

**MEMORANDUM**

DATE: July 13, 2005
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
 Michael Ma, Supervisor
 Development Review Division
FROM: Robert A. Kronenberg *RAK*
 Planning Department Staff
 (301) 495-2187



REVIEW TYPE: Project Plan Review
APPLYING FOR: Approval of 328 multi-family dwelling units, including 41 MPDUs on 2.62 acres
PROJECT NAME: **The Galaxy**
CASE #: 9-05005
REVIEW BASIS: Sec. 59-D-2, M. C. Zoning Ordinance

ZONE: CBD-1
LOCATION: Located on the southeast quadrant of the intersection of 13th Street and Eastern Avenue in south Silver Spring
MASTER PLAN: Silver Spring CBD
APPLICANT: RST Development
FILING DATE: April 19, 2005
HEARING DATE: July 28, 2005

Attached is the staff report for the proposed Galaxy Project Plan. The Planning Board public hearing for this application is scheduled for July 28, 2005. A draft Planning Board report for the Project Plan will be available on July 13, 2005. The Staff recommends **Approval** with conditions as delineated in the staff report.

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SUMMARY

The application proposes approximately 497,257 square feet of residential development (consisting of a maximum of 328 multi-family dwelling units), of which 41 (or 12.5% of the total number of units) will be MPDUs, 2.62 acres of CBD-1-zoned land in the Silver Spring Central Business District. The building height varies from 45 feet along Eastern Avenue to 125 feet on 13th and King Streets. The Applicant filed a concurrent Preliminary Plan application #1-05089, which will be heard by the Planning Board on the same day. The Applicant has also filed an abandonment (AB 66) of the existing public alley that provides internal service to the existing commercial buildings, which are part of this application. Amenities and facilities proposed include three public areas connected by a common theme and streetscape improvements provided to 13th Street and King Street, as well as Eastern Avenue, if permitted by the District of Columbia. The proposal is meeting the 20 percent public use space requirement and extending off-site streetscape improvements on Kennett Street and 13th Street primarily in front of the Grammax Building.

The issues addressed during review include the building height as it is permitted in the Ripley/South Silver Spring Overlay Zone to a maximum of 45 feet for buildings on Eastern Avenue and 125 feet for buildings 60 feet from Eastern Avenue, location and quality of the proposed public use space, and streetscape improvements to the surrounding public streets. Staff recommends approval of the Project Plan with the conditions listed in the Staff Recommendation section on the following page.

Community Outreach

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

Additionally, the Applicant presented their art program to the Art Review Panel on May 18, 2005 for elements within the public use space. The "Panel" requested that the Applicant consider a thematic communication of the artwork, look closely at the sun/shade projections on the spaces, and be sensitive to organization and isolation of the various elements. The Applicant will present a more detailed and compiled art program for the public use space at the site plan stage.

STAFF RECOMMENDATION

The staff recommends approval of Project Plan 9-05005, for 328 multi-family dwelling units, including 41 MPDUs on 2.62 acres with the following conditions:

1. Development Ceiling

The proposed development shall be limited to a maximum of 328 multi-family dwelling units or 125 dwelling units per acre.

2. Building Height/Mass

- a. The height of proposed Building 'C' (fronting on Eastern Avenue) shall not exceed 45 feet as measured from Eastern Avenue.
- b. The height of proposed Buildings 'A' and 'B' shall not exceed 125 feet in height as measured from 13th Street and King Street.

3. Transportation Improvements

- a. The proposed development shall dedicate right-of-way, 41 feet from the centerline, to provide for a total of 71 feet right-of-way for 13th Street, as recommended in the Silver Spring CBD Sector Plan.
- b. Provide standard Silver Spring streetscape along the property boundary on 13th Street and King Street, and extend the streetscape off-site, as shown on the approved Project Plan.
- c. Provide a Class III bikeway (on-road, signed shared roadway) on the south side of 13th Street.
- d. Abandon the existing public alley connecting to 13th Street.

4. Moderately Priced Dwelling Units (MPDUs)

The applicant shall provide 41 MPDUs (or 12.5% of the total number of units) on-site, consistent with the requirements of Chapter 25A.

5. Public Use Space

- a. The proposed development shall provide at least 31.0 percent (26,920 square feet) of on-site public use space and 13.2 percent (11,470 square feet) of off-site public use space for a combined total of 44.2 percent or 38,390 square feet. In addition to the proposed on and off-site public use space and amenities, the Applicant shall provide 3,910 square feet of streetscape improvements along Eastern Avenue, consistent to approvals from the District of Columbia Department of Public Works.
- b. The proposed public use space shall be easily and readily accessible to the general public and used for public enjoyment.

6. Streetscape

- a. The Applicant shall provide the full-width streetscape improvements along the 13th Street (Type 'B') and King Street (Type 'B') frontage using the *Silver Spring Streetscape Plan (April 1992)* Technical Manual. The following elements are proposed: stone, precast concrete, brick pavers, street trees, lighting, and any other details that are necessary, including the undergrounding of utilities along the frontage of the property, to fulfill the Silver Spring streetscape standards.
- b. The Applicant shall provide the full-width streetscape improvements along the Eastern Avenue frontage (District of Columbia right-of-way) using the *Silver Spring Streetscape Plan (April 1992)* Technical Manual, consistent to approvals from District of Columbia Department of Public Works.
- c. Off-site improvements shall be provided along the property frontage of 13th Street and Kennett Street, in front of the entrance to the Grammax Building.

7. Public Art

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

The Applicant shall enlist the services of at least three local artists to provide public art in the three spaces within the public use space on the site.

8. Staging of Amenity Features

- a. The proposed project shall be developed in two or three phases.
- b. Landscaping to be installed no later than the next growing season after completion of building and public plaza.
- c. Streetscape improvements and public art associated with each building to be installed prior to occupancy of each building, in accordance with the phasing for the site.

9. Maintenance and Management Organization

Prior to signature set of site plans, the applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member of and enter into an agreement with the Silver Spring Urban District for the purpose of maintaining public open spaces and participating in community events.

10. Coordination for Additional Approvals Required Prior to Site Plan Approvals

- The applicant shall secure the following additional approvals prior to signature set of Site Plan Review:
 - a. Enter into a maintenance agreement with the Silver Spring Urban District for maintenance of all or some of the streetscape improvements.
 - c. Present the public art components to the Art Review Panel for review and comment to be available to the Planning Board.
 - d. The Applicant shall meet with the M-NCPPC staff and the Montgomery Department of Public Works and Transportation (MCDPWT) staff regarding the final design and extent of the non-standard elements as part of the proposed streetscape improvements.
 - e. The Applicant shall request a waiver for all non-standard elements and non-standard streetscape improvements as well as a maintenance and liability agreement with the MCDPWT.
 - f. The Applicant shall meet with the M-NCPPC staff and the District of Columbia Department of Public Works to discuss the streetscape improvements along Eastern Avenue