

**MEMORANDUM**

DATE: December 30, 2005
 TO: Montgomery County Planning Board
 VIA: Rose Krasnow, Chief *RK*
 Michael Ma, Supervisor
 Development Review Division
 FROM: Robert A. Kronenberg *RAK*
 Development Review Division
 (301) 495-2187

REVIEW TYPE: **Site Plan Review**
 CASE #: **820060130**
 PROJECT NAME: The Galaxy
 APPLYING FOR: Approval of 321 multi-family dwelling units, including 41 MPDUs on 2.62 acres
 REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance

ZONE: CBD-1, Ripley-South Silver Spring Overlay Zone
 LOCATION: Located on the southeast quadrant of the intersection of 13th Street and Eastern Avenue in south Silver Spring
 MASTER PLAN: Silver Spring CBD Master Plan
 APPLICANT: RST Development
 FILING DATE: September 29, 2005
 HEARING DATE: January 12, 2006



STAFF RECOMMENDATION: Approval of Site Plan 820060130 for 321 dwelling units, including 41 MPDUs, on 2.62 acres. All site development elements as shown on The Galaxy plans received and stamped by the M-NCPPC on December 13, 2005, shall be required except as modified by the following conditions:

1. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan (#120050890) as listed in the Planning Board opinion dated October 21, 2005 [Appendix A].
2. Project Plan Conformance
The proposed development shall comply with the conditions of approval for Project Plan (#920050050) as listed in the Planning Board opinion dated October 21, 2005 [Appendix B].

a. 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.

The applicant shall provide 31.09 percent (27,000 sf.) of on-site public use space and 11.8 percent (10,250 sf.) of off-site public use space. Additional off-site improvements (4.5 percent, 3,910 sf.) are being provided along the property frontage within the Eastern Avenue right-of-way, if acceptable to the District of Columbia Public Works Department.

b. Streetscape Improvements

The applicant shall provide the full streetscape improvements along the King Street and 13th Street 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. Off-site improvements shall be provided within the 13th Street and Kennett Street rights-of-way, in front of the Gramax Building.

c. Eastern Avenue Streetscape

The applicant shall coordinate with the District of Columbia Public Works Department to provide the Silver Spring (Type B) streetscape along the frontage of Eastern Avenue in accordance with the 1992 Silver Spring Streetscape Plan Technical Manual, as amended.

d. Public Art

A public art program shall be developed to include opportunities within the public plaza area to reinforce the architecture of the building, provide for pedestrian interaction and involve local artists to display artwork. The Applicant has identified three areas or elements that could be incorporated into the public art component: a covered walkway to the public parking garage between Buildings 'A' and 'B', and both entry points to the "Art Walk" that connects 13th Street and King Street on the east side of Building 'A'. The Applicant has enlisted the services of two local artists for the three commissioned art pieces within the public use space on the site.

3. Lighting

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.
- b. All light fixtures shall be full cut-off fixtures or equipped with shields, refractors or reflectors to negate glare.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.
- e. Provide detailed specifications of the lighting elements being proposed within the public use areas.
- f. The up-lighting for the free standing art component at the southeast corner of the site (King Street) and the artwork under the canopy of Building 'A' shall be allowed lateral

flexibility within a foot of the approved site plans to permit final movement, location and design of the art element.

g. The light display shall range in height from 6 feet to 15 feet from the top of the raised planters. The metallic light poles shall vary in spacing within the planter.

4. Pedestrian Circulation

Provide a public access easement (PAE) to the public garage from 13th Street and King Street prior to record plat approval.

5. Recreation Facilities

a. The Applicant shall provide twelve (12) picnic/sitting areas, an open play area, an interactive pedestrian system, two indoor community spaces and two indoor fitness facilities.

b. Provide the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.

6. Moderately Priced Dwelling Units (MPDUs)

a. The Applicant shall provide 41 Moderately Priced Dwelling Units (12.5% of the total number of units) within the building, consistent with Chapter 25A.

b. The MPDU agreement shall be executed prior to the release of the first building permit.

7. Transportation

The applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated December 30, 2005. (Appendix C):

a. The applicant shall provide full width streetscape improvements on 13th Street and King Street in conformance with the Silver Spring Streetscape standards.

b. The applicant shall enter into a Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Public Works and Transportation (DPW&T) to participate in the Silver Spring Transportation Management District. The Traffic Mitigation Agreement must be signed and executed by all parties prior to record plat.

c. Obtain written confirmation of agreement between the Applicant and DPW&T to locate and construct the three "super" bus shelters and two real-time transit information signs prior to record plat.

d. Provide a Class III bikeway (shared lane) along the frontage of the property on 13th Street.

8. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated July 19, 2005 [Appendix C].

9. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the 1st building permit that Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

10. Maintenance Responsibility

Initially, the applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member and enter into an agreement with the Silver Spring Urban District for the purpose of maintaining the on-site public open spaces, including the public art, seating areas, landscaping and lighting and participating in community events.

11. Development Program

Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. The Development Program shall include a phasing schedule as follows:

- a. All site features associated with each building as defined by the site plan dated December 13, 2005 shall be installed prior to occupancy of the units, but no later than twelve (12) months after the occupancy of the first unit for each building, whichever comes first. Applicant shall provide the use and occupancy permits to M-NCPPC staff in order to inspect the site for streetscape within the respective street rights-of-way, including the street trees, street lights and pavers, as well as construction of the public plaza and art, on-site landscaping, lighting, recreation and paver materials.
- b. Street tree planting and landscaping for each building shall progress as construction of each unit is completed, but no later than six months after completion of the units adjacent to those streets.
- c. The recreation facilities located within each building shall be installed prior to occupancy for the first unit of each building. The seating areas located around the perimeter of Building 'A' shall be installed upon completion of Building 'A'.
- d. The public park, including the misting section, light display, terraced lawn area and seating, shall be completed and installed upon completion of Building 'B'.
- e. The "Arts Walk" from 13th Street to King Street shall be installed upon completion of Building 'A'.
- f. The three commissioned public art components shall be completed and installed upon completion of Building 'A'.
- g. Landscaping associated with each building shall be completed as construction of each facility is completed.
- h. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- i. Phasing of dedications, stormwater management, sediment/erosion control, public use space, streetscape, recreation, community paths, trip mitigation or other features.

12. Clearing and Grading

Clearing or grading is permitted prior to M-NCPPC approval of signature set of plans.

13. Signature Set

Prior to signature set approval of site and landscape/lighting plans the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Opinion.
- b. Limits of disturbance.
- c. Provide additional details of the two art components (Star Rhythms and Andromeda's Spiral) designed by Judy Sutton Moore. The design shall be presented to the Art Review Panel for final review and comment.
- d. All of the items specified in the site design, landscape, lighting and recreation conditions of approval.
- e. Location of bus shelters.

SITE PLAN REVIEW ISSUES

Amenities

Amenities, such as the public park, landscaping, public art, benches, and special lighting, are proposed within the public use area to accommodate public activities and to enhance the streetscape in the downtown area. The development will also provide off-site amenities including streetscape improvements along the 13th Street and Kennett Street frontages.

Issues

The issues addressed during the site plan review include location and quality of the proposed public use space, the public art components, and streetscape improvements to 13th Street, King Street and Eastern Avenue.

Community Outreach

During the Project Plan review period, the Applicant presented the proposed development to various civic and community groups and adjacent property owners including: the Commercial and Economic Development (CED) Subcommittee of the Silver Spring Citizens Advisory Board, Downtown Silver Spring Urban District, Eastern Village Community, The Gateway Coalition/Georgia Avenue Revitalization Corporation, the ANC of Washington D.C. (Shepard Park Community), Wm. Calomiris Company LLC and the Lee Development Group (LDG INC.), as requested by staff. Staff met with representatives of the CED Subcommittee during the presentation by the Applicant to discuss their concerns about the proposed development, specifically with regard to the building program, building height, adequate public facilities and location and quality of the public use space.

During the Site Plan review period, the Applicant and Staff met with representatives of the District of Columbia Public Works Department to discuss the proposed improvements within the Eastern Avenue right-of-way. The Applicant made a special effort to contact several individuals, via email, representing some of the same civic and community groups with regard to the site plan proposal. The individuals included: David Fogel (Gateway Coalition and Eastern Village), Marc Loud (Gateway Coalition), Jourdinia Brown (Ward 4, ANC of Washington, D.C.), Gary Stith (Silver Spring Citizens Advisory Board and the Silver Spring Urban District) and Barbara Henry (Discovery Communications). The email is attached in the Community-Based Planning memorandum in Appendix C. Staff has not received written or verbal comments from the public regarding the site plan proposal.

Public Art Review

The Applicant presented their art program to the Art Review Panel on May 18, 2005 and November 28, 2005 for elements within the public use space. Initially, the "Panel" requested that the Applicant consider a thematic communication of the artwork, look closely at the sun/shade projections on the spaces, and be sensitive to organization and isolation of the various elements. The Applicant developed a thematic presentation of three separately commissioned artists, including details of the art program that will be permanently placed within the public use space.

The Applicant and artist (Judy Sutton Moore) for two of the commissioned pieces will be required to present more details to the Art Review Panel for final review and comment prior to signature set approval.