

Appendix A: Staff and Agency Memoranda



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

May 13, 2009

TO: Elza Hisel-McCoy

FROM: John Marcolin, ASLA, Planner Coordinator *JM*
Design Division,
Bill Barron, South Central Transit Corridor, Team Leader *MB*

SUBJECT: Project Plan #920070010 Studio Plaza

Recommendation: Approve the design with the following conditions:

- The applicant adequately addresses the loading and access needs of those businesses and owners located on the alleys to remain per exhibit 'D' at time of preliminary plan hearing.
- The applicant provide a design for the alleys to remain that specifically meets the loading requirements for those businesses located on those alleys at the time of Site Plan Hearing.
- Applicant to consider widening private road at Thayer Avenue by pulling back proposed building by 20'-30'. This will open up the vista into the green space from Thayer and make it more open to the wider Fenton Village community.
- Widen east-west pedestrian passage or "mews" at Fenton Street for same goals mentioned above.
- Maximize green (lawn area) within proposed green space. Minimum ½ acre is desired goal.
- The applicant to dedicate a majority of ground floor square footage to activating retail uses.

Sector Plan Guidance

The Approved and Adopted Silver Spring CBD Sector Plan, dated February 2000, recommended the facilitation of "...housing that will upgrade the physical environment and bring in new residents, and provide a pedestrian friendly environment that encourages people to stroll and stay." (Silver Spring CBD Sector Plan, 2000, pg 61). There is a strong existing market in the Silver Spring CBD for small scale retail in Fenton Village. However the area is presently "...physically disjointed, due to a lack of significant renovation or infill development.." "...In Fenton Village, the disjointed patterns of commercial activity and the lack of residential population dilutes pedestrian traffic--- a key component to retail activity." The Plan attempts to "...facilitate housing that upgrade the physical environment and bring in new residents, and provide a pedestrian friendly environment that encourages people to stroll and stay."(Ibid, pg 61).

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The Sector Plan envisioned Fenton Village as a transitional area between the downtown core and the surrounding neighborhoods composed of a mixture of residential, office and small scale retail uses. New residential development would provide the requisite population density needed for a vital retail environment. The proposed Studio Plaza project helps fulfill the Sector Plan's vision and recommendations for Fenton Village.




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

MEMORANDUM

TO: Elza Hisel-McCoy, Planner Coordinator, Development Review

VIA: Stephen D. Federline, Master Planner, Environmental Planning 

FROM: Lori Shirley, Planner Coordinator, Environmental Planning 

SUBJECT: Review of Project Plan No. 920070010- Studio Plaza, including Preliminary Forest Conservation Plan Review

DATE: March 30, 2009

RECOMMENDATION

Environmental Planning staff has reviewed the above referenced project plan, including the accompanying preliminary Forest Conservation Plan. Environmental Planning staff recommends approval of the above referenced project plan with the following conditions:

- 1) Compliance with the conditions of approval of the preliminary forest conservation plan.
- 2) The site's forest conservation requirement shall be met with a fee-in-lieu payment.
- 3) At the time of site plan submittal include green building information to demonstrate a minimum of 60% or more of proposed roof tops will have green roofs consistent with the site's approved Stormwater Management Concept Plan.

Proposal/Background

The site comprises several developed and surplus parking lots as parcels within one city block in downtown Silver Spring with frontage on the south side of Thayer Avenue, the east and west sides of Fenton Street, the north and south sides of Silver Spring Avenue and the east side of Mayor Lane. The site is zoned CBD-1 in the Silver Spring and Takoma Park Planning Area.

The proposal is for a mixed use development with office commercial, residential and retail space. Earlier in 2009, the site underwent review for proposed abandonment of several existing public alleys in Abandonment No. AB-719. The Planning Board deferred action based on access concerns raised by two separate, adjacent property owners. The site is undergoing mandatory referral review as MR2009713-MCDOT-1, which is scheduled for review by the Planning Board in

April 2009.

Three plans were reviewed for the overall site include the Natural Resources Inventory/Forest Stand Delineation (NRI/FSD), the subject Project Plan and a preliminary Forest Conservation Plan (PFCP). The site's acreage associated with the PFCP (4.41 acres) is used to determine forest conservation requirements.

Environmental Guidelines

A Simplified NRI/FSD 42006358 was recertified on November 25, 2008, to expand the gross tract area based on acquisition of additional parcels. The site contains a total of 4.15 acres on 42006358, including density lots. There are no streams, wetlands, floodplain or associated environmental buffers on-site. There is no forest on-site; however, two specimen trees are on-site and one specimen tree off-site on an adjacent property.

Forest Conservation

The site is subject to Chapter 22A Montgomery County Forest Conservation Law. A PFCP was stamped as received by the Environmental Planning Division on March 13, 2009. There is no forest on-site. Two specimen trees on-site will be removed and one specimen tree off-site on an adjacent property will be preserved.

The site's net tract area is 4.41 acres (3.60 acres plus 0.81 acres of off-site impacts) in the worksheet. The site's forest conservation requirement is 0.66 acres of afforestation and is proposed to be met with a combination of 0.27 acres of credit for tree cover and 0.39 acres of fee-in-lieu payment. The site's entire requirement must be met with a fee-in-lieu payment because proposed shade trees for canopy credit would be planted near new buildings which range in height from 90 to 110 feet. At post-development in an urban environment such as proposed, staff believes the rate of tree survivability will be low due to limited sunlight exposure in relation to the proposed building heights.

Stormwater Management

The site's stormwater management concept plan was conditionally approved on January 21, 2009 by county DPS. The conditional approval notes that proposed stormwater management structures are shown different on the project plan than on the concept plan. The proposed method includes two underground vaults and filters. A revised concept plan was recently submitted to DPS to reduce stormwater runoff quantities to be captured by a series of proposed green roof tops.

Green Building

No information was included in the December 2008 Justification Statement for the project plan to address green building. At the Development Review Committee

Project Plan 920070010 – Studio Plaza

(DRC) meeting, the comment was made that all options for incorporating green roof tops should be explored in the design of buildings and the stormwater management concept plan.

Since the DRC meeting, the applicant's engineer has verbally expressed their intention to incorporate green roof tops into at least 60% of the proposed building roof tops.

RECOMMENDATION

Environmental Planning staff recommends approval of Project Plan 920070010 subject to conditions to address requirements in the preliminary forest conservation plan and the County Council's Green Building legislation.

SDF:LS



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

February 23, 2009

Mr. Robert Kronenberg, Site Plan Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Project Plan #9-20070010
Studio Plaza

Dear Mr. Kronenberg:

We have completed our review of the project plan signed on 12/23/08. This plan was reviewed by the Development Review Committee at its meeting on February 17, 2009. We recommend the following comments to be addressed prior to submission of preliminary plan:

1. Show/label all existing planimetric and topographic details (paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways, bus stops, utilities, etc.) as well as existing rights of way on both sides and easements on the preliminary plan.
2. Right of way dedication for Thayer Ave, Fenton Street, Silver Spring Ave and Georgia Ave per Master Plan and for all public alleys as necessary. Also verify the need for truncation at the intersections of public alleys and streets.
3. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
4. A Public Improvements Easement may be necessary along site frontages on Thayer Ave, Fenton Street and Silver Spring Ave, in order to accommodate the required sidewalk construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this sidewalk construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat.
5. Show the locations of the proposed driveways on the preliminary plan. Sole site access for commercial, office or multi-family from a public alley is dependant upon demonstrating they are capable of handling the traffic.
6. The preliminary plan should be designed so driveway aprons will not cross the common property lines extended into the right of way.

Division of Traffic Engineering and Operations

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7. Submit storm drain with computations, for our review and approval. Analyze the capacity of the existing downstream public storm drain system and the impact of the post-development ten (10) year storm runoff on same. If the proposed subdivision drains to an existing closed section street, include spread computations in the impact analysis.
8. Submit a completed, executed and sealed DOT Sight Distances Evaluation certification form, for the existing and proposed driveway(s), for our review and approval.
9. At preliminary plan show proposed access points with less than 100' of separation with existing driveway/intersections are not going to create negative impact on the traffic.
10. Private common driveways and private streets shall be determined through the subdivision process as part of the Planning Board's approval of a preliminary plan. The composition, typical section, horizontal alignment, profile, and drainage characteristics of private common driveways and private streets, beyond the public right-of-way, shall be approved by the Planning Board during their review of the preliminary plan. Also homeowners' documents to establish each driveway user's (property owner's) rights & responsibilities with respect to use, maintenance, & liability of the common driveway.
11. Truck loading space requirements to be determined in accordance with the County's "Off-Street Loading Space" policy.
12. Please note the following comments regarding alleys:
 - a) Provide suitable terminus of the alley proposed to remain off Fenton Street (adjacent to "The Adele" property);
 - b) Demonstrate function and how access to adjoining properties and public maintenance will be continued for the two 16' public alleys that are proposed to remain. Viable options will be considered;
 - c) Verify the location of the alleys to be abandoned as our research has yielded no records of some;
 - d) Approval is subject to the granting of any necessary vehicular, pedestrian, drainage, or public utility easements.
13. Access and improvements along Georgia Ave (MD 97) as required by the Maryland State Highway Administration.
14. This site is located in the vicinity of one of the alignments under consideration for the Purple Line. The applicant is advised to contact Mr. Gary Erenrich at the Director's Office to assess the potential impacts on this site.
15. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Improvements to the public right of way, if any are required, will be determined at the preliminary plan stage based on a review of the additional information requested earlier in this letter.

Mr. Robert Kronenberg
Project Plan No. 9-20070010
Date February 23, 2009
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Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Sam Farhadi or Dewa Salihi at (240) 777-2197.

Sincerely,



Gregory M. Leck, P.E., Manager
Development Review Team

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cc: Robert Hillerson, Michael, LLC
Bill Landfair, VIKA
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Preliminary Plan Folder
Preliminary Plans Note Book