



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

Staff Report: Project Plan 920070010, Studio Plaza

ITEM #: _____

MCPB HEARING DATE: May 28, 2009

REPORT DATE: May 15, 2009

TO: Montgomery County Planning Board

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

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APPLICATION DESCRIPTION:

Multi-building mixed-use development, including, but not limited to, residential, retail, office, and/or hotel uses, with a maximum base density – exclusive of any density bonuses – of 626,781 gross square feet, on 5.11 acres of CBD-1- and CBD-2-zoned land in the Fenton Village Overlay Zone of the Silver Spring CBD Sector Plan.

APPLICANT: Michael, LLC

FILING DATE: Original filing date: July 25, 2006
Original acceptance date: March 12, 2007
Revised application filing date: January 16, 2009

RECOMMENDATION: Approval with conditions

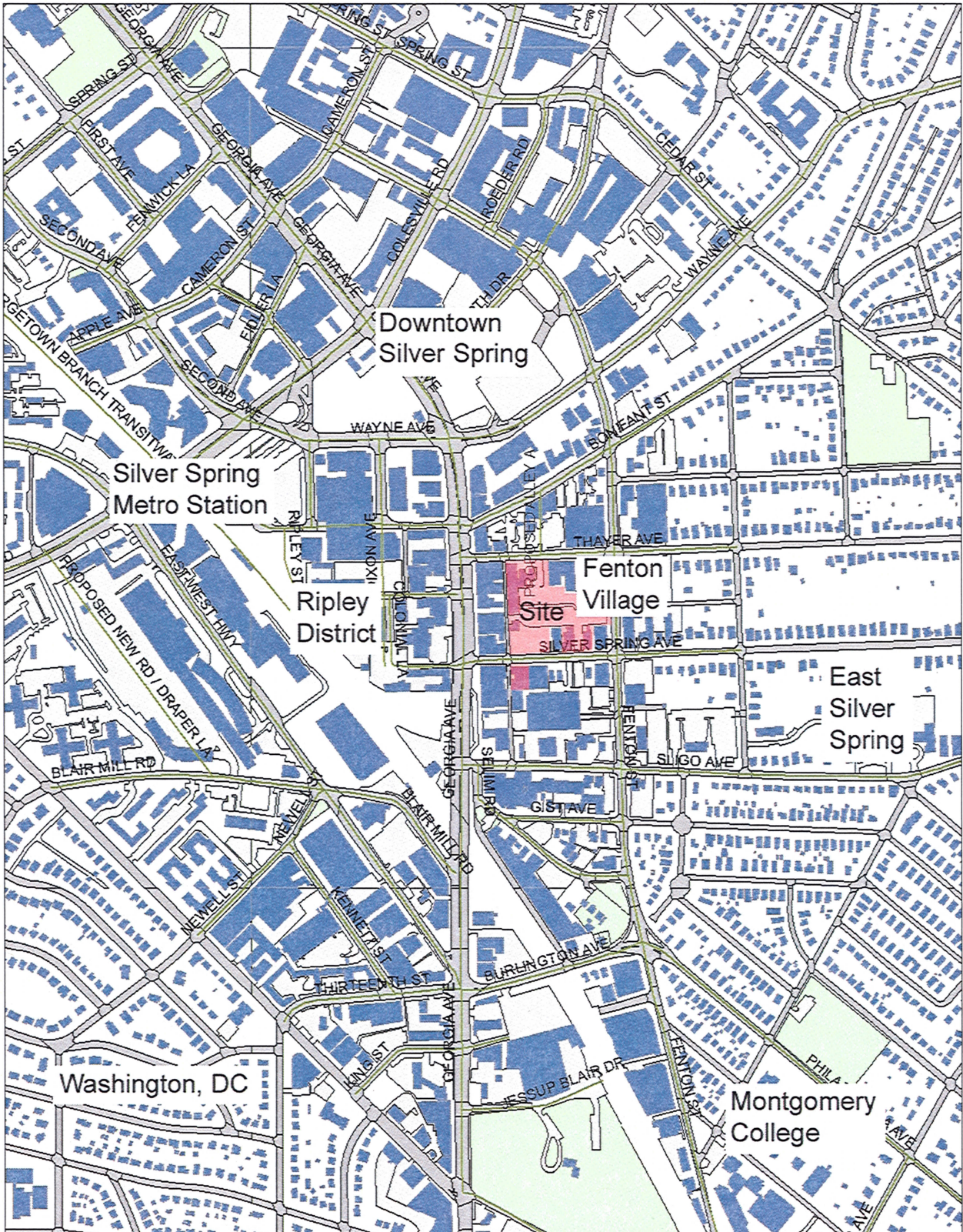
EXECUTIVE SUMMARY:

The proposed project is a public-private partnership that would redevelop the majority of a city block in the Fenton Village area of the Silver Spring CBD, including County Parking Lot 3 located at the center of the block. The multi-building development would mix housing, office, retail, and restaurant uses, and possibly a hotel. It would create a new mid-block private street, a significant central public green space, and a through-block pedestrian system. Given the complexity of the program, the staff review of this Project Plan has remained general, focusing on maximum base density and the minimum public use and amenity package. Final arrangement, design, and disposition of the various project elements, including the mix of uses, density allocation, number of dwelling units, and the quality and quantity of public space, will be determined subsequently during the Preliminary and Site Plan reviews.

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Vicinity Map

SITE DESCRIPTION

Vicinity

The subject property is located in the Fenton Village area of the Silver Spring CBD and is bound by Thayer Avenue to the north, Silver Spring Avenue to the south, Fenton Street to the east, and Georgia Avenue and Mayor Lane to the West.

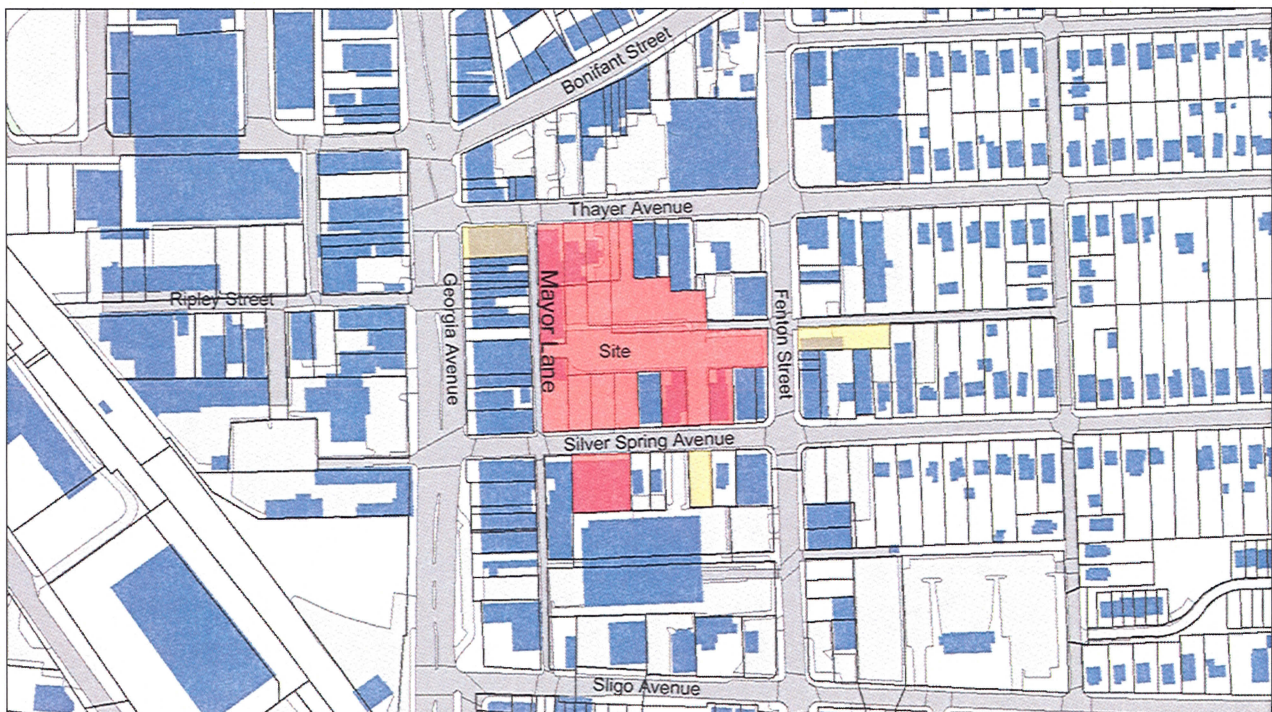
The site is currently surrounded by small commercial and retail buildings of up to four stories, including a Safeway supermarket at the intersection of Thayer Avenue and Fenton Street, and the structured County Parking Garage 4 one block south. The buildings are populated by a diversity of restaurants, ethnic grocers, convenience and specialty retail, and small commercial enterprises.

A five-minute walk from the site will bring you to the Silver Spring Metro Station, the Ripley District and the master-planned Metropolitan Branch Trail, Downtown Silver Spring, the Takoma Park Campus of Montgomery College, and the shops of South Silver Spring.

North and west of the site the density of development increases along the metro and rail tracks and into the core of the CBD. South and east of the site, low-rise commercial development gives way to the single-family neighborhoods of Takoma Park and East Silver Spring.

Site Analysis (See Appendix B for photos)

The site is currently occupied by a mix of one- and two-story office and retail buildings backing onto a surface parking lot, County Parking Lot 3. The parking lot is currently accessible from each of the surrounding streets, with the exception of Georgia Avenue. Access to the western edge of Parking Lot 3 is from Mayor Lane, a 20-foot-wide public alley that runs behind the retail buildings lining Georgia Avenue. The proposed Project Plan also includes properties immediately adjacent to the block: three density transfer sending sites – on the south side of Silver Spring Avenue and the east side of Fenton Street – and a proposed building site on the south side of Silver Spring Avenue.



Site Map



Aerial Photo Looking North

PROJECT DESCRIPTION

Proposal

Preface

It is not uncommon for Project Plan proposals to contain a high degree of specificity, fixing the number of dwelling units, distributing the total allocation of density among various uses, and presenting public space and building designs demonstrating advanced development. However, given the complexity and presently fluid nature of the program, the Applicant has requested, and staff has agreed, that this proposal be reviewed in broader terms, a rough framework upon which more detailed designs may be fleshed out during Site Plan review.

This staff recommendation will identify only the preliminary maximum base density and not the final mix of uses and associated total density including bonuses and other accommodation for providing MPDUs and Workforce Housing. It will set the minimum quantity of the Public Use and Amenity package. It will also include high expectations of design quality, enumerating specific concerns about the site, spaces, landscape, and buildings that must be addressed at Site Plan.

Staff acknowledges that deferring significant sections of the review involves a certain amount of uncertainty as to the overall quality of the design – and therefore its overall impact on the surrounding community – but believes this to be an appropriate path. Project Plan approval confers

upon the Applicant only the ability to continue to develop the design as necessary to apply for Preliminary Plan of Subdivision and Site Plan, the latter of which may be multiple for a site with as many as four multi-story multi-use buildings. At those reviews, staff will hold the Applicant to a much more detailed standard.

Background

This Project Plan was first submitted on July 25, 2006, and formally accepted on March 12, 2007. As originally submitted, the proposal included three buildings: an office building at the corner of Thayer Avenue and Mayor Lane and two multi-family residential buildings located on opposite sides of Silver Spring Avenue near Mayor Lane, each with ground-floor retail (labeled as Buildings 1, 2, and 4 on the illustrative site plan below). Because the application was submitted before the December 1, 2006, effective date of the Workforce Housing law, these portions of the proposal were, and remain, “grandfathered” as exempt from that requirement. The original proposal did not include any portion of County Parking Lot 3.

On June 7, 2007, the Planning Board approved a one-year extension to the review period for the project to allow the Applicant to complete negotiations with the County for the redevelopment of Public Parking Lot 3, negotiations which had been suspended pending the study of potential Purple Line alignments through the site.

On April 3, 2008, the Planning Board approved a further one-year extension of the review period, to June 7, 2009, to allow the Applicant to finalize with Montgomery County a General Development Agreement (GDA) for the redevelopment of Public Parking Lot 3 and to complete preparation of the revised Project Plan drawings to incorporate the County property into the proposal. At that hearing, staff recommended extending the review period by only 6 months.

On July 29, 2008, the County Council approved ZTA 08-08 which amended the Fenton Village Overlay Zone (59-C-18.192(b)(1)(C)) to increase the allowable building height between Georgia Avenue and Fenton Street from 90 feet to 110 feet to accommodate workforce housing (provided at least 33 percent of the building is residential).

General Development Agreement

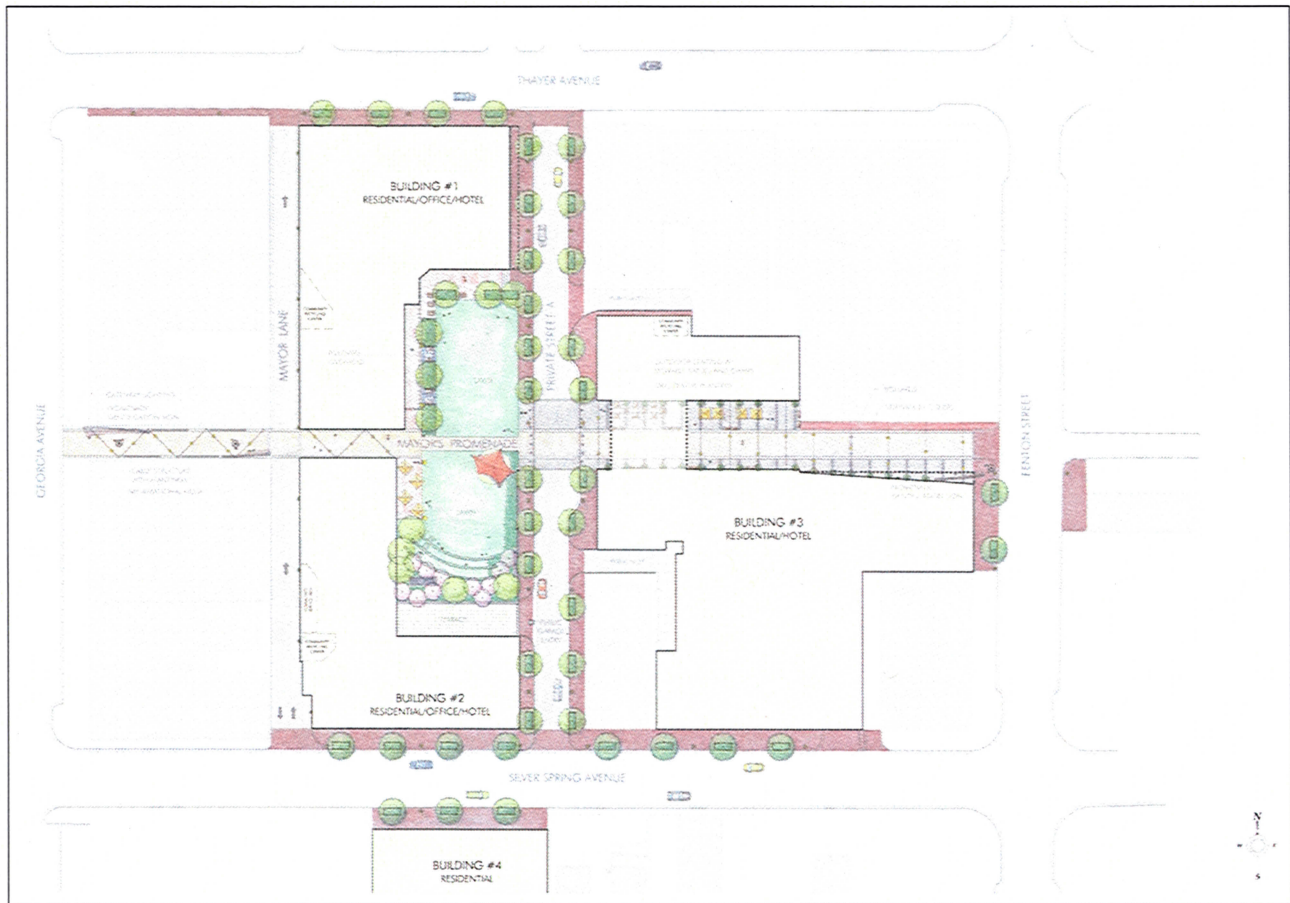
The GDA between Michael, LLC, and Montgomery County, Maryland, for the redevelopment of Public Parking Lot 3 (see Appendix C) was executed October 24, 2008, and sets the terms and conditions for the inclusion of County Parking Lot 3 into the proposed Studio Plaza development. Key features of the GDA include (N.B.: the following is staff’s summary, see GDA text for precise language):

- County will transfer ownership of Public Parking Lot 3 to the Applicant for a mixed-use redevelopment
- Applicant will construct on site an underground public parking garage containing 152 replacement parking spaces from the surface lot
- The Applicant will transfer ownership of the public parking garage to the County on a condominium basis
- The Applicant will contribute \$50,000 toward the cost of a “Revenue Collection System”
- The County will own, operate, and maintain the public parking garage

- The public parking garage must be built in the first phase of development and within 24 months of Land Settlement
- The minimum amount of residential development attributable to the County Land shall be 50 percent of the maximum achievable density of that land
- The Applicant will provide a minimum of 15 percent of the units attributable to County Land as Workforce Housing
- The Applicant will provide a minimum of 15 percent of the units attributable to County Land as MPDUs
- The Applicant must provide at least 50 percent of the private parking required by the Zoning Code, unless the Planning Board approves a smaller amount.

Land Use

The proposed mixed-use development would provide a base density, exclusive of any residential density bonuses, of 626,781 gross square feet. Staff expects the final mix of uses to include both commercial and multi-family residential, all with ground-floor retail, and may also include a hotel.



Illustrative Landscape Plan

All residential development will include 15 percent MPDUs. As stated above, any residential uses provided in Buildings 1, 2, and 4 are exempt from providing Workforce Housing. However, the residential density derived from land not included in the original submission, including both the County land and the adjacent property for which the Applicant is contract purchaser, will include Workforce Housing. Per the GDA, the Applicant will be providing Workforce Housing equivalent

to 15 percent of the density related to the County lot, and for the adjacent property the Applicant will provide a minimum of 10 percent as Workforce Housing. The Applicant estimates upwards of about 600 dwelling units, approximately 70 percent of the potential project density. The final number, distribution, and location of market rate units, MPDUs, and Workforce Housing will be determined at Site Plan.

The project will include a number of buildings that define, activate, and improve the connectivity of both the surrounding streets as well a central public space. The current proposal shows three buildings on the main block and a fourth across Silver Spring Avenue. The maximum building height for each building will be limited by the Fenton Village Overlay Zone (59-C-18.192(b)(1)). Along the west side of Fenton Street, the maximum height for the proposed residential building will be 60 feet. Between Fenton Street and Mayor Lane to the west, the maximum building height is 60 feet, unless the building is 33 percent residential, when the maximum increases to 90 feet. But if a building with 33 percent residential uses is providing Workforce Housing, the zone allows additional height as necessary to accommodate that Workforce Housing, up to a maximum building height of 110 feet.

The central plaza will be a minimum of 40,000 square feet, and will be visually and spatially connected to the surrounding streets. The final design and character of this space will be determined at Site Plan, when staff will work with the Applicant’s design team to address issues raised by the proposed Silver Spring Green Space Plan and any community comments raised during that review.



Schematic View of Central Green

The design also features a central private street parallel to Georgia Avenue that connects Thayer and Silver Spring Avenues. This new street currently is designed to feature one lane of traffic in each direction, with no on-street parking. The final design will feature the full standard Silver Spring streetscape, including lighting, trees, and brick paving.



New Private Street, From Thayer Avenue

Further, as this project as a whole is expected to achieve LEED-ND (Neighborhood Development) certification, and will include buildings that will be required under Montgomery County’s Green Building Law to also achieve LEED-NC (new construction) certification, additional facilities to accommodate and encourage pedestrian circulation and cycling will be provided.

Public Use Space & Amenities

The proposed development would provide a minimum of 40,000 square feet of on-site public use space and 39,000 square feet of off-site public amenities. The on-site space is primarily composed of a central public open space with pedestrian links to each of the surrounding streets. The amenity package also includes a public art scheme that will dramatically and invitingly connect the central open space to the surrounding streets. Final details of the proposed open space and public amenities will be determined during the review of the site plan. The off-site amenity package features public right-of-way streetscape improvements along all site frontages and the undergrounding of all utilities in Mayor Lane.