

**850 Sligo Avenue
Sketch Plan No. 320180090
Statement of Justification**

I. Introduction

On behalf of Moonlight, Inc. (the "Applicant"), we are submitting this Sketch Plan Application (the "Application") for consideration by the Montgomery County Planning Board. The Application proposes a mixed-use, predominately multi-family residential development (the "Project") on the property located at 850 Sligo Avenue in Silver Spring, Maryland (the "Property"). The Project includes the adaptive re-use of the vacant office building and construction of a new building on the existing surface parking lot.

II. Background

The Applicant recently acquired the Property in April 2017. The existing 99 foot tall office building has sat vacant for many years. The previous owner had not maintained the property and as a result, the vacant office building and associated surface parking lot on the Property had fallen into a state of disrepair and become blighted and an eyesore in the community. Soon after the Applicant's investment and acquisition of the Property, the Applicant secured the site and made exterior repairs to improve the community's experience in the interim, before the desired redevelopment can occur. For example, the Applicant has had graffiti removed from the exterior building façades, replaced broken windows, restored electricity, and secured the Property with a perimeter fence to improve safety and prevent cut-through traffic. The Applicant is looking forward to making a substantial investment in the Property to convert the blighted property into a signature development.

III. Property Description

A. Property Location and Characteristics

The Property is located in the southeast quadrant of the intersection of Fenton Street and Sligo Avenue, and is within the Silver Spring Central Business District ("CBD"). The Property consists of part of Lots 14, 18-19, 25-28, and 49 in the "Blair" subdivision, as recorded among the Land Records of Montgomery County at Plat Nos. 229 and 624. The Property has a net lot area of approximately 19,933 square feet (or 0.46 acres). Including prior dedications, the Property has a gross tract area of approximately 27,647 square feet (or 0.63 acres). The Property is conveniently located approximately 2,500 feet from the Silver Spring Metro Station and 2,100 feet from the future Silver Spring Library Purple Line Station, and is served by several bus routes.

The Property currently is improved with a vacant, 8-story office building and associated surface parking lot. The existing improvements have fallen into a state of disrepair and have become an eyesore in the community. The proposed redevelopment will significantly improve the visual appearance of the Property, and its relationship to both the CBD and the surrounding residential neighborhoods.

According to the Maryland State Department of Assessments and Taxation ("SDAT") records, the existing building was developed in 1965 and has approximately 35,594 square feet of gross floor area ("GFA"). There is currently no known stormwater management on the Property. As such the project provides an opportunity to implement stormwater management techniques on-site (where there currently is none).

The Property has frontage on three public rights-of-way: Sligo Avenue to the north, Fenton Street to the west, and Gist Avenue to the south. Currently, vehicular access is provided through four curb cuts – two on Gist, one on Sligo, and one on Fenton. As discussed below, the proposed redevelopment will improve vehicular circulation by eliminating two of the existing curb cuts, and reducing the total number of trips, as compared to the trips generated by the prior office use.

The Property is within the area encompassed by the *2000 Approved and Adopted Silver Spring CBD Sector Plan* (the "Sector Plan").

B. Zoning and Permitted Uses

The Property is zoned CR 3.0, C-2.0, R-2.75, H-60T and is located in the Fenton Village Overlay Zone. Pursuant to Section 3.1.6 of the Montgomery County Zoning Ordinance (the "Zoning Ordinance"), multi-unit living and retail/service establishments are permitted uses in the CR Zone. As discussed in this Statement, the Project satisfies the various requirements of the Zoning Ordinance and substantially conforms to the recommendations of the Sector Plan.

C. Surrounding Zoning and Land Uses

The Property serves as a transitional site between the more intensive commercial uses in the CBD and the single-family residential developments just outside the CBD boundaries. The Property's immediate surroundings are more specifically described as follows:

North: Directly to the north of the Property, across Sligo Avenue, is a strip-commercial shopping center building including a convenience store, quick service restaurant, and other retail/service uses, zoned CR 3.0, C-2.0, R-2.75, H-60T.

East: Abutting the Property to the east are two single-family residential homes, zoned R-60.

South: Confronting the Property across Gist are single-family detached homes in the R-60 Zone.

West: Confronting the Property across Fenton Avenue are various commercial uses, including a Greyhound Bus terminal, hair salon, laundromat and restaurant, zoned CR 3.0, C-2.0, R-2.75, H-100T.

IV. Proposed Development

The Applicant is requesting approval to adaptively re-use the vacant office building and to construct a new building on the adjacent existing surface parking lot with up to 99,667 square feet of residential and non-residential uses. As part of this Sketch Plan Application, the Applicant is requesting approval for a combination of uses on the Property that will not exceed 6,911 square feet of commercial use and 92,750 square feet of residential use (or up to 85 dwelling units). The final allocation of residential and commercial density will be determined at site plan review.

Currently, at Sketch Plan, the Project proposes to provide a minimum of 15% Moderately Priced Dwelling Units ("MPDUs") (or up to 13 units), which provides an important opportunity to develop desired affordable housing in the Silver Spring CBD, in close proximity to transit. Accordingly, the Project will achieve an overall residential density bonus of 22% (or 16,726 square feet) pursuant to Chapter 25A of the Montgomery County Code. Pursuant to its designation as a "T" Zone and the corresponding special provisions for "T" Zones under Section 4.5.2.C of the Zoning Ordinance, to accommodate the 15% MPDUs and the residential density bonus, the Applicant is proposing to construct a building with a height of up to 75 feet.¹ The final calculation of MPDUs will be determined at the time of Site Plan, when a more specific building design is completed.

A. Development Program

The Project provides an important opportunity for significant investment to revitalize this long vacant Property, which has become an eyesore in the community, with a vibrant residential development. The Project provides a context sensitive design and responds to both the Property's prominent location as a gateway entrance to the CBD and as a transitional site to the single-family residential neighborhoods located just outside the CBD boundary. The proposed residential development, in walking distance to transit and the existing office and commercial

¹ Section 4.5.2.C.2 provides for two alternative means to achieve additional building height, in order to accommodate additional MPDUs on the Property. The Project meets both of these alternatives. Subsection (d) allows for additional height given the Property's location (within the CBD) and zoning (mapped at a height less than 145'), and inclusion within the Silver Spring CBD Sector Plan, which generally recommends increased affordable housing. Additionally, subsection (f) allows for additional height on a portion of the building, so long as the average height of the building is no greater than 60' (*i.e.* the maximum height allowed by the zone) – the Department of Permitting Services has confirmed that the average height is calculated based on the total roof area of the new construction.

uses in the CBD, will allow residents to utilize alternative modes of transportation for work trips and daily living. The building will have a maximum height of 60 feet along Fenton Street, Sligo Avenue, and Gist Avenue, and will step-back to a maximum overall height of up to 75 feet, which is necessary to accommodate the proposed MPDUs.

The Project will introduce a new sidewalk environment, including landscaping and streetscape improvements. In addition, stormwater management will be added where there currently is none, as will public benefits and residential amenities, all of which are described in more detail below.

The Project will be developed in one phase.

B. Architectural Narrative

Through adaptive re-use, the Applicant will transform the vacant office building, which has fallen into a state of disrepair, into residential use with the potential for a limited amount of ground floor commercial use. The footprint of the existing building and its density will remain unchanged. The Applicant is proposing to construct a new residential building on the adjacent surface parking lot. The new residential building will tie into the existing building, with connection being the minimum necessary to provide adequate means of egress and access to accommodate shared common facilities (*e.g.* parking, loading, utilities and equipment rooms, amenities and the residential building lobby). As such, as confirmed by the Department of Permitting Services, the new residential construction is not considered an expansion of the existing building, but rather a new building. The interior of the existing building will be renovated, and the exterior of the existing building will be re-skinned to provide a new, contemporary appearance that will tie in with the design of the adjacent new construction, so as to read as one cohesive project. The building will be designed to complement both the nearby single-family residential property to the East and South, as well as the multi-family residential and commercial development underway within the Fenton Village Overlay to the North and West of the property.

The Project will include the construction of a new residential building atop the existing surface parking lot. The massing of the proposed new construction will be designed to complement both the mixed use and multi-family development encouraged by the Fenton Village Overlay, while at the same time stepping-down to the east to respect the height, massing and scale of neighboring single-family properties. The new residential building component will have a height of 60 feet along Fenton Street and Gist Avenue, stepping up to a maximum height of 75' to accommodate MPDUs.

The Project's design displays particular sensitivity to the confronting/abutting residential properties. As mentioned above, the building will have a maximum height of 60 along Gist, where it confronts single-family residential homes located across Gist to the south (pursuant to

Section 4.9.8.C.1.b of the Zoning Ordinance).² It will have a maximum height of 35' along the eastern Property boundary that abuts single-family homes (pursuant to Section 4.1.8.B.2.a of the Zoning Ordinance). The building will gradually step-back and up to achieve an overall height of 75', which will provide an appropriate transition to the existing building and CBD beyond. With the additional story, the Project will accommodate 15% MPDUs. Importantly, all sides of the building will be treated as primary facades to ensure high quality design and articulation on all sides. The exterior of the building will be broken down with vertical and horizontal relief, utilizing both planar and material changes, to reduce the scale to fit the context.

The Project also responds to the Property's location as an entrance to the CBD. The new residential building proposed will incorporate unique architectural treatment and design directly at the corner of the intersection of Gist and Fenton Street to mark this entrance to the CBD. The architectural design and building height proposed is reflective of the Property's location within the CBD and will also provide an appropriate transition to the residential neighborhoods just outside of the CBD.

C. Parking and Loading

The Project will provide adequate parking on-site to accommodate all users of the Property. All on-site surface parking will be replaced with structured parking. The structured parking will be below-grade. A limited portion of the garage will be visible above-grade, and will be treated similar to the building façade so as to blend seamlessly into the rest of the building. In response to comments received from the community, the Applicant has redesigned the access to parking and loading, to minimize impacts on the surrounding neighborhood. As a result, access to the tenant/resident parking is currently proposed to be accommodated from Gist Avenue, with loading/trash removal activities being restricted to Sligo Avenue. The Applicant will continue to explore the configuration and access to parking and loading, with the final design to be determined at the time of Site Plan. The Project will comply with the design standards in Section 6.2.8 of the Zoning Ordinance.

The Property is located in the Silver Spring Parking Lot District ("PLD"). Properties located within the PLD are not required to provide on-site parking otherwise required by the Zoning Ordinance. The Property is also in close proximity to transit (Silver Spring Metro Station, future Purple Line station and various bus routes). Nonetheless, the Project will provide adequate parking on-site to meet the demand of the residents and their visitors/guests.

Additionally, to further promote alternative means to transportation, both short-term and long-term bicycle parking will be provided in conformance with the requirements of Section 6.2.4.C of the Zoning Ordinance. A minimum of 95% of the required bike spaces will be long-

² DPS has confirmed that Section 4.9.7.C.1.b, which provides more specific height compatibility requirements for properties in the Fenton Village Overlay Zone, supersedes the requirements contained in Section 4.1.8 for sites *confronting* properties in a residential detached zone.

term and securely located in the garage. A minimum of 5% of the required spaces will be short-term and will be available to the public in a convenient, well-lit location. The final bike parking numbers will be determined at Site Plan when the number of units is finalized.

D. Vehicle and Pedestrian Circulation

The Project is located within 2,500 feet of the Silver Spring Metro station and 2,100 feet of the proposed Silver Spring Library Purple Line station. The Project will provide significant improvements to the pedestrian environment and will improve both pedestrian and vehicular circulation at this transit oriented location.

As previously described, vehicular access to the Property is currently provided through four access points, along Gist, Fenton Street and Sligo Avenue. The Project will result in improved vehicular access through the consolidation of access points from four to two. The Project will utilize the access point off of Sligo Avenue for loading and service activities, and an eastern-most access point along Gist for resident/visitor parking. The vehicular access point on Fenton Street and the western most point along Gist Avenue are proposed to be closed.

The proposed building continues the building line established by the existing building. The location of the existing and proposed buildings, directly along the street, will further define and activate the pedestrian environment on all three of the Property's frontages. Additionally, the new building has been designed to incorporate appropriate transparency, to further activate the pedestrian environment along Fenton Street.

The streetscape along all frontages will be upgraded in conformance with the Silver Spring Streetscape Standards and include ADA-compliant sidewalks, street trees, and adequate street lighting to ensure safety.

E. Public Use and Recreational Amenities

Under the Optional Method of Development in the CRT Zone (given the land area and number of existing and planned right-of-way frontages), the Applicant is required to provide 5% of the net lot area as public use space. The Sector Plan and Fenton Village Overlay Zone encourage the transfer of public open space requirements off-site (*see* section 4.9.8.A.4). Thus, given the constrained site, the Applicant is proposing to provide off-site public open space improvements in accordance with Section 6.3.6.C of the Zoning Ordinance and consistent with the recommendations of the Fenton Village Overlay Zone.

The Project provides residential amenities, including an outdoor courtyard located between the existing and proposed buildings. The courtyard has been strategically designed and located to provide a quiet space, buffered from the noise of the surrounding streets with greenscapes and plantings, which encourage relaxation and social interaction with the community. The courtyard will be carefully detailed and landscaped, and is planned to include

outdoor seating opportunities. The scale of the courtyard also serves to provide a visual break and buffer between the existing and proposed buildings, as well as to allow for additional exterior exposure for dwelling units at upper levels.

Section 6.3.9 of the Zoning Ordinance requires that any building containing 20 or more dwelling units must offer recreational facilities in accordance with M-NCPPC's Recreation Guidelines. The Applicant's recreation and amenity analysis, as required by M-NCPPC's Recreation Guidelines and the CR Zone, will be submitted at the time of Site Plan approval.

V. Sector Plan Compliance

The Project is in substantial conformance with the *2000 Approved and Adopted Silver Spring Central Business District Sector Plan*. The proposed Project furthers many of the specific goals of the Sector Plan and will contribute to the creation of a thriving downtown residential community. Included among the Sector Plan's vision for Silver Spring is "to become a more desirable place to live, with a choice of housing types..." (*see* page 13). The residential development proposed by the Project contributes to this goal by providing additional housing choices in close proximity to transit services.

The Project also provides important environmental benefits. The Sector Plan identifies stormwater management as the "CBD's most important environmental issues." (*see* pages 2, 143). Currently, there are no known stormwater management facilities on the Property. As such, the proposed redevelopment provides an important opportunity to improve the treatment of stormwater runoff. Specifically, the Project would allow for the introduction of Environmental Site Design ("ESD") to the Maximum Extent Practicable.

The Sector Plan contains six themes that guide the vision for the Silver Spring CBD: (1) a transit-oriented downtown, (2) a commercial downtown, (3) a residential downtown, (4) a civic downtown, (5) a green downtown, and (6) a pedestrian friendly downtown.

1. TRANSIT-ORIENTED DOWNTOWN. *The Plan's land use and development recommendations strive to balance the needs of commuter and local traffic, of walkers and drivers, and to maximize the investment in Silver Spring's transit infrastructure.*

The Project is located in close proximity to various public transportation resources including: the Silver Spring Metro and MARC station, various bus lines, and the future Silver Spring Purple Line station. The Project will provide additional housing within walking distance of various transit options, which will promote the utilization of transit for both work and recreational trips. The Project also provides streetscape improvements along all three of the Property's frontages – Gist Avenue, Fenton Street and Sligo Avenue – to enhance the pedestrian environment.

2.COMMERCIAL DOWNTOWN. *Silver Spring's location, infrastructure, and position in the metropolitan area market will continue its role as an employment center. New retail development will serve the local community with a mix of chain and independent businesses offering convenience and specialty shopping, restaurants, and entertainment.*

The project adds residential units that will support the existing and planned commercial uses in downtown Silver Spring, to create a truly sustainable downtown. The Project may include a limited amount of ground-floor commercial use in keeping with the character of the Fenton Village, which includes small scale commercial uses.

3. RESIDENTIAL DOWNTOWN. *This Plan seeks to create a mix of housing choices, including low-rise high-density apartments and townhouses, supported by parks, shopping, cultural, civic, and employment uses with transit and Beltway access to make a convenient and thriving community.*

The Project will provide new residential units in the CBD, within walking distance of various transit services. The proposed residential use will also help support the existing commercial and office uses in the CBD, providing additional opportunities for residents to live near their work.

The Sector Plan recommends creating additional housing downtown and the introduction of diverse housing types. The Project promotes this goal by providing diverse housing opportunities through a variety of unit sizes and layouts (the exact unit mix will be determined at the time of Site Plan). The additional housing provided by the Project will attract a wide demographic, and will facilitate the availability of new housing in a range of types and rents within walking distance of transit. And because the Project includes MPDUs (up to 15%), it will facilitate economic diversity located near transit and important services.

In conformance with the objectives of the Sector Plan, the additional residential development will activate the urban environment and contribute to the creation of a "thriving downtown residential community." Additionally, as discussed above, the building has been designed to promote compatibility with the surrounding single-family residential homes and will create an approachable residential urban scale.

4. CIVIC DOWNTOWN. *This Plan views civic facilities as partners in economic revitalization. New and regenerated facilities will draw people downtown, returning it to the center of community life and creating opportunities for economic and social connections.*

The Project provides additional housing, which will facilitate the Sector Plan's goal of returning the CBD to the center of community life, and encourage more economic and social connections. The streetscape improvements proposed will activate the street. Through this

activation, the streetscapes will serve as a place for informal social interactions, and will add to the variety of the civic spaces in the CBD.

5. GREEN DOWNTOWN. *This Plan envisions shaded, tree-lined streets and well-placed green parks and plazas, creating a comprehensive system of open spaces that provide economic, environmental, and aesthetic benefits through downtown.*

As discussed above, the Project will significantly enhance the pedestrian environment. The Project provides streetscape improvements along all three frontages. The streetscapes will be tree lined, with wide sidewalks, and paving, in accordance with the Silver Spring streetscape standards. Additionally, the Project provides a setback on the eastern property boundary, which will incorporate landscaping and serve as a transitional buffer to the abutting residential homes.

Given the Property's prominent location, the Project also provides an important opportunity to transform the blighted Property into a gateway development. The Project will provide an architecturally pleasing building, and when combined with streetscape features, serve as a prominent entry feature to mark this entrance to the CBD.

In accordance with Section 6.3.6.C, and as recommended by the Sector Plan and Fenton Village Overlay Zone, the Project will meet the public open space requirements through off-site improvements.

6. PEDESTRIAN FRIENDLY DOWNTOWN. *This Plan encourages the development of active streets and sidewalks, busy with people walking to shop, commute, or for pleasure. They will become a defining feature downtown, and will support activity, creating the setting for community.*

The proposed Project will provide additional housing in walking distance to existing retail, restaurant, and office uses. This proximity to existing and proposed civic and commercial uses will promote pedestrian activity and street activation. The architectural design of the Project also enhances the pedestrian environment. The buildings are located directly along the street edge to create a continuous building line and define the pedestrian environment. The main pedestrian entrance to the lobby has been located on Fenton Street to provide additional activation along this prominent frontage. Additionally, the building design will incorporate appropriate transparency and articulation to activate the street and create a comfortable pedestrian scale.

The loading dock has been strategically located to minimize pedestrian-vehicular conflicts. In response to comments received from the community, loading is currently proposed to be accessed off of Sligo Avenue, which has more of a commercial character. Access to parking and loading will continue to be studied and be determined at the time of Preliminary and Site Plan.

A. Fenton Village Overlay Zone

The Property is located within the Fenton Village district in the Sector Plan. The Fenton Village is "envisioned as a diverse community of people living and working together to create a tightly-knit urban neighborhood." The Sector Plan seeks to incentivize reinvestment and redevelopment to promote the revitalization of the Fenton Village, while also recognizing the need for appropriate transitions between the commercial uses and adjacent single-family neighborhoods. Additional housing opportunities are encouraged, as new housing developments play a critical role in both upgrading the physical environment and bringing new residents to the area to support the existing and planning retail, employment, and entertainment opportunities. The Sector Plan also focuses on improving the streetscape and pedestrian environment to encourage street activity. Additionally, to help incentivize redevelopment, The Fenton Village also seeks to allow for the transfer of open space requirements off-site to increase the buildable area on individual properties.

The Project furthers these objectives by providing additional housing opportunities and significant enhancements to the pedestrian environment through building design and streetscape improvements. The Project will incorporate design elements to mark this entrance into the CBD. At the same time, the building architecture has been designed to facilitate an appropriate transition to the single-family residential neighborhood just outside of the CBD boundary through setbacks, step-backs, and overall building design.

B. Urban Design

The Project also promotes many of the urban design goals of the Sector Plan, including:

- General Recommendations:
 - Improves and creates an attractive pedestrian environment through the building location along the street, improved streetscape, ample transparency, articulation on all facades, and appropriately scaled building height.

- Recommendations for the Fenton Village:
 - Provides additional housing, in the transition area between the commercial and residential areas;
 - Streetscape improvements;
 - Infill development, through construction of a new residential building, that defines the street and enhances the pedestrian environment;
 - Provides an appropriate transition between the commercial district and the adjacent single-family residential homes through variations in building height, and the provision of setbacks, and green, landscaped buffers; and

- Limits the building height along Fenton Street to 60', with a step-back to the overall building height of 75', to accommodate 15% MPDUs.

As illustrated above, the Project substantially complies with the Sector Plan's goals and objectives. The Project strikes an appropriate balance between achieving the Sector Plan's goal for reinvestment/redevelopment of the vacant Property, with the need to achieve compatibility with the surrounding single-family residential homes.

VI. Zoning Ordinance Conformance

A. Objectives

Section 4.5.1 of the Zoning Ordinance states that the CR zone "permit[s] a mix of residential and nonresidential uses at varying densities and heights. The zone promote[s] economically, environmentally and socially sustainable development patterns where people can live, work, recreate, and access services and amenities." The Project responds to the specific objectives of the CR Zone as follows:

(a) Implement the recommendations of applicable master plans;

As discussed in Section V above, the Project implements the recommendations of the Sector Plan.

(b) Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses;

The Project provides an opportunity to redevelop the vacant office building (through adaptive re-use) and associated surface parking lot (through construction of a new residential building), which have fallen into a state of disrepair, with a more contemporary residential development that responds to its transit oriented location. The Project will eliminate all surface-level parking currently provided on the Property and will replace it with a new architecturally pleasing building (with structured parking below), improved pedestrian streetscapes, and stormwater management (where none currently exists).

(c) Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street;

The residential component of the Project incorporates a variety of housing options, including a diverse range of unit sizes. Additionally, up to 15% of the units will be MPDUs. Thus, the Project provides diverse housing opportunities located within walking distances of several transit facilities including: the Silver Spring Metro and MARC station, various bus lines, and the future Silver Spring Purple Line station.

The residential development proposed by the Project will support the existing and proposed commercial uses within the CBD. The Project will also significantly improve the pedestrian environment, which will facilitate multiple modes of transportation and provide improved access to the Property.

(d) Allow a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhoods;

The proposed development will contribute to the revitalization of the Fenton Village and the vibrancy of the CBD. As discussed in detail above, the Project responds to its prominent location as an entrance to the CBD, while also providing appropriate transitions to the surrounding residential neighborhood just outside the CBD boundary. As discussed above, the residential development proposed by the Project complements the surrounding neighborhoods.

(e) Integrate an appropriate balance of employment and housing opportunities; and

The Project adds to the housing diversity and opportunities in the CBD, which will support the existing and planned commercial uses in the CBD.

(f) Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit.

The Project will include public benefits, in accordance with the requirements in Section 4.5.4.A.2 of the Zoning Ordinance. See Section VI (C) below.

B. Purpose – Fenton Village Overlay

The Project promotes the purposes, outlined in Section 4.9.8.A, of the Fenton Village Overlay Zone:

- i. *Facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment;*

The Project provides for the adaptive re-use of the existing, vacant office building and in-fill redevelopment of the existing underutilized surface parking lot with construction of a new residential building. The proposed building has been pulled up to the street, to continue the building line established by the existing building and further define the pedestrian environment. The building design and massing responds to the transit-oriented and urban nature of the Project, and continues the urban development pattern established in the CBD. At the same time, the

Project also provides a transition to, and promotes compatibility with, the adjacent single-family homes.

- ii. *Encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the Overlay zone;*

The Project provides for the redevelopment of an existing surface parking lot and vacant office building, which have become an eye sore in the community. The Project will redevelop the surface parking lot with construction of a new residential building. Additionally, the existing building will be re-skinned to complement the new construction, so that the existing and proposed buildings work with each other, while preserving and incorporating the massing of the existing building. As discussed above, the Project has been designed to provide an appropriate transition between the more intensive uses of the CBD and the single-family neighborhoods just outside of the CBD boundary. Furthermore, the proposed residential use will support the existing commercial uses within the Fenton Village and will complement the adjacent residential neighborhoods.

- iii. *Provide flexibility of development standards to encourage innovative design solutions;*

The flexible development standards provided by the Fenton Village Overlay Zone (e.g. building height compatibility for confronting residential properties), facilitate the redevelopment of the surface parking lot on the Property with an architecturally pleasing building that both responds to the Property's location as an entrance to the CBD and a transitional site.

- iv. *Allow for the transfer of the public open space requirement to other properties within the Overlay zone; and*

As recommended by the Sector Plan and encouraged by the Fenton Village Overlay Zone, the Project will provide off-site public open space. The Project will comply with the public open space requirements contained in Section 6.3.6.C, which regulate off-site improvements.

- v. *Allow new uses.*

The Project provides for additional housing opportunities in the Fenton Village Overlay Zone through adaptive re-use of the vacant office building and redevelopment of the surface parking lot with construction of a new building. The proposed residential development will support the existing commercial uses in the Fenton Village and contribute to the creation of a vibrant mixed-use community.

C. Special Regulations for the Optional Method of Development

Properties developed under the Optional Method of Development must comply with the general requirements and development standards of the CR Zone and must provide public

benefits under Section 4.5.4.A.2 to obtain greater density and height than allowed under the Standard Method of Development.

i. Incentive Density

The Project will provide public benefits and address the Incentive Density Guidelines for the CR Zone. The Applicant is seeking incentive density above the Standard Method of Development. The Standard Method of Development allows for the greater of 0.5 FAR, or 10,000 square feet of gross floor area. The Property subject to this Sketch Plan will have up to 85,843.5 square feet of incentive density, to achieve a total density of 99,667 square feet.

As such, the Project will achieve a minimum of 100 public benefit points from at least four categories, including the following:

Public Benefit	Total Points Allowed per Zoning Ordinance	Total Points Provided
Transit Proximity	50	30
Connectivity and Mobility		
Minimum Parking	10	10
Diversity of Uses and Activities		
Moderately Priced Dwelling Unit	N/A	35
Quality Building and Site Design		
Structured Parking	20	20
Protection and Enhancement of Natural Environment		
BLTs	30	1.84
Building Reuse	100	34.5
TOTAL POINTS		131.34
TOTAL NUMBER OF CATEGORIES		6

1. Transit Proximity

As discussed above, the Property is located within 2,500 feet of the Silver Spring Metro station and 2,100 feet of the proposed Silver Spring Library Purple Line station.

2. Minimum Parking

The Project is currently proposing to provide fewer than the maximum allowed number of parking spaces. Based on the calculation below, 10 points are appropriate for this category:

$$[(A/P)/(A/R)]*10$$

A (maximum allowed spaces)	=	151
R (minimum required spaces)	=	68
P (proposed spaces)	=	33

$$[(151/33)/(151/68)]*10 = \mathbf{10 \text{ points}}$$

3. Affordable Housing

The Project will provide up to 15% of the units as MPDUs, thereby exceeding the minimum percentage of MPDUs required (e.g. 12.5%). Based on the calculation below, up to 35 points are appropriate for this category:

$$(P-R)*12 + W*2+T*5$$

P (percentage MPDUs provided)	=	15%
R (percentage MPDUs required)	=	12.5%
W (percentage 2 bedroom MPDUs provided)	=	15%
T (percentage 3 bedroom MPDUs provided)	=	0%

$$(15-12.5)*12 + 2.5*2+0*5 = \mathbf{35 \text{ points}}$$

4. Structured Parking

All of the parking provided on-site will be located in a structured parking garage. As such, the Applicant is requesting 20 points from this category.

$$[(A/T)*10] + [(B/T)]*20$$

A (above-grade spaces)	=	0
B (below-grade spaces)	=	33
T (total spaces)	=	33

$$[(0/33) * 10] + [(33/33)] * 20 = \mathbf{20 \text{ points}}$$

5. Building Lot Termination

The Applicant will purchase BLT easements, or make a payment to the Agricultural Land Preservation Fund in an amount equal to 7.5% of the incentive density floor area. Based on the calculation below, the Project is eligible for 1.84 points from this category.

$$85,843.5 \text{ sf} \times 7.5\% = 6,438/31,500 = .2044 \text{ BLT} * 9 \text{ points} = \mathbf{1.84 \text{ points}}$$

6. Building Re-Use

As discussed above, the Project will adaptively re-use the vacant existing office building. A minimum of 75% of the structure system of the building will be retained, and an architectural deconstruction company will be used to remove reusable and recyclable materials before any demolition, if applicable. Based on the square footage of the existing building, 34.5 points are available from this category.

$$(R/I)*100$$

R (retained gross floor area)	=	29,600 sf
I (incentive density gross floor area)	=	85,843.5 sf
$(29,600/85,843.5) * 100 = \mathbf{34.5 \text{ points}}$		

D. Development Standards

Section 4.5.4 of the Zoning Ordinance sets forth the development standards for the Optional Method of Development within the CR Zone. A development table is included with the Sketch Plan, which compares these development standards with the Project.

VII. Findings Required for Sketch Plan Approval

The purpose of this portion of the Statement is to provide justification that the Sketch Plan satisfies the applicable provisions of the Zoning Ordinance governing the approval of a Sketch Plan application. As set forth below, the Sketch Plan satisfies the findings in Section 7.3.3.E:

- 1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

As discussed in this Statement, this Application satisfies the objectives, general requirements and standards of the CR Zone.

- 2. *The Sketch Plan substantially conforms with the recommendations of the applicable master plan.*

The Project's conformance with the goals and objectives of the Silver Spring CBD Sector Plan is discussed in Section V above.

3. *The Sketch Plan satisfies any development plan or schematic development plan in effect on October 29, 2014.*

This provision is not applicable because no development plan or schematic development plan has been approved for the Property.

4. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The Project will provide desired, additional housing opportunities in the CBD. The Project responds to the Property's prominent location in close proximity to transit services and as an entrance to the CBD. Simultaneously, the architectural design will create a residential and pedestrian-friendly scale that will provide an appropriate transition to the single-family homes located just outside of the CBD boundary.

5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking and loading.*

Adequate parking will be provided on-site to accommodate all users of the Property. Given the Property's proximity to various transit services, the Applicant anticipates that a significant amount of residents will rely on public transit for work and personal trips.

The Project will result in improved vehicular access through the elimination of two of the existing curb cuts. Access to parking and loading has been strategically located to ensure compatibility. In response to comments received from the community, access to the loading has been located along Sligo Avenue and access to the garage will be provided off of Gist Avenue. Pedestrian and vehicular access to the Property is adequate, safe, and efficient.

6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community; and*

The public benefits are sufficient to justify the requested density. The public benefits and incentive density are discussed in Section VI.c above.

7. *The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The Project will be developed in one phase.

VIII. Forest Conservation

The Property is exempt from the requirements of Chapter 22A of the Montgomery County Code (the "Forest Conservation Law"). The existing conditions plan demonstrates that there are no forested areas on-site. The Property contains no floodplain, protected soils,

endangered species, or other natural features that would impact development. The site is not located within a Special Protection Area.

IX. Adequate Public Facilities

The public facilities will be more than adequate to accommodate the proposed development. The Applicant is submitting a traffic statement prepared by Lenhart Traffic Consulting, Inc., the Applicant's transportation consultant, which shows that the Project is anticipated to result in a net decrease of 47 AM and 5 PM weekdays peak hour trips, as compared to the former office use.

The Property falls within the Blair cluster, which includes the East Silver Spring elementary, Takoma Park middle and Blair high school. The current FY 2018 Subdivision Staging Policy Schools Test, effective July 1, 2017, indicates that capacity in the Blair cluster is currently inadequate at the high school level (*i.e.* over 120% utilization). However, given placeholder CIP projects, the Blair cluster is open conditionally.

The Property is already served by existing water and sewer. The Property is located within water and sewer categories W-1 and S-1. Water and sewer needs are expected to be met by the Washington Suburban Sanitary Commission ("WSSC") through connections to the existing water and sewer lines.

Electric, gas and telecommunications services will also be available. Other public facilities and services – including police stations, firehouses, and health care facilities – are currently operating in accordance with the Annual Growth Policy and will continue to be sufficient following construction of the Project.

X. Community Outreach

The Applicant has held numerous meetings with the community (both formal and informal), including meetings with nearby property owners and representatives of the East Silver Spring Community Association ("ESSCA") on September 18, 2017 and September 26, 2017. Additionally, the Applicant met with an adjacent property owner on October 27, 2017. A pre-submission outreach meeting was also held at the Silver Spring Civic Building, on November 8, 2017. Notice was properly given for the pre-submission community meeting in accordance with the standards set forth in the Development Review Procedures Manual.

XI. Conclusion

The Applicant is excited to move forward with this Project and make a significant investment in the Property. The Project facilitates the transformation of the vacant Property, which has become blighted and an eye sore, into a vibrant residential community that will contribute to the revitalization of the Fenton Village. As demonstrated by this Statement, the Application complies with all applicable requirements of the Zoning Ordinance that govern

development under the CR Zone. Furthermore, the Project substantially conforms with the recommendations of the Sector Plan, as discussed above. For all of those reasons, the Applicant respectfully requests approval of this Application.