

PROJECT DESCRIPTION: Prior Approvals

The proposed development is zoned CBD-1 (Central Business District-1). This property consists of four parcels (Parcels N156, N157, N159 and P169), Lots 1, 3 and 4 of the Silver Spring subdivision (Plat Book 158, Page 14), and Lot 5A of Silver Spring subdivision (Plat Book 154, Page 46) recorded in November 1955 and October 1956, respectively.

Project Plan

A Project Plan (920050050) was presented to the Planning Board concurrently with the Preliminary Plan of subdivision (120050890) on July 28, 2005. The opinion was mailed out on October 21, 2005.

Preliminary Plan

A Preliminary Plan of Subdivision (120050890) was presented to the Planning Board concurrently with the Project Plan (920050050) on July 28, 2005. The preliminary plan consolidated the 8 properties into one lot. The opinion was mailed out on October 21, 2005.

Alley Abandonment

The existing 20-foot-wide public alley that originally provided access to the businesses on 13th Street was abandoned (DPWT Docket No. 667) concurrently with the preliminary plan (#120050890).

ANALYSIS: Conformance to Development Standards

PROJECT DATATABLE (CBD-1)

	Zoning Ordinance Development Standard	Approved with Project Plan 920050050	Proposed for Approval with Site Plan 820060130
Gross Tract Area (sf./ac.):	22,000 (0.51 ac.)	114,310* (2.6242 ac.)	114,310* (2.6242 ac.)
Net Lot Area (sf.):		86,834	86,834
Residential Density (du/ac.):	125	125	* 122
Total Number of Units:	328	328	321
MPDUs (%):	12.5 41 MPDUs	12.5 41 MPDUs	12.5 41 MPDUs
On-site Public Use Space (sf):	17,367 (20%)	26,920 (31.0%)	27,000 (31.09%)
Off-site Public Use Space (sf):		11,470 (13.2%)	11,470 (13.2%)
Additional Off-Site Improvements (sf):		<u>3,910 (4.5%)**</u>	<u>3,910 (4.5%)**</u>
Total On and Off-Site Public Use Space			

And Improvements (sf):	17,367 (20%)	42,300 (48.7 %) **	42,380 (48.8 %) **
Max. Building Height (ft.) (1) see footnote			
For properties fronting on Eastern Ave	45	45	45
For properties fronting 13 th St. and King St.	125	125***	125***

Parking:

(Parking for Galaxy Project)
 Residential Uses (Mkt. Rate-Project Plan totals)
 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 (Mkt. Rate-Site Plan totals)
 1 BR @ 1.25 sp./unit (137 x 1.25) 172 spaces
 2 BR @ 1.50 sp./unit (143 x 1.50) 215 spaces

Residential Uses (MPDUs-Project Plan totals)
 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 Uses (MPDUs-Site Plan totals)
 1 BR @ 0.625 sp./unit (21 x 0.625) 14 spaces
 2 BR @ 0.75 sp./unit (20 x 0.75) 15 spaces
 (10% credit for residential in CBD
 416 x .10 = 42)

Residential subtotal for Galaxy Project:	388 spaces (Project Plan)	374 spaces (Site Plan)	334 spaces	334 spaces
	(total include 328 units in Project Plan and 321 units in Site Plan based upon changes to unit mix)			

(Parking for Aurora Building #8-04028A)
 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	145 spaces
Residential totals for combined projects:	388 spaces (Proj.PI)/ 374 spaces (Site Plan)	334 spaces	334 spaces

Parking for County Parking Garage for Parking Lot District	200 spaces	200 spaces	200 spaces
Total Parking Spaces:	764 spaces (Proj. Pl)/ 750 spaces (Site Plan)	679 spaces****	679 spaces****

- * Includes previous street dedication (approximately 22,301 sf on King Street and 13th 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 13th Street and King Street¹. 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 13th Street. 13th 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 13th 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 Applicant has an agreement to provide 200 spaces to the Parking Lot District as part of their General Development Agreement and approximately 145 spaces (1 space per unit) for the Aurora Project (Site Plan #82004028A).

RECREATION CALCULATIONS

	Tots	Children	Teens	Adults	Seniors
Demand Points					
Demand per 100 d.u.					
Garden (24)	2.6	3.4	2.9	28.3	3.8
<u>High-Rise (297)</u>	<u>11.9</u>	<u>11.9</u>	<u>11.9</u>	<u>228.7</u>	<u>136.6</u>
Total Required Points	14.5	15.3	14.8	257.0	140.4

*Housing type : Garden (Up to 4-story), High Rise (>5 story)

Supply Points	Tots	Children	Teens	Adults	Seniors
Open Play Area I (1)	6.0	9.0	12.0	30.0	2.0
Sitting Area (12)	12.0	12.0	18.0	60.0	24.0
Pedestrian System	1.5	3.0	3.0	115.7	63.2
Indoor Community Space (2)	2.9	4.6	8.8	154.2	112.4
<u>Indoor Fitness Facility</u>	<u>0.0</u>	<u>3.0</u>	<u>3.0</u>	<u>102.8</u>	<u>42.1</u>
Total Supply Points	22.4	31.6	44.8	462.7	243.7

¹ 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.

% of demand met on-site 154 207 303 180 174

Note: Recreation demand is met on site. No credit is being taken for off-site recreation facilities.

ANALYSIS:

Conformance to Master Plan

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 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 321 residential units with private structured parking and a public parking garage. The maximum density allowed on this site is 125 dwelling units per acre or 328 units. 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 minimum required public use space for this project is 17,367 square feet (20% of the net lot). The applicant is proposing 27,000 square feet of on-site public use space and amenities provided on-site which equals 31.09% of the net lot. The applicant also proposes an additional 11,470 square feet of off-site streetscape improvements. In total, the applicant proposes 38,470 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. **Sector Plan Street Rights-of-Way:** The existing street right-of-way for 13th Street is approximately 60 feet. The applicant dedicated an additional right-of-way equal to 41 feet measured from the centerline of the street with the preliminary plan. The existing public alley connecting to 13th Street at two points was abandoned concurrently with the preliminary plan.
- B. **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.
- C. **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.

Local Area Transportation Review

The Galaxy development submitted a traffic impact study in accordance with LATR guidelines because of the vehicular trips anticipated during peak hours. The study indicated that the development as proposed would exceed the minimum threshold of 30 vehicular trips.

As part of the analysis, three intersections were studied and included: Georgia Avenue (US 29) at Eastern Avenue/Blair Road, Georgia Avenue (US 29) at East-West Highway (MD 410)/Burlington Avenue/13th Street and 13th Street, at Eastern Avenue. According to the studies, the second intersection will exceed the threshold and requires mitigation at this location. The studies took into account the construction of nearby developments.

The Applicant is required to enter into a Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Public Works and Transportation. As part of the mitigation, the Applicant proposes to construct three "super bus shelters," two of which will be equipped with real-time transit information signs.

FINDINGS: For Site Plan Review

1. *The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required.*

The proposed development is consistent with the approved Project Plan (920050050) in land use, density, location, building height and development guidelines.

2. *The Site Plan meets all of the requirements of the zone in which it is located.*

The Site Plan meets all of the requirements of the CBD-1 Zone and the Ripley/South Silver Spring Overlay Zone as demonstrated in the project Data Table above.

3. *The location of the building and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*

- a. **Buildings**

The proposal envisions three separate buildings situated atop a 3-level below-grade parking structure that spans the majority of the lot. The building design is a modern architectural approach that blends curvilinear forms with the surrounding buildings to accent prominent features and activate the public use spaces. The building program is intended to provide the massing of the proposed structures closer to the northeastern portion of the site to complement the massing of the existing Gramax building and future development near the Georgia Avenue corridor. The scale transitions in height and mass from the northeast to the southwest near the frontage along Eastern Avenue to emphasize a move from the urban context to the pedestrian and residential character associated with the Shepard Park community in the District.

Building 'A' creates a distinct urban edge along the northern and eastern property boundary, adjacent to 13th Street and the "Art Walk", which connects King Street to the south. Two-story maisonette units (possible live-work units) are envisioned along the "Art Walk" promenade to frame the environment, create an intimate atmosphere and provide a forum for local artists. Building 'B' has a two-story masonry base with floor lines expressed in exposed concrete, mixed with glass and steel. Building 'C' will be constructed of masonry and glass to complement the surrounding buildings under construction and the existing architecture in the neighboring communities.

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, both of which apply to this development.

Staff recommends that the building fronting on Eastern Avenue (Building 'C') not exceed 45 feet as 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 as measured from King Street. Both Buildings 'A' and 'B' shall be setback a minimum of 100 feet from Eastern Avenue. Building 'B' will be measured from 13th Street using the applicable standards for height in the zoning ordinance. Staff believes that the proposed development as conditioned, will not adversely affect surrounding properties.

The building mass steps down from the northeast boundary of the site at 125 feet to 45 feet along Eastern Avenue. Building 'B' will step down in height from the 125 feet to approximately 90 feet before transitioning to the 45-foot height in Building 'C'. The 125-foot height corresponds to the existing Gramax building (129 feet) across 13th Street and the Aurora building (90-110 feet) along Eastern Avenue.

b. Open Spaces

The on-site public use space consist of three separate and distinct outdoor areas on the site, designed to promote the type of recreational activities needed to enhance the vitality of the south Silver Spring urban community. The "galaxy" theme is represented throughout the public use areas by repeating patterns of light, landscaping, architectural features and paving treatments. The most prominent outdoor public space is the "Public Park", followed by the "Art Walk" and the covered glass walkway connecting 13th Street and the public parking garage. The latter outdoor space is located between Buildings 'A' and 'B' and is intended to provide artistic enjoyment through selected features while protecting pedestrians from the elements. The art component labeled "Moon Dance", designed by Martha Jackson-Jarvis is proposed within this area.

The site plan is proposing 27,000 square feet of public use space and amenities provided on-site which equals 31.9% of the net lot area. The minimum required public use space for this project is 17,367 square feet (20% of the net lot area). The applicant is also proposing an additional 11,470 square feet of off-site streetscape improvements. In total, the applicant proposes 38,470 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. If improvements on Eastern Avenue were credited toward this development, the overall public use space and amenity package would equal 48 percent of the net lot area.

The proposed stormwater management concept approved on July 19, 2005 consists of (1) partial on-site water quality control via Stormfilters. Onsite recharge is not required because this is a redevelopment site.

c. Landscaping and Lighting

The proposed landscape and lighting is adequate, safe and efficient.

The proposed landscaping on the site consists of a series of terraced planters at the base of the three buildings, which contain ornamental plantings such as shrubs, ornamental grasses and groundcover. The perimeters of the buildings are accented with flowering trees to highlight entrances and access to public areas. The public park area between Buildings 'B' and 'C' contains a series of terraced lawn areas with a central focal feature that entails a misting system surrounded by seating areas and raised planters with light display fixtures. The intent is to simulate the varying extent of the stars within the galaxy. The light displays are repeated throughout the site to bring a contextual relationship to the buildings and public components on the site.

The light display fixtures range in height from 6 feet to 15 feet from the top of the raised planter. The lights are designed as 1.5" diameter clear acrylic rods in metal housings on a 2" pole base. The display of lights adds to security and safety concerns for the public spaces, especially during the winter seasons when the proposed buildings will cast shadows over the public use areas.

The streetscape improvements to 13th Street, King Street and Eastern Avenue will greatly enhance the appearance of south Silver Spring and complement the overall connections to the major roadways through the implementation of the Silver Spring Streetscape standards. The streetscape includes the London Plane trees in the standard 5' x 8' tree pits with the amended soil panels to encourage growth in an urban setting, as well as the Washington Globe light fixtures and the Beldon brick identified in the Silver Spring Streetscape standards.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table above. The Applicant is providing (12) picnic/sitting areas, an open play area, an interactive pedestrian system, two indoor community spaces and two indoor fitness facilities. Buildings 'A' and 'B' will include a fitness facility and community room on the second floor. The perimeter of all three buildings will include seating areas linked by a pedestrian system that provides mid-block connections from the public roads. The open play area is the terraced lawn and public park located between Buildings 'B' and 'C' with direct access from 13th Street.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is safe, adequate and efficient.

Vehicular circulation is enhanced with improved right-of-way along the south side of 13th Street and north side of King Street. Additional area was dedicated with the Preliminary Plan (120050890) on the south side of 13th Street totaling 71 feet of right-of-way. The full width 60-foot right-of-way has already been dedicated on King Street. The dedication and proposed streetscape improvements will ensure complete accommodation of the optional method streetscape treatment on the applicant's side of 13th Street and King Street.

Eastern Avenue is within the District of Columbia right-of-way and will require the District's approval for streetscape improvements along the frontage of 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 13th Street and Kennett Street. 13th 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 13th 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 13th Street and under Building 'A' from the service drive off of King Street. The parking garage is a 2 to 3-level below grade structure planned to accommodate 200 public parking spaces and 449 spaces for use by the residents of the Galaxy site and the adjoining Aurora site (82004028A). Signs indicating traffic circulation in and out of the garage will promote safety for pedestrian activity in the public use space. Additionally, a public access easement is provided from 13th Street and King Street to the public parking garage for continuous circulation.

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 13th Street to King Street will facilitate the Arts and Entertainment theme for Silver Spring and further activate pedestrian circulation through the site.

4. *Each structure and use is compatible with other uses and other Site Plans and with existing and proposed adjacent development.*

The proposed mixed-use development is adjacent to the Aurora (Williams & Wilste, Site Plan 82004028A) condominium buildings (9 and 11 stories), a 1-story bank to the west, the 6-story Ramada Inn 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.

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 existing 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 project upon the surrounding community. The base of the buildings emphasizes traditional masonry, typically associated with residential uses.

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.

The three buildings proposed on the property include a progressive transition in height and massing from Eastern Avenue toward the Gramax Building at the intersection of 13th and Kennett Streets. The proposed building fronting on Eastern Avenue (Building 'C') measures 45 feet in height from Eastern Avenue. Building 'B' is located on 13th Street with a varying height of 80-125 feet. Building 'A' has frontage on both 13th Street and King Street and measures 125 feet in height from each street. Both Buildings 'A' and 'B' are set back a minimum of 100 feet from Eastern Avenue. The proposed development, as conditioned, meets the intent of the Sector Plan and the zoning ordinance in terms of building height, intensity and use and will not adversely affect surrounding properties.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #4-05144) was approved on March 21, 2005. The Applicant has met the Forest Conservation requirements through credit for street trees planted within the property boundaries.

APPENDICES

- A. Planning Board Opinion for Preliminary Plan 120050890
- B. Planning Board opinion for Project Plan 920050050.
- C. Memorandums from agencies