

PROJECT DATA TABLE (CBD-1)

	Zoning Ordinance Development Standards	Proposed for Approval
Gross Tract Area (sf.):	22,000	33,747*
Net Lot Area (sf.):		17,771
Gross Floor Area (sq. ft.):		107,095
Max. Dwelling Units per Acre:	125	124
Max. Number of Dwelling Units:	96	96
Min. Public Use Space (%/ sf.):		
On-site Public Use Space	(20%) 3,555	(24.7%) 4,387
Off-site Public Use Space	none required	<u>(23.8%) 4,235</u>
Total Public Use Space	(20%) 3,555	(48.5%) 8,622
Max. Building Height (ft.):	90	90
		As measured from Newell Street
Max. Building Height (stories):	none specified	9 stories
Setbacks (ft.):	none specified	0 provided along Blair Mill Road
		0 provided along Newell Street
		0 provided along west property line
		55 feet from East-West Highway truncation
Parking:**		
Residential Uses (Mkt. Rate)		
Studio Units @ 1 sp./unit (7 x 1.0)	7	
1 BR @ 1.25 sp./unit (22 x 1.25)	28	
1 BR + Den @ 1.25 sp./unit (27 x 1.25)	34	
2 BR @ 1.50 sp./unit (20 x 1.50)	30	
2 Br + Den @1.50 sp./unit (7 x 1.50)	11	
Residential Uses (MPDUs)		
Studio Units @ 0.5 sp./unit (1x 0.50)	1	
1 BR @ 0.625 sp./unit (4 x 0.625)	3	
1 BR + Den @ 0.625 sp./unit (4 x 1.25)	5	
2 BR @ 0.75 sp./unit (3 x 0.75)	3	
2 Br + Den @1.50 sp./unit (1 x 1.50)	1	
Total Base Parking Spaces	123	
Parking Credits (59-E-3.3)		
10% for CBD 123 x .10	12	
5% for <1600' to metro 123 x .05	6	
Total Parking Requirement after Credits	105	46 (Includes

2 HC spaces)

Loading

1 space

1 space

- * Includes previous dedication of 13,650 square feet on East-West Highway, Newell Street and Blair Mill Road, and proposed dedication of 2,326 square feet on Newell Street and 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 metro. Any spaces provided by the Applicant offsets the parking tax assessed by the County against the Applicant.

Amenities and Facilities Summary

On-Site Improvements

Public Green Area

- Paved walkways connecting Blair Mill Road and Newell Street corresponding to the building arc that delineates the proposed buildings at the intersection of all three streets.
- Lawn area to complement Acorn Park and soften the hardscape urban elements of the surrounding plazas in the adjacent properties.
- Green area to incorporate seating areas, accent planting and a pergola or artistically inspired art form between the base of the building front and curved path.
- 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.

Streetscape Improvements

- Expand the existing streetscape improvements along East-West Highway, Newell Street and Blair Mill Road to include specialty pavers.
- Use specialty lighting in the park area and up-lighting of the landscape elements to softly accentuate and visually activate the plaza at night.
- The fencing on the edge of the park area will be designed to include patterns that are artistic in nature and complement the proposed building and surrounding improvements on adjacent properties.
- Landscape beds and planters with irrigation and plant material for seasonal accent and color.
- Existing overhead utilities to be located underground consistent with the Silver Spring Master Plan.

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 minimum 15-foot-wide sidewalk and shared-use path.
- 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 south 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*.

Newell Street Right-of-Way

- Streetscape (Type B) on the north side of Newell Street, 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-1 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 proposed residential development is comprised of 96 residential condominium units (equivalent to 124 dwelling units per acre), which is in keeping with the permitted 125 dwelling units per acre for this site. The application is proposing to develop the site under the optional method of development.

The minimum required public use space for this project is 3,555 square feet (20% of the net lot area). The applicant is proposing 4,387 square feet of on-site public use space and amenities (24.7% of the net lot area). The applicant also proposes an additional 4,235 (23.8 % of the net lot area) square feet of off-site public use space, including the streetscape improvements to East-West Highway and Blair Mill Road, for a total of 8,622 square feet (or 48.5% 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. 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 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 and is a permitted use in the CBD-1 Zone.

The proposed project will include new public open space and an art amenity and proposes new opportunities for landscaped public open spaces, public art and streetscapes. This project encourages the development of active urban streets by providing the main building entrance along Blair Mill Road. Placing the primary public space in a prominent place as an activity generator further activates the street. This proposal improves the quality of the pedestrian environment by providing the streetscape treatment required for optional method projects. 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 residential development is adjacent to the 4-story Spring Garden apartment building to the west and Acorn Park to the south. The 15-story Blair Towers high-rise apartment building is located directly north of the recently approved 1200 East West Highway mixed-use 143-foot high-rise development across Blair Mill Road. The 60-foot-tall Silver Spring Square (The Silverton) condominium and the 15-story (143-foot) Bennington apartment buildings are located across East-West Highway from the proposed development. These buildings are in the final stages of construction. The 143-foot Silver Spring Gateway project is located east of the Silverton and will be starting construction soon. The Discovery Communications Creative Technology Center (height 60 feet) is located across Newell Street on East West Highway. The proposed building height is 90 feet. The varying heights from 60 to 143 feet on these existing and proposed building provides for a compatible relationship.

The Sector Plan suggests height and setback limitations for buildings along Newell Street and Eastern Avenue to ensure compatibility with adjacent residential neighborhoods. This recommendation was later codified as part of the Ripley/South Silver Spring Overlay Zone; however, this property is outside the overlay zone. The proposed 90' building height is compatible with the existing and proposed residential buildings adjacent to the proposed development and therefore satisfies the intent of the Sector Plan. The proposed development meets the intent of the Sector Plan in terms of compatibility and will not adversely affect surrounding properties. 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. Sector Plan Street Rights-of-Way:** The Sector Plan recommends a street right-of-way of 70 feet for Newell Street. The existing right-of-way of 42 feet was reduced from 60 feet as part of an abandonment and subsequent parcel creation for Acorn Park in 1994. Staff at that time agreed that an additional 10 feet of street right-of-way dedication would be required for the north side of Newell Street in the future. Therefore, staff recommends the Applicant dedicate the additional 10 feet of street right-of-way to equal a final width of 52 feet.

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 right-of-way for Blair Mill Road was established at 63 feet during the Preliminary Plan Review (No. 1-05084) of the 1200 East West Highway project, opposite the site; therefore, no additional street dedication is required for this proposal.

The reduced right-of-way meets the circulation criteria and recommendations in the Sector Plan and provides the streetscape elements required by the Silver Spring Streetscape Plan.

- C. **Streetscape:** The applicant proposes to improve the streetscape for Blair Mill Road and Newell Street along the frontage of their property with the Type 'B' streetscape treatment. The streetscape treatment consists of a 12-foot-wide sidewalk separated from the curb by street trees. 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.
- D. **Sector Plan Bikeways:** The Sector Plan recommends a Class II or III bikeway (on-road, shared-use path) on Blair Mill Road. Staff recommends a Class III bikeway (on-road, signed shared bikeway) on both sides of 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 residential development is adjacent to the 4-story Spring Garden apartment building to the west, Acorn Park to the south and Blair East high-rise apartment building to the north of the recently approved 1200 East West Highway mixed-use 143-foot high-rise development across Blair Mill Road. The 60-foot-tall Silver Spring Square (The Silverton) condominium and the 15-story (143-foot) Bennington apartment buildings are located across East-West Highway from the proposed development. These buildings are in the final stages of construction. The 143-foot Silver Spring Gateway project is located next to the Silverton and will be starting construction soon. The Discovery Communications Creative Technology Center (height 60 feet) is located across Newell Street on East West Highway. The proposed building height is 90 feet. The varying heights from 60 to 143 feet on these existing and proposed buildings provides for a compatible relationship. 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.

The proposed 90-foot building height is permitted in the CBD-1 Zone and is not subject to the Ripley/South Silver Spring Overlay Zone.

The public use space proposed at the front of the building along East-West Highway frames the entire intersection providing a unified relationship with the surrounding properties. The massing of the building is compatible with the surrounding proposed and existing residential buildings and fills in a long-term gap in the urban building fabric along East-West Highway. The building and open space at the apex of the site complete and define the intersection of Blair Mill Road, Newell Street and East-West Highway.

- (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, 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 123 spaces. Credits for residential uses in the CBD and for proximity to the metro station are being provided, with the total parking requirement for all uses equaling 105 spaces. 46 parking spaces are being provided on the site.

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. Under Chapter 60 of the Montgomery County Zoning Ordinance, the Applicant may satisfy its parking requirements by 1) providing all of the required off-site parking spaces; 2) providing no parking spaces and paying a parking tax for all of the required parking spaces; or 3) providing some of the required parking spaces and paying a tax for the number of required parking spaces it does not provide. 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 500 feet north of the site, and the Kennett Street Garage approximately 300 feet to the south and east of the project.

The applicant is meeting their obligation for 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 nearby commercial and retail establishments.

The proposed development of 96 residential units is not anticipated to generate more than 30 peak hour trips and therefore is not required to provide a formal traffic study per the LATR Guidelines. A traffic statement complying with LATR Guidelines was submitted and accepted for this project proposal.

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 use of 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 proposal reflects a density of 124 dwelling units per acre. The CBD-1 Zone permits a maximum density of 125 dwelling units per acre.

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 approximately 49% 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 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 12 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 one 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:*

This section is not applicable. The property consists of one unrecorded lot and is not transferring public open space or density from other projects.

- (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 forest 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.

APPENDICES

- A. Memoranda from agencies
- B. Community Outreach letters