



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**Staff Report: Site Plan 820080070 - 814 Thayer Avenue**

**ITEM #:** \_\_\_\_\_

**MCPB HEARING**

**DATE:** May 1, 2008

**REPORT DATE:** April 18, 2008

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief  
Robert Kronenberg, Supervisor  
Development Review Division

**FROM:** Joshua Sloan, Coordinator  
Development Review Division  
301.495.4597  
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**APPLICATION  
DESCRIPTION:**

Fifty-two (52) multi-family dwelling units, including seven MPDUs, on 0.64 gross acres in the CBD-0.5 Zone; located on Thayer Avenue, approximately 150 feet southeast of Fenton Street within the Silver Spring Central Business District Sector Plan.

**APPLICANT:** 814 Thayer, LLC

**FILING DATE:** September 25, 2007

**RECOMMENDATION:** Approval with conditions

**EXECUTIVE  
SUMMARY:**

The proposed development would create one multi-family building with 52 units, an on-site recreation room, and 36 parking spaces incorporated within a garage on the first floor. Ingress and egress to the parking and a loading space is via a public alley that runs parallel to Thayer Avenue between Fenton and Grove Streets. The building's primary pedestrian access is from Thayer Avenue through a small public garden with artwork, game tables, and seating.

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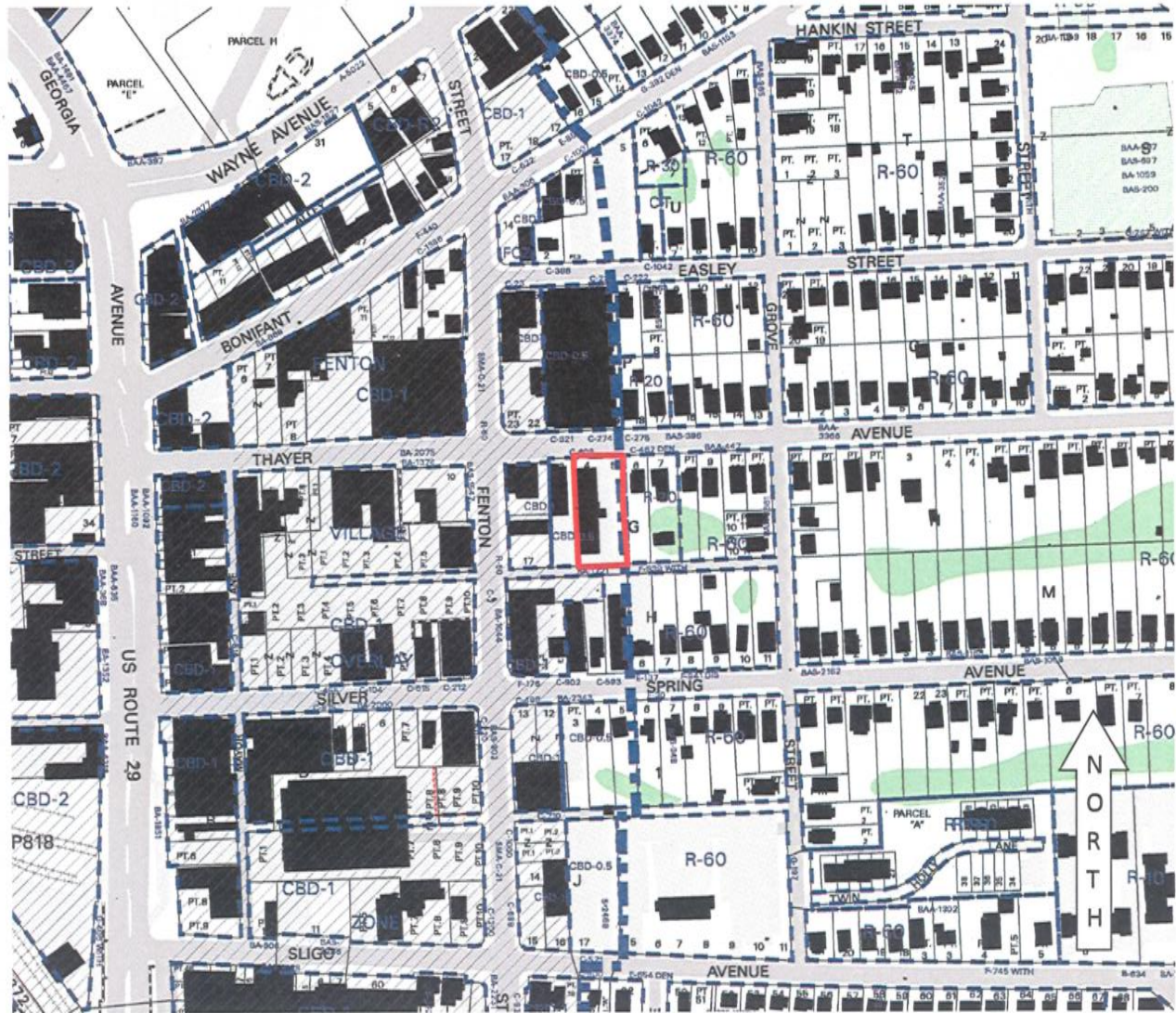
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## SITE DESCRIPTION

### Vicinity

The subject property is located on the eastern edge of the CBD and is currently used as an office. While the subject property is within the Fenton Village Revitalization Area of the Silver Spring Central Business District Sector Plan (Sector Plan), it is outside the portion of Fenton Village that is subject to the Fenton Village Overlay Zone. The immediate area consists of a mix of retail, office, multi-family, and one-family detached uses.



*Vicinity Map*

The subject property is zoned Central Business District – 0.5 (CBD-0.5) and acts as a transition from the R-20 and R-60 zones to the east and the office building and CBD-1 Zone commercial uses west on Fenton Street. This “stepping-down” of density is clearly evident in the built environment. Immediately to the west of the subject property is a three-story office building; adjacent to that building, further to the west are commercial uses that front on Fenton Street. To



the immediate east of the subject property is a two-story house currently used as a multi-family residence. Directly across Thayer Avenue to the north is a sixteen-story multi-family residential building (Silver Spring Towers). To the west of that apartment building is a gas station. To the east of both the subject property and Silver Spring Towers is an established one-family residential neighborhood.

Across Fenton Street, on the northwest corner of the intersection of Thayer and Fenton, is a grocery store. At the southwest corner of Thayer and Fenton there is an existing automobile repair facility that will be developed as a mixed-use project (the "Adele", 820060200). Public Parking Lot Number 3 is on the west side of Fenton Street, across the public alley from The Adele, all approximately one block from the Property.

### **Site Analysis**



*Aerial Photograph (looking north)*

The subject property is located on the south side of Thayer Avenue, approximately 160 feet east of Fenton Street, and is comprised of Lots 4 and 5, Block G, Easley's Subdivision, which were combined by Preliminary Plan 120070410. The Gross Tract Area of the site is 28,000 square feet (0.643 acres). Prior road dedications totaling 6,000 square feet have been made and the current application is dedicating an additional 1,000 square feet for a Net Tract Area of 21,000 square feet (0.48 acres).

The subject property slopes approximately 10 percent from the northwest corner of the site to the southeast corner and approximately 6 percent across its frontage along Thayer Avenue. The sidewalk along Thayer Avenue is nondescript, with overhead wires and no streetscape treatment. There is no vegetation on the site, except for a small island of grass located between the building and the sidewalk along Thayer Avenue.

Lot 4, the western-most lot, is currently developed with a three-story office building; Lot 5 is currently used for associated parking. Lot 5 has access to both Thayer Avenue and the public alley that runs parallel to Thayer at the rear of the subject property. The subject property is located within the Silver Spring Parking Lot District.

## **PROJECT DESCRIPTION**

### **Previous Approvals**

This plan is subject to the conditions of approval for project plan 920070120 and preliminary plan 120070410. The subject site plan remains largely unchanged from those submissions. There are no other previous approvals that encumber this site.

### **Proposal**

The application requests the approval of a site plan to construct an optional method development for 52 multi-family residential units, including seven MPDUs. The proposal includes a five-story condominium building built over on-grade parking; access from the public alley behind the site; a 4,620 square-foot public plaza between the residential building and Thayer Avenue; two public artworks within the plaza; landscaping, lighting and other site amenities; and streetscape improvements along both sides of Thayer Avenue. The existing building and parking lot will be demolished.



*Elevation of proposed building.*





*Landscape Plan*

The proposed architecture, landscaping, and lighting remain largely unchanged from the previous project plan submission. The proposed artwork, however, has been refined and presented to the Art Review Panel. The large wall-mounted piece along the northwestern façade has been improved by local Silver Spring artist, Kari Minnick, and now incorporates glass elements that reflect the building's fenestration. The piece has become more tactile, textural, and vivid. Down-lit glass columns separate the work into panels of inspirational quotes to add color and vibrancy. The free-standing piece on the northeast side of the plaza will be a historic teletype machine housed in an acrylic display case. A glass piece of "paper" will serve as an artistic intervention and show how Braille text was created by the machine. Both works reflect the history of the site in recognition of its previous use as the headquarters of the National Association of the Deaf.

## PROJECT ANALYSIS

### Master Plan

The Silver Spring CBD Sector Plan is organized around several themes that the Project satisfies:

- A transit-oriented downtown,
- A residential downtown,
- A green downtown, and
- A pedestrian friendly downtown.

The Sector Plan identifies Silver Spring as a transportation center where regional train, bus, road, and trail systems come together. The project will be within walking distance of the Silver Spring Transit Center and other Metrobus and Ride-On bus stops.

The Sector Plan identifies enhancing the established downtown residential community by “creating new housing opportunities” as an important component in a successful downtown. The proposed development will contain forty-five market rate units and seven MPDUs, thereby helping to revitalize the eastern edge of the Silver Spring CBD.

The Sector Plan envisions a “green downtown [that] includes shaded, tree-lined streets, parks and plazas ... that provide economic, environmental and aesthetic benefits throughout downtown”. The portion of Thayer Avenue within the CBD is identified in the Sector Plan as a “green street”, which is defined as an “urban street with landscaping”. The proposed development will contribute street trees and landscaping that will help achieve this goal at this location and along the adjacent street.

The proposed development is within Fenton Village as delineated in the Sector Plan, but not in the Fenton Village Overlay Zone. It is located in an area that transitions from the core of the Central Business District to an existing single-family residential neighborhood that the Sector Plan cautions should be “buffered” from redevelopment. The Sector Plan also notes that in “Fenton Village, the disjointed pattern of commercial activity and the lack of a residential population dilute pedestrian traffic – a key component of retail activity”. The provision of housing and the appropriate scale and massing will provide more activity in Fenton Village and provide a transitional and pedestrian-friendly buffer between the denser CBD areas and the residential neighborhood.

### **Transportation and Circulation**

The Applicant proposes sole vehicular access from the public alley south of Thayer Avenue. The primary pedestrian access will be from Thayer Avenue. Truck access will be from the public alley south of the site. The site meets the DPWT “Off-Street Loading Space” policy requirement. An existing weight restriction sign for the alley applies only to through-vehicular movement. Vehicles servicing the sites that back onto the alley, however, are not considered through-movements. Appended to the staff report is a full discussion of the negotiations between various agencies and citizens, including Staff’s position that further signage should be placed at the east end of the alley to protect private property to. But this is an existing off-site condition and not relevant to the findings for the subject proposal.

### **Environment**

As mentioned in the Site Analysis, there are not many environmental features on the subject site, which is heavily built-out and paved. The site is exempt from the forest conservation law, but it does include planting areas and trees that will only add to the amount of pervious area and provide some environmental benefits on-site.

### **Development Standards**

The subject site is zoned CBD-0.5. The purposes of the CBD-0.5 Zone are to 1) foster and promote the orderly development of the fringes of the CBDs of the county so that these areas will provide land uses at a density and intensity which will encourage small business enterprises and diverse living accommodations and 2) provide a density and intensity of development which will be compatible with adjacent land uses outside the CBDs.

In accord with these purposes, the proposed development will enhance the economic status of the county by providing additional housing opportunities on the fringes of the Silver Spring CBD. Increasing the workforce base through the addition of at least 52 new residential units will expand the CBD employee pool in an area that is currently expanding other retail and residential opportunities. Further, the renovation of the streetscape and public artwork will enhance the urban environment for all of the county's citizens and visitors. The CBD-0.5 Zone also has the lowest density of dwelling units per acre of any CBD zone and the current Project Plan is within this density cap. This lower density is appropriate for the transition from other CBD Zones and adjacent residential zones.

The following data table indicates the proposed development's compliance with the Zoning Ordinance.

*Project Data Table for the CBD-0.5 Zone*

<b>Development Standards per 59-C-6.23</b>	<b>Permitted/Required</b>	<b>Proposed for Approval</b>
<b>Gross Tract Area (square feet)</b>	18,000	28,000
<b>Net Tract Area (square feet)</b>	None	21,000
<b>Dwelling Units/Acre</b>	64	52
<b>MPDUs</b>	12.5%	12.5%
<b>Building Height (feet)</b>	60	60 (from Thayer Avenue)
<b>Public Use Space (% of net lot area)</b>		
On-Site	20	22.5
Off-Site Amenity Space	18 <sup>1</sup>	18
Total		40.5
<b>Building Setbacks (feet)</b>		
Front (Thayer Avenue)	0	17
Rear (Public Alley)	0	0
Sides	0	0
<b>Parking Spaces<sup>2</sup></b>	57	up to 36

<sup>1</sup> Approved with Project Plan 920070120.

<sup>2</sup> The project is located within the parking district, no parking is required but numbers are provided for information only.



## COMMUNITY OUTREACH

The Applicant has met numerous times with various members of the community, civic organizations and with Staff. The Applicant has met all proper signage, noticing, and submission meeting requirements. Staff has spoken and met separately with citizen representatives to discuss this plan, especially with regard to concerns about truck maneuvering within the alley and onto Grove Street. Additional submission requirements and conditions have resulted from these discussions to ensure that vehicles servicing the proposed development will not harm private property that backs onto the public alley.

## FINDINGS

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.*

The site plan is similar in virtually all respects to the approved project plan 920070120 and has only been refined and enhanced with respect to landscaping, public amenities, and vehicular safety.

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

Multi-family residential units are allowed in the CBD-0.5 Zone, and the site plan fulfills the purposes of this zone by providing lower density housing opportunities.

As the project data table on page 8 indicates, the site plan meets all of the development standards of the CBD-0.5 Zone. With respect to building height, setbacks, and density the proposed development is at or under all the maximum standards allowed. With respect to public-use and amenity space the proposed development provides twice the amount required, thus allowing for a greater amount of permeable surface and landscaped open space. The addition of artwork enhances the cultural image and attractiveness of the area.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

Due to the requirement for 20% public-use space on the site, the building is setback from Thayer Avenue. In many cases in the CBD, this makes the continuation of a street-wall and the pedestrian orientation of a building difficult. In this case, however, the proposed open plaza acts as a transition from the denser CBD core to the traditional setbacks and yards of the detached homes to the east. Further, the Applicant has used this space to create a forecourt that is both inviting and – through the addition of trees, plantings, seating, and public art – interesting for the residents and neighbors. The building, site

features and open space are adequate and efficient, while meeting the aesthetic goals of the Master Plan, and do not pose any safety concerns on the site.

The recreation facilities required for this site plan are provided through various sitting areas, the connection to the local sidewalks, and an indoor community room. These on-site facilities, not to mention the nearby parks, adequately and efficiently address the recreational needs of the residents in a safe and comfortable environment.

Pedestrian access from adjacent sidewalks adequately and efficiently integrates this site into the growing commercial center of downtown Silver Spring. Safety is enhanced by placing the vehicular access from the alley, rather than a curb cut on Thayer Avenue. Given the constraints of the alley, though, specific vehicular sizes and movements will be prohibited. Parking on the site is limited to 36 spaces and is accessed via a right-in, right-out channelized entrance from the alley. Loading is limited to smaller box trucks and is limited to one-way ingress and egress on the public alley; only left-turns are allowed at the intersection of the alley with Grove Street. Although these limits are being implemented only through on-site signage and HOA documents, Staff finds that the number of trips for moving vans and trucks is minimal and will not exacerbate existing conditions. As conditioned, the proposed circulation routes provide an efficient, adequate, and safe atmosphere for pedestrians, cyclists, and vehicles.

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

The proposed five-story multi-family building is compatible with the adjacent and confronting commercial and residential uses as well as proposed site plans. The subject site plan and other pending residential and commercial projects in the area will greatly enhance the availability and accessibility of various types of housing and commercial conveniences in Silver Spring. The structure and plaza are in scale with the nearby commercial uses and provide transitional height and massing from the CBD to the adjacent residential area.

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 proposed development is not subject to the forest conservation law.

The stormwater management concept consists of on-site water quality control via a volume-based proprietary filtering structure. Onsite recharge is not required for redevelopment applications.

## RECOMMENDATION AND CONDITIONS

Staff recommends approval of site plan 820080070, 814 Thayer Avenue, for one multi-family building for 52 dwelling units on 0.64 gross acres. All site development elements shown on the site and landscape plans stamped "Received" by the M-NCPPC on September 26, 2007 are required except as modified by the following conditions.

1. Project Plan Conformance

The proposed development must comply with the conditions of approval for project plan 920070120 as listed in the Planning Board Resolution unless amended including, but not limited to, MPDU, maintenance, and recreation requirements.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of approval for preliminary plan 120070410 as listed in the Planning Board Resolution unless amended.

3. Transportation

a. Department of Permitting Services

A right of way permit will be required for any access onto the public alley. As part of that permit, the Department of Permitting Services will review the geometric design and bollard locations and will require signing on the driveway as follows:

- i. A "Stop" sign and a "Right Turn Only" sign for vehicles leaving the garage into the alley.
- ii. A "No Right Turn" sign for westbound vehicles on Grove Street to prohibit right turns into the site from the alley.
- iii. The restrictions in i. and ii. Above will need to be installed to apply to any construction vehicles accessing the site from the alley.
- iv. The signs must conform to the MUTCD and must be shown on the site plan.

b. Loading Truck Restrictions

To protect private property at the intersection of the public alley and Grove Street, the Applicant must provide the following items:

- i. A sign within the loading area stating that "All trucks turning onto Grove Street must turn left. Right turns are forbidden".
- ii. Instructions in the HOA documents for all move-in/move-out loading that moving trucks must not turn right onto Grove Street from the alley.

4. Development Program

The Applicant must construct the proposed development in accordance with a development program that will be reviewed and approved prior to the approval of the Certified Site Plan. The development program must include the following items in its phasing schedule:

- a. On-site and off-site street lamps and sidewalks must be installed within six months after construction is completed. Tree planting may wait until the next growing season.



- b. On-site sidewalks, benches, site amenities, recreation facilities, and artwork must be installed prior to release of any building occupancy permit.
- c. Clearing and grading must correspond to the construction phasing to minimize soil erosion.
- d. The development program must provide phasing for installation of on-site landscaping and lighting.
- e. The development program must provide phasing of dedications, stormwater management, sediment and erosion control, recreation facilities, trip mitigation, and other features as necessary.

5. Certified Site Plan

Prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the forest conservation exemption letter, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval sheet.
- b. Minor corrections to site data, labeling and legends.
- c. Ensure consistency off all details and layout between site plan and landscape plan.
- d. Provide limits of disturbance.

## APPENDICES

- A. Project Plan Resolution
- B. Preliminary Plan Resolution
- C. Transportation Planning Memorandum



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Agenda Date: December <sup>13</sup>~~20~~, 2007  
Agenda Item No. 1

December 10, 2007

**MEMORANDUM**

TO: Montgomery County Planning Board

VIA: Gwen Wright, Acting Planning Director  
Rose Krasnow, Chief

FROM: Joshua Sloan, Coordinator  
Development Review Division  
301.495.4597

Re: Correction to Project Plan Resolution  
920070120

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Attached please find a redlined version of the resolution for Project Plan No. 920070120, 814 Thayer, which corrects two spelling mistakes and two references to the wrong zone. The resolution was not mailed out. There are no changes to the conditions of approval or the plans presented at the Planning Board Hearing on July 26, 2007.

The changes to pages 6, 7, and 8 are requested to correct two spelling mistakes and ensure that the correct zone – CBD-0.5 – is referenced throughout the document.

Staff is requesting that the Planning Board approve the corrections to the resolution so the Resolution may be mailed out to all parties of record to reflect the redlined changes.



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB No. 07-204**  
**Project Plan No. 920070120**  
**814 Thayer Avenue**  
**Date of Hearing: July 26, 2007**

**DEC 18 2007**

**MONTGOMERY COUNTY PLANNING BOARD**

**CORRECTED RESOLUTION<sup>1</sup>**

WHEREAS, pursuant to Montgomery County Code Division 59-D-2, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review project plan applications; and

WHEREAS, on April 18, 2007, 814 Thayer, LLC ("Applicant"), filed an application for approval of a project plan for the creation of one lot and construction of an Optional Method development for 52 multi-family residential units, including seven Moderately Priced Dwelling Units (MPDUs) ("Project Plan"), on 0.643 acres of CBD-0.5-zoned land, at 814 Thayer Avenue, approximately 150 feet southeast of Fenton Street ("Property" or "Subject Property"); and

WHEREAS, Applicant's project plan application was designated Project Plan No. 920070120, 814 Thayer Avenue, (the "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated July 11, 2007, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on July 26, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 26, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Lynch; seconded by

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<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

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Approved as to  
Legal Sufficiency:

*DAL 12/10/07*

M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Director's Office: 301.495.4500 Fax: 301.495.1310

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Commissioner Bryant; with a vote of 4-0, Commissioners Bryant, Cryor, Hanson, and Lynch voting in favor, Commissioner Robinson being absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board approved Project Plan No. 920070120 for 52 multi-family residential units, including seven MPDUs, on 0.643 acres in the CBD-0.5 Zone, subject to the following conditions:

1. Development Ceiling  
The proposed development is limited to 52 multi-family dwelling units.
2. Building Height and Mass  
The proposed development is limited to 60 feet in height.
3. Transportation  
The Applicant must comply with the conditions of approval in the Memorandum from Transportation Planning dated July 10, 2007 (*Appendix A*), including:
  - a. At the time of site plan review, the Applicant must provide a truck-turning diagram showing how deliveries will be accommodated on site.
  - b. The Applicant must dedicate the right-of-way along Thayer Avenue to 35 feet from the centerline.
4. Moderately Priced Dwelling Units (MPDUs)  
The Applicant must provide 12.5% MPDUs on-site, consistent with the requirements of Chapter 25A of the Montgomery County Code. The Applicant is not receiving any density bonus. The final number and distribution of MPDUs will be determined at Site Plan.
5. Public Use Space
  - a. The Applicant must provide a minimum of 20% of the Net Lot Area for on-site Public Use Space and a minimum of 18% for off-site Public Amenity Space. The final design and details will be determined at Site Plan.
  - b. The proposed Public Use Space must be easily and readily accessible to the general public and available for public enjoyment.
  - c. The Applicant will provide two on-site artworks as public amenities. The final design and details must be reviewed by the Art Review Panel and approved by the Planning Board at site plan review.
6. Streetscape
  - a. The Applicant must relocate all utilities underground as part of the proposed streetscape improvements.

- b. The Applicant must provide the full width streetscape improvements on the south side of Thayer Avenue (Type "B") in accordance with the *Silver Spring Streetscape Plan* (April 1992) Technical Manual or as amended or modified during Site Plan review.
- c. Subject to obtaining all necessary permits, the Applicant must improve the north side of Thayer Avenue as set forth below. At the time of site plan review, this requirement may be reduced by the Planning Board to reflect any portion of this streetscape that is required to be completed by any other approved development.
  - i. Replace the existing sidewalk with a five-foot brick sidewalk (measured from the inside of the curb) from the east end of Lot 19, 20, 21 to the existing brick sidewalk at the corner of Thayer Avenue and Fenton Street in accordance with the *Silver Spring Streetscape Plan* (April 1992) Type B pattern.
  - ii. Install four streetlights according to the *Silver Spring Streetscape Plan* (April 1992).
  - iii. No street trees will be installed along the north side of Thayer Avenue.

7. Staging of Amenity Features

- a. The Applicant will construct the proposed development in one phase.
- b. The Applicant will install the landscaping no later than the next growing season after completion of the building and courtyard.
- c. The Applicant will install the Public Artworks no later than six months after completion of the building and courtyard.

8. Maintenance and Management Organization

Initially the Applicant and, within 90 days of formation, the Condominium Association will create and implement a Maintenance Plan for all Public Use Space and Public Artworks.

9. Coordination for Additional Approvals Required at Site Plan

- a. The Applicant must obtain written approval from the Montgomery County Department of Public Works and Transportation (DPWT) for the final design and extent of any and all non-standard streetscape improvements within the rights-of-way.
- b. The Applicant must obtain a waiver from DPWT for any and all non-standard streetscape improvements as well as a maintenance and liability agreement as necessary.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference (except as modified herein) and upon consideration of the entire record and all applicable elements of § 59-D-2.43, the Montgomery County Planning Board, with the conditions of approval, FINDS:

- (a) *As conditioned, the proposal complies with all of the intents and requirements of the zone.*

Intents and purposes of the CBD zones

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 plan utilizes the optional method of development standards and conforms to the goals of the Sector Plan. The proposed development is a multi-family residential building, a use that is permitted in the CBD-0.5 Zone.

The proposed building height is 60 feet, which is in conformance with the Montgomery County Zoning Ordinance that permits buildings up to 60 feet in height under the optional method.<sup>2</sup> The Applicant is requesting 52 multi-family dwelling units, which is the current maximum allowed by the Preliminary Plan Adequate Public Facilities (APF) review. An increase in the number of units from 52 at Site Plan would require an amendment to the Preliminary Plan and a new APF review. The CBD-0.5 Zone allows up to 100 dwelling units/acre, which could yield a maximum 64 units. With this Project Plan, the Applicant is proposing 81 dwelling units per acre.

The Project Plan will accomplish important Sector Plan objectives as outlined in the Regulatory Section of the Staff Report. Namely, the proposed project expands housing opportunities in the downtown and does so in proximity to transit facilities. It also encourages a pedestrian friendly downtown and a green downtown through the provision of street trees, landscaping, and a public plaza.

- (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."*

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<sup>2</sup> In fact, the Planning Board may approve building heights up to 90 feet in the CBD-0.5 in certain circumstances.



The project plan responds to the need for a variety of housing, including Moderately Priced Dwelling Units, in the downtown Silver Spring Area. By creating usable public space, the project will help meet the recreational needs of local residents.

Under the optional method, this project encourages the development of active urban streets by providing public space along street edges and improves the quality of the pedestrian environment within the improved streetscapes. The improved streetscape, along with the public amenities, addresses the need for increased public interaction to enhance the ambiance of downtown Silver Spring. This project will also increase the vitality of downtown Silver Spring and add economic infrastructure for commercial and retail businesses.

- (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 Project will provide a compatible and desirable relationship with adjacent and surrounding uses. The design provides an effective relationship with adjacent uses and amenities and allows for a more interactive pedestrian environment due to the upgraded streetscape, public space, and artwork. The building and site designs respond to the unique transition space this Project occupies between the dense urban fabric and the more residential setting.

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

The proposed development is located within one-half mile of the Silver Spring Metro Station and even closer to many bus stops. This proximity to transit facilities as well as other downtown shopping, restaurants, and cultural establishments will help alleviate the dependency on the automobile for the residents of the development. The public plaza and streetscape improvements along Thayer Avenue will facilitate the desire for pedestrian connectivity to the metro station core areas of development within Silver Spring.

The applicant will also provide amenities for residents commuting by bicycle and will 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, and through the inclusion of public art and open space. Vehicular circulation is removed from the pedestrian environment along Thayer Avenue, thereby alleviating possible conflicts. Instead, all vehicular access to the site is from an existing Public Alley behind the site.

The streetscape improvements along Thayer Avenue facilitate the desire for pedestrian connectivity to the bus and metro station. The proposed lobby entrance off of the public plaza provides easy pedestrian access to the site.

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

The Project proposes 52 dwelling units (with a maximum total of 64 units possible during Site Plan review) and includes seven MPDUs. The unit types provided within the building vary from smaller residences to larger residences with mezzanine space and spacious balconies. This range of unit types allows for people of various incomes to live in the Central Business District.

(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 opportunities 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 is assembling two lots to make one more functional lot accommodating an appropriately sized multi-family residential building.

Further intents of the CBD-1-0.5 Zone

Section 59-C-6.213(a) of the Zoning Ordinance states that it is further the intent that the CBD-0.5 Zone:

- (1) *"Foster and promote the orderly development of the fringes of the CBDs of the county so that these areas will provide land uses at a density and intensity which will encourage small business enterprises and diverse living accommodations, while complementing the uses in the interior portions of these districts; and*

Setbacks (feet)		
Front	0	17
Side	0	0
Rear	0	0
Parking	57 <sup>6</sup>	36 <sup>7</sup>

#### Amenities and Facilities Summary

##### *On-Site Improvements*

- Public plaza with benches, landscaping, game tables, and lighting.
- Two public artworks within the public plaza.

##### *Off-Site Improvements*

- Streetscape improvements along both sides of Thayer.

- (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 21,000 square foot subject property is zoned CBD-0.5. 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 per County Council Resolution 14-600.

The proposed residential development is composed of 52 dwelling units (including a minimum of seven MPDUs). The proposal will be implemented under the optional method of development. The project proposes a density of 81 dwelling units per acre. The maximum total density permitted for this site under the optional method of development is 100 dwelling units per acre.

The minimum required on-site public use space for this project is 4,400 square feet. As conditioned, the proposal conforms to the approved and adopted Sector Plan.

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<sup>6</sup> 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.

<sup>7</sup> The final number and distribution of parking spaces will be determined at site plan.

### Sector Plan Conformance

The Approved and Adopted Silver Spring CBD Sector Plan is organized around several themes that the Project satisfies:

- A transit-oriented downtown,
- A residential downtown,
- A green downtown, and
- A pedestrian friendly downtown.

The Sector Plan identifies Silver Spring as a transportation center where regional train, bus, road, and trail systems come together. The project will be within walking distance of the Silver Spring Transit Center and other Metrobus and Ride-On bus stops.

The Sector Plan identifies enhancing the established downtown residential community by “creating new housing opportunities” as an important component in a successful downtown. The proposed development will contain forty-five market rate units and seven MPDUs, thereby helping to revitalize the eastern edge of the Silver Spring CBD.

The Sector Plan envisions a “green downtown [that] includes shaded, tree-lined streets, parks and plazas ... that provide economic, environmental and aesthetic benefits throughout downtown”. The portion of Thayer Avenue within the CBD is identified in the Sector Plan as a “green street”, which is defined as an “urban street with landscaping”. The proposed development will contribute street trees and landscaping that will help achieve this goal at this location and along the adjacent street.

The proposed development is within Fenton Village as delineated in the Sector Plan, but not in the Fenton Village Overlay Zone. It is located in an area that transitions from the core of the Central Business District to an existing single-family residential neighborhood that the Sector Plan cautions should be “buffered” from redevelopment. The Sector Plan also notes that in “Fenton Village, the disjointed pattern of commercial activity and the lack of a residential population dilute pedestrian traffic – a key component of retail activity”. The provision of housing and the appropriate scale and massing will provide more activity in Fenton Village and provide a transitional and pedestrian-friendly buffer between the denser CBD areas and the residential neighborhood.

- (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 has been designed to ensure compatibility with the existing uses and the general neighborhood. The proposed development is in accordance with the Sector Plan

and the requirements of the Zone regarding use, setbacks, height, and massing. The residential project has made provisions for generous sidewalks along its Thayer Avenue frontage and created public use space that will enhance the pedestrian activity of the neighborhood. Because vehicular activity is limited to the alley, pedestrian and vehicular conflicts are minimized. The scale and design of the massing and orientation of the proposed building is appropriate relative to the adjacent properties and provides an attractive and interesting architectural design that adds character to the area.

- (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 uses on a site that has access to a 6-inch water main and an 8-inch sewer line along Thayer Avenue. An existing storm drain is located in the alley along the southern boundary and full quality control of stormwater runoff will be included in the final project configuration at site plan review.

The Applicant is promoting smart growth within the urban environment by providing bicycle facilities and developing near the existing Silver Spring Metro Station and will not, therefore, overburden existing public services with the proposed project. In addition, the improvements that are being made to the streetscape facilitate and encourage pedestrian accessibility to the metro and encourage the future employees and retail patrons to take advantage of existing conditions.

A traffic study is not necessary for the proposed development because the replacement of the existing office use with residences will result in a net decrease in vehicle trips. Further, there is adequate capacity in the local schools (Blair High School, Takoma Park Middle School, and East Silver Spring and Piney Branch Elementary Schools) to accommodate any students that may reside at the proposed development.

- (e) *The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The approval of the Optional Method of Development at this location will permit a greater residential density than allowed under the standard method of development within an area of extensive public transit opportunities and, even with the higher density, will create less traffic than the existing office use. The higher density also allows for a building that can afford to cover and, thereby, visually screen its parking facilities, which will replace the existing surface parking.

The proposed development will also provide more on-site public use space and more off-site public amenity space along the pedestrian network of Thayer Avenue than would be



achieved under the standard method of development. The proposed Optional Method development also provides public art, which is essential to the cultural and aesthetic identity of a downtown.

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

The proposed development provides 12.5% MPDUs on site, in compliance with Chapter 25A of the Montgomery County Code.

- (g) *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from 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 proposed project will be built on one lot and is entirely within the CBD-0.5 Zone.

- (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 MCDPS Stormwater Management Section approved the stormwater management concept for the site on June 19, 2007. The stormwater management concept consists of on-site water quality control via a volume-based proprietary filtering structure. Onsite recharge is not required for redevelopment applications.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 920070120, 814 Thayer Avenue stamped received by M-NCPPC on June 28, 2007 are required except as modified herein; and

BE IT FURTHER RESOLVED that this project plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

BE IT FURTHER RESOLVED that the date of this Resolution is DEC 18 2007  
(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

At its regular meeting, held on Thursday, December 13, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, on motion of Commissioner Lynch, seconded by Commissioner Cryor, with Commissioners Hanson, Cryor, and Lynch voting in favor, and with Commissioner Robinson abstaining and Commissioner Bryant absent, ADOPTED the above Corrected Resolution, which constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for Project Plan No. 920070120, 814 Thayer Avenue.

  
\_\_\_\_\_  
Royce Hanson, Chairman  
Montgomery County Planning Board




**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MEMORANDUM**

**DATE:** December 13, 2007

**TO:** Montgomery County Planning Board

**FROM:** Gwen Wright   
Acting Director, Montgomery County Planning Department

**SUBJECT:** Revision to Resolution #07-203, 814 Thayer Avenue

This corrected resolution reflects a change to the second whereas clause on page 1 stating the correct total acreage and a change to the fourth whereas clause, also on page 1, stating the correct date of the Staff Report (2006 changed to 2007).

A minor change was also made to Condition #7 and to Finding #2 to reflect language agreed upon at the Planning Board hearing regarding bicycle racks but not included in the original resolution.

[EG:CC:eg]



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB No. 07-203**  
**Preliminary Plan No. 120070410**  
**814 Thayer Avenue**  
**Date of Hearing: July 26, 2007**

**JAN 24 2008**

**MONTGOMERY COUNTY PLANNING BOARD**

**CORRECTED RESOLUTION<sup>1</sup>**

WHEREAS, pursuant to Montgomery County Code Chapter 50, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review preliminary plan applications; and

WHEREAS, on November 30, 2006, 814 Thayer, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create 1 lot on 0.62 0.642 acres of land located on the south side of Thayer Avenue 150 feet southeast of Fenton Street ("Property" or "Subject Property"), in the Silver Spring CBD master plan area ("Master Plan"); and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120070410, 814 Thayer Avenue ("Preliminary Plan" or "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated July 11, 2006 2007, setting forth its analysis, and recommendation for approval, of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on July 26, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on July 26, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Bryant; seconded by Commissioner Lynch; with a vote of 4-0, Commissioners Bryant, Cryor, Hanson, and Lynch voting in favor; Commissioner Robinson absent.

<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

Approved as to  
Legal Sufficiency:

DBL 12/13/07 by JAL

8787 Georgia Avenue, Silver Spring, Maryland 20910 Director's Office: 301.495.4500 Fax: 301.495.1310

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NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 50, the Planning Board approved Preliminary Plan No. 120070410 to create 1 lot on 0.62 acres of land located on the south side of Thayer Avenue, 150 feet southeast of Fenton Street ("Property" or "Subject Property"), in the Silver Spring CBD master plan area ("Master Plan"), subject to the following conditions:

1. Approval under this preliminary plan is limited to 52 multi-family dwelling units including a minimum of 12.5% Moderately Priced Dwelling Units (MPDUs).
2. The Applicant must comply with the conditions of approval for Project Plan 920070120.
3. The final number of dwelling units and MPDUs will be determined at Site Plan.
4. No clearing, grading, or recording of plat until approval of Certified Site Plan.
5. The Applicant must comply with the conditions of approval of the Montgomery County Department of Public Works and Transportation (DPWT) letter dated June 28, 2007 (*Appendix C*).
6. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (DPS) stormwater management concept approval letter dated June 19, 2007 (*Appendix D*).
7. The Applicant must provide two inverted-U bicycle racks on Thayer Avenue between tree wells ~~and two bicycle lockers in the on-site garage within 50 feet of the elevator, and a secured area for bicycles in the on-site garage. The final location of each will be determined at Site Plan. The final location of the bicycle racks and secured area will be determined at Site Plan.~~
8. Record Plat must show dedication of thirty-five feet from the centerline of Thayer Avenue.
9. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution.
10. All necessary easements must be shown on the Record Plat.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Montgomery County Planning Board FINDS, with the conditions of approval, that:

1. *The Preliminary Plan substantially conforms to the master plan.*

The Planning Board finds that the 814 Thayer Preliminary Plan complies with the recommendations in the Silver Spring Central Business District and Vicinity Sector Plan by contributing to a residential downtown by providing



housing options; by contributing to a green downtown with the implementation of streetscaping and landscaped public open space; and by contributing to a pedestrian-friendly downtown by providing public open space on Thayer Avenue that incorporates seating, chess tables and public art.

2. *Public facilities will be adequate to support and service the area of the proposed subdivision.*

#### Roads and Public Transportation Facilities

The Planning Board finds that proposed vehicle and pedestrian access to the site will be safe and adequate with the recommended conditions. Under the *FY 2005 Annual Growth Policy*, a traffic study is not required to satisfy Local Area Transportation Review because the 24 total peak-hour vehicular trips generated from the site are fewer than 30 peak-hour trips within the weekday morning and evening peak periods. The applicant proposes vehicular access from the public alley south of Thayer Avenue. Trash service will be from a trash room off the public alley to the south of the site. Moving trucks are also being accommodated from the alley, and will meet the DPWT "Off-Street Loading Space" policy but a more detailed turning-radius exhibit will be required at site plan. Pedestrian access for this CBD site is provided on Thayer Avenue and includes a sidewalk built to Silver Spring streetscape standards. When complete, the sidewalk along the frontage will be 19 feet wide. At site plan, two inverted-U Bike racks are required to be located between tree wells on Thayer Avenue and ~~two bike lockers are to be provided inside the garage, within 50 feet of the elevator.~~ a secured area for bicycles in the on-site garage.

#### Other public facilities and services

The Planning Board finds that other public facilities and services are available and will be adequate to serve the proposed units. The Property is served by public sewer and water and a determination has been made by the Washington Suburban Sanitary Commission that adequate capacity exists for the proposed subdivision. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are currently operating within acceptable county standards and will be adequate to serve the Property. Gas, electrical and telecommunications services are also available to serve the Property.

3. *The size, width, shape, and orientation of the proposed lots are appropriate for the location of the subdivision.*

The proposed subdivision was reviewed for compliance with the dimensional requirements for the CBD-0.5 zone as specified in the Zoning Ordinance. The lots as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. Proposed on-site Public Use Space exceeds the minimum requirement of 20%. The proposed subdivision was reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed lot and uses. The Planning Board finds the proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

There are no significant environmental features on the subject property and there is no forest on-site. As a result, the Environmental Guidelines are not applicable and the plan is exempt from the County Forest Conservation Law.

5. *The Application meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services ("MCDPS") that the Stormwater Management Concept Plan meets MCDPS' standards.*

The MCDPS Stormwater Management Section approved the stormwater management concept for the site on June 19, 2007. The stormwater management concept consists of on-site water quality control via a volume-based proprietary filtering structure. Onsite recharge is not required for redevelopment applications.

6. *Issues raised at the public hearing have been appropriately addressed.*

Citizens who provided written or verbal testimony at the public hearing raised the following issues for the board's consideration:

- a) Primary access to the subject property should be located along the property frontage on Thayer Avenue rather than the alley located at the rear of the property.
- b) The proposed public use space does not provide a public benefit.

With respect to issue (a) above, the Planning Board finds that sole access to the site from the rear alley is appropriate in order to enhance pedestrian safety on Thayer Avenue. The availability of egress onto Grove Street will be minimized by the right-only garage egress to Fenton Street and the number of moving trucks potentially using Grove Street does not warrant another curb-cut on Thayer Avenue.

With respect to issue (b) above, the Planning Board finds the public use space is acceptable given the location of the site.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended) and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed; and

BE IT FURTHER RESOLVED, that the date of this Resolution is JAN 24 2008 (which is the date that this Resolution is mailed to all parties of record); and

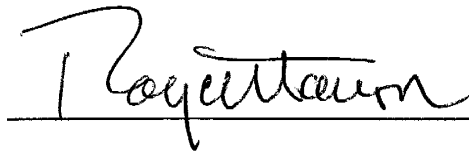
BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

CERTIFICATION

At its regular meeting, held on Thursday, January 3, 2008, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Bryant, seconded by Commissioner Cryor, with Chairman Hanson and Commissioners

Bryant and Cryor present and voting in favor, and with Vice Chair Robinson abstaining and Commissioner Lynch absent. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Preliminary Plan No. 120070410, 814 Thayer Avenue.

A handwritten signature in black ink, appearing to read "Royce Hanson", is written over a horizontal line.

Royce Hanson, Chairman, Montgomery County Planning Board

**EEG**



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Appendix C

April 11, 2008

**MEMORANDUM**

TO: Josh Sloan, Analyst  
Development Review Division

VIA: Shahriar Etemadi, Supervisor *DKH for*  
Transportation Planning

FROM: David Paine, Coordinator *DP*  
Transportation Planning

SUBJECT: Site Plan 820080070  
814 Thayer Avenue  
Silver Spring CBD Metro Policy Area

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**RECOMMENDATIONS**

Transportation Planning staff recommend the following conditions as part of the transportation requirements related to approval of this site plan:

1. The Applicant must provide the following two items:
  - a. The Applicant will place a sign within the loading area stating that "All trucks turning onto Grove Street must turn left. Right turns are forbidden."
  - b. The Applicant will provide instructions in the condominium documents to advise tenants that trucks destined for the site should be prohibited from turning right onto Grove Street from the alley.
2. Construct two inverted-U bike racks between tree wells on Thayer Avenue and two bike lockers within the garage, less than 50 feet from the elevator.

**DISCUSSION**

Site Location, Access, and Circulation

The subject property is located on the south side of Thayer Avenue east of its intersection with Fenton Street in the Silver Spring CBD Metro Policy Area. The applicant proposes sole vehicle access from the public alley south of Thayer Avenue. The primary pedestrian access will be from Thayer Avenue. Truck access will be from the public alley south of the site. The Site meets the DPWT "Off-Street Loading Space" policy requirement, determined at time of preliminary plan. An existing weight restriction sign for the alley applies



only to the through vehicular movement. However, vehicles servicing the sites on the alley are not considered through movements.

During the preliminary plan review, residents raised concern with DPWT and M-NCPPC regarding the vehicular egress via Grove Street, specifically, that trucks of a certain size could not make the turn onto narrow Grove Street safely. At the time of Project and Preliminary Plans review, the Board required that the applicant provide a truck access plan at time of Site Plan to show adequate access for delivery vehicles.

Applicant provided truck turning templates for truck ingress and egress (attached as Figure 1 and 2). These templates appear to confirm the resident concerns that eastbound trucks turning right onto Grove Street would not be able to navigate the turn within the roadway, potentially damaging any structures at that location. We note that this is an existing condition that applies to all trucks navigating these specific turns at the intersection with Grove Street and not solely trucks destined for the site. DPWT, DPS and M-NCPPC Staff had discussed and agreed with applicant's proposal to include signage that prohibits movements described above. However, subsequent to that meeting, DPWT decided that the existing truck restriction was sufficient and no additional signage be required. In effect, DPWT has rejected the applicant's proposal to augment the signage. DPS on the other hand has stated that: "a right of way permit will be required for any access onto the public alley. As part of issuing that permit, the Department of Permitting Services will review the geometric design and bollard locations and will require signing on the driveway as follows:

1. A stop sign and a Right Turn Only sign for vehicles exiting the alley, and
2. A No Right Turn sign be installed to prohibit right turns into the site for westbound vehicles on Grove Street from the alley. These same restricting signs need to be installed to apply to any construction vehicles accessing the site from the alley. The signs must conform to the MUTCD and must be shown on the site plan."

Separately, the applicant has proposed to include in its condominium documents a provision advising owners that moving trucks larger than 8 feet by 30 feet are not allowed in the public alley.

We find existing condition of traffic movements through the alley unsatisfactory. However, we cannot find that it is unsafe because trucks can egress safely via northbound Grove Street. We support DPWT advisory signs for truck movements, but would prefer regulatory signage prohibiting right turns from the alley onto Grove Street. The truck access in and out of the alley was found to be acceptable by DPWT at time of preliminary plan. All three agencies have studied this specific issue as part of reviewing this site plan and we have determined that the entire application cannot be rejected due to an existing condition at this location. However, **we do recommend that the Applicant provide the following two items:**

- A. The Applicant will place a sign within the loading area stating that "All trucks turning onto Grove Street must turn left. Right turns are forbidden."**
- B. The Applicant will provide instructions in the condominium documents to advise tenants that trucks destined for the site should be prohibited from turning right onto Grove Street from the alley.**

Note that the sign listed in the first condition above would not be enforceable by the police, but merely an advisory sign. As noted above, roadway signage can be augmented by DPWT at any time as it is their purview, within the guidelines of the Manual for Uniform Traffic Control Devices (MUTCD). We encourage them to revisit this issue to the satisfaction of the neighboring residents.

### Master Planned Roadways and Bikeways

The adjacent roadways are listed in the *2000 Silver Spring CBD Sector Plan*, *2000 East Silver Spring Master Plan* and *2005 Countywide Bikeways Functional Master Plan*. Thayer Avenue is designated as a business district street with a 70-foot right-of-way. Fenton Street is designated as an arterial street, A-264, with an 80-foot right-of-way. Grove Street is not classified in the master plan, but is listed for local bike lanes. It is built to tertiary roadway standards.

### Local Area Transportation Review

The applicant satisfied their LATR requirements at time of Preliminary Plan. For reference, according to the a submitted traffic statement, the table below shows the number of peak-hour vehicular trips generated by the proposed land use during the weekday morning and evening peak periods, 6:30 to 9:30 a.m. and 4:00 to 7:00 p.m.:

Proposed Land Uses	Proposed	Weekday Peak-Hour Trips	
		AM	PM
Mid-rise Apartments	52	24	24

### Pedestrian Access and Transit

Pedestrian access for this CBD site is provided on Thayer Avenue and includes sidewalk built to Silver Spring streetscape standards as shown to be 18 feet wide. Two inverted-U Bike racks are required between tree wells on Thayer Avenue and two bike lockers within the garage located within 50 feet of the elevators.

The Purple Line, formerly known as the Bi-County Transitway and/or Georgetown Branch, is currently being planned along a number of alignments connecting the Silver Spring/Sarbanes Transit Center to New Carrollton. One alignment being studied by the MTA and Montgomery County proceeds under the property in this area. Should this tunnel alignment be chosen, it would come in the form of a deep bore tunnel that is not expected to affect the project plan layout for this building. Nevertheless, the applicant has been in contact with Mike Madden of the Maryland Transit Authority to accommodate the design of the transitway.

DP:tc  
Attachment

mno to Sloan re 814 thayer 820080070.doc



[illegible]