

## 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) *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 consists of three separate mid-to-high-rise condominium buildings. High density residential is permitted in the CBD-1 Zone.

The building will vary in height from 45 to 125 feet, which is in conformance with the Montgomery County Zoning Ordinance that permits a maximum height of 45 feet for buildings fronting Eastern Avenue and a maximum of 125 feet for buildings set back at least 100 from Eastern Avenue. The site is within the Ripley/South Silver Spring Overlay Zone, which places limitations on the height as it relates to Eastern Avenue with a maximum height from Eastern Avenue toward Georgia Avenue. The project is proposing 328 dwelling units, including 41 or 12.5% Moderately Priced Dwelling Units (MPDUs) provided on-site. The proposal reflects a maximum yield of 125 dwelling units per acre. This density is the maximum allowed under the zone for optional method projects. All of the MPDUs are proposed to be located within the building.

The Project Plan will accomplish important Sector Plan objectives by providing a residential component within Ripley/South Silver Spring, including Moderately Priced Dwelling Units, promoting redevelopment, protecting nearby residential development, upgrading the physical environment and enhancing the pedestrian environment. The proposal improves the area by replacing a series of dilapidated buildings, an auto-related facility and surface parking lot with a modern residential building. The proposed development provides an appropriate transition between surrounding adjacent residential and institutional uses on Eastern Avenue and commercial and retail uses in the Georgia Avenue corridor.

- (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 as an important component to the revitalization efforts and specifically identifies a portion of the site for residential development.

Under the optional method, this project encourages the development of active urban streets by providing public spaces near 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 south Silver Spring and add an economic infrastructure for commercial and retail businesses in the Ripley district.

The inclusion of the “Art Walk” and possible live-work units facing the arcade will further meet the demand of workers, shoppers and residents in this expanding mixed-use market.

- (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 Ripley/South Silver Spring by complementing the scale and mix of existing design elements along the Eastern Avenue and Georgia Avenue corridors while respecting the Ripley/South Silver Spring Overlay Zone height limitations and providing a compatible and desirable relationship with adjacent and surrounding uses. This provides the pedestrian friendly environment envisioned in the Sector Plan. The varying heights of the proposed buildings provide the necessary and applicable transition from the adjacent residential neighborhood of Shepard Park in the District to the higher density uses and buildings closer to Georgia Avenue.

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

The proximity of the Silver Spring Metro provides a pedestrian destination and enhances and activates the streets that contain commercial and retail establishments leading to the transit center.

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

The proposed development is located approximately 3000 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 13<sup>th</sup> Street and King Street facilitate the desire for pedestrian connectivity to the metro station core areas of development within Silver Spring. The proposed streetscape improvements along both streets will promote pedestrian circulation to Georgia Avenue including the expanded streetscape improvements in front of the Grammax building, will direct pedestrian circulation to other businesses in the downtown corridor. The expansion of public parking spaces in the CBD will also facilitate parking needs for the expanding residential base.

The applicant will also 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.

(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 Plan (April 1992) Technical Manual, as amended.

Vehicular circulation is enhanced with improved right-of-way along the south side of 13<sup>th</sup> Street and north side of King Street. Additional area is being dedicated on the south side of 13<sup>th</sup> Street, which equates to 41 feet from the centerline for a total of 71 feet of right-of-way. The full width 60-foot right-of-way has already been dedicated on King Street. The dedication will ensure complete accommodation of the optional method streetscape treatment on the applicant's side 13<sup>th</sup> Street and King Street. Unfortunately, portions of 13<sup>th</sup> Street and King Street were recently improved and will need to be reconstructed by the Applicant with the subject proposal. Eastern Avenue is within the District of Columbia right-of-way and will require the District's approval for streetscape improvements along the frontage the property. The Applicant is committed to coordinating with the District to implement the Silver Spring streetscape standards along Eastern Avenue. Additional off-site streetscape improvements are proposed with this application directly in front of the Grammax building on 13<sup>th</sup> Street and Kennett Street. 13<sup>th</sup> Street contains an improved streetscape on the north side.

The spaces included within the public parking garage will gain access at the northern end of the property, on 13<sup>th</sup> Street, under Building 'A'. The private parking garage will accommodate parking for the residents of the Aurora (Site Plan #8-04028) and the Galaxy (subject site). Three access points are provided to the private garage under Building 'B' from 13<sup>th</sup> Street and under Building 'A' from the service drive off of King Street. The public and private garages are separated by a wall to ensure

revenues for the County and separate parking for the residents. The parking garage is a 2 to 3-level below grade structure planned to accommodate 200 public parking spaces and approximately 449 spaces for use by the residents. Signs indicating traffic circulation in and out of the garage will promote safety for pedestrian activity in the public use space. An existing public alley that originally provided access to the businesses on 13<sup>th</sup> Street will be abandoned concurrently with the preliminary plan (#1-05089) and project plan application.

The full streetscape improvements along the south side of King Street will complete a portion of the block that stretches from Eastern Avenue to Georgia Avenue. The additional partial streetscape improvements by the Applicant in front of the Grammax building will promote pedestrian circulation toward Georgia Avenue.

The "Art Walk", a mid-block connection from 13<sup>th</sup> Street to King Street will facilitate the Arts and Entertainment theme for Silver Spring and further activate pedestrian circulation through the site.

- (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 Moderately Priced Dwelling Units (MPDUs) in the Central Business District (CBD) zones where public facilities, services and transit options are readily available. Consistent with Chapter 25A, the applicant is committed to providing 41 MPDUs within the buildings, which represents 12.5% of the total number of dwelling units (12.5% is required). The applicant is proposing a mix of 1 and 2-bedroom MPDUs. The final breakdown and location of the MPDUs will be decided by the Department of Housing and Community Affairs (DHCA) during the building permit application.

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

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 assembles four recorded lots, four unrecorded parcels and the County parking lot to allow for the unified redevelopment of the currently underutilized site. The Sector Plan specifically identifies a portion of the property as a potential housing site, and encourages housing as an important component to the revitalization efforts for downtown Silver Spring. The project plan introduces market-rate condo units, retail and office into an existing framework of commercial and retail use in downtown Silver Spring, further encouraging revitalization in the downtown corridor.

**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 DATATABLE**

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>Proposed</u>
Gross Tract Area (sf./ac.):	22,000 (0.51 ac.)	114,310* (2.6242 ac.)
Net Lot Area (sf.):		86,834
Residential Density (du/ac.):	125	125
Total Number of Units:	328	328
MPDUs (%):	12.5 41 MPDUs	12.5 41 MPDUs
On-site Public Use Space (sf):	17,367 (20%)	26,920 (31.0%)
Off-site Public Use Space (sf):		11,470 (13.2%)
Additional Off-Site Improvements (sf):		<u>3,910 (4.5%)**</u>
Total On and Off-Site Public Use Space And Improvements (sf):	17,367 (20%)	42,300 (48.7 %)**
Max. Building Height (ft.):		
For properties fronting on Eastern Ave	45	45
For properties fronting 13 <sup>th</sup> St. and King St.	125	125***
Parking:		
(Parking for Galaxy Project)		
Residential Uses (Mkt. Rate)		
1 BR @ 1.25 sp./unit (118 x 1.25)	148 spaces	
2 BR @ 1.50 sp./unit (166 x 1.50)	249 spaces	
3 BR @ 2.00 sp./unit (3 x 2.00)	6 spaces	
Residential Uses (MPDUs)		
1 BR @ 0.625 sp./unit (27 x 0.625)	17 spaces	
2 BR @ 0.75 sp./unit (14 x 0.75)	11 spaces	
(10% credit for residential in CBD 431 x .10 = 43)		
Residential subtotal for Galaxy Project:	388 spaces	334 spaces
(Parking for Aurora Building #8-04028)		
Residential Uses (Mkt. Rate)		
1 BR @ 1.25 sp./unit (23 x 1.25)	29 spaces	
2 BR @ 1.50 sp./unit (103 x 1.50)	155 spaces	
Residential Uses (MPDUs)		
1 BR @ 0.625 sp./unit (19 x 0.625)	12 spaces	
(10% credit for residential in CBD 196 x .10 = 20)		

Residential subtotal for the Aurora Project:	176 spaces	145 spaces
Residential totals for combined projects:	561 spaces	479 spaces
Parking for County Parking Garage		
• for Parking Lot District	<u>200 spaces</u>	<u>200 spaces</u>
Total Parking Spaces	761 spaces	679 spaces****

- \* Includes previous street dedication (approximately 22,301 sf on King Street and 13<sup>th</sup> Street) and approximately 5,176 sf for the proposed 13th Street right-of-way dedication.
- \*\* Applicant is proposing off-site improvements within the Eastern Avenue public right-of-way, which is in the District of Columbia boundary. Applicant will coordinate with the DC Department of Public Works to improve the streetscape on Eastern Avenue right-of-way but is not given credit toward off-site public use space due to lack of regulatory control within a public right-of-way in another jurisdiction.
- \*\*\* Applicant is providing the 45-foot building height for Building 'C' from Eastern Avenue and 125-foot building height for Building 'A' and 'B', respectively from 13<sup>th</sup> Street and King Street<sup>1</sup>. Building 'A' conforms to the definition of height as described in the Montgomery County Zoning Ordinance for through lots. The measurement for the building is being taken from the highest point on King Street since the building fronts on both King Street and 13<sup>th</sup> Street. 13<sup>th</sup> Street is approximately 7 feet lower than King Street, effectively creating a building that is taller than 125 feet. The Applicant is subject to a condition that would limit the ultimate height on 13<sup>th</sup> Street to 125 feet.
- \*\*\*\* The proposed development is within the Silver Spring Parking District and is not required to provide any parking on site; however, the project is subject to the Parking District Tax. The final number of required parking spaces will be determined at Site Plan based on the unit mix. The Applicant has an agreement to provide 200 spaces to the Parking Lot District as part of the project proposal and approximately 145 spaces (1 space per unit) for the Aurora Project (Site Plan #8-04028).

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<sup>1</sup> Section 59-C-18.20. Ripley/South Silver Spring Overlay Zone  
59-C-18.202. Regulations. (b) Development Standards. The development standards are the same as those in the underlying zones, except:

- (1) Building height in the Overlay Zone along Newell Street and Eastern Avenue that confronts a residential zone in the District of Columbia must not exceed a height of 45 feet. However, this building height may be increased to: (i) a maximum of 90 feet for any building or portion of a building that is set back at least 60 feet from the street, or as allowed in 59-C-18.204(b), Transfer of Development Credits; or (ii) a maximum of 125 feet for residential development that is set back at least 100 feet from Eastern Avenue and Newell Street, and that includes a public parking garage constructed under a General Development Agreement with Montgomery County, Maryland.

## Amenities and Facilities Summary

### On-Site Improvements

#### 13<sup>th</sup> Street and King Street

- Expand the existing streetscape improvements along 13<sup>th</sup> Street and King Street to include specialty pavers.
- Provide landscape planters and ornamental landscaping between the walk and buildings.

#### Eastern Avenue

- Expand the existing streetscape improvements along Eastern Avenue to include specialty pavers and accent planting.

#### Public Park

- Brick paved public plaza along majority of site frontage to complement streetscape improvements.
- Provide public access from all three public streets. Materials in the walkways need to complement the pavers proposed for 13<sup>th</sup> and King Street.
- Public Art to highlight public's interest of the revitalization efforts of downtown Silver Spring. A public art program shall be developed to include opportunities for the incorporation of an elliptical element and water feature. Local artist to be commissioned for art element.
- Specialty lighting in the plaza to emphasize the art elements, accentuate and visually activate the park at night, and provide security for patrons of the space.
- The paving in the plaza will be designed to include patterns that complement the artwork.
- Landscape beds and planters with irrigation and plant material to correspond to overall theme.

#### Covered Arcade and Walkway to the Public Parking

- Provide overhead glass canopy attached to building
- Provide ornamental planting to soften narrow space
- Provide artwork within canopy area

#### Art Walk

- Brick paved promenade to complement streetscape improvements and selected artwork.
- Public Art to highlight public's interest of the revitalization efforts of downtown Silver Spring. A public art program shall be designed to incorporate selected pieces by local artists.
- Provide overhead trellis or pergola to direct pedestrians and create a focal feature.
- Provide accent and security lighting to complement overall theme and reinforce lighting element in the Park.

Existing overhead utilities shall be installed underground consistent with the Silver Spring Master Plan.

- Make available a space for public outdoor interaction and activities in all public use areas.

Make available a space for entertainment, as needed in conjunction with the Silver Spring Urban District (SSUD), and accommodations for outdoor entertainment in all public use areas.

### **Off-Site Improvements**

#### 13<sup>th</sup> Street Right-of-Way

- Replace the existing streetscape and install streetscape (Type B) on the south side of 13<sup>th</sup> Street along the entire property frontage to be expanded to include Street trees, Brick Pavers and Street Lights (Washington Globe) Brick Pavers, consistent with Silver Spring Streetscape Plan Technical Manual.
- Granite sets within the tree pits as specified in the Silver Spring Streetscape Plan Technical Manual.
- Brick driveway aprons to be flush with pedestrian circulation.
- Existing overhead utilities and street level meters to be installed underground consistent with the Silver Spring Master Plan.

#### King Street Right-of-Way

- Replace the existing streetscape and install streetscape (Type B) on the north side of King Street, along the entire property frontage, to include Street trees, Brick Pavers and Street Lights (Washington Globe) consistent with Silver Spring Streetscape Plan Technical Manual.
- Granite sets within the tree pits as specified in the Silver Spring Streetscape Plan Technical Manual.
- Existing overhead utilities to be installed underground consistent with the Silver Spring Master Plan.

#### Eastern Avenue Right-of-Way

- Install streetscape (Type B) on the east side of Eastern Avenue, along the entire property frontage, to include Street trees, Brick Pavers and Street Lights (Washington Globe) consistent with Silver Spring Streetscape Plan Technical Manual, if approved by the District of Columbia Department of Public Works.



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

- The approved CBD Sector Plan recommends the CBD-1 zoning for this site, which was applied through the Sectional Map Amendment (SMA) adopted July 18, 2000, consistent to 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 328 residential units with private structured parking and a public parking structure. High-rise multi-family units are permitted uses under the CBD-1 Zone. The proposal will be implemented under the optional method of development. The maximum density allowed on this site is 125 dwelling units per acre or 328 units.

The minimum required public use space for this project is 17,367 square feet (20% of the net lot). The applicant is proposing 26,920 square feet of public use space and amenities provided on-site which equals 31.0% of the net lot. The applicant also proposes an additional 11,470 square feet of off-site streetscape improvements. In total, the applicant proposes 38,390 square feet of on-site public use space, amenities and off-site improvements or 44.2% of the net lot area. In addition to the public use space, amenities and off-site improvements, the applicant proposes 3,910 square feet of streetscape improvements outside the Montgomery County jurisdictional boundaries along the Eastern Avenue frontage.

#### **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 themes (i.e., a residential downtown; a green downtown; and a pedestrian-friendly downtown) apply to this proposed project. The Sector Plan specifically identifies a portion of the proposed project site as a potential housing site. The Sector Plan encourages housing as an important component of the revitalization efforts. This project is being developed under the optional method of development and proposes new opportunities for landscaped public open spaces, public art and streetscapes. This project encourages the development of active urban streets by providing building entrances along the public streets and easily accessible public spaces with public art components as activity generators. This proposal improves the quality of the pedestrian environment by providing the optional method streetscape treatment and other amenities along 13th Street and King Street.

- A. **Compatibility:** The proposed mixed-use development is adjacent to the Aurora (Williams & Wilste, Site Plan z8-04028) condominium buildings (9 and 11 stories) and a bank to the west and the Ramada Inn (6 stories) and a car wash to the east. The Days Inn hotel (2 stories) and the Gramax Tower apartment building (14 stories) are located across 13th Street from the proposed development. A

Seven-Eleven convenience store and a vacant lot are located across King Street to the south.

Building height in the Ripley/South Silver Spring Overlay Zone along Eastern Avenue that confronts a residential zone in the District of Columbia must not exceed a height of 45 feet. However, this building height may be increased to a maximum of 125 feet for residential development that is set back at least 100 feet from Eastern Avenue and includes a public parking garage constructed under a General Development Agreement with Montgomery County, Maryland.

Staff recommends that the building fronting on Eastern Avenue (Building 'C') not exceed 45 feet measured from Eastern Avenue and that the building fronting on 13th Street (Building 'B') not exceed 125 feet measured from 13th Street. Building A has frontage on both 13th Street and King Street and should not exceed 125 feet measured from King Street. Both Buildings 'A' and 'B' shall be setback a minimum of 100 feet from Eastern Avenue. Staff believes that the proposed development as conditioned, meets the intent of the Sector Plan and the zoning ordinance in terms of building height, intensity and use will not adversely affect surrounding properties.

- B. **Sector Plan Street Rights-of-Way:** The existing street right-of-way for 13th Street is approximately 60 feet. The applicant proposes to dedicate additional right-of-way equal to 41 feet measured from the centerline of the street. The existing public alley connecting to 13th Street at two points is proposed for abandonment. The alley currently provides vehicular service to the commercial buildings that are part of this proposal.
- C. **Sector Plan Bikeways:** The Sector Plan recommends a Class II or III bikeway (on-road, bike lanes or signed shared roadway) along the south side of 13th Street. Staff recommends a Class III bikeway (on-road, signed shared roadway) along 13th Street.
- D. **Streetscape:** The Applicant proposes to improve the 13th Street and King Street frontages with the Type "B" streetscape treatment. The streetscape and public amenities for the proposed project should be in accordance with the standards of the *Silver Spring Streetscape* technical manual or as modified to include the bikeway. The Eastern Avenue frontage will be improved using elements from the Type "B" streetscape treatment subject to approval by the District of Columbia.

(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 residential use is compatible with the surrounding neighborhood and potential development within the Georgia Avenue and Eastern Avenue corridors. The

proposed buildings are in scale with the adjacent Aurora building, currently under construction, and are sympathetic to the surrounding community. The height and mass of the buildings from Eastern Avenue are less intense to emphasize the residential and community characteristics within the Eastern Avenue corridor. The proposed residential uses will be less intensive than the remaining non-residential uses in the Block and within the surrounding area.

The buildings have been sensitively designed to ensure compatibility with the surrounding development and the general neighborhood. The building fronting on Eastern Avenue will be 45 feet in height, significantly less than the 90-110-foot Aurora building. The buildings transition in height from the 45 feet along Eastern Avenue to 125 feet, as permitted by the zone. The project includes three separate buildings, which softens the impact of a fairly large site upon the surrounding community. The base of the buildings emphasizes a traditional masonry base, typically associated with residential uses.

- (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 use will not overburden existing public services or facilities. The project proposes residential units within an emerging mixed-use area of south Silver Spring. Parking is proposed at approximately a 1 space per unit ratio for the 328 units in the subject site and the 145 units in the adjacent Aurora building. In addition to the private parking provided for the residents, 200 additional spaces are provided in the public parking garage that gains access from 13<sup>th</sup> Street. The remainder of the parking spaces needed to satisfy the County Parking Ordinance for the proposed use will take advantage of the parking in the public garage that is part of this proposal, and in the nearby Kennett Street garage, approximately 100 feet north of the site. The site is located within the Silver Spring Parking Lot District. Sites within the Parking Lot District are permitted to minimize the number of spaces provided on-site to take advantage of the County's facilities.

There is adequate water and sewer capacity within the Silver Spring CBD Policy Area to accommodate the proposed increase in residential units. The Annual Growth Policy (AGP) Schools Test for FY2005 indicates that there is adequate capacity within the Montgomery Blair cluster to accommodate the student generation attributable to the proposed development.

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. The proposed development intends to maximize its potential by providing the 125 dwelling units per acre and maximize the number of Moderately Priced Dwelling Units to 12.5% provided on-site.

In addition to the provision of additional market-rate and MPDU units in south Silver Spring, the project will include a significant new public open space and art amenity package on the site. The project is providing over 44% of new on and off-site public use space, which would not have been possible through the standard method of development. An additional 4.5% of off-site improvements may be possible on Eastern Avenue if the District of Columbia permits streetscape improvements within their right-of-way. Additionally, the Applicant is enlisting the talents of local artists to enhance the Art Walk and public use spaces throughout the site. The applicant is maximizing their density for residential development, and providing public amenities on the site that would not have been possible through a standard method project.

- (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 application requires forty-one (41) Moderately Priced Dwelling Units (MPDUs) or 12.5 percent of the proposed residential dwelling units 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:*

The project assembles four recorded lots, four unrecorded parcels and the Montgomery County surface parking lot to allow for a unified redevelopment of the currently underutilized site. The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.

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

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #4-05144) was approved on March 21, 2005. The Applicant will need to address final Forest Conservation Plan requirements with the site plan but is permitted to pay a fee-in-lieu or claim credit for street trees planted within the property boundaries.

- (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 to the Montgomery County Department of Permitting Services (DPS) for conditional approval. The project plan is proposing quality and quantity control within the green areas on the site as well as green roof technology on Buildings 'A' and 'B'. Approval of the Stormwater Management concept is required prior to submittal of the Site Plan application.

## **APPENDICES**

- A. Memoranda from Agencies
- B. Letters from various civic and community groups and adjacent property owners