

PLANNING AND REGULATORY FRAMEWORK:

Master Plan

The Project Plan is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan (February 2000), including the provisions in the Fenton Village Overlay Zone. A description of the themes and goals for Silver Spring are outlined within the Sector Plan Conformance standards on page 26 of this report.

Prior Approvals

The proposed development is zoned CBD-1 (Central Business District-1). This property consists of Lots 5-7 of the original Silver Spring Park subdivision (Plat Book B, Page 47) and the Easley's Silver Spring subdivision (Lot 10, Plat Book 191, Page 93) recorded in May 1912.

Preliminary Plan

A Preliminary Plan of subdivision (1-05077) is being reviewed concurrently with the project plan.

BASIS FOR CONSIDERATION OF ISSUES

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

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

Purpose Clause Section 59-C-6.212

The Montgomery County Zoning Ordinance states the purposes which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

- (1) *"to encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board."*

The Project Plan proposes to use the optional method of development and is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan. The proposed development is a mid-to-high-rise condominium. High density residential, office and commercial retail uses are permitted in the CBD-1 Zone.

The building will vary in height from 6 to 9 stories, which is in conformance with the Montgomery County Zoning Ordinance that permits up to 90 feet in height under the Optional Method. The site is within the Fenton Village Overlay Zone, which places limitations on the height as it relates to Fenton Street and a transitional height from Fenton Street toward Georgia Avenue. The project is proposing 96 dwelling units, including 15 or 15% Moderately Priced Dwelling Units (MPDUs) provided on-site. The proposal reflects a floor area ratio (FAR) of 3.0, plus a bonus density of 22% for providing 15% MPDUs. This density is the maximum allowed under the zone for mixed-use projects. All of the MPDUs are proposed to be located within the building.

The Project Plan will accomplish important Sector Plan objectives by providing a residential component within Fenton Village, including Moderately Priced Dwelling Units, promoting redevelopment within Fenton Village, protecting nearby residential development, upgrading the physical environment and providing a pedestrian environment with local retail opportunities. The proposal improves the area by replacing an existing automotive facility and surface parking lot with a modern mixed-use commercial and residential building, and providing an appropriate transition among surrounding adjacent residential and office uses along Fenton Street and Thayer Avenue.

- (2) *“permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents.”*

The project plan responds to the need for housing in Fenton Village and addresses the need for smart growth policies where infrastructure, community facilities and elements of an urban district already exist. The Sector Plan encourages housing and retail as an important component to the revitalization efforts for Fenton Village “that creates a local retail neighborhood that serves residents and CBD employees”.

Under the optional method, this project encourages the development of active urban streets by providing public spaces along street edges and improves the quality of the pedestrian environment within the improved streetscapes. The improved streetscape, along with the amenities addressing the need for public interaction, enhance the downtown Silver Spring area. The project supports the economic base in the downtown by making it easier for workers in Silver Spring to live near their jobs. This project will also increase the vitality of downtown Silver Spring and add an economic infrastructure for commercial and retail businesses in Fenton Village and the core area.

- (3) *“To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.”*

The proposed project strengthens the Fenton Village by complementing the scale and mix of existing design elements along Fenton Street and Thayer Avenue while respecting the Fenton Village Overlay Zone height limitations and providing a compatible and desirable relationship with adjacent and surrounding uses. The proposed design provides a retail component along Fenton Street that will blend in with the existing retail and office uses. This provides the pedestrian friendly environment envisioned in the Sector Plan. The 60-90 foot building provides the necessary and applicable transition from the adjacent residential neighborhood east of Fenton Street to the higher density uses and buildings fronting Georgia Avenue.

The design creates an effective relationship with adjacent uses and amenities and allows for a more interactive pedestrian and vehicular pattern.

- (4) *“To promote the effective use of transit facilities in the central business district and pedestrian access thereto.”*

The proposed development is located approximately 1600 feet from the Silver Spring Metro Station. The proximity to transit facilities, as well as the downtown employment core, will reduce the dependency on the automobile for the residents of the development. The streetscape improvements along Fenton Street and Thayer Avenue facilitate the desire for pedestrian connectivity to the metro station core areas

of development within Silver Spring. The proposed streetscape improvements along Thayer will promote pedestrian circulation to Georgia Avenue and the expanded streetscape improvements along the west side of Fenton Street will direct pedestrian circulation to other businesses in the downtown corridor. In addition, the Applicant is expanding the Thayer Avenue streetscape by approximately 125 feet from the property boundary to the public parking lot entrance to further facilitate pedestrian connectivity west toward Georgia Avenue.

The applicant will also enter into a traffic mitigation agreement (TMA) with the Planning Board to help the Project achieve the non-driver commuting goal for development in the Silver Spring CBD. The TMA will outline possible transit alternatives, monitoring of the program and commuter display information.

(5) *"To improve pedestrian and vehicular circulation."*

This project plan encourages the development of active urban streets and improves the quality of the pedestrian environment by providing the enhancement to the streetscape as prescribed in the Silver Spring Streetscape Plan (April 1992) Technical Manual, as amended.

Vehicular circulation is enhanced with improved right-of-way along the west side of Fenton Street and south side of Thayer Avenue. An additional 8 feet is being dedicated on a portion of the applicant's property line to expand the total right-of-way dedication to 40 feet from the centerline on Fenton Street. The full width right-of-way dedications to achieve 80 feet of right-of-way on Fenton Street and 60 feet on Thayer Avenue will ensure complete accommodation of the optional method streetscape treatment on the applicant's side of each street. The entrance to the parking garage and loading area is located at the southern end of the property from the 20-foot-wide public alley bounding that portion of the site. The public alley is one of four access points to Parking Lot 13, the County owned surface parking facility. The parking garage is a 2-level below grade structure planned to accommodate 171 parking spaces, of which 122 will be dedicated for use by the residents. Signs indicating traffic circulation in and out of the garage will promote safety for pedestrian activity in the public use space.

The streetscape improvements along Fenton Street and Thayer Avenue facilitate the desire for pedestrian connectivity to the bus and metro station. The streetscape improvements are being expanded along Fenton Street to complement that portion of the streetscape constructed by the Department of Housing and Community Affairs (DHCA). The full streetscape improvements along the south side of Thayer Avenue will complete a portion of the block and complement the section of streetscape currently existing on the north side of Thayer Avenue, opposite the subject site. The 125 feet of streetscape improvements by the Applicant on the south side of Thayer Avenue adds to the enhancement of Thayer Avenue toward Georgia Avenue. The mixed street and store frontage along Fenton Street provides pedestrian movement.

- (6) *“To assist in the development of adequate residential areas for people with a range of different incomes.”*

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 15 MPDUs within the building, which represents 15% of the total number of dwelling units (12.5% is required). The applicant is receiving a 22% density bonus for providing the additional MPDUs on the site.

- (7) *“To encourage land assembly and most desirable use of land in accordance with a sector plan.”*

The project plan responds to the need for housing in downtown Silver Spring and addresses the need for smart growth policies where infrastructure, community facilities and elements of an urban district already exist. The project assembles two lots to allow for the unified redevelopment of the currently underutilized site. The Sector Plan does not specifically identify the proposed project site as a potential housing site, however, the Sector Plan encourages housing as an important component to the revitalization efforts for downtown Silver Spring and does recommend a residential zone for the property. The project plan introduces market-rate condo units, retail and office into an existing framework of commercial and retail use in downtown Silver Spring, further encouraging revitalization in the downtown corridor.

Requirements of the CBD-1 Zone

The following table demonstrates the conformance of the Project Plan with the development standards under the Optional Method of Development.

PROJECT DATA TABLE FOR CBD-1 ZONE

| <u>Development Standard</u> | <u>Permitted/ Required</u> | <u>Proposed</u> |
|--|--------------------------------|----------------------------------|
| Gross Tract Area: | 22,000 sf | 41,743* sf |
| Net Site Area (after dedication) | N/A | 28,526 sf |
| Permitted Density Calculations (du/ac.): | | |
| Mixed Non-Residential Density (FAR/SF): | 2.0 | 0.80 |
| [Sect. 59-C-6.234(b)(3)] | (83,486) | (33,220) |
| | | 15,020 Retail/ 18,200 Office |
| Residential Density (FAR/SF): | 3.0 | 2.2+ bonus density (2.68) |
| | (112, 251) | (112,251) |
| Total Density (FAR/SF): | <u>3.0+ bonus density</u> | <u>3.0+ bonus density (3.48)</u> |
| | (145,471) | (145,471) |
| MPDUs (%): | 15 | 15 |
| | 15 MPDUs | 15 MPDUs |
| Building Height (ft.): | | |
| Fenton Street | 60 | 60** |
| Thayer Avenue | 90 | 90** |
| Parking: | | |
| Residential Uses (Mkt. Rate) | | |
| 1 BR @ 1.25 sp./unit (48 x 1.25) | 60 spaces | |
| 2 BR @ 1.50 sp./unit (29 x 1.50) | 44 spaces | |
| 3 BR @ 2.00 sp./unit (4 x 2.00) | 8 spaces | |
| Residential Uses (MPDUs) | | |
| 1 BR @ 0.625 sp./unit (11 x 0.625) | 7 spaces | |
| 2 BR @ 0.75 sp./unit (4 x 0.75) | 3 spaces | |
| (10% credit for residential in CBD 122 x .10 = 110) | | |
| Residential subtotal: | 110 spaces | 122 spaces |
| Office Uses: | | |
| (18,000 gsf @ 2.4 sp./1000) | 44 spaces | |
| Retail Uses: | | |
| (15,020 gsf @ 5 sp./1000) | <u>76 spaces</u> | <u>49 spaces</u> |
| Total Parking Spaces: | 230 spaces*** | 171 spaces |

| | | |
|--|-----------------|------------------------|
| Public Use Space (% of net lot area): | | |
| On-Site | 20% or 5,705 sf | 20% or 5,705 sf |
| Off-Site | | 23.7% or 6,763 sf |
| Total On and Off-Site Public Use Space | | 43.7% or 12,468 sf**** |
| Total Amenity Space (Private) | | 51.2% or 14,603 sf |

* Includes previous street dedication 12,417 sf and 800 sf for the proposed Fenton Street right-of-way dedication).

** Section 59-C-18.192 (b) (1) ¹

*** The proposed development is within the Silver Spring Parking District and is not required to provide any parking on site; however, the project is subject to the Parking District Tax.

**** The applicant is making a monetary contribution of \$70,000 toward the general park fund for park projects in the Silver Spring CBD as part of the off-site public use space.

¹ (1) Building Height in the Overlay Zone:

- (A) along the east side of Georgia Avenue must not exceed 90 feet; along the west side of Fenton street must not exceed 60 feet; within the area between Georgia Avenue and Fenton Street must not exceed 60 feet but may increase up to 90 feet for projects that are at least 33% residential and where the additional height is placed closest to Georgia Avenue and decreases as you move east to Fenton Street; and
- (B) along the east side of Fenton Street must not exceed 45 feet for all uses except housing, which must not exceed 60 feet.

Amenities and Facilities Summary

On-Site Improvements

Fenton Street and Thayer Avenue Public Plaza

- Brick paved public plaza along majority of site frontage to complement streetscape improvements.
- Expand the existing streetscape improvements along Fenton Street to include specialty pavers.
- Provide a public walkway on the north side of the 20-foot-wide public alley from Fenton Street to southwestern corner of the property. Walkway to include the same pavers proposed for Fenton Street.
- Public Art to highlight public's interest of the revitalization efforts of downtown Silver Spring. A public art program shall be developed to include opportunities for the incorporation of glass or acrylic elements in the design of the benches and railings.
- Specialty lighting in the plaza and up lighting of the art elements to softly accentuate and visually activate the plaza at night.
- The paving in the plaza will be designed to include patterns that complement the artwork, including the benches and railings.
- Landscape beds and planters with irrigation and plant material for seasonal accent and color. Plaza trees to be complementary to the existing Fenton Street and Thayer Avenue streetscape as well as providing a canopy for shade within the seating areas.
- Existing overhead utilities to be installed underground consistent with the Silver Spring Master Plan.
- Make available a space for public outdoor interaction and activities.
- Make available a space for entertainment, as needed in conjunction with the Silver Spring Urban District (SSUD), and accommodations for outdoor entertainment.

Off-Site Improvements

Fenton Street Right-of-Way

- Streetscape (Type B) on the west side of Fenton Street along the entire property frontage to be expanded to include Brick Pavers consistent with Silver Spring Streetscape Plan Technical Manual.
- Brick driveway apron consistent with patterns approved along Fenton Street, entrance to parking garage from 20-foot-wide public alley.
- Existing overhead utilities and street level meters to be installed underground consistent with the Silver Spring Master Plan.

Thayer Avenue Right-of-Way

- Streetscape (Type B) on the south side of Thayer Avenue, along the entire property frontage, to include Street trees (Honey Locust), Brick Pavers and Street

Lights (Washington Globe) consistent with Silver Spring Streetscape Plan Technical Manual.

- Granite sets within the tree pits as specified in the Silver Spring Streetscape Plan Technical Manual.
- Existing overhead utilities to be installed underground consistent with the Silver Spring Master Plan.

(b) *The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*

Zoning and Land Use:

The approved CBD Sector Plan recommended CBD-1 (Central Business District, 1.0) zoning for this site. This zoning was enacted through the Sectional Map Amendment (SMA) adopted July 18, 2000 per County Council Resolution 14-600.

The proposed project plan conforms to the uses permitted in the existing CBD-1 Zone for the site. The plan proposes approximately 145,471 gross square feet of development, including 96 residential condo units, of which 15 will be MPDUs, 15,020 square feet of retail and 18,200 square feet of office, on approximately 0.96 acres. The applicant is receiving a 22% density bonus for providing additional MPDUs on the site.

The proposed development is utilizing the optional method of development in the CBD-1 zone. The minimum required public use space for this project is 5,705 sf (20% of the net lot area). The project proposes 5,705 sf or 20% of the net lot area on site, dedicated to public use space, in addition to the 6,763 sf or 23.7% proposed for off-site streetscape improvements within the right-of-way of Fenton Street and Thayer Avenue. The total public use and amenity space provided by the applicant for this development is 12,468 sf or 43.7% of the net lot area.

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 six themes (*i.e. a Residential Downtown, a Green Downtown, a Commercial Downtown and a Pedestrian-friendly Downtown*) directly apply to this development. The Sector Plan does not specifically identify the proposed project site as a potential housing site. However, the Sector Plan does encourage housing as an important component of the revitalization efforts and recommends height incentives for the construction of new housing in Fenton Village.

The proposed project will include new public open space and an art amenity. This project encourages the development of active urban streets by providing a street-facing building entrance and easily accessible and highly visible public spaces as activity generators.

This proposal improves the quality of the pedestrian environment by providing the Silver Spring streetscape treatment required for optional method projects. The proximity to transit facilities and to the downtown employment core will reduce the dependency on the automobile for the residents of the development.

Overall, the development of the Project will significantly further the objective of stabilizing the Core's residential component, while providing an appropriate transition between the mix of commercial uses north and south of the project to the predominately residential neighborhoods to the east of the site.

- A. Compatibility:** While the proposed project is larger than most existing buildings on Fenton Street, staff believes that the proposed building height and land uses satisfactorily meet the compatibility requirements of the Fenton Village Overlay Zone and the Silver Spring Sector Plan for future redevelopment.
- B. Silver Spring Wayfinding System:** According to the Silver Spring Wayfinding Master Plan prepared by the Silver Spring Regional Center, there is a Type C2 wayfinding sign (sign #73) programmed for Thayer Avenue. Staff recommends the Applicant coordinate with the Silver Spring Regional Center for the placement of the proposed sign on the site.
- C. Sector Plan Street Rights-of-Way:** The existing Fenton Street right-of-way varies from 72-80 feet. The existing right-of-way for Thayer Avenue is 60 feet. The Sector Plan recommends an 80-foot right-of-way for Fenton Street, requiring an additional 8 feet of dedication for a portion of the street. Thayer does not require additional dedication.
- D. Streetscape:** The applicant proposes to improve the west side of Fenton Street and the south side of Thayer and extended by approximately 125 feet to the entrance of the county parking lot, using the Type B treatment recommended in the *Silver Spring Streetscape* (April 1992) technical manual. The Fenton Street frontage will be improved by replacing the existing concrete paving and ornamental fencing with brick and expanding the sidewalk to 26 feet wide. The applicant proposes to implement some non-standard paving elements within the street rights-of-way located in proximity to their main public space.

- (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 project is complementary to the range of commercial and residential characteristics of the surrounding neighborhood. The design and scale of the project, pedestrian and vehicular circulation and improvements to the streetscape provide an enhancing and interactive relationship with the downtown Silver Spring and Fenton Village. The proposed development is compatible with the existing development occurring in

downtown Silver Spring and encourages redevelopment of adjacent properties in the CBD.

The surrounding and adjacent properties are a mix of different uses, building heights and massing that is integral to the vitality of an urban downtown area. The applicant presented a building massing study showing the varying building heights along Fenton Street and Thayer Avenue up to Georgia Avenue. The adjacent 2-story Thai market building to the north and recently renovated 3-story Grand Design mixed-use office and retail building as well as the 3-story Safeway store directly opposite the property on Thayer Avenue add to the diversity of height and massing and. The buildings along the west side of Fenton Street also vary in height from 1-4 stories and consist of mixed-use office, retail and residential uses. The east side of Fenton Street is comprised of lower scale 1-4 story office and retail uses, in proximity to the project, with the exception of the Silver Spring Towers, a 13-story apartment complex near the northeastern intersection of Fenton Street and Thayer Avenue. Most of the buildings transition from the 3 and 4-stories to the 1-2 story residential homes east of the CBD boundary line, which is representative of the scaled zoning transition from CBD-1 to CBD-0.5 from west to east.

- (d) *As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

The project proposes residential units, retail and office uses amid a number of housing projects and commercial businesses within the downtown Silver Spring area. Parking for the proposed residential units will occur on-site within a below-grade 2-level parking garage. The parking requirement for the proposed uses equals 230 spaces. A total of 171 parking spaces for the 96 units and 33,220 square feet of retail and office are being provided in the subsurface parking area, of which 122 are being designated for the residential component of the project. The parking spaces needed to satisfy the County Parking Ordinance for the proposed uses will take advantage of the nearby county parking facilities due to the fact that the site is located within the Silver Spring Parking Lot District. Sites within the Parking District are permitted to minimize the number of spaces provided on-site and take advantage of the County's facilities. The closest County parking facilities are Parking Lot No. 13 directly adjacent to the site, and the recently completed Wayne Avenue Parking Garage.

Given the information from the Parking Lot District and the proposed spaces for the subject site, staff believes the applicant is meeting their obligation of parking within the CBD and promoting smart growth within the urban environment; therefore the proposed project will not overburden existing public services.

In addition, the improvements that are being made to the streetscape facilitate and encourage pedestrian accessibility to the metro and encourage the future residents and retail patrons to take advantage of existing vehicular traffic conditions.

- (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 by using the standard method of development. The Project Plan proposes to use the optional method of development and is in conformance with the goals and objectives of the Silver Spring Sector Plan. The proposed development intends to maximize its gross floor area on site to approximately 145,471 square feet and maximize the number of Moderately Priced Dwelling Units to 15% provided on-site as permitted in the standards for projects utilizing the optional method.

In addition to the provision of additional MPDUs, the project will include a significant new public open space and art amenity on the site. The project is providing over 43% of new on and off-site public use space, which would not have been possible through the standard method of development. Additionally, the Applicant is making a monetary contribution of \$70,000 toward the general park fund for park projects in the Silver Spring CBD as part of the off-site public use space. The applicant is maximizing their density for both residential and office/retail, and providing public amenities on the site in a location that is currently underutilized in terms of density.

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

This proposal requires fifteen (15) Moderately Priced Dwelling Units (MPDUs) or 15% of the proposed residential dwelling units within the development. The applicant is receiving a 22% density bonus for the additional MPDUs to be provided on-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:***

The project assembles two parcels to allow for the unified redevelopment of the currently underutilized site.

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

The property is exempt from the forest conservation requirements.

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

The applicant has been granted conditional approval from the Montgomery County Department of Permitting Services (DPS) for Stormwater Management by letter dated March 10, 2005. The project plan is proposing to implement green roof technology on a portion of the building rooftop. Approval of a Stormwater Management concept is required prior to submittal of the Site Plan application.

APPENDICES

- A-Memos from staff and other county agencies

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