



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

Staff Report: Project Plan 920100030, Silver Spring Park

ITEM #: _____

MCPB HEARING

DATE: March 4, 2010

REPORT DATE: February 22, 2010

TO: Montgomery County Planning Board

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

FROM: Elza Hisel-McCoy, Assoc. AIA, LEED-AP *EH*
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APPLICATION

DESCRIPTION: A multi-building, mixed-use development of 147,888 sf., to include a 110-room hotel with 3,602 sf. of ground-floor retail; a 28,170-sf. office building including 5,632 sf. of ground-floor retail; and a multi-family residential building with 58 dwelling units (including 7 MPDUs and 5 WFHU), on 1.57 acres in the CBD-1, CBD-0.5, and Fenton Village Overlay zones, located in the southeast corner of the intersection of Fenton Street and Silver Spring Avenue in the Silver Spring CBD within the Silver Spring CBD sector plan.

APPLICANT: Fenton Group, LLC

FILING DATE: December 7, 2009

RECOMMENDATION: Approval with conditions

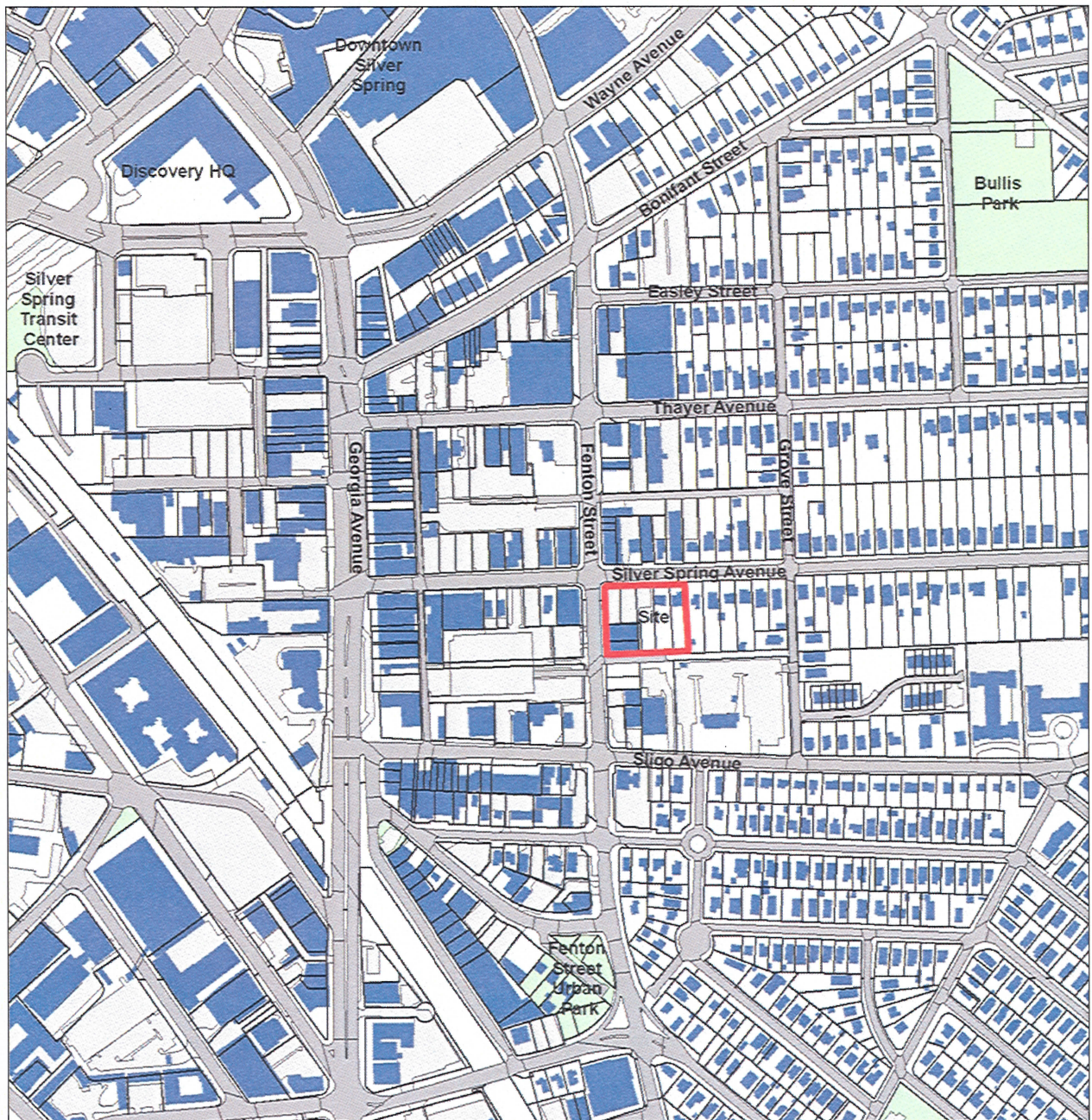
EXECUTIVE

SUMMARY: The proposed development would provide a welcome economic engine for the south end of Fenton Village. The Applicant has worked extensively with the community and staff to produce an attractive project. There remain design issues to resolve, but these are best addressed at Site Plan.

TABLE OF CONTENTS	
SITE DESCRIPTION	3
Vicinity	3
Site Analysis	4
PROJECT DESCRIPTION	5
Previous Approval	5
Proposal	6
Land Use	6
Architecture	7
Public Use Space & Amenities	8
Vehicular & Pedestrian Circulation	10
PROJECT ANALYSIS	10
Sector Plan	10
Transportation	10
Environment	11
Development Standards	11
Public Use Space and Amenity Fund Calculation	14
Community Outreach	15
FINDINGS	16
RECOMMENDATION & CONDITIONS	22
APPENDICES	24

ILLUSTRATIONS & TABLES	
<i>Vicinity Map</i>	3
<i>Aerial Photograph</i>	4
<i>Expired Project Plan</i>	5
<i>Expired Project Plan Rendered Perspective</i>	6
<i>Illustrative Site Plan</i>	7
<i>Proposed Elevations</i>	8
<i>Public Use Space and Amenities</i>	9
<i>Project Data Table</i>	12
<i>Fenton Street Urban Park Location</i>	15

SITE DESCRIPTION



Vicinity Map

Vicinity

The subject property is located in the Fenton Village section of the Silver Spring CBD, on the southeast quadrant of the intersection of Fenton Street and Silver Spring Avenue. The uses along Fenton Street are primarily commercial, and include a supermarket, convenience retail, small office buildings, restaurants, and two gas stations. Though there is one existing multi-family building located directly on Fenton Street two blocks north, the bulk of the housing is



Aerial Photo Looking North

found immediately east of Fenton and consists mostly of one-family detached housing with a handful of multi-family towers. Planned development in the Fenton Village includes mixed-use multi-family residential buildings, office buildings, and the new Silver Spring Public Library and Purple Line station.

The proposed development is within walking distance of the Silver Spring Transit Center, the Downtown Silver Spring retail center, and existing and proposed neighborhood parks and trails.

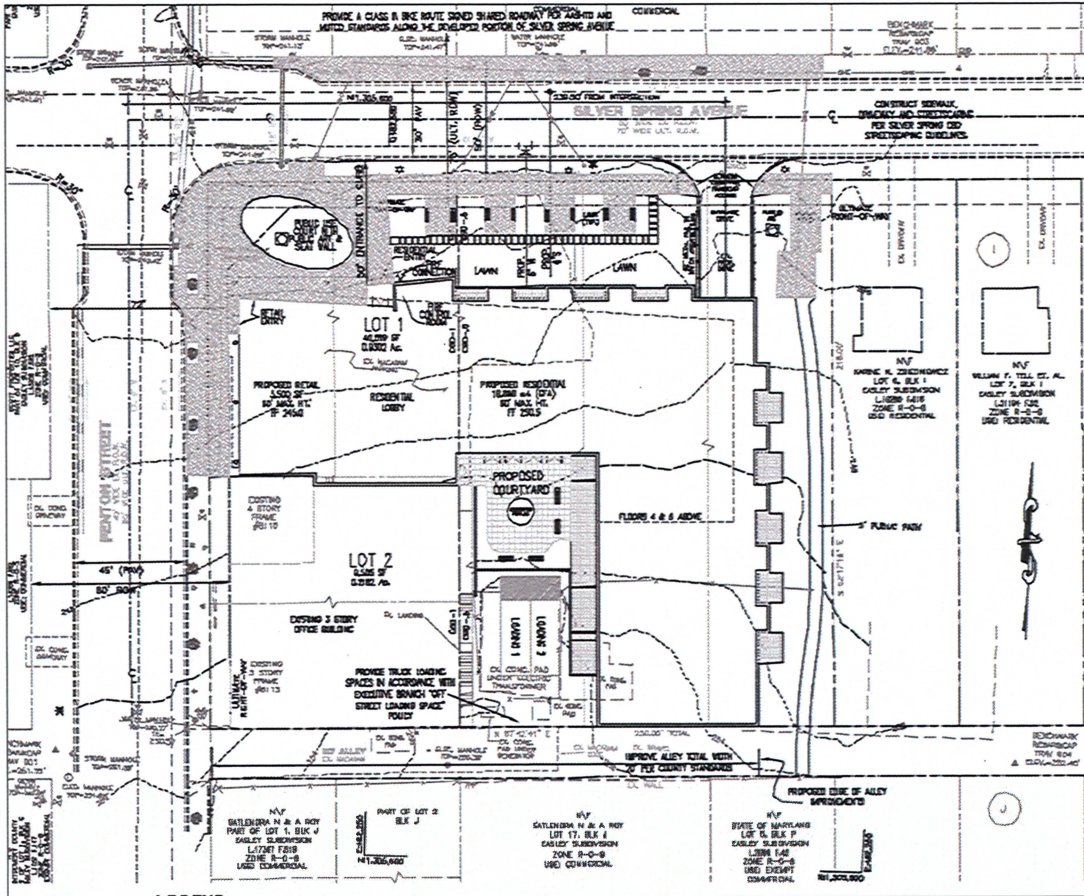
Site Analysis

The subject property is currently improved with two commercial buildings, a surface parking lot, and two one-family detached houses, at least one of which is associated with an adjacent automobile tow yard. There are several large trees on-site, including poplars, cherries, and locusts ranging from 20-42" DBH, the vast majority of which will be felled. The site slopes down towards Silver Spring Avenue, with approximately 15 feet of grade separating the alley elevation on the south and Silver Spring Avenue to the north.

PROJECT DESCRIPTION

Previous Approvals

On July 12, 2007, the Planning Board approved for this site the Moda Vista Project Plan (920070130) for 94 multi-family dwelling units including 12 MPDUs (12.5% of the total units) and 3,500 square feet of retail, on an abbreviated site that did not include the two existing office buildings. As the Applicant did not submit a Site Plan to validate this approval, this Project Plan expired on October 20, 2009.



Moda Vista Project Plan (Expired)



Perspective, Moda Vista Project Plan (Expired)

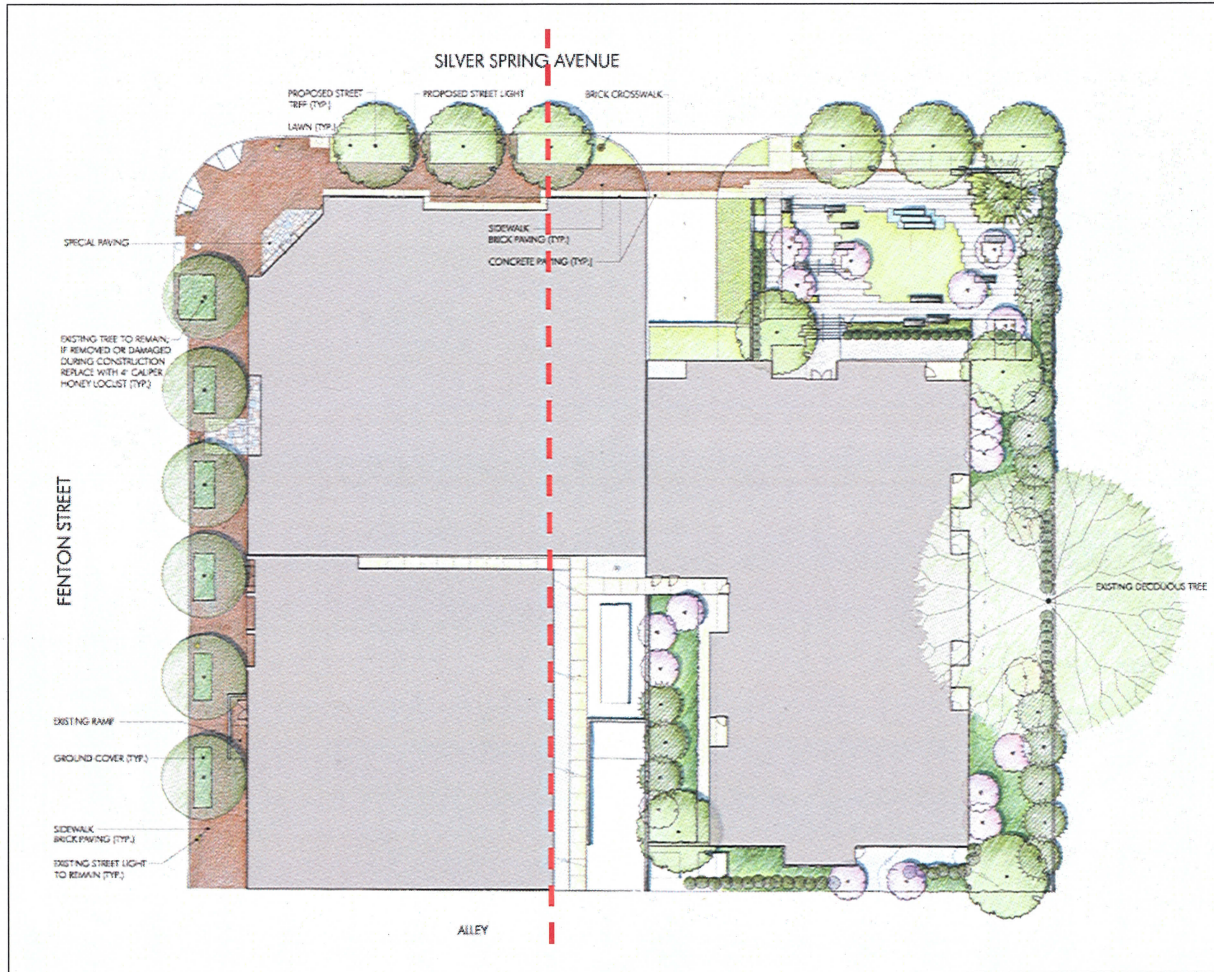
In the interim, the Applicant began exploring the feasibility of expanding the project to include a hotel, additional ground floor retail, and the existing office buildings. During preliminary discussions with the Applicant, staff determined that a building height of 60 feet for the envisioned hotel conflicted with the 45-foot height limit for non-residential buildings, recommended in the Sector Plan and codified in the Fenton Village Overlay Zone. On the east side of Fenton Street, only buildings containing a threshold percentage of residential uses were permitted up to 60 feet in height. With community support, the Applicant pursued a Zoning Text Amendment (ZTA 08-10), which the County Council approved, to amend the Fenton Village Overlay Zone to allow the hotel's height to exceed that recommended in the Sector Plan.

With this original Project Plan proposal, the Applicant also submitted a Preliminary Plan, 120070420, which the Applicant has updated and which staff expects to bring to the Board concurrently with the Site Plan.

Proposal

Land Use

The Project Plan proposes a multi-building, mixed-use development with a 110-room hotel with 3,602 sf. of ground-floor retail; a 28,170-sf. office building including 5,632 sf. of ground-floor retail; and a multi-family residential building with 58 dwelling units, including 7 MPDUs and 5 Workforce Housing Units (WFHUs).



Illustrative Site Plan (CBD-1/CBD-0.5 boundary highlighted)

Architecture

Each of the three buildings proposed for the site has a distinct character. The two existing buildings fronting on Fenton Street will be combined internally into one, with office uses above ground-floor retail. The facades will remain largely the same, with minor emendations. The proposed hotel building will wrap the corner from Fenton Street to Silver Spring Avenue, with the hotel entrance on Fenton Street and the ground-floor retail opening either at the corner or along Silver Spring Avenue.

The multi-family building, located further down Silver Spring Avenue adjacent to the existing one-family homes, is proposed to sit somewhat back from the residential sidewalk, comparable to the front setback of the adjacent residences. As noted below, the area within this setback is proposed as the bulk of the on-site public use space.

Staff believes that the proposed architecture for the hotel and multi-family buildings would benefit from further refinement, to be realized as part of Site Plan review.



Fenton Street Elevation

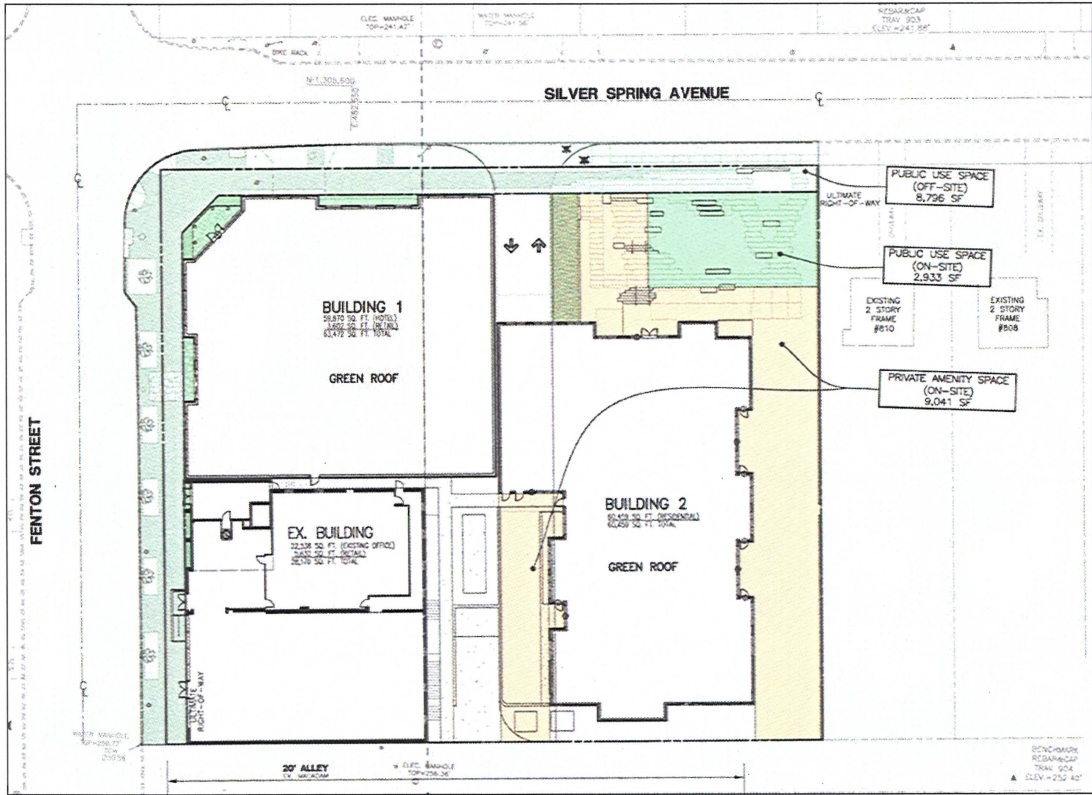


Silver Spring Avenue Elevation

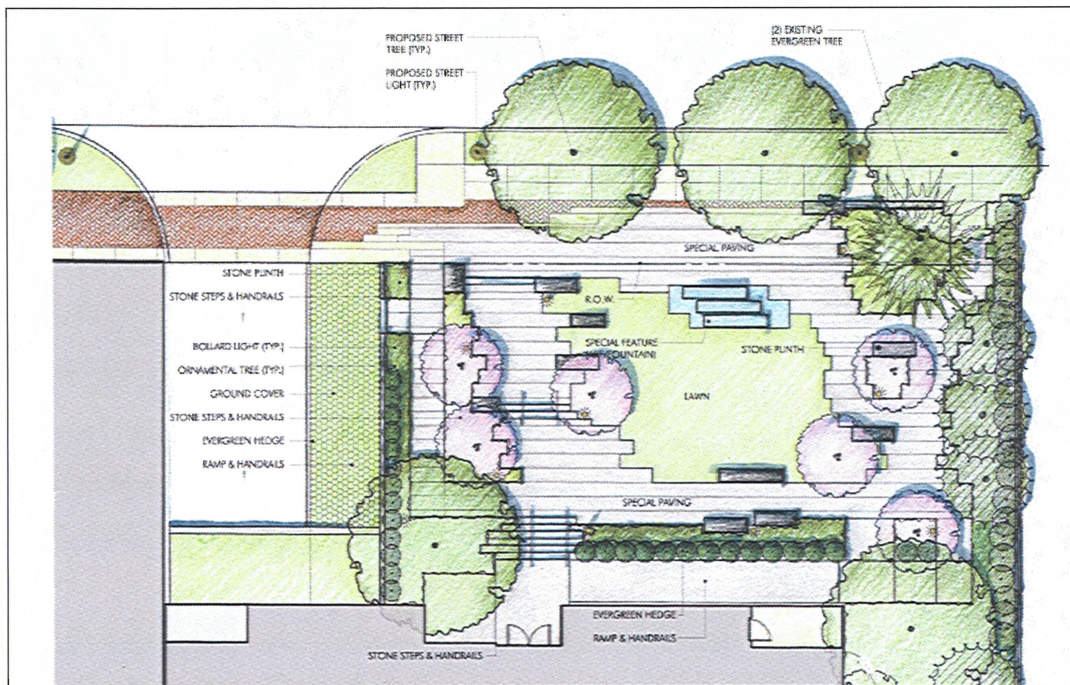
Public Use Space & Amenities

The development proposes 2,933 square feet of on-site public use space (5.8% of the net lot area) and 8,796 square feet of off-site public *amenity* space (17.5% of the net lot area).

The on-site public use space consists of a “pocket park” located in the northeast corner of the site, on Silver Spring Avenue adjacent to the existing one-family homes. The design of this park is very preliminary and requires significant refinement to be recommended as public use space. As currently designed, it functions as a front yard or entry way for the proposed residential building. This area can only be considered as public use space if it is clearly and unambiguously configured as a *public* space for use by the *public*. The Applicant has an able landscape architect, and staff looks forward to working with the Applicant’s design team as the project advances to Site Plan. The balance of the required on-site public use space (14.2% of the



Public Use and Amenity Diagram



Detail, Public Use Space

net lot area, or about 7,116 sf.) will be met via a contribution to the Amenity Fund, as discussed in the Project Analysis below.

The off-site public amenity area provides full streetscape treatment to a considerable street frontage along Fenton Street and Silver Spring Avenue. In addition to improving the streetscape in front of the site to Silver Spring Streetscape standards, the Applicant is committing to achieve LEED-NC (New Construction) Silver certification for each of the new buildings, and staff encourages investigation of LEED-EB (Existing Building) certification for modifications to the existing buildings (should the “extensive modification” threshold of the Montgomery County Green Building Regulation not require it). Final details of the proposed open space and public amenities will be determined during the review of the Site Plan.

Pedestrian and Vehicular Circulation

On this CBD site, pedestrian access to each building will come from the public sidewalk on either Fenton Street or Silver Spring Avenue. Vehicular access to the underground parking for all of the uses is provided from a single access point off Silver Spring Avenue. Service access will be provided from the public alleyway on the south end of the project.

PROJECT ANALYSIS

Sector Plan

The proposed Project Plan is in substantial conformance with the 2000 Silver Spring CBD Sector Plan. The Plan encourages a mix of housing and neighborhood-scale commercial development in the Fenton Village area. To encourage land assemblage to improve the redevelopment potential of the area, the Sectional Map Amendment for the 2000 Silver Spring CBD Sector Plan rezoned part of this site, along with most of the other sites in the Fenton Village area, from CBD-0.5 to CBD-1. The proposed project has met this goal by assembling eight distinct parcels and by providing a mix of housing and commercial uses including the existing office uses.

The Silver Spring CBD Sector Plan also recommends pedestrian improvements along Fenton Street and Silver Spring Avenue. Furthermore, the Plan designated Silver Spring Avenue as a green street to emphasize the need for landscaping improvements along this road. The project complies with this vision by proposing streetscaping improvements along both Fenton Street and Silver Spring Avenue.

Other than the building height issue discussed on page 5, all other aspects of the project comply with the goals and recommendations of the Silver Spring CBD Sector Plan.

Transportation

The development density proposed on the property will generate 30 or more total peak-hour trips during the typical weekday morning and evening peak periods and therefore will require a traffic study. The Applicant submitted a draft traffic study for Adequate Public Facilities (APF) review, which is currently under review. The capacity analysis included in the draft traffic study demonstrates that under Total (i.e., built) traffic conditions, the critical lane volumes (CLV) at the study intersections would be below the applicable congestion standard for Silver Spring CBD

Policy Area. The Project Plan therefore will satisfy the LATR requirements of the APF test. The project plan will also satisfy the 10% PAMR requirement of the APF test through lower site trip generation as a result of the property being located within the Silver Spring CBD.

Environment

The site is located in the Sligo Creek watershed, a Use I designation. There are no streams, wetlands, floodplain, or sensitive features on-site including forest. However, the site has one significant and four specimen trees on-site.

Development Standards

The proposed development is located within two Central Business District zones, CBD-1 and CBD-0.5, created to accommodate lower development densities in transition to the edge of the CBD. The development standards are minimal within these zones to encourage flexibility through the Optional Method of Development, with final details determined at Site Plan.

The purposes of these CBD zones include:

- 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;
- promote the effective use of transit facilities in the central business district and pedestrian access thereto as well as an improved pedestrian and vehicular circulation;
- assist in the development of adequate residential areas for people with a range of different incomes;
- encourage land assembly and the most desirable use of land in accordance with a sector plan;
- foster and promote development of the fringes of the CBD to yield development density sufficient to encourage small business and diverse housing opportunities while retaining compatibility with adjacent uses.

The site is also located partly within the Fenton Village Overlay zone, which serves the goals of the sector plan primarily by promoting compatibility with adjacent lower-density residential uses by limiting building height between Georgia Avenue and the R-60 residential neighborhood just east of Fenton Street. The building height conforms to the recommendation of the Overlay Zone, and the site has been designed and detailed to create a comfortable, functional environment.

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

Project Data Table for the CBD-1, CBD-0.5, and Fenton Village Overlay Zones

Zoning Ordinance Development Standard	Permitted/ Required CBD-0.5	Permitted/ Required CBD-1	Permitted/ Required Total	Proposed CBD-0.5	Proposed CBD-1	Proposed Total
Lot Area, Minimum (sf.)	18,000	18,000		37,950	30,371	
Aggregate Site Area Allowed by 59-C-6.2352(3)			22,000			68,321
Previously dedicated area				5,250	8,571	13,821
Proposed dedicated area				1,497	2,761	4,258
Net lot area				31,203	19,039	50,242
Density, Combined Maximum(FAR)	1.5	3				
Density, Total Maximum (sf.)	56,925	91,113	148,038			147,888
Density, Non-Residential Maximum (FAR)	1	2				
Density, Non-Residential Maximum (sf.)	37,950	60,742	98,692			91,642
MPDUs, Minimum (percentage)			12.5			12.5
MPDUs (of pre-WFHU du)						7
WFHUs, Minimum (percentage)			10			10
WFHUs						5
Total Dwelling Units						58
Building Height, Maximum (ft.)	60	60				60

Zoning Ordinance Development Standard	Permitted/Required CBD-0.5	Permitted/Required CBD-1	Permitted/Required Total	Proposed CBD-0.5	Proposed CBD-1	Proposed Total
Building Setbacks, Minimum (ft.)						
Fenton Street			NA			0
Silver Spring Ave. East Side Alley			NA			0
Parking Spaces, Max. (site is located in a Parking Lot District and will pay tax for parking not provided)			209			123

Zoning Ordinance Development Standard	Permitted/Required	Proposed
Min. Public Use Space, (% of Net Lot Area)	20	20
On-Site Public Use Space, (sf.)	10,049	2,933
On-Site Public Use Space (% of Net Lot Area)		5.8
On-Site Public Use Space provided off-site via Amenity Fund (sf.)		7,116
Min. On-Site Public Use Space provided off-site via Amenity Fund (% of Net Lot Area)		14.2
Contribution to Amenity Fund for implementation of Fenton Street Urban Park <ul style="list-style-type: none"> • 14.2% of assessed land value; AND • 7,116 sf. @ \$35/sf. 		\$722,644
Min. Off-Site Public Amenity Space (sf.)		8,796
Min. Off-Site Public Amenity Space (% of Net Lot Area)		17.5
Min. Total On- & Off-Site Public Use & Amenity Space (sf.)		18,845
Min. Total On- & Off-Site Public Use & Amenity Space (% of Net Lot Area)		37.5

Public Use Space

Under Section 59-D-2.31, the “Planning Board may approve a payment instead of any required public use space, public facilities, or amenities off-site...” For this Project Plan, the Applicant proposes to use this allowance for 14.2% of the required minimum 20% public use space.

As directed under 59-D-2.31(a), the Planning Board must develop and approve guidelines for the implementation of this “Amenity Fund,” including the methods of calculation, collection, and distribution of payment amounts. At the time of this report, this task is underway but not complete. For the purposes of this Project Plan, staff proposes to use an interim calculation method outlined in an April 18, 2008, memo from Jeff Zyontz to the County Council and discussed below. On July 10, 2008, the Planning Board approved an Amenity Fund payment using this same formulation, for the Veneto, Project Plan 920060070, in the Woodmont Triangle section of the Bethesda CBD, and again on November 19, 2009, for 8621 Georgia Avenue, Project Plan 920100010, in the Silver Spring CBD.

Staff recognizes and will condition that the amount of the Amenity Fund contribution being approved for this Project Plan is preliminary, and that if the implementation guidelines described above have been approved and adopted by time of Site Plan, the Planning Board may replace the provisional payment amount with a final number, at its discretion.

The method staff used to calculate the Amenity Fund payment is based on the proportion of the 20% public use space requirement to be satisfied off-site, in this instance 14.2%, and has two components:

- The first component is based on the assessed land value for the subject site. The Maryland Department of Assessments and Taxation records show a combined assessed land value for the site, as of January 1, 2010, of \$3,335,100 (see Appendix A for breakdown by property), 14.2% of which is \$473,584.
- The second component is calculated at a rate of \$35/sf. for each square foot of public use space to be provided off-site. The rate of \$35 is based on the estimated cost of providing one square foot of streetscape. For this plan, the Applicant proposes to provide 7,116 sf. off-site (14.2% of the net site area), yielding a subtotal of \$249,060.

The total amount of the Amenity Fund payment for this Project Plan is thus calculated, as demonstrated below, to be \$722,644.

Area	Rate	Fee
Assessed land value (\$3,335,100)	14.2%	\$473,584
7,116 sf. of public use space (14.2% of Net Lot Area) provided off-site	\$35/sf	\$249,060
On-site public use contribution		\$722,644

Under the terms of the Fund, the amenity targeted to receive the payment must be selected either from the relevant master or sector plan recommendations or from a list of improvements approved by the Planning Board. Furthermore, projects making payments into the Amenity

Fund must identify the associated off-site improvement to be implemented. In consultation with staff from the Vision, Design, and Park Development Divisions, and in accordance with the recommendation of the Silver Spring CBD Sector Plan, staff is recommending the Amenity Fund contribution be directed towards the development of Fenton Street Urban Park, in the Silver Spring CBD, potentially to include the preparation and partial implementation of a Facilities Plan and/or land acquisition for this park (see Appendix B).



Fenton Street Urban Park, Approximate Location

Community Outreach

The Applicant complied with all noticing requirements and conducted extensive community outreach during the ZTA process leading up to this Project Plan. An architect from the East Silver Spring Citizen's Association (ESSCA) provided further recommendations on improving the architectural quality of the proposed design. Staff has received no letters or e-mail regarding this proposal, but has had several discussions with community representatives.

FINDINGS

According to Section 59-D-2.43 of the Montgomery County Zoning Ordinance, in reaching its determination on a Project Plan the Planning Board must consider the following:

- (a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under chapter 56.
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.
- (c) Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with chapter 25a if that chapter applies.
- (g) The staging program and schedule of development.
- (h) The adequacy of forest conservation measures proposed to meet any requirements under chapter 22a.
- (i) The adequacy of water resource protection measures proposed to meet any requirements under chapter 19.

As the following Findings demonstrate, the subject Project Plan amendment adequately addresses each of these considerations, as conditioned by the Staff Recommendation.

Section 59-D-2.42 of the Zoning Ordinance establishes the findings that must be made by the Planning Board and in concert with the considerations enumerated above form the basis for the

Board's consideration of approval. In accordance herewith, the Staff makes the following findings:

(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 Silver Spring CBD Sector Plan, as codified in the Fenton Village Overlay Zone, recommends an intensity of development that allows a successful transition between CBD core and edge. The proposed development combines commercial, hotel, residential, and retail uses within walking distance of transit and the commercial center of the Silver Spring CBD, but limits both the height and overall density to encourage compatibility with and transition into the lower density residential uses at the CBD edge.

(2) "To 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."

The hotel use central to this proposal will provide a much-needed economic engine for the southern end of Fenton Village, providing customers for surrounding purveyors of food, goods, and services. The additional upgraded office space, multi-family dwelling units, and retail uses will greatly expand the diversity of options for workers, shoppers, and residents, providing MPDUs, WFHUs, and smaller scale neighborhood-oriented retail.

(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 proposed design fosters a variety of desirable relationships between the project, the CBD, and the surrounding residential neighborhood, based on massing, height, and use. The building massing is arranged generally to define public space, both in terms of the adjoining streets and in the pocket park at the edge of the site. The building height continues the step-down from the taller buildings of the CBD core to

the two-and-one-half-story one-family homes next door. Finally, the variety of proposed uses – hotel, office, retail, and residential – provides opportunities for increased pedestrian, social, and economic activity for Fenton Village.

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

The proposed development is ten minutes’ walk from the Silver Spring Transit Center, directly on several bus lines, one block from a regional bus terminal, and a few blocks away from existing and planned bikeways.

- (5) *“To improve pedestrian and vehicular circulation.”*

The project will improve pedestrian circulation by expanding the implementation of the Silver Spring streetscape standard, and by providing additional destinations for people to circulate to the south end of Fenton Village.

Vehicular circulation is improved by utilizing the public alley on the south side of the site for service access and by bringing residential and hotel parking access onto the secondary residential street, reducing queuing on Fenton Street.

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

The proposed development provides the minimum of both MPDUs and WFHUs distributed among the unit types, increasing the amount of affordable housing in the Silver Spring CBD.

- (7) *“To encourage land assembly and most desirable use of land in accordance with a sector plan.”*

The proposed development combines eight parcels currently serving as surface parking lots, tow yards, and office buildings into a single lot providing a strong diversity of land uses.

Further Intents of the CBD-1 and CBD-0.5 Zones

Section 59-C-6.213(a) states that it is further the intent in the CBD-1 and CBD-0.5 Zones:

- (1) *“To foster and promote the orderly development of the fringes of the Central Business Districts 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*

The proposed development will provide both rental apartments, including affordable housing, as well as hotel rooms, all of which promote the development of neighborhood-scale restaurant and convenience and service retail, both within the ground-floor space proposed and in the surrounding Fenton Village.

- (2) *“To provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts.”*

The height, setbacks, and landscaping for the project are designed specifically to be compatible with the adjacent residential uses. The proposed multi-family building works to match the setback of the adjacent existing one-family houses, creating the opportunity for a public space to transition between the more urban retail street and the rest of the neighborhood. Further, the architecture of that building is modulated to visually break up the mass the building, improving compatibility.

Purpose of the Fenton Village Overlay Zone

Section 59-C-18.191 states that it is the purpose of the in the Fenton Village Overlay Zone to:

- (1) *“facilitate the implementation of an organized and cohesive development patterns that is appropriate for an urban environment;*
- (2) *encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the overlay zone;*
- (3) *provide flexibility of development standards to encourage innovative design solutions;*
- (4) *allow for the transfer of the public use space requirement to other properties within the Overlay District; and*
- (5) *allow new uses.”*

While the proposed development does not include the new uses allowed by the overlay zone or transfer its public use space to other properties it controls in the Overlay District, the development fulfills the purpose of the overlay zone by providing a mixed-use project with the potential to further revitalize the southern end of Fenton Village in a manner compatible with, and supported by, the surrounding community.

Requirements of the CBD-1, CBD-0.5, and Fenton Village Overlay Zones

The table on page 12 of the staff report demonstrates the conformance of the Project Plan with the development standards under the optional method of development. Among other standards, the proposed development meets the area, public use space, building height, and density requirements of the zone.

According to the Zoning Ordinance (59-C-6.215(b)) a further requirement of optional method projects is the provision of additional public amenities:

“Under the optional method greater densities may be permitted and there are fewer specific standards, but certain public facilities and amenities must be provided by the developer. The presence of these facilities and amenities is intended to make possible the creation of an environment capable of supporting the greater densities and intensities of development permitted.”

To this end, the proposed development is proffering the following package of amenities and public facilities:

- Significant Amenity Fund contribution towards Fenton Street Urban Park
- Potential neighborhood pocket park
- LEED-Silver certification
- Streetscape along considerable site frontage.

(b) The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.

The proposed Project Plan is in substantial conformance with the 2000 Silver Spring CBD Sector Plan. The Plan encourages a mix of housing and neighborhood-scale commercial development in the Fenton Village area. To encourage land assemblage to improve the redevelopment potential for the area, the Sectional Map Amendment for the 2000 Silver Spring CBD plan rezoned part of this site, along with most of the other sites in the Fenton Village area, from CBD-0.5 to CBD-1. The proposed project has met this goal by assembling eight distinct parcels and by providing a mix of housing and commercial uses including the existing office use on the site.

The Silver Spring CBD Plan also recommends pedestrian improvements along Fenton Street and Silver Spring Avenue. Furthermore, the Plan designated Silver Spring Avenue as a green street to emphasize the need for landscaping improvements along this road. The project complies with this vision by proposing streetscape improvements along both Fenton Street and Silver Spring Avenue.

(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 scale of the proposed development is compatible with existing and proposed surrounding uses. The proposed mix of uses, including hotel, multi-family residential, office, and retail, has the potential to increase economic and social activity in Fenton Village by providing customers for existing and proposed businesses, restaurants, and shops during the week as well as evenings and weekends.

(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.

A traffic management agreement will be finalized during the Preliminary Plan review process. Other public facilities exist on or near the site and no expansion or renovation of these services will be required to be completed by the County. Further, requirements for public safety and fire will be minimally impacted due to the nature of the land use and must be approved by the respective agencies prior to Preliminary Plan approval.

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

A standard method project would only allow a density of 1 FAR for the CBD-0.5 portion (v. 1.5 FAR optional method) and 2 FAR for the CBD-1 portion (v. 3 FAR optional method) on this site, providing insufficient density for the proposed mix of uses. Further, the requirement for public amenities would be removed and the public use space requirement would be reduced by one-half. Because infill development and density near transit hubs is a core value of smart growth and given the number and quality of public amenities being proffered, the optional method of development is much more desirable and more efficient for this particular site.

- (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 will provide 12.5% MPDUs as required by Chapter 25A. A final agreement between the Applicant and the Department of Housing and Community Affairs will be required at the time of site plan review.

- (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 one 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 only if the project will result in an overall land use configuration that is significantly superior in meeting the goals of the applicable master or sector plan and the zone than would be achieved without the proposed transfer.*

The Project Plan will combine eight separate lots, variously zoned CBD-0.5 or CBD-1, in a single development. The density appropriate to each of these zones will be consolidated and distributed within the overall development in accordance with 59-C-6.2352. As previously discussed, the overall development provides an urban infill project with a density and mix of uses which is significantly superior in meeting the goals of the sector plan.

(h) *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

The project is subject to the requirements of the forest conservation law and a preliminary forest conservation plan has been approved.

(i) *As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

The Applicant has submitted plans to DPS to satisfy applicable requirements of Chapter 19. The review remains ongoing and will be completed at Preliminary and/or Site Plan review.

(j) *Any public use space or public facility or amenity to be provided off-site is consistent with the goals of the applicable Master or Sector Plan and serves the public interest better than providing the public use space or public facilities and amenities on-site.*

The proposed financial contribution toward the implementation of public use space off-site, specifically the realization of Fenton Street Urban Park, is consistent with, and specifically identified as a public benefit in, the Silver Spring CBD Sector Plan. Given the constraints of the subject site, providing the full complement of public use space required by the zone would necessitate pushing the buildings away from the street and would create an undesirable condition at the street level, with unclear delineation between public and private space. Typically, such places have the residual character of the un-owned space and are uninviting and under-utilized. In contrast, Fenton Street Urban Park is an ideal gateway location into the Fenton Village section of Silver Spring, with residential, commercial, service, educational/civic, retail, and restaurant uses all within walking distance. When realized, this park will provide a valuable community amenity that is scarce in the CBD. The implementation of Fenton Street Urban Park serves the public interest far better than providing the space on the subject site.

RECOMMENDATION AND CONDITIONS

Approval of Project Plan 920100010 subject to the following conditions:

1. Development Ceiling

The proposed development is limited to 147,888 square feet of gross floor area, to include a 110-room hotel with 3,602 sf. of ground-floor retail; a 28,170-sf. office building including 5,632 sf. of ground-floor retail; and a multi-family residential building with 58 dwelling units (including 7 MPDUs and 5 WFHUs).

2. Building Height and Mass

The proposed development is limited to the building footprint as delineated in the Project Plan drawings submitted to MNCPPC dated February 2, 2010, unless modified at Site Plan review.

3. LEED (Leadership in Energy and Environmental Design) Certification
For the proposed new buildings, the Applicant must achieve a LEED-NC Silver Rating Certification. By time of Site Plan, the Applicant must determine the applicability of the Montgomery County Green Building Regulation to the proposed renovation of the existing commercial buildings.
4. Transportation
 - a. The Applicant must not post signs on its property limiting traffic movements allowed by MCDOT.
5. Public Use Space and Amenities
 - a. The Applicant must provide on-site a minimum of 2,933 sf. of public use space (5.8% of net lot area).
 - b. In lieu of providing the remaining 7,116 sf. on-site public use space (14.2% of the required 20% of the net lot area), the Applicant must contribute to M-NCPPC \$722,644 for the implementation of, or acquisition of land for, Fenton Street Urban Park, in the Silver Spring CBD.
 - c. At the time of Site Plan, if the area shown on the Project Plan as public use space changes, the Applicant may adjust the amount of the Amenity Fund contribution proportionally without amending the Project Plan.
 - d. At the time of Site Plan the Board may approve an alternative amenity site, as recommended by M-NCPPC staff, to satisfy the Applicant's public use space requirement. The alternative site must be in the public interest and consistent with the amenity fund guidelines. Board approval of this alternative would not require an amendment to the Project Plan.
 - e. If, by the time of Site Plan review, there are approved Amenity Fund implementation guidelines that yield a different payment amount, the Planning Board may elect to replace the payment amount in Condition 5(b) above, with the new amount.
 - f. Final details regarding the Amenity Fund contribution shall be determined at Site Plan, in coordination with the appropriate Parks Department staff.
 - g. As a public amenity, the Applicant must provide streetscape improvements per the Silver Spring Streetscape Standard, including the undergrounding of utilities, along the property's frontages on Fenton Street and Silver Spring Avenue, as illustrated in the Certified Site Plan, for a total of approximately 8,796 sf., or 17.5% of the net lot area.
6. Design issues to address at site plan
During Site Plan review, the Applicant must resolve the following design issues:
 - a. Design the on-site public use space to distinguish it spatially from the "front yard" of the multi-family building.
 - b. Revise the site design as necessary to minimize the width of the parking garage entry driveway.
 - c. Further refine the quality of the proposed building facades.
 - d. Coordinate with Development Review, Urban Design, Fire and Rescue, DOT, and DPS Stormwater to address outstanding design issues satisfactorily.

APPENDICES

Appendix A: Amenity Fund Contribution Detailed Analysis

Appendix B: Fenton Street Urban Park Diagram

Appendix C: Staff Analysis

Appendix A: Amenity Fund Contribution Detailed Analysis

Silver Spring Park Project Plan 920100030
Amenity Fund Contribution Worksheet

Tax Account No.	Land Value
13-01040694	654,000
13-01045047	14,700
13-01045036	300,000
13-01045058	300,000
13-01046086	472,000
13-01046075	472,000
13-01046064	828,100
13-01040683	294,300
	<hr/>
	3,335,100

Amenity Fund %	14.2%	
Land value portion		\$ 473,584
Amenity Fund sf	7,116	
Streetscape value		\$ 249,074
Total		<hr/>
		\$ 722,658



Account Identifier: District - 13 **Account Number -** 01040694

Owner Information

Owner Name: FENTON GROUP LLC **Use:** COMMERCIAL
Mailing Address: C/O ULYSSES S GLEE **Principal Residence:** NO
 8115 FENTON ST STE 400 **Deed Reference:** 1) /26194/ 1
 SILVER SPRING MD 20910-4700 2)

Location & Structure Information

Premises Address **Legal Description**
 812 SILVER SPRING AVE EASLEYS SUB
 SILVER SPRING 20910

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
JN33				22		EYE	5	1	Plat Ref:
Special Tax Areas				Town					
				Ad Valorem					
				Tax Class	38				

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		10,900.00 SF	111
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value Phase-in Assessments		
		As Of 01/01/2010	As Of 07/01/2009	As Of 07/01/2010
Land	872,000	654,000		
Improvements:	0	0		
Total:	872,000	654,000	872,000	654,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: ARKIN, MICHAEL TR ET AL **Date:** 12/22/2003 **Price:** \$5,500,000
Type: MULT ACCTS ARMS-LENGTH **Deed1:** /26194/ 1 **Deed2:**
Seller: ARKIN, MICHAEL ET AL **Date:** 06/14/2001 **Price:** \$0
Type: MULT ACCTS ARMS-LENGTH **Deed1:** /19288/ 693 **Deed2:**
Seller: **Date:** 04/14/1993 **Price:** \$0
Type: NOT ARMS-LENGTH **Deed1:** /11269/ 155 **Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



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Account Identifier: District - 13 Account Number - 01045047

Owner Information

Owner Name: FENTON GROUP LLC Use: COMMERCIAL
Mailing Address: C/O ULYSSES S GLEE Principal Residence: NO
8115 FENTON ST STE 400 Deed Reference: 1)
SILVER SPRING MD 20910-4700 2)

Location & Structure Information

Premises Address: FENTON ST Legal Description: EASLEYS SUB

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
JN33				22		EYE	P3	1	Plat Ref:

Special Tax Areas: Town Ad Valorem Tax Class 47

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		548.00 SF	600

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value		Phase-in Assessments	
		As Of	As Of	As Of	As Of
		01/01/2010	07/01/2009	07/01/2010	
Land	43,800	14,700			
Improvements:	0	0			
Total:	43,800	14,700	43,800	14,700	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: ARKIN, MICHAEL TR ET AL	Date: 12/22/2003	Price: \$5,500,000
Type: MULT ACCTS ARMS-LENGTH	Deed1:	Deed2:
Seller: ARKIN, MICHAEL ET AL	Date: 06/14/2001	Price: \$0
Type: MULT ACCTS ARMS-LENGTH	Deed1: /19288/ 685	Deed2:
Seller:	Date: 04/14/1993	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /11269/ 133	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *



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Account Identifier: District - 13 **Account Number -** 01045036

Owner Information

Owner Name: FENTON GROUP LLC **Use:** COMMERCIAL
Mailing Address: C/O ULYSSES S GLEE **Principal Residence:** NO
 8115 FENTON ST STE 400 **Deed Reference:** 1)
 SILVER SPRING MD 20910-4700 2)

Location & Structure Information

Premises Address FENTON ST **Legal Description** EASLEYS SUB

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
JN33				22		EYE	14	1	Plat Ref:

Special Tax Areas **Town Ad Valorem Tax Class** 47

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		5,000.00 SF	910

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value Phase-in Assessments		
		As Of	As Of	As Of
		01/01/2010	07/01/2009	07/01/2010
Land	400,000	300,000		
Improvements:	0	0		
Total:	400,000	300,000	400,000	300,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: ARKIN, MICHAEL TR ET AL	Date: 12/22/2003	Price: \$5,500,000
Type: MULT ACCTS ARMS-LENGTH	Deed1:	Deed2:
Seller: ARKIN, MICHAEL ET AL	Date: 06/14/2001	Price: \$0
Type: MULT ACCTS ARMS-LENGTH	Deed1: /19288/ 685	Deed2:
Seller: MICHAEL ARKIN ET AL	Date: 10/30/1996	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14467/ 43	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO **Special Tax Recapture:**
Exempt Class: * NONE *



Account Identifier: District - 13 Account Number - 01045058

Owner Information

Owner Name:	FENTON GROUP LLC	Use:	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	C/O ULYSSES S GLEE 8115 FENTON ST STE 400 SILVER SPRING MD 20910-4700	Deed Reference:	1) 2)

Location & Structure Information

Premises Address 8113 FENTON ST SILVER SPRING 20910	Legal Description EASLEYS SUB
--	---

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
JN33				22		EYE	15	1	Plat Ref:

Special Tax Areas	Town	Ad Valorem	Tax Class
			48

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		5,000.00 SF	600

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value Phase-in Assessments		
		As Of	As Of	As Of
		01/01/2010	07/01/2009	07/01/2010
Land	400,000	300,000		
Improvements:	0	0		
Total:	400,000	300,000	400,000	300,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: ARKIN, MICHAEL TR ET AL	Date: 12/22/2003	Price: \$5,500,000
Type: MULT ACCTS ARMS-LENGTH	Deed1:	Deed2:
Seller: ARKIN, MICHAEL ET AL	Date: 06/14/2001	Price: \$0
Type: MULT ACCTS ARMS-LENGTH	Deed1: /19288/ 685	Deed2:
Seller:	Date: 04/14/1993	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /11269/ 133	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO	Special Tax Recapture:
Exempt Class:	* NONE *



Account Identifier: District - 13 **Account Number -** 01046086

Owner Information

Owner Name: FENTON GROUP LLC **Use:** COMMERCIAL
Mailing Address: C/O ULYSSES S GLEE **Principal Residence:** NO
 8115 FENTON ST STE 400 **Deed Reference:** 1)
 SILVER SPRING MD 20910-4700 2)

Location & Structure Information

Premises Address **Legal Description**
 820 SILVER SPRING AVE EASLEYS SUB
 SILVER SPRING 20910

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
JN33				22		EYE	13	1	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class 47

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		5,900.00 SF	461

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value Phase-in Assessments		
		As Of	As Of	As Of
		01/01/2010	07/01/2009	07/01/2010
Land	472,000	472,000		
Improvements:	0	0		
Total:	472,000	472,000	472,000	472,000
Preferential Land:	0	0	0	0

Transfer Information


Seller: ARKIN, MICHAEL TR ET AL **Date:** 12/22/2003 **Price:** \$5,500,000
Type: MULT ACCTS ARMS-LENGTH **Deed1:** **Deed2:**
Seller: ARKIN, MICHAEL ET AL **Date:** 06/14/2001 **Price:** \$0
Type: MULT ACCTS ARMS-LENGTH **Deed1:** /19288/ 677 **Deed2:**
Seller: **Date:** 10/30/1996 **Price:** \$0
Type: NOT ARMS-LENGTH **Deed1:** /14467/ 54 **Deed2:**

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

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Account Identifier: District - 13 **Account Number -** 01046075

Owner Information

Owner Name: FENTON GROUP LLC Mailing Address: C/O ULYSSES S GLEE 8115 FENTON ST STE 400 SILVER SPRING MD 20910-4700	Use: COMMERCIAL Principal Residence: NO Deed Reference: 1) 2)
--	---

Location & Structure Information

Premises Address 818 SILVER SPRING AVE SILVER SPRING 20910	Legal Description EASLEYS SUB
---	---

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
JN33				22		EYE	12	1	Plat Ref:

Special Tax Areas	Town Ad Valorem Tax Class 47
--------------------------	-------------------------------------

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		5,900.00 SF	461

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value Phase-in Assessments		
		As Of 01/01/2010	As Of 07/01/2009	As Of 07/01/2010
Land	472,000	472,000		
Improvements:	0	0		
Total:	472,000	472,000	472,000	472,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: ARKIN, MICHAEL TR ET AL	Date: 12/22/2003	Price: \$5,500,000
Type: MULT ACCTS ARMS-LENGTH	Deed1:	Deed2:
Seller: GERSHONI, AMNON & D	Date: 06/14/2001	Price: \$0
Type: MULT ACCTS ARMS-LENGTH	Deed1: /19288/ 677	Deed2:
Seller: MICHAEL ARKIN ET AL	Date: 10/30/1996	Price: \$0
Type: MULT ACCTS ARMS-LENGTH	Deed1: /14467/ 54	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO Exempt Class:	Special Tax Recapture: * NONE *
---	---



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Account Identifier: District - 13 Account Number - 01046064

Owner Information

Owner Name: FENTON GROUP LLC Use: COMMERCIAL
Principal Residence: NO
Mailing Address: C/O ULYSSES S GLEE Deed Reference: 1)
8115 FENTON ST STE 400 2)
SILVER SPRING MD 20910-4700

Location & Structure Information

Premises Address Legal Description
816 SILVER SPRING AVE EASLEYS SUB
SILVER SPRING 20910

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
JN33				22		EYE	P3	1	Plat Ref:

Special Tax Areas Town
Ad Valorem
Tax Class 47

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		10,352.00 SF	641

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value Phase-in Assessments		
		As Of	As Of	As Of
		01/01/2010	07/01/2009	07/01/2010
Land	828,100	828,100		
Improvements:	0	0		
Total:	828,100	828,100	828,100	828,100
Preferential Land:	0	0	0	0

Transfer Information

Seller: ARKIN, MICHAEL TR ET AL	Date: 12/22/2003	Price: \$5,500,000
Type: MULT ACCTS ARMS-LENGTH	Deed1:	Deed2:
Seller: ARKIN, MICHAEL ET AL	Date: 06/14/2001	Price: \$0
Type: MULT ACCTS ARMS-LENGTH	Deed1: /19288/ 677	Deed2:
Seller:	Date: 04/14/1993	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14467/ 54	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
* NONE *



Account Identifier: District - 13 **Account Number -** 01040683

Owner Information

Owner Name: FENTON GROUP LLC **Use:** COMMERCIAL
Mailing Address: C/O ULYSSES S GLEE **Principal Residence:** NO
 8115 FENTON ST STE 400 **Deed Reference:** 1) /26194/ 1
 SILVER SPRING MD 20910-4700 2)

Location & Structure Information

Premises Address **Legal Description**
 814 SILVER SPRING AVE EASLEYS SUB
 SILVER SPRING 20910

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
JN33				22		EYE	4	1	Plat Ref:

Special Tax Areas **Town Ad Valorem Tax Class**
 48

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		10,900.00 SF	111

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value Phase-in Assessments		
		As Of 01/01/2010	As Of 07/01/2009	As Of 07/01/2010
Land	872,000	294,300		
Improvements:	0	0		
Total:	872,000	294,300	872,000	294,300
Preferential Land:	0	0	0	0

Transfer Information

Seller: ARKIN, MICHAEL TR ET AL	Date: 12/22/2003	Price: \$5,500,000
Type: MULT ACCTS ARMS-LENGTH	Deed1: /26194/ 1	Deed2:
Seller: ARKIN, MICHAEL ET AL	Date: 06/14/2001	Price: \$0
Type: MULT ACCTS ARMS-LENGTH	Deed1: /19288/ 693	Deed2:
Seller: MICHAEL ARKIN ET AL	Date: 10/30/1996	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /14467/ 49	Deed2:

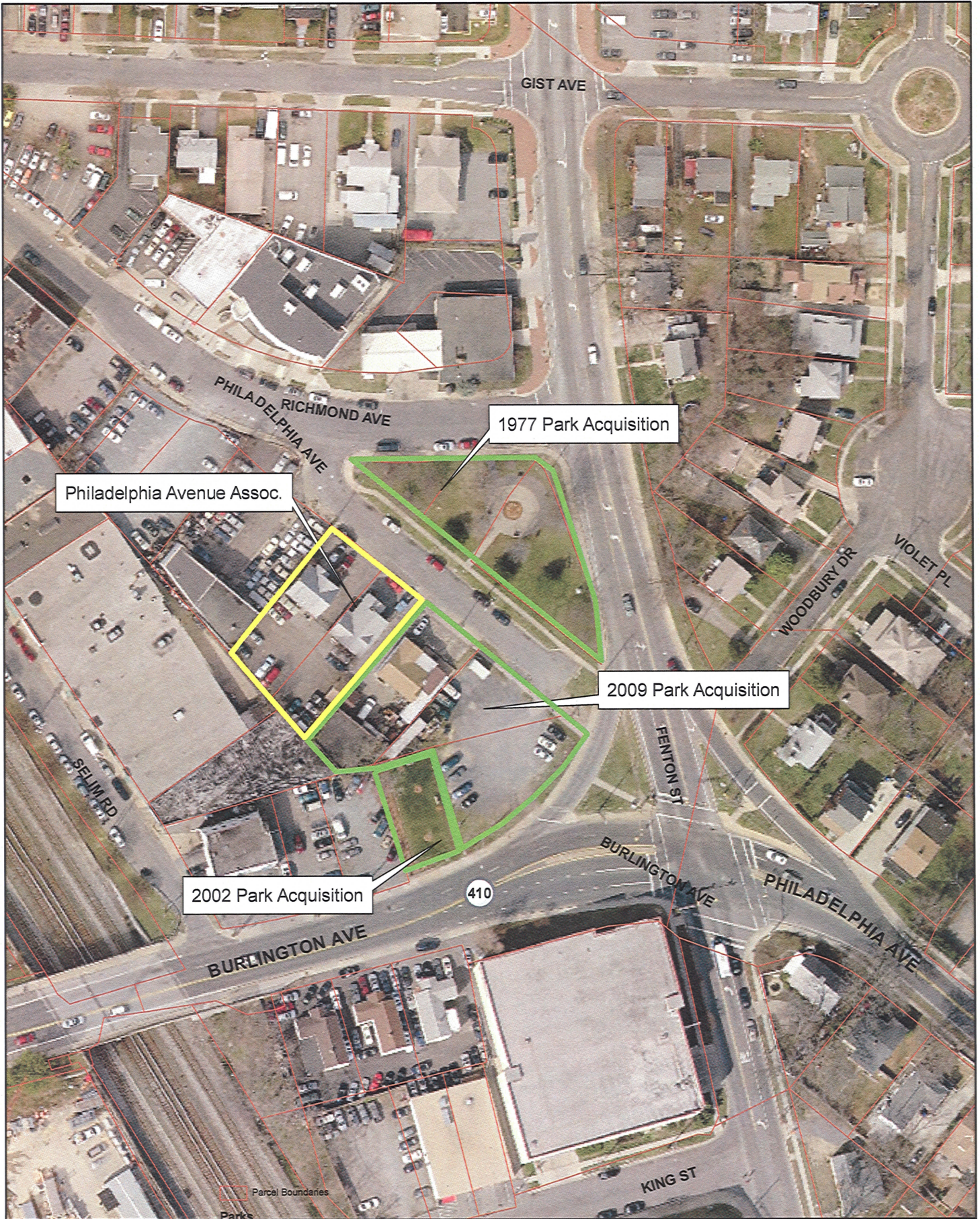
Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO **Special Tax Recapture:** * NONE *

Appendix B: Fenton Street Urban Park Diagram

Fenton Street Urban Park



Philadelphia Avenue Assoc.

1977 Park Acquisition

2009 Park Acquisition

2002 Park Acquisition

STATUS
Existing
Proposed



Today's Date: 2/17/09
Sources: M-NCPPC, 2007

Appendix C: Staff Analysis



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

February 16, 2010

MEMORANDUM

TO: Elza Hisel-McCoy, Senior Planner, Build Division

FROM: John Marcolin, ASLA, Planner Coordinator,
Design Division

SUBJECT: Project Plan Amendment #920100030 for Silver Spring Park

Recommendation: Approve the project subject to the following conditions:

- Re-configure the public use space, designated as a neighborhood park by the applicant, so that it draws people off the street and is readily perceived as a public park for use by residents of Fenton Village.
- Do not include entry areas on Building 1 in the on-site public use space calculation.
- Consider pulling building forward 15' and eliminating 10'-6" wide grass pave area on ramp. This area, which is required to accommodate fire truck access, will be too dark to grow grass and will become an empty left-over space.

Discussion

The proposed 2,933 s.f. Public Use Space which is intended by the applicant to serve as a neighborhood park, is not configured in a way that will function as such. At it is presently designed it functions as a front yard or entry way for the proposed residential building (Building 2). This area can only be considered as public use space if it is clearly and unambiguously configured as a *public* space for use by the *public*.

The public entry areas that fall within the project boundaries cannot be considered as public use space because it does not meet the goals of the zoning ordinance:

Space devoted to *public* enjoyment, such as, but limited to, green areas, gardens plazas. Walks, pathways, promenades, arcades, urban parks, town squares, public plazas with elements such as water features and passive and active recreational areas..... Article 59-A-2.1 Public Use Space

The 10'-6" wide apron that has been provided in the garage entry ramp for the residential building serves no other purpose other than meeting clearance requirements for a large fire truck in event of a fire emergency. This results in an interruption in the streetscape that could otherwise be used for public use space. Consider moving the building 15' forward in order to eliminate this apron and allow for a larger on-site public use space.

cc: John Carter, Urban Design Division; Glenn Kreger, Community Based Planning Division; Robert Kronenberg, Supervisor, Development Review Division Elza Hisel-McCoy, Senior Planner



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

MEMORANDUM

DATE: February 16, 2010

TO: Elza Hisel-McCoy
Build Division

VIA: Bill Barron, South Central Team Leader
Vision Division

FROM: Crystal Myers, Senior Planner
Vision Division

SUBJECT: Project Plan 120100030

This project plan proposes an optional method mixed use project consisting of 110 hotel rooms, 58 residential dwelling units, 9,234 sq. feet of ground floor retail uses, 22,538 sq. feet of existing office use, a structured parking facility, and a public park space. The site is split zoned between CBD- 0.5 and CBD-1 zones and part of the property is within the Fenton Village Overlay zone. The site is within the Silver Spring Central Business District (CBD) Master Plan area.

The Applicant had a project plan approval for a commercial and retail project on the site. However, after receiving approval the Applicant expanded the project to include a hotel, additional ground floor retail, and the existing office building. The hotel's height of 60 feet conflicted with the 45 foot height limit in the Fenton Village Overlay Zone and in the Silver Spring CBD Master Plan recommendation for non-residential buildings. Only residential buildings were permitted to be up to 60 feet in height. The County Council agreed to permit the hotel's 60 foot height and amended the Fenton Village Overlay Zone through Zoning Text Amendment 08-10. Consequently, the amendment allows the hotel's height to exceed the recommended height in the Master Plan.

All of the other aspects of the project comply with the goals and recommendations of the Silver Spring CBD Master Plan. The Plan encourages a mix of housing and neighborhood-scale commercial development in the Fenton Village area. The Sectional Map Amendment for the 2000 Silver Spring CBD plan rezoned part of this site, along with most of the other sites in the Fenton Village area from CBD-0.5 to CBD-1. The area

was rezoned to encourage land assemblage to improve the redevelopment potential for the area. The proposed project has met this goal by assembling seven distinct parcels and by providing a mix of housing and commercial uses including the existing office use on the site.

The Silver Spring CBD Plan also recommends pedestrian improvements along Fenton Street and Silver Spring Avenue. Furthermore, the Plan designated Silver Spring Avenue as a green street to emphasize the need for landscaping improvements along this road. The project complies with this vision by proposing streetscaping improvements along both Fenton Street and Silver Spring Avenue. The project will also make public use space improvements on Silver Spring Avenue by providing an on-road bikeway and a public park.

Therefore the proposed project plan is in substantial conformance with the 2000 Silver Spring CBD Master Plan.