**MEMORANDUM**

DATE: June 27, 2006

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Michael Ma, Supervisor *Ma*
Development Review Division

FROM: Robert A. Kronenberg
Planning Department Staff
(301) 495-2187

REVIEW TYPE: Amendment to Combined Urban Renewal Project Plan

APPLYING FOR: Amendment to include 62 additional residential units in Block E, and a reduction of the approved office square footage from 297,408 square feet to 228,931 square feet

PROJECT NAME: **Downtown Silver Spring**

CASE #: 91998005B (formerly 9-98005B)

REVIEW BASIS: The Amended Silver Spring Urban Renewal Plan requires Project Plan Review under Sec. 59-D-5, Montgomery County Zoning Ordinance as part of the application for the use of the optional method of development for a CBD zoned property.

ZONE: CBD-0.5, CBD-1, CBD-2 and CBD-R2 Zones

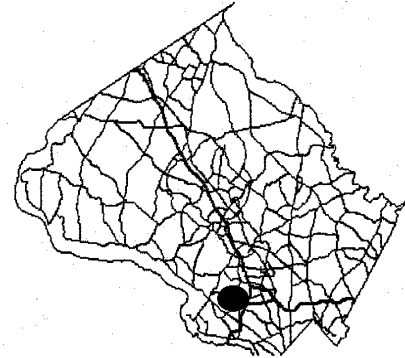
LOCATION: Southeast quadrant of the intersection of Cedar Drive and Ellsworth Drive

MASTER PLAN: Silver Spring CBD Sector Plan

APPLICANT: PFA Silver Spring LC, Bryant Foulger

FILING DATE: January 9, 2006

HEARING DATE: July 13, 2006



Attached is the staff report for the proposed amendment to the Project Plan for Downtown Silver Spring. The Planning Board public hearing for this application is scheduled for July 13, 2006 and is being reviewed concurrently with Site Plan amendment 81999002F. The Staff recommends Approval with conditions as delineated in the staff report.

TABLE OF CONTENTS

SUMMARY..... 3

STAFF RECOMMENDATION..... 4

PROJECT DESCRIPTION..... 5
Site and immediate vicinity
Proposal and Block E amendment

PLANNING AND REGULATORY FRAMEWORK..... 7
Master Plan / Sector Plan / Urban Renewal Plan
Prior Approvals

BASIS FOR CONSIDERATION OF ISSUES..... 9

REQUIRED FINDINGS..... 10
Compliance with the intents and requirements of the zone
Conformance to the approved and adopted Sector Plan
Compatibility with the general neighborhood
Adequacy of existing or programmed public services
More desirable than the standard method of development
Provision of moderately priced dwelling units
Development involving more than one lot or one CBD zones
Requirements for forest conservation
Requirements for water quality resource protection

APPENDIX..... 17

SUMMARY OF THE OVERALL PROJECT

The overall Project and the Amended Silver Spring Urban Renewal Plan was approved pursuant to the General Development Agreement for the redevelopment of Downtown Silver Spring dated April 20, 1998 between PFA Silver Spring LC and Montgomery County, Maryland. The 22.5-acre site in the Silver Spring Urban Renewal Area, was approved for 297,408 square feet of office space, 507,340 square feet of retail, restaurant, a multiple-screen movie theater complex, construction of the American Film Institute and renovation of the Silver Theater (AFI), 151,130 square feet hotel (242 rooms), 48,000 gsf of civic building, 160 multiple family dwelling units, public use space and parking. The subsequent amendments have changed the square footage mix based upon changes in the market conditions and architectural considerations.

The Project has created a new, pedestrian-oriented core for Silver Spring, containing street-oriented retail development patterns, significant cultural amenities, and a future civic building with a Town Square at the central crossroads of the two internal streets. This 63,620 square foot plaza will be flanked by local/family/neighborhood uses and by a new, 48,000-square-foot Civic Building, which will include meeting space to replace the space formerly found in the Armory and in the County outreach facilities. A veterans' memorial will be incorporated into the Town Square.

The additional public spaces complete the downtown concept, including the Silver Circle, which is centered on Ellsworth Drive, and create a vibrant, evening activity area featuring restaurants and outdoor cafes, along with a bookstore, hotel, health club and retail uses. Gateway Plaza, in front of the historic art deco style Silver Spring Shopping Center at Georgia Avenue and Colesville Road, ties the Ellsworth Drive uses to the proposed theater uses along Colesville, housing the American Film Institute (AFI) and Roundhouse Theater complex. These uses are served by a new parking garage on Wayne Avenue, which will also house a civic service office component near the intersection of Georgia Avenue.

SUMMARY OF THE AMENDMENT

The application proposes an amendment to the Urban Renewal Project Plan for Downtown Silver Spring to increase the overall number of units to the residential component in the Ellsworth Drive, Pershing Drive and Cedar Drive block (Block E) by 62 additional units and to reduce the office square footage from 297,408 square feet to 228,931 square feet. The applicant also filed an amendment to the Preliminary Plan, application #11998107B, and an amendment to the Site Plan, application #81999002F, which are being processed concurrently with the Project Plan and will be heard by the Planning Board on the same day. Amenities and facilities proposed include streetscape improvements to Pershing Drive, Cedar Street, Ellsworth Drive and the northern portion of Veteran's Place. Staff recommends approval of the Project Plan with the conditions listed in the Recommendation section below.

The issues addressed during review include the total amount of public use space, treatment of the streetscape elements on Cedar Drive and massing of the building in relation to the proposed civic building site and surrounding existing uses.

STAFF RECOMMENDATION

The staff recommends APPROVAL of the amendment to Project Plan 91998005B, which includes an additional 62 multi-family dwelling units and a reduction of the proposed office component from 297,408 square feet to 228,931 square feet, on 22.5 acres with the following conditions:

1. Prior Approvals

Conditions of prior approvals remain in full force and effect unless specifically modified by this amendment.

2. Development Ceiling

The proposed development shall be limited to the following:

- a. 1,119,640 gross square feet of total development
- b. 507,340 square feet of retail space
- c. 228,931 square feet of office space
- d. 48,000 square feet of civic building
- e. 97,716 square feet of hotel (242 rooms)
- f. 237,653 square feet of residential space (222 residential units, of which 31 will be MPDUs)

3. Transportation Planning

The applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated June 20, 2006 [Appendix C]:

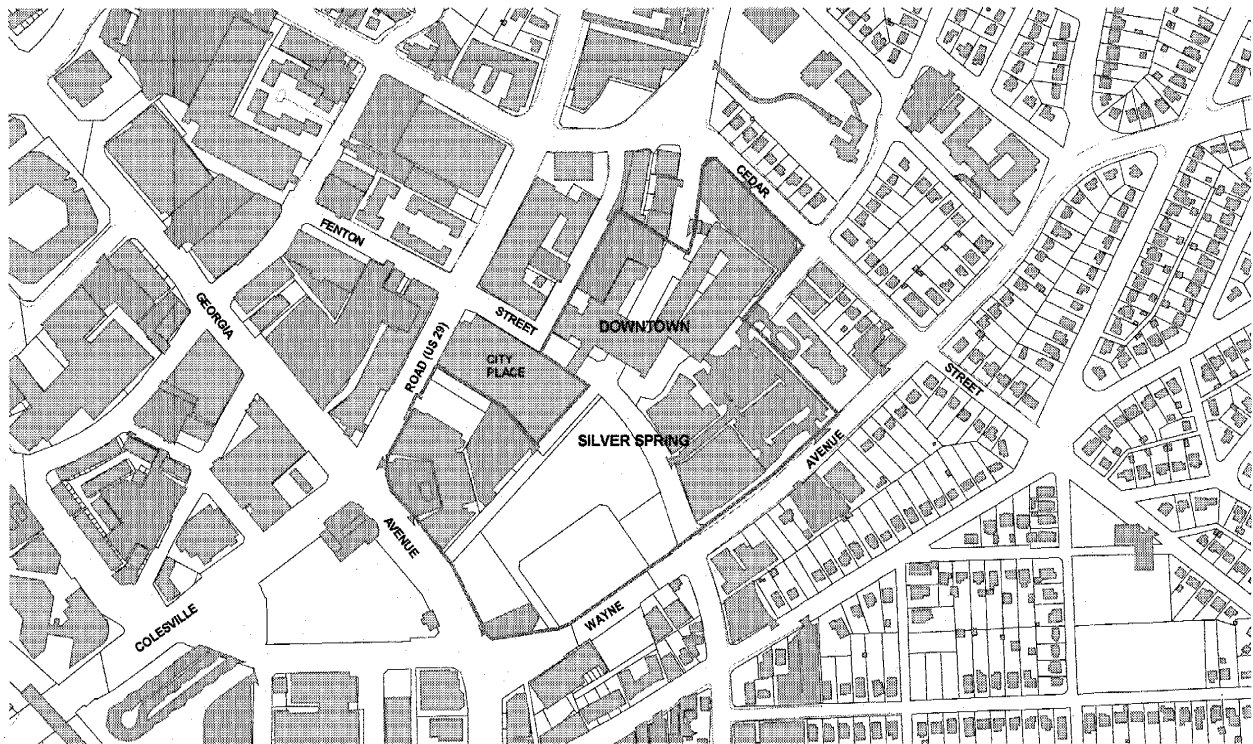
- a. Total development under the subject plan is limited to 222 residential units, 507,340 square feet of retail, 228,931 square feet of office, 48,000 square feet of civic building and a hotel with 242 rooms.
- b. The applicant shall dedicate and show on the record plat rounded truncations for the corners of Veteran's Place and Pershing Drive, Veteran's Place and Ellsworth Drive and Cedar Street and Pershing Drive, in accordance with the comment letter from the Department of Public Works and Transportation (DPWT) dated May 26, 2006.
- c. The applicant shall provide one bicycle rack at each of the entrances located on Veteran's Place/Ellsworth Drive and Cedar Street/Ellsworth Drive respectively. Provide ten bicycle lockers in the parking garage.
- d. The Applicant shall construct the proposed driveway entrance on Cedar Street to prohibit outbound left turns from the site, consistent with the DPWT letter dated May 26, 2006.
- e. Revise the Transportation Mitigation Agreement to include the increase in residential units.

PROJECT DESCRIPTION: Site and immediate vicinity

The overall 22.5-acre Downtown Silver Spring Project is bounded by Georgia Avenue to the south, Colesville Avenue to the west, and Wayne Avenue to the east and Cedar Street to the north. Cedar Street is the dividing line between the Central Business District and the adjacent residential communities to the north, most of which are zoned R-60. The overall site consists of four different zoning categories from CBD-2, CBD-R-2, CBD-1 to CBD-0.5, with the higher intensity zoning near Georgia Avenue. St. Michael's Church is located south of the commercial buildings and east of Pershing Drive toward Wayne Avenue.

The development in the southern part of the core area includes a variety of commercial, retail, office, employment and entertainment uses, as well as public parking garages to accommodate the new uses. City Place Mall is located at the intersection with Ellsworth Drive and Fenton Street and wraps around a portion of the new uses, with direct access to Colesville Road and Fenton Street.

The majority of the Project is complete, with the exception of Block E, the residential component and the Civic Center and Veteran's Plaza, both of which are in the planning stages. The remainder of the core area remains a vibrant pedestrian-oriented core for Silver Spring, containing street-oriented retail development patterns, significant cultural amenities, and activating public use areas.



PROJECT DESCRIPTION: Proposal

The Application requests approval of an amendment to the 1998 approved Combined Urban Renewal Plan and Site Plan for the Downtown Silver Spring project. The overall project is being developed pursuant to a General Development Agreement for the Redevelopment of Downtown Silver Spring dated April 20, 1998 between PFA Silver Spring L.C. and Montgomery County, Maryland, and the Amended Silver Spring Urban Renewal Plan. The 22.5-acre site in the Silver Spring Urban Renewal Area as amended, was approved for 297,408 square feet of office space, 507,340 square feet of retail, restaurant, a multiple-screen movie theater complex, construction of the American Film Institute and renovation of the Silver Theater (AFI), 151,130 square feet hotel (242 rooms), 48,000 gsf of civic building, 160 multiple family dwelling units, public use space and parking. The subsequent amendments have changed the square footage mix based upon changes in the market conditions and architectural considerations.

The majority of the phases are complete or under construction, including the new Whole Foods Store, hardware store, retail shops along Fenton Street and Ellsworth Drive, the renovation of the Silver Theatre, cinema and parking garages. The remaining components of the Project include the residential phase in Block E and the Civic Building and Veteran's Plaza.

Block E Amendment:

The proposed amendment to Block E, the residential component, provides for a five-story condominium building comprised of 222 multi-family units, including 31 MPDUs. The original approval for the block included 160 multi-family units and no MPDUs. The development is bounded by three existing public roads and one proposed public road in the northern core area of downtown Silver Spring.

The building is urban in character with only a narrow band of landscaped public space separating its walls from the public sidewalks and streets on all four sides. Its location on the edge of the commercial downtown district requires sensitivity to the lower density residential and local commercial developments along Cedar Street. The amendment reduces the height of the building by 5 feet to 55 feet from the original project plan approval.

The main entrance to the building is located at the corner of Veteran's Place and Ellsworth Drive, providing greater visibility and access for the residents to the Silver Plaza and retail and entertainment uses. The entrance includes a porte-cochere and one-way driveway from Veteran's Place that leads into the lobby of the building. The building architecture has been designed to have street access for the first floor units and access to the upper units from the lobby area.

Landscaping and lighting is incorporated into the streetscape elements and into the public use space plaza at the intersection of Ellsworth Drive and Cedar Street. Public use space has increased for the overall project by approximately 12,000 sf from 20 percent from the original approval to 29 percent, although the on-site public use space for block E has decreased by 4,800 square feet or a 1 percent decrease in the total percentage. The on-site public use space for Block E includes a landscaped plaza with seating and ornamental planting.

PLANNING AND REGULATORY FRAMEWORK: Master Plan

The approved CBD Sector Plan recommends the CBD-0.5 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 Urban Renewal Area.

The proposed residential development is comprised of 222 residential units with private structured parking. The residential is an increase of 62 units from the previously approved project and preliminary plans. High-rise multi-family units are permitted uses under the CBD-0.5 Zone. The proposal will be implemented under the optional method of development.

The Applicant proposes a total of 6,955 square feet of on-site public use space, in addition to the off-site improvements to four surrounding public roads. The adequacy of the proposed public use space must be evaluated in terms of the overall public use space for the entire Downtown Silver Spring project.

The Silver Spring Central Business District and Vicinity Sector Plan, approved by the County Council on February 1, 2000, outlines six themes, which articulate the shared goals and vision for a revitalized Silver Spring. Four of these themes (i.e., a residential downtown; a green downtown; a transit-oriented downtown; and a pedestrian-friendly downtown) apply to this proposed project. The Sector Plan specifically identifies this block of the overall development 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, private parking adjacent to an established residential community and an improved streetscape on four public roads. This project encourages the development of active urban streets by providing building entrances along the public streets and easily accessible public spaces as activity generators. This proposal improves the quality of the pedestrian environment by providing the optional method streetscape treatment and other amenities along Cedar Street, Ellsworth Drive, Pershing Drive and Veterans Place.

PLANNING AND REGULATORY FRAMEWORK: Prior Approvals

Project Plan and Urban Renewal Plan

The combined Project Plan 919980050 and Urban Renewal Plan was approved on September 17, 1998 by the Planning Board (Opinion dated March 2, 1999) for 1,175,935 gsf of retail, office, entertainment, restaurant, hotel and housing uses and 354,023 square feet of public amenities on approximately 22.5 acres in the CBD-0.5, CBD-1, CBD-2 and CBD-R2 zones in downtown Silver Spring.

Project Plan and Urban Renewal Plan Amendment

The combined Project Plan 91998005A and Urban Renewal Plan amendment was approved on July 22, 1999 by the Planning Board (Opinion dated March 2, 1999) to move the hotel site from the southeast corner of Georgia Avenue and Ellsworth Drive to the northwest corner of Fenton Street and Wayne Avenue; expand the previously approved Georgia Avenue office component

from the northeast corner of Georgia Avenue and Wayne Avenue to the entire frontage of Georgia Avenue between Wayne and Ellsworth Drive; and, increase the previously approved Project gross floor area (gsf) and floor area ratio (FAR) from 1,178,570 sf (1.20 FAR) to 1,240,198 sf (1.27 FAR).

Preliminary Plan

Preliminary Plan 11998107R was approved on September 17, 1998 by the Planning Board (Revised Opinion dated September 1, 1999) for 507,340 square feet of retail, 297,408 square feet of office, 48,000 square feet of Civic Center, a 242-room hotel and 160 residential dwelling units.

Site Plan

Site Plan 819990020 was approved on September 17, 1998 by the Planning Board (Opinion dated March 2, 1999) for 1,175,935 gsf of retail, office, entertainment, restaurant, hotel and housing uses and 354,023 square feet of public amenities on approximately 22.5 acres in the CBD-0.5, CBD-1, CBD-2 and CBD-R2 zones in downtown Silver Spring.

Site Plan Amendment A

Site Plan 81999002A was approved by the Planning Board on July 22, 1999 (Opinion dated September 1, 1999) to change the mix of office, retail, hotel, civic and residential uses within the parameters of the approved FAR and square footage totals. The amendment also increased the overall amount of public use space and amenities and parking provided for the overall development.

Site Plan Amendment B

Site Plan 81999002B was approved by the Planning Board on January 4, 2001 (Opinion dated June 20, 2001), for approval of the final design of a major public amenity space- Silver Plaza on Ellsworth Avenue.

Site Plan Amendment C

Site Plan 81999002C was approved administratively by planning staff on July 29, 2003, for (1) minor architectural modifications to buildings within Section B of the development, (2) modifications to certain streetscape elements, and (3) site plan data table update.

Site Plan Amendment D

Site Plan 81999002D was an administrative amendment approved on August 5, 2004 to revise the building entrance location of the office building within Section B, and to incorporate streetscape element modifications, including changes to street light fixture types along Wayne Avenue.

Site Plan Amendment E

Site Plan 81999002E was an administrative amendment approved on September 9, 2004 to provide tenant modifications to the office building at 8515 Georgia Avenue, specifically retail space #1, 928 Ellsworth Drive, occupied by the Red Rock Canyon Grill. Tenant modifications included the addition of a canopy and fireplace providing designated space for outdoor dining.

BASIS FOR CONSIDERATION OF ISSUES

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

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

FINDINGS for Project Plan Review:

Section 59-D-2.42 of the Zoning Ordinance establishes the findings, which must be made by the Planning Board and 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.*

CBD ZONES

59-C 6.21 Description, intent and general requirements in .211, .212, .213

59-C 6.22 Permitted Uses

59-C 6.23 Development Standards (see below)

The amended project plan complies with all of the intents, requirements and standards in the respective zones comprised within the property. Below is a data table indicating the original approvals and progression of amendments with a history of how the specific development standard was satisfied.

ANALYSIS: Conformance to Development Standards

**Overall Project Data Table and Development Standards
CBD-2, CBD-R-2, CBD-1, CBD-0.5 Zones**

Zoning Ordinance Development Standards	Permitted/ Required	Approved with Project Plan 919980050 & Site Plan 819990020	Approved with Project Plan Amendment 91998005A & Site Plan Amendment 81999002A	Approved with Site Plan Amendment 81999002B	Approved with Site Plan Amendment 81999002 C	Approved with Site Plan Amendment 81999002 D	Approved with Site Plan Amendment 81999002 E	Proposed for Approval with Project Plan Amendment 91998005 B & Site Plan Amendment 81999002 F
Min. Lot Area (sf)	20,000	980,100	980,100	980,100	980,100	980,100	980,100	980,100
Net Lot Area (sf)		932,591	932,591	932,591	932,591	932,659	932,659	932,659
Area of Zone (sf):								
CBD-2		172,062	172,062			172,062	172,062	172,062
CBD-R2		34,848	34,848			34,848	34,848	34,848
CBD-1		577,170	577,170			577,170	577,170	577,170
CBD-0.5		196,020	196,020			196,020	196,020	196,020

Max. Density of Development								
Gross Floor Area (sf)								
Office		210,800	297,408			297,408	202,896	228,931
Retail-Mixed Use (Retail, Restaurants, Theatres)		578,635	507,340			507,340	500,606	507,340
Hotel (242 Rooms)		123,135	151,130			151,130	97,716	
Civic Building		32,000	48,000			48,000	48,000	48,000
Residential (# of Units)		234,000	236,320			236,320	236,320	237,653
		160	160			160	160	222
GFA Total		1,178,570	1,240,198				1,085,538	
Floor Area Ratio (FAR):	2.29	1.20	1.27					
Max. Building Hgt:								
CBD-2 Zone (Section C)	200	200	200			200	200	200
CBD-1 Zone	143	143	143			143	143	143
CBD-0.5 Zone	90	90	90			90	90	90
CBD-0.5 Zone	60 (if compatible)	60 (if compatible)	60 (if compatible)			60 (if compatible)	60 (if compatible)	55 (as measured from Pershing Drive)
Residential Multi-family (DU):								
One-bedroom		87	87			87	87	144
Two-bedroom		73	73			73	73	78
Total # of Units		160	160			160	160	222
MPDUs		Exempted by MCDHCA	Exempted by MCDHCA			Exempted by MCDHC A	Exempted by MCDHC A	31
Min. Setbacks from street (ft.):	Not Specified	0	0	0	0	0	0	0
Amenities and Facilities								
Public Use Space								
Net Lot Area (sf)		932,591				932,659	932,659	932,659
Public Use		186,532	261,235			273,558	279,753	

Space Req./Provided								
Percent		20	28			29.3	29.99	
On-site outdoor seating facilities		Not Specified				10,000	10,000	10,000
Off-site Improvement Req./Provided (sf)		92,788				96,173	96,173	19,250
Replacement of Armory		69,696	69,696			69,696	69,696	69,696
Replacement of Kughn Park		10,890	10,890			10,890	10,890	10,890
Total Amenities and Facilities Provided		267,118	354,023			379,731	385,926	
Parking Requirements :								
Parking Required (Office, Retail, Civic)	3,600	3,600						
Parking Required (Residential)	175	175						
Parking Required:	3,775	3,775						
Parking Provided:								
Garages [Blocks B(2) & D(1)]			3,153	3,513				179
Structured [Office Block B(1) & Residential]			436	526				
Surface Lots (Block A & C)			314	314				
Total Parking Provided:			3,903	3,993				4,172

(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-0.5 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 Urban Renewal Area.

The proposed residential development is comprised of 222 residential units with private structured parking. The residential is an increase of 62 units from the previously

approved project and preliminary plans. High-rise multi-family units are permitted uses under the CBD-0.5 Zone. The proposal will be implemented under the optional method of development.

The Applicant proposes a total of 6,955 square feet of on-site public use space, in addition to the off-site improvements to four surrounding public roads. The adequacy of the proposed public use space must be evaluated in terms of the overall public use space for the entire Downtown Silver Spring project.

Sector Plan Conformance:

The Silver Spring Central Business District and Vicinity Sector Plan approved by the County Council on February 1, 2000, outlines six themes, which articulate the shared goals and vision for a revitalized Silver Spring. Four of these themes (i.e., a residential downtown; a green downtown; a transit-oriented downtown; and a pedestrian-friendly downtown) apply to this proposed project. The Sector Plan specifically identifies this block of the overall development 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, private parking adjacent to an established residential community and an improved streetscape on four public roads. This project encourages the development of active urban streets by providing building entrances along the public streets and easily accessible public spaces as activity generators. This proposal improves the quality of the pedestrian environment by providing the optional method streetscape treatment and other amenities along Cedar Street, Ellsworth Drive, Pershing Drive and Veterans Place.

- A. **Sector Plan Street Rights-of-Way:** Cedar Street is recommended for a 78-foot wide right-of-way in the CBD Sector Plan. Ellsworth Drive is recommended for a 70-foot-wide right-of-way, although the pending plans show only 69 feet. The recommended right-of-way for Pershing Drive is 40 feet from the centerline.
- B. **Sector Plan Bikeways:** The Sector Plan recommends an on-road bike route along Cedar Street. It also recommends an off-road link from the Silver Spring Green Trail (along Wayne Avenue) over to Ellsworth Drive. This Class I off-road trail would go west from Wayne Avenue along a "new street" bordering St. Michael's Church; north along Pershing Drive; west along Cedar Street; and then north on Ellsworth Drive out to Sligo Creek Park. This is an alternative alignment for the Silver Spring Green Trail if the Wayne Avenue alignment is not feasible.
- C. **Streetscape:** The Applicant proposes to improve the pedestrian environment by implementing the Type B Silver Spring streetscape standard. The staff recommends that the Applicant enter into an agreement with the Silver Spring Urban District for maintenance of all or some of the streetscape improvements.

- (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 into the general neighborhood.*

The subject block is one parcel of a comprehensively designed, 22.5-acre, mixed-use development, planned and developed by a public/private partnership. The project is based upon goals developed over a multi-year period as part of the Urban Renewal Area and Silver Spring Business District Sector Plan processes. The subsequent approvals precede the subject proposal and have already established a general compatibility of the residential use with the surrounding development.

The height of the proposed building is compatible with the adjacent residential units across Cedar Street in terms of height, land use and architectural treatment. The building height approved with the project plan permitted 60 feet; however, the proposed development has reduced the building height to 55 feet. The residential units across Cedar are set up higher along the street due to increased grades and the street elevations. The proposed building is sympathetic to the existing residential units because individual entrances are proposed for the first floor units fronting Cedar Street. The streetscape also accommodates the residential feel by incorporating green panels in-lieu-of planter boxes along Cedar Street.

The proposed site design and use of the subject property is compatible with the existing and planned development on the surrounding properties and others in the vicinity of the site.

- (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 approved development for downtown Silver Spring estimated 834 AM peak hour trips and 1,595 PM peak hour trips. The amended project and preliminary plan proposal estimated 756 AM peak hour trips and 1,517 PM peak hour trips according to the Applicant's proposal. Staff has accepted the revised trip generation estimates and concurs that incorporating the proposed changes results in a net reduction of peak hour trips (77 fewer trips for both peak hour periods). The reduction in the estimated peak hour trips reinforces the estimates and conclusions in the previously approved LATR requirements.

As part of the overall development, the Downtown Silver Spring project has contributed to the public services by providing over 1300 new parking spaces in two public garages, upgrading the public utilities and mitigating vehicular traffic within the downtown core area. The Project has also implemented streetscape improvements to facilitate increased pedestrian circulation to public facilities, businesses and mass transit.

The Applicant is revising their Traffic Mitigation Agreement to include the additional 62 residential units.

- (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 does the standard method of development. The Project Plan implements 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 gross floor area on site to approximately 1,118,307 square feet and maximize the number of Moderately Priced Dwelling Units to 13.9% provided on-site as permitted in the standards for projects utilizing the optional method.

In addition to the provision of additional MPDUs, the project as a whole includes significant new public open space, amenities on the site, as well as the preservation and rehabilitation of historic resources. The project is providing over 29% of new on-site public use space, in addition to the off-site public use space, which would not have been possible through the standard method of development. The applicant is maximizing their density for the residential component and increasing the number of units by 62 from the original approval.

- (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 original approval for the Downtown Silver Spring project was exempt from the MPDU requirement by the Montgomery County Department of Housing and Community Affairs for the projected 160 multi-family dwelling units. The Applicant is providing 31 Moderately Priced Dwelling Units within the building, consistent with Chapter 25A because the development is receiving a 12% density bonus over and above the 100 units per acre in the CBD-0.5 Zone. This equates to 13.9% MPDUs on the residential component (Block E) of the overall development.

The objective of Montgomery County for moderately priced housing is to provide Moderately Priced Dwelling Units (MPDUs) in the CBD zones where public facilities, services and transit options are readily available. Consistent with Chapter 25A, the applicant is committed to providing 31 MPDUs within the building, which represents 13.9% of the total number of dwelling units (12.5% is required). The applicant is receiving a 12% density bonus for providing the additional MPDUs on the site.

- (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:*

- (1) The project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or

- (2) The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or
- (3) The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.

Nothing in this amendment affects the original finding as referenced in the original staff report in Appendix D.

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

The NRI/FSD and Final Forest Conservation Plan have been revised to correct the overall acreage of the site since the public right-of-way was greater prior to abandonment and re-subdivision. However, the original boundaries of the overall project remain the same. Forest conservation requirements continue to be met through street tree plantings within the public right-of-way and the preservation of existing mature trees along Wayne Avenue and next to St. Michael's Church.

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

The protection of water resources is accomplished through the provision of existing on-site water quality controls via Best Management practices, including bioretention, stormwater treatment systems, surface and structural filters. The Project also provides erosion and sediment control measures to contain all excavated material on-site and to prevent runoff into the public rights-of-way and storm drain systems during construction in accordance with the requirements of Chapter 19 of the Montgomery County Code.

The proposed stormwater management concept consists of (1) on-site water quality and recharge control via grass swales, dry swales, a modified dry swale, drywells and a surface sand filter. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

APPENDICES

- A. Prior Planning Board Opinions**
- B. Memoranda from Agencies**
- C. Letters from the Applicant**
- D. Prior Staff Report for 919980050 and 91998005A**



CHECKLIST Site Plan / Project Plan Review

Plan # 91998005B Name: DOWNTOWN SILVER SPRING

Zone: CBD-2, CBD Tract Area: 22.50 ac. Proposed Use: MIXED-USE
2, CBD-0.5, CBD-R-2

Number of Units: _____ Square Footage: 1,240,198

Development Method: OPTIONAL Other: _____

Referral Comments:

M-NCPPC

	Staff	Date
Transportation	<u>SJ</u>	<u>6.20.06</u>
Environmental	<u>AL</u>	<u>6.28.06</u>
Community Planning	<u>GK</u>	<u>3.29.06</u>
Historic Planning	<u>N/C</u>	_____
Park Planning	<u>N/C</u>	_____
Research/Housing	<u>N/C</u>	_____

Other Agencies

	Staff	Date
SHA	<u>N/C</u>	_____
DPS (SWM)	<u>RB</u>	<u>6.21.06</u>
DPS (Traffic)	<u>N/C</u>	_____
Public School	<u>N/C</u>	_____
Utility	<u>N/C</u>	_____
Fire & Rescue	<u>JF</u>	<u>2.27.06</u>
DPW & T	<u>GL</u>	<u>3.26.06</u>

Development Standards / Requirements

- Zoning Requirements
- Development Data Table
- Recreation Calculation
- MPDU Calculation
- TDB Calculation
- Timing/Phasing Conditions
- Building Restriction Lines
- Building Height
- Master Plan Conformance

Prior Approvals

- Project Development Plan
- Preliminary Plan
- Prior Site Plan Approvals
- Record Plat

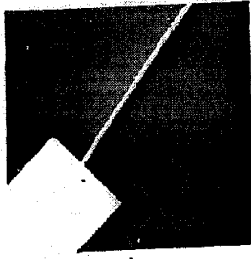
Community Input

- Civic Association _____
- Individuals _____

Supervisor Review

MM 7/3/06

Chief Review _____



THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: September 1, 1999
PROJECT PLAN REVIEW: #9-98005A
PROJECT NAME: Downtown Silver Spring

Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Perdue, with a vote of 5 to 0; Commissioners Wellington, Holmes, Hussmann, Bryant and Perdue voting in favor of the Motion.

The date of this written opinion is September 1, 1999 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before October 1, 1999 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this Project Plan shall remain valid as provided in Section 59-D-2.7.

On July 22, 1999, the Montgomery County Planning Board ("Board") held a public hearing to consider an amendment to a Combined Urban Renewal Project Plan, Project Plan Review #9-98005A ("Application"), filed by Montgomery County, Maryland and PFA Silver Spring LC pursuant to Division 59-D-5 of the Montgomery County Zoning Ordinance ("Zoning Ordinance"). At the public hearing, the Board heard testimony and received evidence submitted in the record on the Application.

The property which is the subject of the Application encompasses approximately 22.5 acres in the CBD 0.5, CBD-1, CBD-2 and CBD R-2 zones. The proposed development (collectively the "Project") includes 1,240,198 gross square feet of mixed retail, entertainment, office, civic, a 242 room hotel, and 160 multi-family dwelling units, as well as 379,731 gross square feet of public use space, off-site amenities and facilities. The public hearing on the Application (including Project Plan Review #9-98005A and Site Plan Review #8-99002A) was consolidated with a public hearing on an application for preliminary subdivision plan for the Property designated Preliminary Plan #1-98107R. This opinion covers the Project Plan component of the Application. The Board has issued separate opinions approving Preliminary Plan #1-98107R and

the site plan review component of the Application designated Site Plan Review #8-99002A.

Based on the testimony and evidence presented and on the Staff Report dated July 7, 1999 which is made a part hereof, the Montgomery County Planning Board makes the following findings:

FINDINGS for Project Plan Review:

(a) *It would comply, with all of the intents and requirements of the zone.*

The Board finds the Application in compliance with all the requirements of the Zone pursuant to Chapter 59-C-6.2352 of the Code entitled, "Combined Development in an Urban Renewal Project Area" as outlined in the following Project Data Table:

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>1998 Approval</u>	<u>AMENDED PROPOSAL</u>	<u>CHANGE</u>
LOT AREA (minimum sq. ft.):	20,000	980,100	980,100	
NET LOT AREA		932,591	932,659	+68
GROSS FLOOR AREA (sq. ft.):				
Office		210,800	297,408	+86,608
Retail-Mixed Use (Retail, Restaurants, Theaters)		578,635	507,340	-71,295
Hotel (242 Rooms)		123,135	151,130	+27,995
Civic Building		32,000	48,000	+16,000
Residential		<u>234,000</u>	<u>236,320</u>	<u>+2,320</u>
GFA Total		1,178,570	1,240,198	+61,628
FLOOR AREA RATIO (FAR):	2.29	1.20	1.27	+0.07
AMENITIES & FACILITIES:				
Public Use Space (1998 Approval)				
Net Lot Area (sq. ft.)	932,591			
Public Use Space Required/Provided	186,518	261,235		
Percent	20%	28%		
Public Use Space (Amended Proposal)				
Net Lot Area (sq. ft.)	932,659			
Public Use Space Required/Provided	186,532		273,558*	+12,323
Percent	20%		29.3%	
On-Site Outdoor Seating Facilities			10,000	+10,000
Off-Site Improvement Required/Provided (sq. ft.)		92,788	96,173	+3,385
Replacement of Armory	10,890			
Replacement of Kughn Park	<u>69,696</u>			
Total Off-Site Improvements	80,586	92,788	96,173	
Total Amenities & Facilities	267,118	354,023	379,731	+25,708

*Note: This total includes the AFI/Roundhouse/Silver Theater square footage as Public Use Space. Technically, these facilities do not meet the zoning definition of public use space, even though they are acknowledged to be public use space. In any event, this square footage is above the minimum requirements.

RESIDENTIAL- MULTI-FAMILY (DU):	
One-bedroom	87
Two-bedroom	73
<u>MPIU's (Exempted by MCDHCA)</u>	<u>N/A</u>
Total	160

MAXIMUM BUILDING HEIGHT (ft.):				
CBD-2 Zone (Section C)	200	200	200	
CBD-1 Zone	143 (If Compatible)	143	143	
CBD-0.5 Zone	90	90	90	
CBD-0.5 Zone	60 (If Compatible)	60	60	
SETBACKS (ft.):	0	0	0	
OFF-STREET PARKING:				
Parking Required (Office, Retail, Civic) 3,600		3,600		
<u>Parking Required (Residential)</u>		175		
Total Required		3,775		
Parking Provided:				
Garages [Blocks B(2) & D(1)]			3,153	
Structured [Office Block B(1) & Residential]			436	
<u>Surface Lots (Block A & C)</u>			314	
Total Provided			3,903	+128

(b) *It would conform to the approved and adopted sector plan or an urban renewal plan approved under Chapter 56.*

For the reasons set forth in the Staff Report, the Board finds the Application is consistent with the Urban Renewal Plan.

(c) *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 Board further finds that the Application will be compatible with and not detrimental to existing or potential development in the general neighborhood.

(d) *It 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 Board further finds that the Project will not overburden existing public services nor those programmed for availability concurrently with each stage of development and that the Project is subject to a traffic mitigation agreement meeting the requirements of Chapter 42A of the Code.

(e) *It would be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The Board finds the development will be more efficient and desirable than could otherwise be accomplished by use of the standard method of development.

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

The Board finds that the Montgomery County Department of Housing and Community Affairs, which administers the Moderately Priced Dwelling Unit Program pursuant to Chapter 25A of the

Code, has determined the Project may be exempt from its requirement to provide on-site MPDUs. In the event the Project is so exempt, the Applicant shall be required to pay a fee in lieu of actual construction that will be directly applied to the renovation of existing housing within the Silver Spring Planning Area. The Board finds the required payment in lieu satisfies the applicable requirements of the Code.

(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:*

(1) *The project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or*

The Board further finds the project will preserve the historic Silver Theater and the Silver Spring Shopping Center facade as integral project components.

(2) *The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*

The Board further finds the Project will effectively implement the Urban Renewal Plan for the reasons stated in the Staff Report.

(3) *The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*

The Board further finds the Project will result in an overall land use configuration that is superior to the configuration that would result if each underlying zone within the Property was developed in accordance with the limitations and development standards for such zone as set forth in the Zoning Ordinance.

(h) *Conformance with any applicable requirements for forest conservation under Chapter 22A.*

The Board further finds the Project complies with applicable requirements for forest conservation under Chapter 22A of the Code by providing street trees.

(i) *Conformance with any applicable requirements for water quality resource protection under Chapter 19.*

Lastly, the Board further finds the Project complies with the applicable requirements for water quality resource protection under Chapter 19 of the Code.

The Montgomery County Planning Board APPROVES Project Plan Review #9-98005A which consists of 1,240,198 gross square feet of retail, office, entertainment, restaurant, hotel and housing uses and 379,731 square feet of public amenities, subject to the following conditions:

General

1. Conditions of prior approvals remain in full force and effect except as specifically superseded by this approval.

Staging of Amenities

2. Detailed design of the Silver Circle to be subject to a future Site Plan Amendment for Block C, Parcel A.

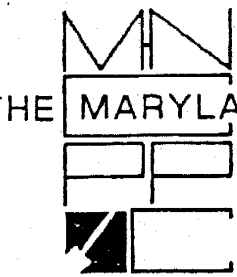
Streetscape

3. Final design of Georgia Avenue between Colesville Road and Wayne Avenue, including streetscape, crosswalk at Ellsworth Drive and median, is subject to coordination with the future Discovery Communications site plan confronting on the west side of Georgia Avenue.

Georgia Avenue

4. Construct a signalized, pedestrian crossing at Ellsworth Drive operable twenty-four hours a day, prior to the occupancy of the Discovery Communications site.

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**MONTGOMERY COUNTY PLANNING BOARD
OPINION**

Combined Urban Renewal Project Plan: Site Plan Review No. 8-99002
Project: Downtown Silver Spring
Date of Hearing: September 17, 1998

Action: APPROVAL, SUBJECT TO CONDITIONS. (Motion by Commissioner Holmes; seconded by Commissioner Perdue; with a vote of 4 to 0; Commissioners Holmes, Richardson, Perdue and Hussmann voting in favor of the Motion.

INTRODUCTION:

On September 17, 1998, the Montgomery County Planning Board ("Board") held a public hearing to consider a Combined Urban Renewal Project Plan application ("Application") filed by Montgomery County, Maryland and PFA Silver Spring LC pursuant to Division 59-D-5 of the Montgomery County Zoning Ordinance. In accordance with Section 59-D-5.1.11 of the Zoning Ordinance, the Application included all the requirements for preliminary plan of subdivision under Chapter 50 of the Montgomery County Code 1994 (as amended) ("Code"). The Application also included all the same information required in Section 59-D-2.12 and 59-D-3.2 of the Zoning Ordinance.

The property which is the subject of the Application ("Property") encompasses approximately 22.5 acres in the CBD 0.5, CBD-1, CBD-2 and CBD R-2 Zones. The proposed development includes retail, movie theaters (including the Silver Theatre), entertainment and recreation space, office space, civic center space, a 200 room hotel, 160 residential dwelling units, amenity and public use space and the preservation of historic resources (collectively, the "Project"). The public hearing on the Application (including both Site Plan Review No. 8-99002 and Project Plan No. 9-98005) was consolidated with a public hearing on an application for preliminary subdivision plan approval for the Property designated Preliminary Plan No. 1-98107. This Opinion covers the Site Plan component of the Application. The Board has issued separate opinions approving Preliminary Plan No. 1-98107 and the Project Plan component of the Application designated Project Plan No. 9-98005. The findings and conclusions of the Board set forth in such opinions are adopted by the Board and are incorporated herein in full by reference.

At the hearing, the Board heard testimony and received evidence submitted in the record, both supporting and opposing the Application. The testimony and evidence presented included, without limitation, the Application materials; copies of resolutions and actions taken by civic groups and organizations supporting the Application; the Amended Silver Spring Urban Renewal Plan dated March 11, 1997; Montgomery County Council Resolution No. 13-1281 adopted May 28, 1998, approving the FY1999-2004 Montgomery County Capital Improvements Program, FY99 Capital Budget and individual Project Description Forms (PDF's) for the public infrastructure requirements of the development; the M-NCPPC Transportation Planning Division Memorandum dated September 2, 1998, Revised September 11, 1998; the M-NCPPC Development Review Division Memorandum dated September 2, 1998; Errata Sheet dated September 17, 1998; the General Development Agreement for the Redevelopment of Silver Spring dated April 20, 1998, between PFA Silver Spring LC and Montgomery County; and the recommendations of the Montgomery County Department of Public Works and Transportation and the Montgomery County Department of Permitting Services. Based on the testimony and evidence, including the September 2, 1998 M-NCPPC Staff Memorandum and Errata Sheet (collectively, "Staff Report"), made a part hereof.

Having considered all the evidence presented and testimony taken, and for the reasons detailed below, the Montgomery County Planning Board **APPROVES** the Combined Urban Renewal Project Plan for Downtown Silver Spring: Site Plan #8-99002 which consists of 1,175,935 gross square feet of retail, office, entertainment, restaurant, hotel and housing uses and 354,023 square feet of public amenities, subject to the following conditions:

1. Standard conditions dated 10-10-95, Appendix A (attached hereto and incorporated herein).

Compatibility

1. Provide additional plantings atop retaining wall along Cedar Avenue elevation.

Housing Site

1. Submit Site Plan Amendment for housing, addressing lack of resolution of Cedar elevation compatibility, interior court design at 1/8"=1'-0", landscape/lighting details, Ellsworth entry details, tot lot details, corner public use space site plan/landscape plan, Executive Regulations for pool, parking,

unit mix, retaining wall details.

Applicant to consider compatibility enhancements such as, but not limited to, visually dividing the Cedar elevation into two "parts" and lowering the cornice/eave line one floor using dormers.

2. Provide documentation of MCDHCA's release of MPDU obligation.
3. Provide revised Recreation Calculations to address shortfall of supply points.

Streets

1. Conditions of approval in DPS letter of August 10, 1998 as may be modified.
2. Conditions of approval stated in MCDPW&T letter of July 17, 1998 to Applicant's engineer.
3. Access and improvements as required by MCDPWT and MD SHA.
4. For quality control Stormwater Management structures in pedestrian surfaces, provide detailed description of pedestrian walking surface of structure for staff approval prior to signature set.
5. All crosswalks shown on plans to be special paving, subject to MCDPWT approval.
6. Provide written documentation of MCDPWT approval of typical crosswalk details to staff, including special paving specs and mid-block crossing operational parameters, prior to signature set for the final confronting development at each crosswalk.
7. Provide written permission from St. Michael's Church for realignment of their turnaround/drop-off, prior to signature set for Section A.

Streetscape

1. Provide streetscape paving across all curb cuts, changing color of pavers.
2. Provide details of special safety bollard design at Wayne Avenue parking

garage and alley curb cuts, on signature set for staff review.

3. Finalize crosswalk location for school, subject to staff and MCDPWT approval, on signature set.

New Street:

1. Replace Gingkos with shade trees placed 30-35 feet off center.
2. Provide a "neck down" at Pershing end of the new street.

Roeder:

1. Provide standard Streetscape Plan treatment with a 30-35 foot tree spacing for full length of new garage, with landscaped panel behind, along garage.

Colesville:

1. Provide planted strips and 30-35 foot tree spacing using Honey Locusts, except that trees may be left out to expose the theater marquees, leaving two trees to either side of the main marquee.

Georgia:

1. Provide planted strips and 30-35 foot tree spacing using Willow Oaks wherever possible in both blocks.

Ellsworth:

1. Use 30-35 foot tree spacing, using American Elms in both blocks between Fenton and Cedar.

Fenton:

1. Tree spacing of 35 feet between Wayne and Ellsworth, per Silver Spring Streetscape Plan.

Cedar:

1. Provide 30-35 foot tree spacing.

Pershing:

1. Provide 30-35 foot tree spacing.

Gateway Plaza:

1. Proposed new parking surface paving subject to HPC approval and M-NCPPC staff approval.
2. Detailed design of planting/wall/fountain/sign area subject to HPC approval, per Project Plan Condition Number 6.

Town Square:

1. Reposition crosswalks at Fenton and Ellsworth to align with sidewalk alignment, adjust circle diameter/location.
2. Replace river birch with a more urban tree.
3. Consider more trees for shade, for non-pavilion alternative.

Parking/Loading

1. Remove short-term off-street parking from site of Civic Building; redesign this area as landscaped bike stop/parking for Town Square.
2. Conform Site Plan loading areas to those shown on Truck Access Plan.
3. If final location of Green Trail continues east from the site on Wayne Avenue rather than Ellsworth, applicant may remove bikeway route on-site from Pershing to Ellsworth.
4. Applicant to secure reprieval of the mid-block crosswalk at Georgia and Ellsworth which was part of the now-lapsed approved Silver Triangle Project Plan.
5. Applicant to submit to staff at Signature Set a plan for special protection of

- street trees on the north side of Wayne Avenue and east of Fenton and along the east side of the surface parking lot.
6. Submit detailed designs for Green Trail crossings of parking garage access/egress and alleys to staff at signature set.
 7. Provide 30 foot tree spacing in front of Wayne Avenue parking garage, in lieu of second row of trees.
 8. Development consistent with the Preliminary Plan for Lots 1, 2, 3, 4, 5, 15 and 16, Roeder's First Addition, is subject to the acquisition of these lots by the County for construction of the Town Square Garage (Garage 61). Nothing herein shall preclude the owner of these lots from seeking its own alternative approval for development of the properties, or applying for permits to develop the property under existing plans until such time as the County has acquired them, nor impair the consideration by the Planning Board of any such alternative development.

DISCUSSION:

The Project is being developed pursuant to (a) the General Development Agreement for the Redevelopment of Downtown Silver Spring dated April 20, 1998 between PFA Silver Spring LC and Montgomery County, Maryland; and (b) the Amended Silver Spring Urban Renewal Plan approved by the Montgomery County Council in Resolution 13-186 on March 11, 1997 ("Urban Renewal Plan"). The Property consists of approximately 22.5 acres and is located within the Silver Spring Central Business District. The Property is generally bounded by Georgia Avenue, Colesville Road, Wayne Avenue, Roeder Road and Cedar Street. The Property is located within the Silver Spring Urban Renewal Area established in the Urban Renewal Plan. The Application proposes to redevelop the area to accommodate an optional method, mixed use development project.

The Property is located at the corner of Colesville Road (a State Highway) and Georgia Avenue (a Montgomery County road). Both roads carry through commuter traffic on its way to and from downtown Washington, D.C. and the commuter parking garages adjacent to the Silver Spring Metro Station. On the east, Cedar Street is a transitional street to an adjacent residential area. Wayne Avenue, located to the south, carries traffic between the Silver Spring Metro and east Silver Spring. Ellsworth Drive and Fenton Street intersect within the Property boundary. Ellsworth Drive serves as an internal distributor of local traffic, and Fenton Street acts as a link between the northern end of the Silver Spring Central Business District and the proposed Fenton Street Village south of the Property.

The Property is bounded by Georgia Avenue, Colesville Road, Wayne Avenue and Cedar Street. To the north across Colesville Road are retail and office uses in one and two-story buildings, except for the Lee Building, a high-rise office building at the intersection of Georgia Avenue with Colesville Road. To the west of the Property across Georgia Avenue is a gas station and the site of an approved site plan for a 650,000 square foot office building project which has not yet been built. To the south of the Property across Wayne Avenue are various commercial, office and institutional uses including the First Baptist Church and the St. Michael's School. East of the Property across Cedar Street are single-family dwellings, some of which have been converted to special exception commercial uses. The Property is also bounded on the east by the St. Michael's Church on Wayne Avenue and a high-rise apartment building located between Roeder Road and Ellsworth Drive, and on the north along Roeder Road by small commercial uses.

The Property contains several buildings preserved by the Master Plan for Historic Preservation. The Art Deco facade of the shopping center at the corner of Georgia Avenue and Colesville Road will be restored as a part of this development. The Art Deco-style Silver Theatre located on Colesville Road will also be restored and will be adaptively reused as the new home of the American Film Institute. The parking lot of the existing shopping center will be renovated. The Silver Spring Armory, located on Wayne Avenue at Pershing Drive, will be demolished pursuant to the approval of an historic area work permit application approved by the Montgomery County Historic Preservation Commission on June 23, 1998.

The Applicants propose to construct 1,175,935 gross square feet of office, retail, entertainment, restaurant, hotel and housing uses and 354,023 square feet of public amenities. Two large parking garages will also be constructed as a part of the Project, in addition to surface parking facilities.

The Project contemplates the creation of a new, pedestrian-oriented core for Silver Spring, containing traditional retail development patterns, significant cultural amenities, and a civic building with a Town Square at the central crossroads of the two internal streets. The Town Square will be flanked by local/family/neighborhood uses and by a new Civic Building which will include meeting space to replace that now found in the Silver Spring Armory and Montgomery County outreach facilities. A veterans' memorial will be incorporated into the Town Square.

A second place, Silver Circle, will round out the downtown concept. Silver Circle, centered on Ellsworth Drive, will create a vibrant night life area featuring restaurants and

outdoor cafes, along with bookstore, hotel and retail uses. A third place, Gateway Plaza, at the historic art deco shopping center at Georgia Avenue and Colesville Road, will function to tie the Ellsworth Drive area uses to the proposed theater uses along Colesville Road, housing the American Film Institute and Roundhouse Theater complex. These uses will be served by a new parking garage on Wayne Avenue with civic service office uses facing the street.

Significant demolition of existing facilities and parking is proposed. The garages now serving City Place (Garages 1 and 1A) will be razed and reconstructed in a configuration more supportive of the Project objectives for pedestrian amenity, parking efficiency, retail exposure and urban design. An historic area work permit authorizing the Armory demolition was approved by the Historic Preservation Commission on June 23, 1998. A number of retail and office businesses on the site will be, or have been, relocated. Most of Pershing Drive will be abandoned, along with all of Fenton Place. Kughn Park, which was the City Place retail facility's public open space amenity, and Armory Place, will be abandoned and demolished.

Except for the abandonment of Pershing Drive, Fenton Place, Baltimore Road (a paper street not in use) and two alleys (as described in the Preliminary Plan opinion), most of the streets will remain unchanged. Wayne Avenue will be widened from four to five lanes and Ellsworth Drive between Georgia Avenue and Fenton Street will become private. Significant improvements will be made in streetscape on all streets. In addition, the Green Trail, a major link in the regional bikeway network, will be installed along Wayne Avenue to ultimately connect the Capital Crescent Trail to the Sligo/Northwest Branch trails and Prince George's County.

FINDINGS for Site Plan Review pursuant to Sections 59-D-3.1 and 59-D-3.4 of the Zoning Ordinance:

The Planning Board finds the Application is consistent with approved Project Plan No. 9-98005 approved by the Board by its opinion dated March 2, 1999. The Application proposes development of the Property with a mix of uses at densities and locations which are consistent with the mix of uses and densities approved by the Planning Board as a part of Project Plan No. 9-98005.

Based on the project data table that appears on Page 26 of the September 2, 1998 M-NCPPC Memorandum, as modified by the Errata Sheet dated September 17, 1998 (all incorporated herein by reference), and the Board's review of the Site Plan application materials, the Board finds that the Site Plan meets all development standards for combined

development in an urban renewal area pursuant to Section 59-C-6.2352 of the Zoning Ordinance. The Planning Board also finds that parking requirements of the Project based on the mixed-use nature of the development and the parking analysis provided by the Applicant meets the requirements of the Project set forth in Division 59-E of the Zoning Ordinance.

The Planning Board further finds the locations of the buildings and structures, the open spaces, the landscaping, recreational facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.

Location of Buildings

The Board finds the buildings are arranged to provide for the traditional downtown configuration typical of older suburban Central Business Districts. The buildings front on the streets and help to define the public pedestrian realm. The buildings also define public space in the streets and several significant public use spaces and plazas. The buildings conform to the height limits set by the zones which step down from more intense areas to less intense peripheral housing areas.

Open Spaces

The Board finds the open space system consists of streets and public spaces typical of the kind found in urban settings. Based on the Board's review of the Application materials and the Staff Report, the Board finds these spaces to be adequate, safe and sufficient. The Application provides at least 20% of its net lot area as public amenity space, including Gateway Plaza, Silver Circle and the Town Center, a major civic building and a town square, in addition to public streets. Further, a green trail bikeway will traverse the south edge of the Property to connect parts of the regional bikeway system. Two existing open spaces on the site which are to be demolished will be replaced on-site in new configurations. The Board further finds that the demolition and use of the land currently occupied by Kughn Park is necessary for the Project and redevelopment of the Urban Renewal Area to proceed and that the provision of the new Town Square will replace, expand and substantially improve upon the uses currently being served by Kughn Park. The Board's approval in this respect supersedes all existing development approvals and agreements with the Planning Board and/or M-NCPPC affecting the use and development of Kughn Park. Finally, extra off-site streetscape improvements will be made to perimeter and interior streets. The stormwater management concept for the Project was approved with conditions by the Montgomery County Department of Permitting Services. The concept consists of on-site water quality control by surface and underground filters, oil/grit

separators bioretention and a waiver of on-site quantity control requirements. The Applicants will be required to pay a stormwater management contribution waiver fee in accordance with Section 2 of the Stormwater Management Regulation 4-90.

Landscaping and Lighting

The Board finds the landscaping on the Property consists of existing trees being preserved, new street trees and a wide variety of landscape/streetscape features. The landscape and lighting features proposed in the Application, as conditioned by this Opinion, are consistent with the Silver Spring Streetscape Plan. Within the Property's interior streets, the Board finds the requested departure from strict conformance with the Streetscape Plan will establish a unique and desirable identity for the Project. Landscape, streetscape and lighting elements are provided around the perimeter of the Project and within its interior spaces. The Board finds the landscaping materials to be attractive and appropriate for this urban setting. The Board also finds the extensive streetscaping will help create an attractive, comfortable environment for pedestrians as envisioned in the Urban Renewal Plan.

Recreation

The Application proposes on-site recreational facilities for the residential component, including a swimming pool, wading pool, seating areas, indoor fitness facility and a community garden. Off-site facilities include an extensive pedestrian and bike system and tot lot. The total recreational facilities fall short of the demand created by the residential component. The Board therefore shall condition its approval of the Application on the Applicants submitting a Site Plan Amendment for the housing component.

Vehicular and Pedestrian Circulation

The Board finds the street connections to the Property are in accordance with approved Preliminary Plan No. 1-98107. The Board further finds the proposed abandonment of segments of streets within and adjacent to the Property will facilitate safe and efficient pedestrian and vehicular circulation by eliminating conflicting vehicular and pedestrian movements. With the required modifications to pavement width, right-of-way width and public improvement easements where the required width exceeds the Sector Plan right-of-way, the Board finds the circulation system will function adequately as further discussed in the Board's Opinion Approving Preliminary Plan No. 1-98107 and the September 2, 1998, Revised September 11, 1998 M-NCPPC Transportation Planning Division Memorandum.

The Board further finds the level of design and materials proposed as a part of the Application will create desirable and attractive spaces that are adequate, safe and efficient. The provision of a public improvement easement for the Green Trail connecting downtown Silver Spring to the Sligo Creek/Northwest Branch bikeway system will further promote the effective use of the circulation system proposed in the Application. The Applicants will also be required to enter into a traffic mitigation agreement which will help reduce single-occupant vehicle trips by employees to and from the Project, thereby promoting the safe and efficient use of the circulation system.

The Board further finds each structure and use proposed as a part of the Application is compatible with other uses and other site plans and with existing and proposed adjacent development. The Board finds that by conforming with the building height limitations set forth in the underlying zones, the Project ensures compatibility with the adjacent properties. Nearly all of the Project is surrounded by existing commercial development or vacant land. The Board finds that none of the commercial uses are incompatible with any adjacent commercial use, and the proposed uses are not incompatible with one another. The Planning Board will review refinements to the Cedar Street elevation of the residential component when a site plan amendment for the residential component is filed prior to development of the residential units.

The Board also finds that the Application meets all applicable requirements of Chapter 22A of the Code regarding forest conservation and Chapter 19 of the Code regarding water resource protection. Forest conservation requirements will be met by, among other things, the proposed new street trees throughout the Project and by conserving the existing mature trees along Wayne Avenue and next to St. Michael's Church. The protection of water resources is accomplished through the provision of on-site water quality controls via various Best Management Practices, including bioretention, CSF Stormwater Treatment System, surface and structural filters and enhanced street sweeping. The Project also provides erosion and sediment control measures to contain all excavated material on-site and to prevent runoff into the public rights-of-way and storm drain system during construction in accordance with the requirements of Chapter 19 of the Code.

The Board further expressly finds:

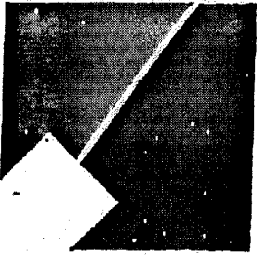
1. The Site Plan is consistent with approved Project Plan No. 9-98005 for the optional method of development.
2. The Site Plan meets all of the requirements of the zone in which it is located.

3. The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.
4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.
5. The Site Plan meets all applicable requirements of Chapter 22A of the Code regarding forest conservation.
6. The Site Plan conforms with applicable requirements for water quality resource protection under Chapter 19 of the Code.

APPENDIX A

STANDARD CONDITIONS DATED 10-10-95 (as applicable):

1. **Submit a Site Plan Enforcement Agreement, Development Program, and Homeowners Association Documents for review and approval prior to approval of the signature set as follows:**
 - a. **Development Program to include a phasing schedule as follows:**
 - 1) **Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.**
 - 2) **Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.**
 - 3) **Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.**
 - 4) **Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.**
 - 5) **Clearing and grading to correspond to the construction phasing, to minimize soil erosion;**
 - 6) **Coordination of each section of the development and roads;**
 - 7) **Sequencing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.**
 - b. **Site Plan Enforcement Agreement to delineate transportation management program, park maintenance agreement or other requirement of a condition of approval.**



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: September 1, 1999
SITE PLAN REVIEW: #8-99002A
PROJECT NAME: Downtown Silver Spring

Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Perdue, with a vote of 5 to 0; Commissioners Wellington, Holmes, Hussmann, Bryant and Perdue voting in favor of the Motion.

The date of this written opinion is September 1, 1999 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before October 1, 1999 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid for as long as Preliminary Plan #1-98107R is valid, as provided in Section 59-D-3.8. Once the property is recorded, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On July 22, 1999, the Montgomery County Planning Board ("Board") held a public hearing to consider an amendment to a Combined Urban Renewal Project Plan, Site Plan Review #8-99002A ("Application"), filed by Montgomery County, Maryland and PFA Silver Spring LC pursuant to Division 59-D-5 of the Montgomery County Zoning Ordinance ("Zoning Ordinance"). At the public hearing, the Board heard testimony and received evidence submitted in the record on the Application.

The property which is the subject of the Application encompasses approximately 22.5 acres in the CBD 0.5, CBD-1, CBD-2 and CBD R-2 zones. The proposed development (collectively the "Project") includes 1,240,198 gross square feet of mixed retail, entertainment, office, civic, a 242 room hotel, and 160 multi-family dwelling units, as well as 379,731 gross square feet of public use space, off-site amenities and facilities. The public hearing on the Application (including Site Plan Review #8-99002A and Project Plan Review #9-98005A) was consolidated with a public

hearing on an application for preliminary subdivision plan for the Property designated Preliminary Plan #1-98107R. This opinion covers the Site Plan component of the Application. The Board has issued separate opinions approving Preliminary Plan #1-98107R and the project plan review component of the Application designated Project Plan Review #9-98005A.

Based on the testimony and evidence presented and on the Staff Report dated July 7, 1999 which is made a part hereof, the Montgomery County Planning Board makes the following findings:

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 amended Project Plan has been submitted and reviewed concurrently with the Site Plan.

2. *The site plan meets all of the requirements of the zone in which it is located.*

The Board finds the Application in compliance with all the requirements of the Zone pursuant to Chapter 59-C-6.2352 of the Code entitled, "Combined Development in an Urban Renewal Project Area" as outlined in the following Project Data Table:

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>1998 Approval</u>	<u>AMENDED PROPOSAL</u>	<u>CHANGE</u>
LOT AREA (minimum sq. ft.):	20,000	980,100	980,100	
NET LOT AREA		932,591	932,659	+68
GROSS FLOOR AREA (sq. ft.):				
Office		210,800	297,408	+86,608
Retail-Mixed Use (Retail, Restaurants, Theaters)		578,635	507,340	-71,295
Hotel (242 Rooms)		123,135	151,130	+27,995
Civic Building		32,000	48,000	+16,000
<u>Residential</u>		<u>234,000</u>	<u>256,320</u>	<u>+2,320</u>
GFA Total		1,178,570	1,240,198	+61,628
FLOOR AREA RATIO (FAR):	2.29	1.20	1.27	+0.07
AMENITIES & FACILITIES:				
Public Use Space (1998 Approval)				
Net Lot Area (sq. ft.)	932,591			
Public Use Space Required/Provided	186,518	261,235		
Percent	20%	28%		
Public Use Space (Amended Proposal)				
Net Lot Area (sq. ft.)	932,659			
Public Use Space Required/Provided	186,532		273,558*	+12,323
Percent	20%		29.3%	
On-Site Outdoor Seating Facilities			10,000	+10,000
Off-Site Improvement Required/Provided (sq. ft.)		92,788	96,173	+3,385
Replacement of Armory	10,890			