**MEMORANDUM**

DATE: July 3, 2006  
 TO: Montgomery County Planning Board  
 VIA: Rose Krasnow, Chief *RK*  
 Michael Ma, Supervisor *ma*  
 Development Review Division  
 FROM: Robert A. Kronenberg, RLA  
 Development Review Division  
 (301) 495-2187



REVIEW TYPE: **Site Plan Amendment**  
 CASE #: **81999002F**  
 PROJECT NAME: Downtown Silver Spring  
 APPLYING FOR: Approval of an amendment to allow for development of 222 multi-family dwelling units, including 31 MPDUs, on Block E (Parcel A) of the Downtown Silver Spring Project.  
 REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance  
 ZONE: CBD-0.5  
 LOCATION: Southeast quadrant of the intersection of Cedar Drive and Ellsworth Drive  
 MASTER PLAN: Silver Spring CBD  
 APPLICANT: PFA Silver Spring LC, Bryant Foulger  
 FILING DATE: January 6, 2006  
 HEARING DATE: July 13, 2006

**STAFF RECOMMENDATION:** Approval of Site Plan amendment 81999002F for 222 multi-family dwelling units, including 31 MPDUs, on Block E of the Downtown Silver Spring development. All site development elements as shown on Downtown Silver Spring plans stamped by the M-NCPPC on March 20, 2006 and June 21, 2006, shall be required except as modified by the following conditions:

1. Preliminary Plan Conformance  
 The proposed development shall comply with the conditions of approval for Preliminary Plan 11998107B as listed in the Planning Board.

2. Project Plan Conformance

The proposed development shall comply with the conditions of approval for Project Plan 919980050 and 91998005A as listed in the Planning Board opinions dated March 2, 1999 and September 1, 1999, respectively [Appendix B]; except as modified with the concurrent review.

3. Site Plan

The proposed development shall comply with the conditions of approval for the previous Site Plans (81999002A through E) as listed in the Planning Board opinions [Appendix B]; except as modified by the following conditions.

4. Public Use Space

- a. The Applicant shall provide 6,955 square feet (8.03%) on-site public use space within Block E and 19,250 square feet (22.22%) off-site public use space for a total of 26,205(30.25 %).
- b. The public use space shall be readily accessible by the public.

5. Streetscape Improvements

- a. The Applicant shall provide streetscape improvements to the south side of Cedar Street using the Silver Spring Streetscape Standards, as modified to include 5-foot-wide grass panels parallel to the curb, including but not limited to pavers, lighting, street trees and undergrounding of utilities.
- b. The Applicant shall provide streetscape improvements to the north side of Veteran's Place, west side of Pershing Drive and the east side of Ellsworth Drive using the Silver Spring Streetscape Standards, including but not limited to pavers, lighting, street trees in tree pits and undergrounding of utilities.

6. Landscaping

- a. Revise the plant schedule to include Willow Oaks in lieu-of Pin Oaks on Cedar Street, Pershing Drive and Veteran's Place.
- b. Revise the street tree planting to accommodate the spacing requirements at the intersection of all the public roads, in accordance with the letter from the Department of Public Works and Transportation (DPWT) dated May 26, 2006

7. Lighting

- a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development for the pool deck area and courtyard.
- b. All light fixtures, exclusive of the standard streetscape light fixtures on the public roads, shall be pedestrian oriented such as bollards, step lights or recessed lights.

8. Pedestrian Circulation

- a. The Applicant shall provide 5-foot-wide lead-in sidewalks to the ground floor units along all streets.

9. Recreation Facilities

- a. The Applicant shall provide six (6) picnic/sitting areas, (1) swimming pool, (1) indoor community space and (1) indoor fitness facility.
- b. Provide additional recreational facilities on-site to satisfy the demand criteria for tots and remove the off-site community room from the supply points.
- c. Provide the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.

10. Moderately Priced Dwelling Units (MPDUs)
  - a. The Applicant shall provide 31 Moderately Priced Dwelling Units (13.7% of the total number of units) within the building, consistent with Chapter 25A. The Applicant is receiving a 12% density bonus for providing 13.7% MPDUs).
  - b. The MPDU agreement shall be executed prior to the release of the first building permit.
11. Transportation

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 site 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 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.
12. Fire and Rescue

The proposed development shall comply with the approval from the Fire Marshall in the memorandum dated February 27, 2006 [Appendix C].
13. Forest Conservation

The applicant shall comply with the following conditions of approval from M-NCPPC-Environmental Planning in the memorandum dated June 28, 2006 [Appendix C]:

  - a. The proposed development shall comply with the conditions of the final forest conservation plan.
  - b. The applicant shall satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits.
14. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated July 21, 1998, [Appendix C] unless amended and approved by MCDPS.
15. Common Open Space Covenant

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

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

17. Development Program

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

- a. The installation of the required streetscape, on-site landscaping, and seating areas around the perimeter of the building shall progress as construction of the proposed building is completed, but no later than six months after issuance of the first occupancy permit. Applicant shall provide the use and occupancy permits to M-NCPPC staff in order to inspect the site for the required site features.
- b. The recreation facilities, including the swimming pool, fitness facility and community room, located within the building shall be installed prior to issuance of the first occupancy permit.
- c. The revised Traffic Mitigation Agreement shall be executed and finalized prior to issuance of the first building permit for the residential component.
- d. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- e. Phasing of dedications, stormwater management, sediment/erosion control, public use space, streetscape, recreation, community paths, trip mitigation or other features.

18. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of certified site plan and revised forest conservation plan.

19. Certified Site Plan

Prior to approval of the certified site plan the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Development program, inspection schedule, and Site Plan Opinion and revised data table and development standards.
- b. Limits of disturbance.
- c. Revised recreation tabulations.
- d. Details of the lighting within the courtyard and pool area.
- e. Revised forest conservation plan.

## **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, as amended, proposes 228,931 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, 222 multiple family dwelling units, public use space and parking. The overall mix of square footage for the retail and office use has changed to reflect market conditions and modifications to the Project design.

The implementation of the Project has created a new, pedestrian-oriented core for Silver Spring, containing street-oriented retail development patterns, significant cultural amenities, and a site for a future civic building with a Town Square at the central crossroads of the two major 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.

A second public plaza, the Silver Circle, was completed in 2003 to enhance the downtown concept. Silver Circle, centered on Ellsworth Drive, is a vibrant, evening activity area featuring restaurants and outdoor cafes, along with bookstore, hotel, health club and retail uses. A third public space, 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 theater uses along Colesville Road, housing the American Film Institute (AFI) and Roundhouse Theater complex. A recently completed parking garage on Wayne Avenue provides service for the retail, office and entertainment uses already operational.

## **SUMMARY OF THE AMENDMENT**

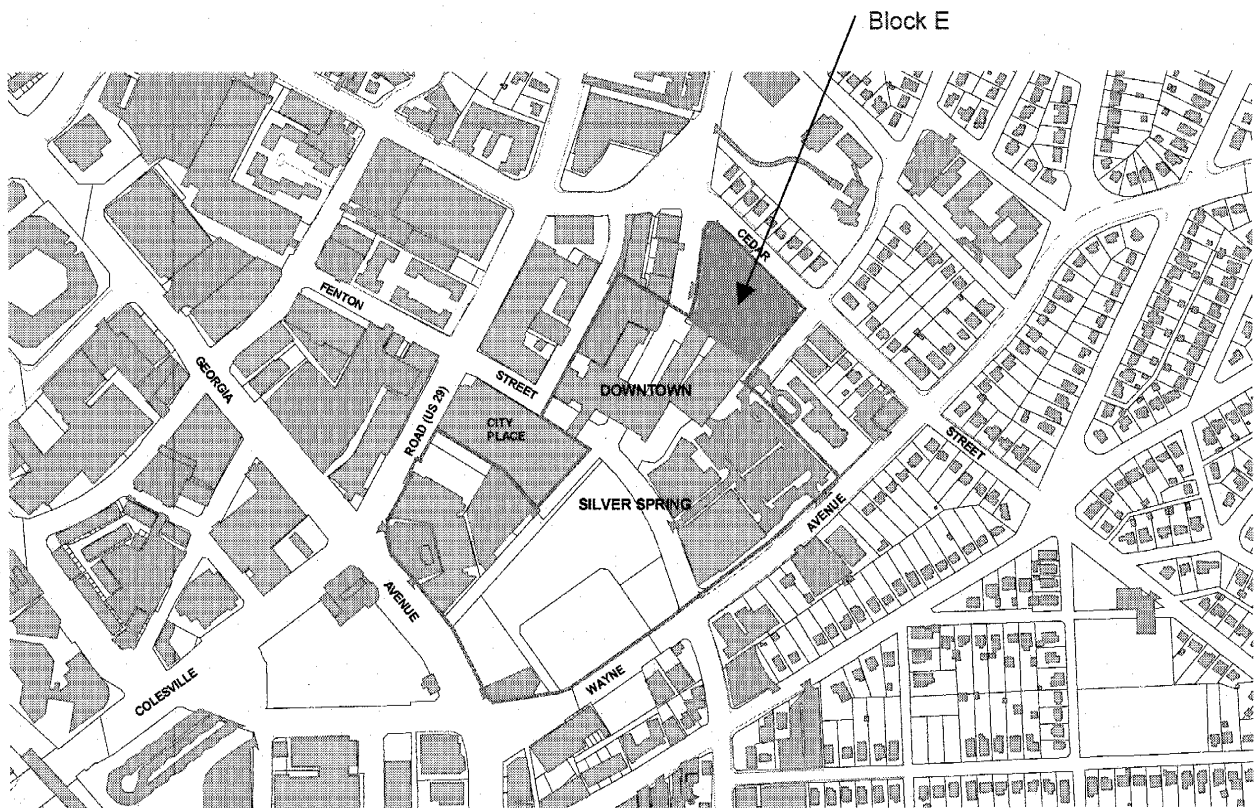
The application proposes an amendment to the Urban Renewal Project Plan for Downtown Silver Spring to reallocate the overall number of units to the residential component in the Ellsworth Drive, Pershing Drive and Cedar Drive block. The Site Plan specifically addresses the number of units proposed within Block E of the overall Downtown Silver Spring project. The applicant also filed a Preliminary Plan, application #11998107B, and Project Plan amendment, application #91998005B, both of which are being processed concurrently with the Site Plan, and will be heard by the Planning Board on the same day. Amenities and facilities proposed include streetscape improvements to four public streets, the addition of recreational amenities and facilities for the prospective residents and additional public use space within the northern boundary of the site. Staff recommends approval of the Site Plan with the conditions listed in the Staff Recommendation section.

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.

**PROJECT DESCRIPTION:** Site Vicinity

Block E is a 2.29-acre parcel in the northernmost segment of the overall downtown Silver Spring project. The property is bounded by Cedar Street to the north, which is also the northern boundary of the Central Business District, Ellsworth Drive to the west, and Pershing Drive to the east and the future Veteran's Place to the south. Veteran's Place will bifurcate the subject parcel and the future Veteran's Plaza and civic building to the south. Commercial properties are located along Cedar Street to the east and west with CBD-.5 and CBD-2 zoning, respectively. The residential community of Evanswood (PB E-51) is zoned R-60, and is comprised of one-family detached dwellings. Additionally, St. Michael's Church is located south of the commercial buildings and east of Pershing Drive toward Wayne Avenue.

The property to the south is part of the overall Downtown Silver Spring project and 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 south and west of the subject Block E and wraps around a portion of the new uses, with access directly on Colesville Road and Fenton Street.



**PROJECT DESCRIPTION:** Site Description

Three existing public roads bound the 2.29-acre site with Cedar Street at the northern boundary. The site is completely fenced by a board-on-board and chain link fence with sidewalks on the perimeter of the existing roads. The property changes in elevation by approximately ten feet from the northeast corner of Cedar Street to the southwest intersection with existing Ellsworth Drive and future Veteran's Place.

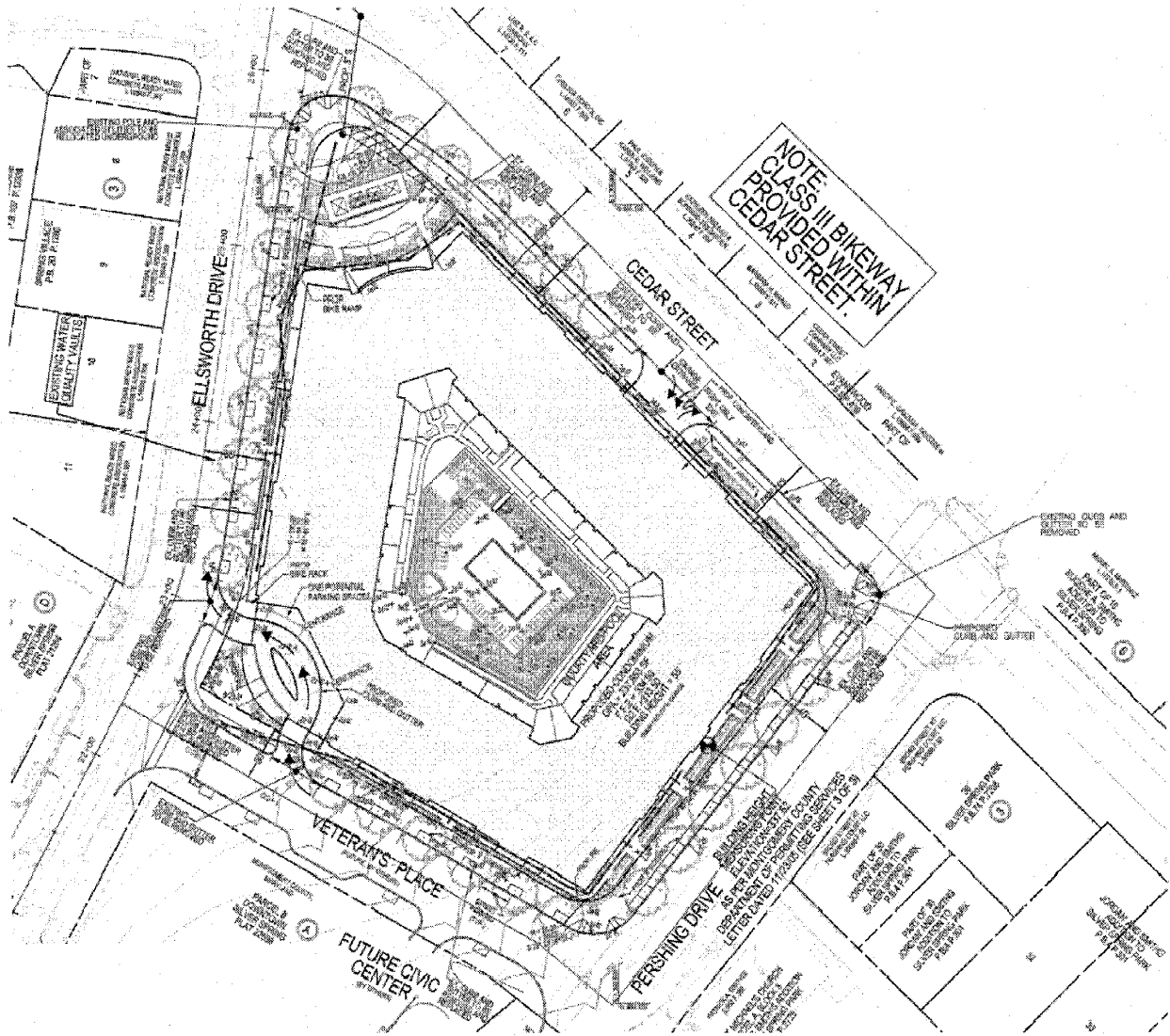
The site is partially paved along the Cedar Street frontage as an existing condition from the past armory with an entrance at the western boundary. The remainder of the site is graded as a result of the previous building demolition.

The property contains existing utility poles at the northwestern corner and a few existing trees along the Cedar Street frontage. Dual overhead fixtures consistent with the Downtown Silver Spring streetscape exist along the Ellsworth Drive frontage.



**PROJECT DESCRIPTION:** Proposal

The proposed application shows a five-story condominium building comprised of 222 multi-family units, including 31 MPDUs. Three existing public roads and one proposed public road in the northern core area of downtown Silver Spring bound the development.



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 to 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 or 9 percent from the original approval, although the on-site public use space for block E has decreased by 4,800 square feet. The on-site public use space for Block E includes a landscaped plaza with seating and ornamental planting.

**PROJECT DESCRIPTION:** 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 11980170® 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.

**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 81999002C	Approved with Site Plan Amendment 81999002D	Approved with Site Plan Amendment 81999002E	Proposed for Approval with Project Plan Amendment 91998005A & Site Plan Amendment 81999002B
<b>Min. Lot Area (sf)</b>	20,000	980,100	980,100	980,100	980,100	980,100	980,100	980,100
<b>Net Lot Area (sf)</b>		932,591	932,591	932,591	932,591	932,659	932,659	932,659
<b>Area of Zone (sf):</b>								
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
<b>Max. Density of Development</b>								
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)		234,000 160	236,320 160			236,320 160	236,320 160	237,653 222
<b>GFA Total</b>		1,178,570	1,240,198				1,085,538	
<b>Floor Area Ratio (FAR):</b>	2.29	1.20	1.27					
<b>Max. Building Hgt:</b>								
CBD-2 Zone	200	200	200			200	200	

(Section C)								
CBD-1 Zone	143	143	143			143	143	
CBD-0.5 Zone	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)
<b>Residential Multi-family (DU):</b>								
One-bedroom		87	87			87	87	
Two-bedroom		73	73			73	73	
<b>Total # of Units</b>		160	160			160	160	222
<b>MPDUs</b>		Exempted by MCDHCA	Exempted by MCDHCA			Exempted by MCDHC A	Exempted by MCDHC A	31
<b>Min. Setbacks from street (ft.):</b>	Not Specified	0	0	0	0	0	0	0
<b>Amenities and Facilities</b>								
Public Use Space								
Net Lot Area (sf)		932,591				932,659	932,659	
Public Use Space Req./Provided		186,532	261,235			273,558	279,753	
Percent		20	28			29.3	29.99	
On-site outdoor seating facilities		Not Specified				10,000	10,000	
Off-site Improvement Req./Provided (sf)		92,788				96,173	96,173	
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
<b>Total Amenities and Facilities Provided</b>		267,118	354,023			379,731	385,926	
<b>Parking Requirements :</b>								
Parking Required (Office, Retail,	3,600	3,600						

Civic)								
Parking Required (Residential)	175	175						
<b>Parking Required:</b>	3,775	3,775						
<b>Parking Provided:</b>								
Garages [Blocks B(2) & D(1)]			3,153	3,513				
Structured [Office Block B(1) & Residential]			436	526				
Surface Lots (Block A & C)			314	314				
<b>Total Parking Provided:</b>			3,903	3,993				

**PROJECT DATATABLE FOR BLOCK E  
(CBD-0.5)**

	Zoning Ordinance Development Standard	Proposed for Approval
Gross Tract Area of Overall Development (sf./ac.):	20,000 (0.51 ac.)	980,100 (22.5 ac.)
Net Lot Area of Overall Development (sf.):		932,659
Net Lot Area of Block E (sf/ac):		86,595 (1.9879 ac.)
Floor Area Ratio (FAR):	2.29	1.2
Dwelling Units per Acre: (100 units/ac. = 199 units + 12% density bonus for providing 13.7% MPDUs)	100	112
Total Number of Units:	222 with density bonus	222
MPDUs (%):	13.7 31 MPDUs	13.7 31 MPDUs
On-site Public Use Space (sf):	17,319 (20%)	6,955 (8.03%)
Off-site Public Use Space (sf):		<u>19,250 (22.22%)</u>
Total On and Off-Site Public Use Space And Improvements (sf):	17,319 (20%)	26,205(30.25 %)**
Max. Building Height (ft.)	60 (if compatible)	55
Setbacks (ft):		
Ellsworth Drive	Not Specified	3
Cedar Street	Not Specified	1.5
Pershing Drive	Not Specified	5

Veteran's Place

Not Specified

0

**Parking:**

**Mkt. Rate totals**

1 BR/1 BR + den @ 1.25 sp./unit (124 x 1.25)	155 spaces
2 BR @ 1.50 sp./unit (67 x 1.50)	101 spaces

**MPDU totals)**

1 BR/1 BR + den @ 1.25 sp./unit (20 x 0.6)	12 spaces
2 BR @ 0.75 sp./unit (11 x 0.75)	9 spaces
<b>Total Residential Requirement:</b> (10% credit for residential in CBD 277 x .10 = 27)	<b>277 spaces</b>

<b>Total Parking Spaces:</b>	<b>250 spaces</b>	<b>90 spaces</b>
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RECREATION CALCULATIONS

	Tots	Children	Teens	Adults	Seniors
<b>Demand Points</b>					
Demand per 100 d.u.					
<u>Hi-Rise (222)</u>	<u>4.0</u>	<u>4.0</u>	<u>4.0</u>	<u>77.0</u>	<u>46.0</u>
<b>Total Required Points</b>	<b>8.88</b>	<b>8.88</b>	<b>8.88</b>	<b>170.94</b>	<b>102.12</b>
<b>Supply Points</b>					
Swimming Pool (1)	0.48	1.80	1.80	42.74	15.32
Picnic/Sitting Area (6)	6.0	6.0	9.0	30.0	12.0
Indoor Community Space (1)	0.89	1.33	2.66	51.28	40.85
Indoor Community Space (1)					
<u>Indoor Fitness Facility (1)</u>	<u>0.00</u>	<u>0.89</u>	<u>0.89</u>	<u>34.19</u>	<u>15.32</u>
<b>Total Supply Points</b>	<b>7.26</b>	<b>11.35</b>	<b>17.01</b>	<b>209.49</b>	<b>124.34</b>
<b>% of demand met on-site</b>	<b>93</b>	<b>127</b>	<b>191</b>	<b>122</b>	<b>121</b>

Note: This is the only residential component in Downtown Silver Spring

**ANALYSIS:**

Conformance to 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 7,850 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 shown 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. Although the Sector Plan does not specifically say so, this has been perceived as an alternative alignment for the Silver Spring Green Trail if the Wayne Avenue alignment for the Green trail, if 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 of some of the streetscape improvements.

## Local Area Transportation Review

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.

### **FINDINGS: For Site Plan Review**

1. *The Site Plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development if required, unless the Planning Board expressly modifies any element of the project plan;*

Project Plan 919980050 for the Downtown Silver Spring development was approved by the Planning Board on September 17, 1998. The plan encompassed a 22.5-acre area, including the subject block E, which was approved for 160 dwelling units. Other parcels within the overall project area were approved for a mix of retail, entertainment, office, hotel and public uses such as the Silver Plaza, a public plaza in the center of the retail and entertainment district.

The proposed site plan amendment seeks to increase the number of residential units from 160 to 222 by adding 31 MPDUs and 31 market rate units to the 160 units approved in 1998. This site is the only site approved for residential development within the Downtown Silver Spring project area, which is within the Silver Spring Urban Renewal and Business District Sector Plans. The plans recognized housing as a key component of redevelopment of the downtown core and recommended high density housing types that would include moderately priced units along with the additional market rate units.

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-0.5 Zone as demonstrated in the project Data Table on pages 11-13.

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 and Structures



The proposed 5-story structure encompasses the entire block, allowing for fronts on all four public roads. The proposed building is sympathetic to the existing residential units by creating individual entrances for the first floor units fronting Cedar Street and the other streets as well. The pool and deck area is located internally on the top floor, recessed by the 5<sup>th</sup> level of units. 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 proposal is including below-grade transformers in the plaza at the intersection of Cedar Street and Ellsworth Drive. The transformers will be masked by planting, seating and a small masonry feature, all of which will activate the area and provide a gateway into the downtown Silver Spring development.

b. Open Spaces

The on-site public use space consists of one primary visible public use space at the intersection of Ellsworth Drive and Cedar Street. This area was envisioned by the Project Plan as a key area to integrate public use space into the residential component and entry from the northern end of the Central Business District. Foundation planting around the perimeter of the building between the structure and the streetscape is also included in the on-site public use space.

The site plan is proposing 6,955 square feet of on-site public use space, which equals 8.03% of the net lot area for Block E. The minimum required public use space for this project is 17,319 square feet (20% of the net lot area); however, this block is part of the overall development for Downtown Silver Spring and the minimum public use space requirement is factored into the overall totals. The original approvals for the overall site indicate 11,755 of on-site public use space. The project plan has been amended prior to this application to supply approximately 12,000 square feet of additional on-site public use space for the overall site. The public use space is sufficient when factoring in the entire development and the additional 19,250 square feet of off-site streetscape improvements to the four confronting public roads. In total, the applicant proposes 26,205 square feet of on-site public use space, amenities and off-site improvements or 30.25% of the net lot area, specifically for Block E. The overall total for the Project Plan are reduced by 4,800 square feet, which reduces the percentage of on-site public use space by 1 percent to approximately 28 percent.

The Application does not include the courtyard and pool area within the residential building as public use space; however, the area provides additional open space and green space within this block.

c. Landscaping and Lighting

The proposed landscaping on the site consists of the Silver Spring streetscape for the Central Business District on all sides of the building, an integrated public use space at the intersection of Cedar Street and Ellsworth Drive, foundation planting to tie in the streetscape with the building mass and landscaping on the rooftop associated with the swimming pool and deck area.

The streetscape improvements to Cedar Street, Pershing Drive, Ellsworth Drive and Veterans Place will greatly enhance the appearance of downtown Silver Spring and complement the overall connections to the four public roadways that bound this property, through the implementation of the Silver Spring Streetscape standards. The streetscape proposed for Veterans Place, Ellsworth Drive and Pershing Drive includes shade 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. The streetscape guidelines have been modified along Cedar Street to include 5-foot-wide lawn panels in order to create a better relationship to the residential homes and community on the north side of Cedar Street. The street trees and lamps on Ellsworth have been modified to include American elm trees and dual light fixtures to match existing conditions south of the site. The street trees for the three other public roads include willow oaks and the standard Washington Globe fixtures.

Foundation planting along the building frontage includes a mix of shrubs and groundcover to complement the streetscape elements. The public use space area at the intersection of Cedar Street and Ellsworth Drive includes accented paving treatments to blend with the building and seating areas, as well as flowering trees and shrubs to highlight the eastern gateway into downtown Silver Spring.

The pool deck is separated from the fifth floor units by a raised planter that includes a variety of evergreen and flowering trees, underplanted with a mix of evergreen and deciduous shrubs and groundcover. The pool area includes a walkway around the entire deck with engaging pavers and seating areas.

Lighting within the public realm will conform to the Silver Spring Streetscape Standards, or as modified with the project plan to include dual overhead fixtures along Ellsworth Drive. Lighting within the courtyard area will include pedestrian level lighting such as bollards, step lights or recessed lights within the planters.

d. Recreation

Recreation demand is satisfied as shown in the recreation calculations table on page 11. The development is proposing 222 multi-family units in a high-rise setting. The required demand points are being satisfied with a swimming pool, indoor community room, indoor fitness facility and six picnic/seating areas within the subject area. The Applicant will need to provide additional recreational facilities on the site to accommodate the demand points for tots.

e. Vehicular and Pedestrian Circulation

Vehicular and pedestrian circulation is safe, adequate and efficient.

Vehicular access points to the site are to be provided from Cedar Street at the mid-point between Ellsworth Drive and Pershing Drive. The 38-foot-wide access point will accommodate loading and vehicle access for the below-grade parking structure that accommodates 179 spaces. The Applicant is required to place a concrete island within the access point to prevent vehicles from making a left turn onto Cedar Street from the site. This condition was placed on the Applicant by DPWT to satisfy safe site distance criteria for vehicles on Cedar Street. The proposal also includes a one-way drop-off (porte-cochere) from Veteran's Place to Ellsworth Drive for the new residents. Additionally, DPWT is requiring the Applicant to provide public improvement easements along the public road frontages and rounded truncations to accommodate safe sight distance and address concerns over visibility at the intersections.

The primary pedestrian access into the building is at the intersection with Veteran's Place and Ellsworth Drive, which also includes the porte-cochere for the vehicles. The entrance includes the lobby area for the residents and access to the second through fifth floors. The first floor units all have access from the public streets.

The proposed pedestrian and vehicular circulation plans carefully link to the existing pathways off the property to provide a seamless network that improves the experience for all modes of traffic. When implemented, it will bridge the gap that currently exists in that area by providing a well-defined pedestrian and bike link between the residents of the subject site and neighborhoods to the north and northeast of the site and the downtown Silver Spring retail, entertainment, recreational and business features.

An off road bikeway is proposed along the south side of Veteran's Place to complete the last leg of the Green Trail within the limits of the Downtown Silver Spring project area.

The original Traffic Mitigation Agreement is being revised with this application to include the additional residential units and incorporate the reduction in the office square footage.

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

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 by creating individual entrances 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.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

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.

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. Planning Board opinion for Project Plan 91998005A&B and Site Plan 819990020
- B. Planning Board opinion for Preliminary Plan 11998107R.
- C. Letter from the Applicant
- D. Memoranda from agencies



**CHECKLIST Site Plan / Project Plan Review**

Plan # 81999002F Name: DOWNTOWN SILVER SPRING

Zone: CSD-0.5 Tract Area: 2.29 ac Proposed Use: RESIDENTIAL

Number of Units: 222 Square Footage: \_\_\_\_\_

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

**Prior Approvals**

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

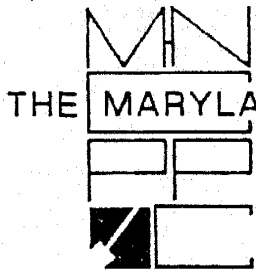
**Community Input**

- Civic Association \_\_\_\_\_
- Individuals \_\_\_\_\_

Supervisor Review

Chief Review

MM 7/3/06  
Rel G 7/3/06



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

APPENDIX A

**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

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*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.*

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**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.

2. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
  - a. Methods and location of tree protection;
  - b. Conditions of DPS Stormwater Management Concept approval (waiver) letter
  - c. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
  - d. The development program inspection schedule.

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