeway.

Blair Mill Road has an existing 60-foot street right-of-way and is symmetrical (street centered). The Sector Plan recommends a street right-of-way of 70 feet for Blair Mill Road. The Applicant is proposing to provide an additional 3 feet of right-of-way along their property frontage for a total of 63 feet. The 7-foot reduction allows the proposed development to include a minimum 12-foot-wide sidewalk (streetscape), three travel lanes within the dedicated portion of Blair Mill Road and a Class III (on-road) bikeway. The reduced right-of-way meets the circulation criteria and recommendations in the Sector Plan. The Applicant is proposing to reduce the Blair Mill Road right-of-way based on the expectation that the abandonment of the road between East-West Highway and Georgia Avenue will reduce the traffic volumes anticipated by the Sector Plan. The abandonment of this portion of Blair Mill Road as part of the approved Silver Spring Gateway project may leave the remainder of Blair Mill Road operating as a local secondary residential street. Community-Based Planning staff notes that the Sector Plan did not anticipate the abandonment of the road to the east of this project. It may have an affect on circulation but there is no empirical data to determine any adverse effects by not requiring the full master planned right-of-way. Blair Mill Road functions as a residential street and appears to adequately address the needs for circulation and on-street parking for the residents it serves. Community-Based Planning staff expects that Blair Mill Road will continue to function this way and recommend the reduction of the right-of-way from 70 feet to 63 feet.

- D. **Streetscape:** The applicant proposes to improve the East-West Highway and Blair Mill Road streetscape along the frontage of their property. The East-West Highway streetscape treatment consists of a combined 15-foot-wide sidewalk and shared-use path separated from the curb by street trees. The Blair Mill Road frontage will be improved with the Type 'B' streetscape treatment. The streetscape public amenities for the proposed development shall be in accordance with the standards recommended in the *Silver Spring Streetscape* (April 1992) technical manual, or as modified to include the bikeway. The applicant proposes to implement some non-standard paving elements within the street rights-of-way located in proximity to their main public space.

E. Sector Plan Bikeways: The Sector Plan recommends a Class I bikeway (off-road, shared-use path) along the west side of East-West Highway and a Class II or III bikeway (on-road, bike lanes or signed shared roadway). Staff recommends a 10-foot Class I bikeway (off-road, shared use path) along the East-West Highway frontage and a Class III bikeway (on-road, signed shared bikeway) along Blair Mill Road.

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

The proposed development is compatible with existing and proposed development within the surrounding area with regard to height, design of the building and public spaces, intensity of the development and operational characteristics.

The proposed mixed-use project is adjacent to the 15-story Blair Towers high-rise apartment building to the north, Blair East parking structure to the west and the 4-story mid-rise Spring Garden apartment building to the south. Directly across East-West Highway is the 4-story Silver Spring Square (The Silverton) condominium, flanked by the 15-story Bennington apartment building to the north and the planned 14-story Silver Spring Gateway mixed-use project to the south. The subject development meets the intent of the Sector Plan and the Montgomery County Zoning Ordinance in terms of height and massing, and will not adversely affect the surrounding properties, the streetscape or the adequacy of providing light and air.

(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 residential units and retail uses, surrounded by a variety of housing projects and commercial office and retail businesses within the downtown Silver Spring area. Parking for the proposed residential units will occur on-site within a below-grade 2-level parking garage. The parking requirement for the proposed residential use equals 307 spaces, with a credit for residential uses in the CBD and credits for proximity to the metro station. The total parking requirement for all uses is 360 with parking credits. A total of 220 parking spaces for the proposed 247 units and 10,600 square feet of retail are being provided in the subsurface parking area. The Applicant is proposing "vault space" under the rights-of-way for East-West Highway and Blair Mill Road to accommodate the 220 parking spaces proposed in the subsurface garage. The Applicant may not be able to accommodate the total number of proposed spaces if the "vault space" is not acceptable to the Montgomery County Department of Public Works. The parking garage design proposes a "flex car" space to serve the building's residents and maximize the total number of spaces physically possible for the structure. The parking spaces needed to satisfy the County Parking Ordinance for the proposed uses will take advantage of the nearby county parking facilities due to the fact that the site is located within the Silver Spring Parking Lot District. Sites within the Parking District are permitted to minimize the number of spaces provided on-site and take advantage of the County's facilities. The closest County parking facilities are Garage #58 (NOAA building) approximately 400 feet north of the site, and the Kennett Street Garage approximately 400 feet to the south and east of the project.

The applicant is meeting their obligation of parking within the CBD and promoting smart growth within the urban environment; therefore the proposed project will not overburden existing public services.

In addition, the improvements that are being made to the streetscape facilitate and encourage pedestrian accessibility to the metro and encourage the future residents and retail patrons to take advantage of existing vehicular traffic conditions.

The proposed development also submitted a traffic study to evaluate the effect of this development on the area transportation system as part of their required Local Area Transportation Review. A total of three intersections were included in the study area. The site-generated trips were added to the existing and background traffic to form the total future traffic. All traffic was assigned to three intersections and the result shows that they are operating within the congestion standard of 1,800 Critical Lane Volume (CLV) for the Silver Spring Central Business District (CBD) Policy Area. Therefore, the proposed development will pass the LATR test.

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

- (e) *The 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 goals and objectives of the Silver Spring Sector Plan and the Ripley/South Silver Spring Overlay Zone. The proposed development intends to maximize its gross floor area on site to approximately 275,000 square feet, short of the approximate 305, 000 square feet permitted by the zone.

In addition to the provision of MPDUs, the project will include a significant new public open space and art amenity on the site. The project is providing over 60% of new on and off-site public use space, which would not have been possible through the standard method of development. The applicant is maximizing their density for both residential and office/retail, and providing public amenities on the site in a location that is currently underutilized in terms of density.

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

The proposed development is providing the required 31 Moderately Priced Dwelling Units or 12.5 percent of the total number of units on site, in accordance with the provisions of Chapter 25A of the Montgomery County Zoning Ordinance.

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

The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved. The Project assembles two distinct parcels for a significant, unified redevelopment initiative. The proposed land uses are permitted in the CBD-2 Zone and are in compliance with the Sector Plan recommendations for the Property. The proposed land use also fulfills the Sector Plan objective of encouraging redevelopment and contributing to a thriving downtown residential community in Silver Spring.

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

In accordance with the requirements for optional method development, a Natural Resources Inventory and Forest Stand Delineation Plan (NRI/FSD) for the Property (No. 4-05228E) was approved by the M-NCPPC on March 8, 2005. This Property qualifies for an exemption to the Forest Conservation Regulations. There are no significant environmental features located on the Property including no forestland or specimen trees.

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

A stormwater management concept plan has been submitted for review to the Montgomery County Department of Permitting Services. A concept approval is required for submittal of the site plan. The concept proposes on-site stormwater management control through the use of water quality control structures for storage and filtration.

APPENDIX

Memoranda from agencies