



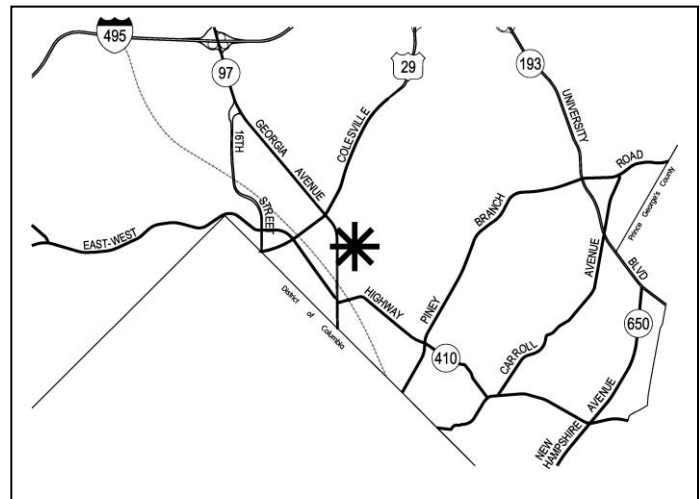
**900 Thayer Avenue: Project Plan Amendment No. 92005003B and Site Plan Amendment No. 82006020B**

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**Description**

**Staff Report Date: 05/19/17**

- Project Plan Amendment to increase the building height from 66 feet to 68 feet on Thayer Avenue and Site Plan Amendment for modifications to window placement, reduction off on-site parking, increase on-site public use space and off-site public amenity space, modifications to unit counts (maintaining the overall density), addition of a rooftop deck and solar panels and increase the building height from 66 feet to 68 feet on Thayer Avenue;
- Located in the southwest quadrant of the intersection of Fenton Street and Thayer Avenue;
- 0.65 acres, CR 3.0 C 2.0 R 2.75, H 110T Zone; reviewed under the CBD-1 Zone/Fenton Village Overlay Zone, *Silver Spring CBD Sector Plan*;
- Applicant: Housing Opportunities Commission;
- Acceptance Date: December 2, 2016;
- Review Basis: Section 59-D-3.7 of 2004 Zoning Ordinance.



**Summary**

- The Project Plan Amendment proposes to increase the height from 66 feet to 68 feet on Thayer Avenue and the Site Plan Amendment proposes modifications to window placement, façade revisions, reduction off on-site parking, addition of a rooftop deck and solar panels and increase the building height from 66 feet to 68 feet on Thayer Avenue.
- The Applications are being reviewed under the CBD-1 Zone development standards in effect on October 29, 2014, as permitted under Sections 59.7.7.1.B.3 and 59.7.7.1.C.1 of the Zoning Ordinance.
- Staff has not received correspondence regarding the Amendments.
- Staff recommends approval of the Project Plan and Site Plan Amendments, with conditions.

## SECTION 1: RECOMMENDATION

### **Project Plan Amendment No. 92005003B**

Staff recommends approval of Project Plan Amendment No. 92005003B, 900 Thayer Avenue, to increase the building height. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted to the M-NCPPC are required. The Amendment adds the following conditions, and all conditions of previous approvals remain valid and binding. In the event of a conflict between the following conditions and those of previous approvals, the conditions as amended shall control.

#### 1. Building Height

The development is limited to a maximum building height of 68 feet as measured from the applicable building height measurement point to be illustrated on the Certified Site Plan.

### **Site Plan Amendment No. 82006020B**

Staff recommends approval of Site Plan Amendment No. 82006020B, 900 Thayer Avenue, for modifications to window placement, modifications to unit counts (maintaining the overall density), façade revisions, reduction off on-site parking, addition of a rooftop deck and solar panels and increase the building height from 66 feet to 68 feet on Thayer Avenue. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required. The Amendment adds the following conditions, and all previous conditions of approval remain valid and binding. In the event of a conflict between the following conditions and those of previous approvals, the conditions as amended shall control.

#### 1. Building Height

The development is limited to a maximum building height of 68 feet as measured from the applicable building height measurement point to be illustrated on the Certified Site Plan.

## SECTION 2: SITE DESCRIPTION

### Site Vicinity

The subject project is located in the Fenton Village area of the Silver Spring Central Business District, at the intersection of Fenton Street and Thayer Avenue, and is about a quarter-mile from the Silver Spring Metro station (Property or Subject Property). Fenton Village is developed with low- to mid-rise commercial and residential buildings and a few high-rise residential or commercial buildings. To the east of Fenton Village is the predominantly single-family East Silver Spring neighborhood; to the west are higher-density residential and commercial uses along Georgia Avenue and the CSX/Metro train tracks. Downtown Silver Spring and the Silver Spring Public Library and Purple Line Station are within a five-minute walk. A Safeway supermarket is located directly across Thayer Avenue.

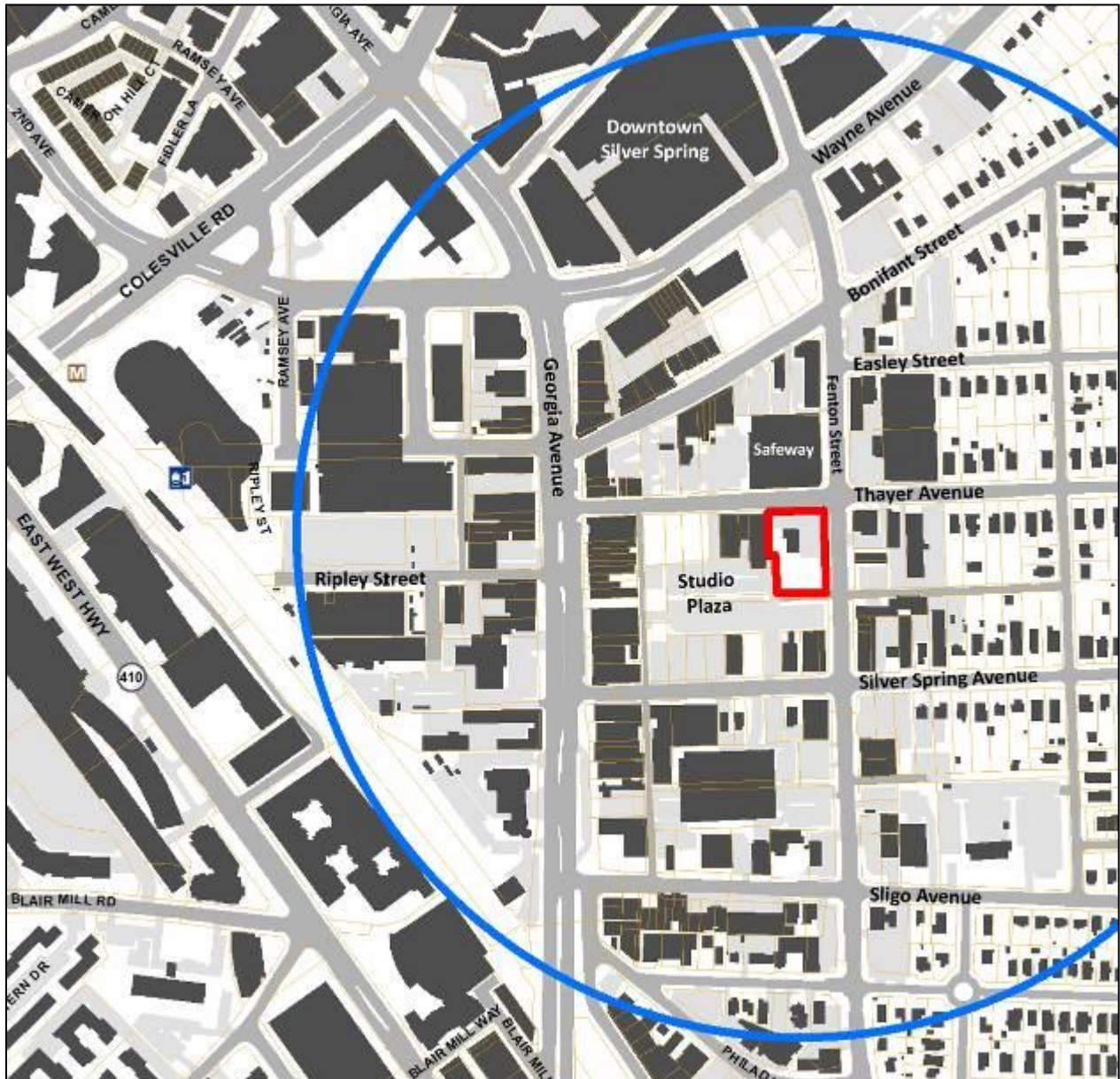


Figure 1-Vicinity Map

Development approved in the vicinity includes mid-rise hotel and residential uses east of Fenton Street (i.e., 814 Thayer and Silver Spring Park) and high-rise residential and commercial uses west of Fenton Street towards Georgia Avenue (i.e., Studio Plaza). Public Parking Lot 3, located at the center of the block including the site, is included as part of the larger Studio Plaza project, and is accessed from Fenton Street by a driveway running along the south side of the subject site.

**Site Analysis**

The approximately one-acre site is located on a recorded lot in the southwest corner of the intersection of Fenton Street and Thayer Avenue. The site is zoned CBD-1 and is in the Fenton Village Overlay Zone.

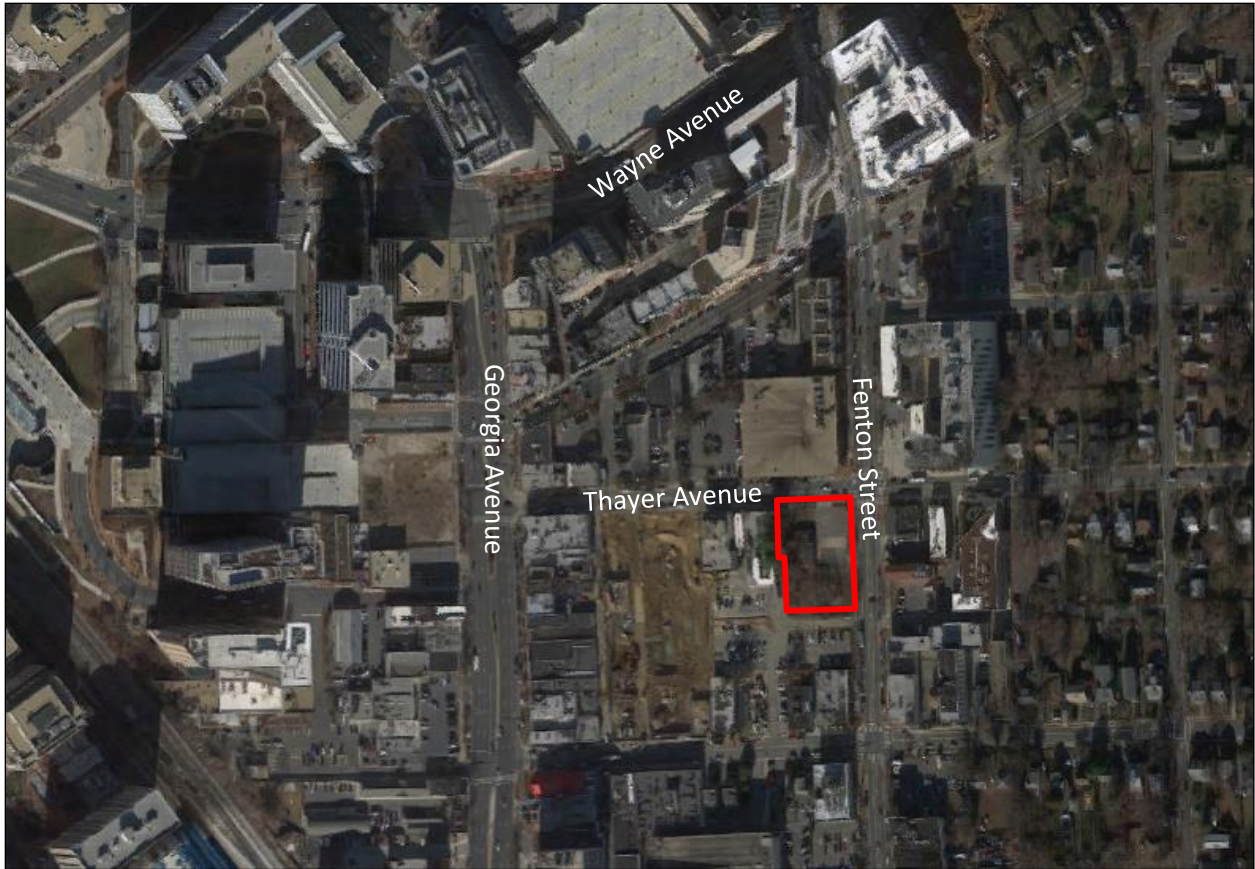
The subject property is partially improved with a one-story automotive service building and associated surface parking lot. The remainder of the lot, which once featured a three-story commercial building that was damaged by fire and demolished, is vacant.

Along Fenton Street, the site is relatively flat, sloping down about three feet from Thayer Avenue. Moving into the site, however, the grade is much steeper, rising about nine feet up Thayer Avenue and the parking lot access drive.



*Figure 2-Street view at Fenton Street (left) and Thayer Avenue (right)*





*Figure 3-Aerial View*

### **Previous Approvals**

On June 23, 2005, the Planning Board approved Project Plan No. 920050030 and Preliminary Plan No. 120050770, Easley Subdivision (The Adele), for 145,471 sf. of development, with 96 multi-family units (incl. 15% MPDUs) and 33,220 sf. of office and retail uses on one lot of 0.96 gross acres (resolutions mailed January 10, 2006). On April 6, 2006, the Planning Board approved Site Plan No. 820060200, Easley Subdivision (The Adele), for 145,471 sf. of development, including 96 multi-family units (including 15% MPDUs), 15,020 sf. of retail, and 18,200 sf. of office uses (MCPB. 06-08, dated July 14, 2006).

The approved building was 60' high along Fenton Street and after a modest step back rose to 90'. The Site Plan included 5,705 sf. of public use space (20% of the net lot area) and 6,763 sf. of public amenity streetscape improvements along and beyond the site frontage (23.7%), as well as additional amenities including a contribution to M-NCPPC for acquisition of or improvements to parkland in the CBD, public art integrated into seating areas, streetscape paving, and railings, and a public access easement on the north side of the adjacent drive.

As part of the subsequent Studio Plaza Project Plan review on the adjacent property, the County Council approved the abandonment of most of the public drives and alleys contained within and adjacent to existing County Parking Lot 3, to be incorporated into Studio Plaza. The public alleys not included in the abandonment were those providing service access to other properties on the block, including 900 Thayer Avenue. The property on the south side of the public alley is part of the Studio Plaza project.

On June 27, 2013, by resolution, the Planning Board approved Project Plan Amendment No. 92005003A (MCPB No. 13-80), Preliminary Plan Amendment No. 12005077A (MCPB No. 13-81) and Site Plan Amendment No. 82006020A (MCPB No. 13-82) redesigning the entire project from a 9-story, 145,471 sf. building with 96 dwelling units (with 15% MPDUs) and over 33,000 sf. of office and retail uses to a 6-story, 119,691 sf. building with 124 units (with 12.5% MPDUs) and 5,300 sf. of retail. This represented about a 20% reduction in the overall density on the site.

### SECTION 3: PROJECT DESCRIPTION

#### Proposal

The Amendments propose minor revisions to the plans including the addition of a rooftop deck and solar panels, modifications to unit counts (maintaining the overall density) resulting in façade revisions and modifications to window placement, the removal of the parking garage, resulting in a decrease in the parking count, and increase the building height from 66 feet to 68 feet on Thayer Avenue. With the removal of the garage and the garage entry on the public alley, there is an increase in the amount of on-site public use space. In addition, the off-site public amenity space has increased because the Applicant is now replacing more of the existing streetscape. As the Applicant has finalized building design for construction of the project, adjustments to the approved plans were made, resulting in the proposed Amendments. The maximum density and building footprint associated with the Project will not change as part of the Amendments.

#### Rooftop amenity and solar panels

The rooftop amenity area has been added for the enjoyment of the future residents and will not be visible from the street. Solar panels are proposed to enhance the project's sustainability and will also not be visible from the street.

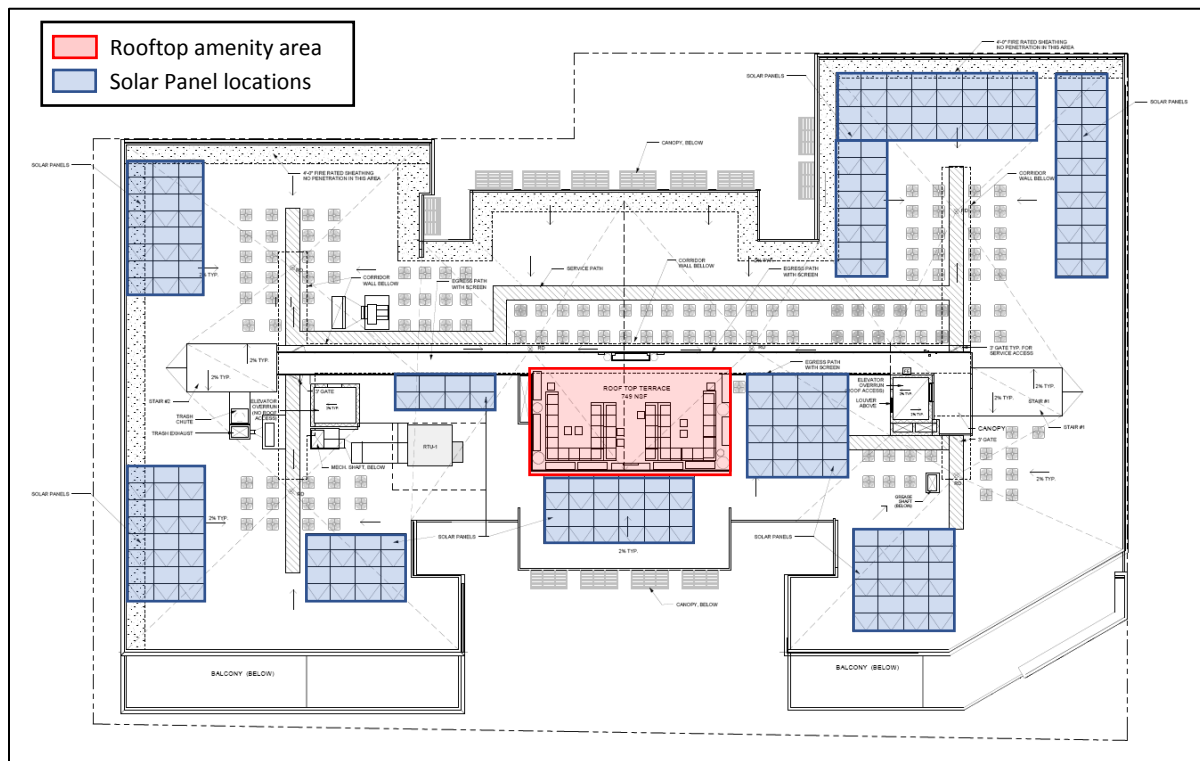


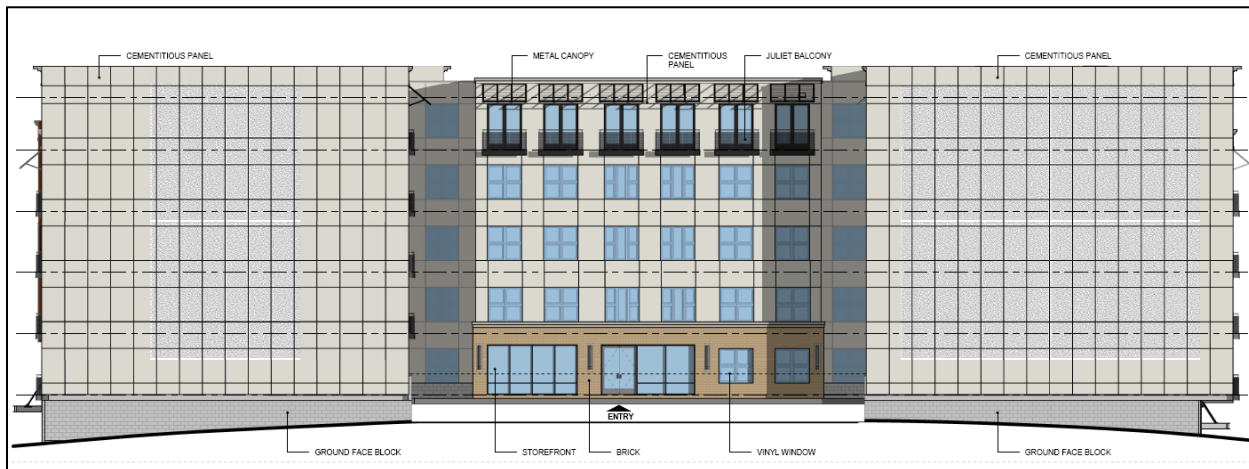
Figure 9-Rooftop Amenity Plan/Solar Panels

*Unit count modifications, façade revisions, and window placement*

Modifications to unit types and counts are a result of the current market conditions and the desire of the Housing Opportunities Commission and do not impact the maximum residential density of the project. The proposed façade revisions result mainly from the internal unit revisions, with fenestration altered to match revised floor plans (Figures 4-7). In addition, with the removal of the parking garage, the facades have been updated to show the removal of the garage entry on the public alley (Figure 6).



*Figure 4-Fenton Street Elevation*



*Figure 5- West (Courtyard) Elevation*



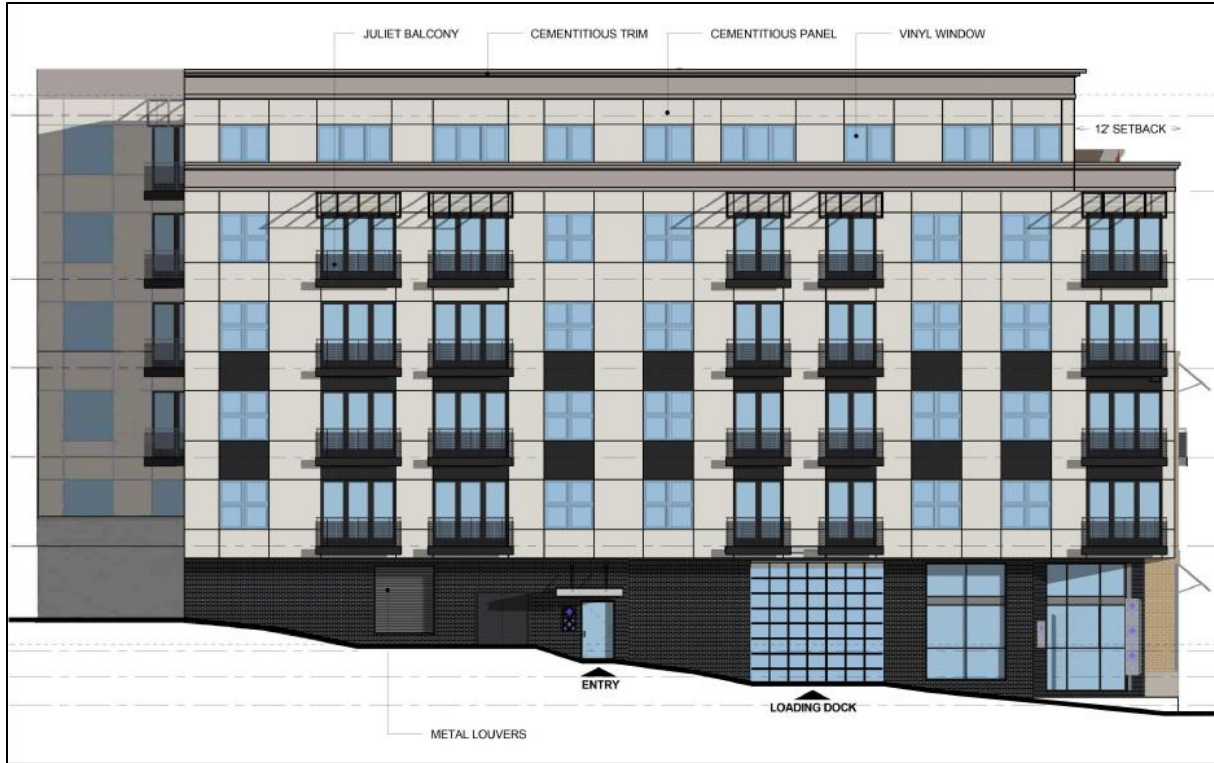


Figure 6-Alley Elevation



Figure 7-Thayer Avenue Elevation



*Parking*

The Applicant proposes to remove the parking garage and its entry on the public alley, resulting in the removal of the on-site garage parking. The project is located within the Silver Spring Parking Lot District, and therefore does not need to provide any required parking on-site, but will be subject to the parking district tax regulations in lieu of providing the full minimum parking required, to be shown on the Certified Site Plan.

*On-site public use space and off-site public amenity space*

With the removal of the garage and the garage entry on the public alley, there is an increase in the amount of on-site public use space. Site Plan Amendment No. 82006020A approved 5,134 square feet of on-site public use space. This Amendment proposes an increase to 5,408 square feet that will be shown on the Certified Site Plan. As a result of the Department of Permitting Services review of the right of way improvements plan, it was determined that the area the Applicant intended to salvage needed to be replacement. Therefore, the Applicant is replacing more of the existing streetscape and the off-site public amenity space is increasing. Site Plan Amendment No. 82006020A approved 4,446 square feet of off-site public amenity space. This Amendment proposes an increase to 6,100 square feet that will be shown on the Certified Site Plan. (Figure 8)

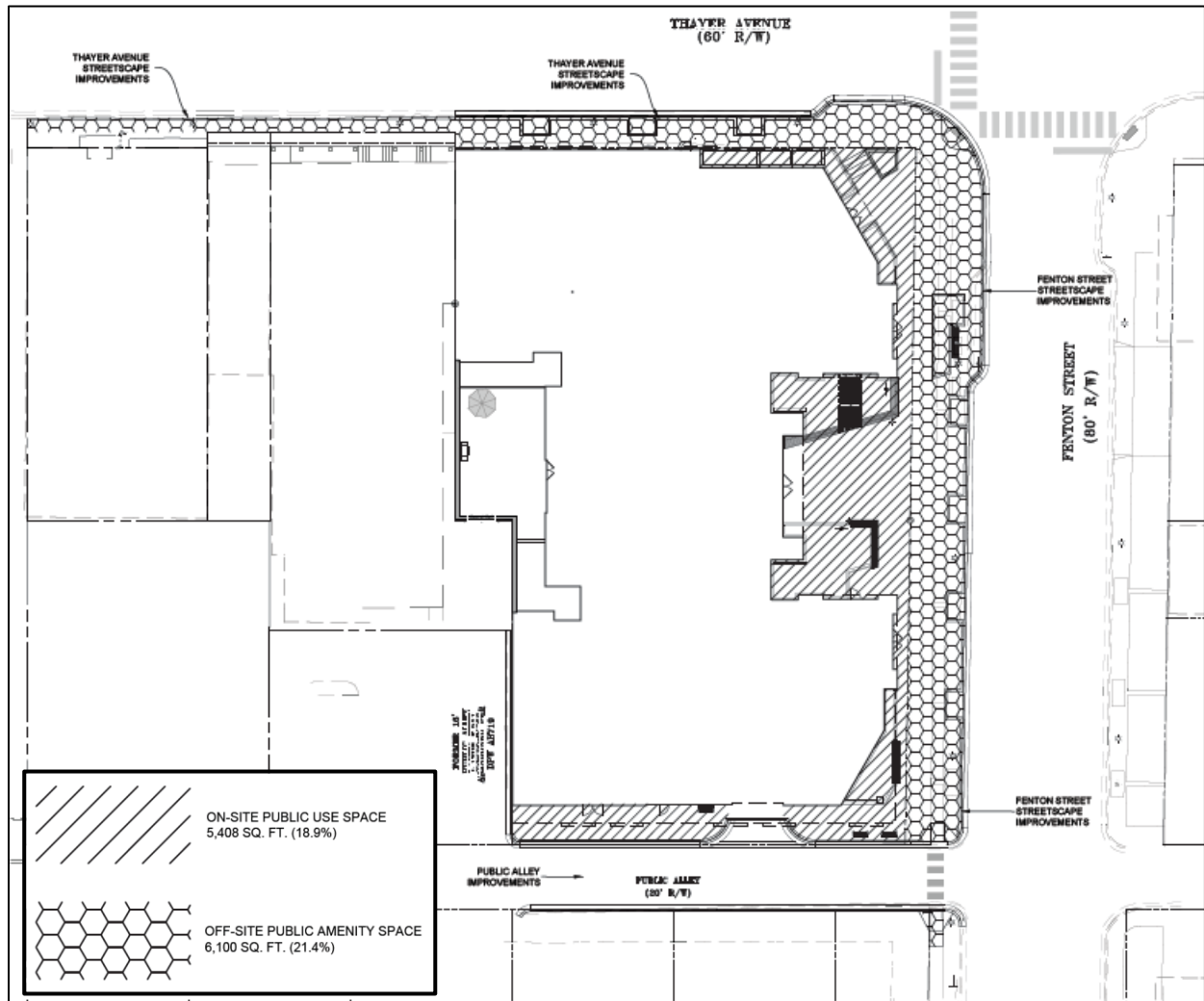


Figure 8-Public Use/Amenity Space Plan

### *Height increase*

The original Project Plan No. 920050030 and Site Plan No. 820060200 approved a maximum building height of 90 feet, which was reduced to 66 feet on Thayer Avenue by the 2013 Amendments. The Applicant is requesting a modest height increase to 68 feet on Thayer Avenue. The height increase is a result of the final design. When the 2013 Amendments were approved, the architectural and structural design was not at a construction document level. Once the building design was finalized, six (6) inches more in height was needed. The Applicant is requesting two (2) feet to allow some flexibility in design and construction of the building, as opposed to asking for only six (6) inches. The building will remain significantly below the building height found to be compatible as part of the original Project Plan and Site Plan and the height allowed by the Zone (90 feet).

### **Community Outreach**

The Applicant has met all signage, noticing, and submission meeting requirements. The Applicant posted three signs on the Property regarding the subject Project Plan Amendment and Site Plan Amendment. A notice about the Amendments was sent on December 5, 2016. An updated notice to include the parking reduction was sent out on January 31, 2017. As of the date of this staff report, Staff has not received correspondence on the proposed Amendments.

## **SECTION 4: ANALYSIS AND FINDINGS**

The project is reviewed under the Zoning Ordinance in effect on October 29, 2014 as allowed by Sections 7.7.1.B.3. and 7.7.7.C.1 of the current Zoning Ordinance. The incidental height increase does not violate the height limits for the property's zone in either the previous or current Zoning Ordinances. The increase in height by two feet from 66 feet to 68 feet also does not result in an increase in the previously-approved density or building footprint.

### **Project Plan Amendment**

The Planning Board found Project Plan Amendment No. 92005003A, as conditioned, consistent with the purposes, intents, and requirements of the optional method of development under the zones, and the *Silver Spring CBD Sector Plan*, and sufficiently compatible with potential development in the general neighborhood. As conditioned, the proposal continues to provide development of a quality greater than that of the standard method, and will contribute significantly to the redevelopment of Fenton Village. The original Project Plan approved a maximum building height of 90 feet, which was reduced to 66 feet on Thayer Avenue by the 2013 Project Plan Amendment. The height increase to 68 feet on Thayer Avenue will remain significantly below the building height found to be compatible as part of the original Project Plan and the height allowed by the Zone (90 feet). With the removal of the garage and the garage entry on the public alley, there is an increase in the amount of on-site public use space. In addition, the off-site public amenity space has increased because the Applicant is now replacing more of the existing streetscape. The maximum density and building footprint associated with the Project will not change as part of the Amendment.

### **Site Plan Amendment**

The Planning Board found Site Plan Amendment No. 82006020A consistent with Project Plan Amendment No. 92005003A, met the requirements of the CBD-1 and Fenton Village Overlay zones, Forest Conservation, water quality, and other applicable regulatory requirements, and were compatible with other uses and other site plans and with existing and proposed adjacent development.

The elements of the proposed Site Plan Amendment No. 82006020B including site all buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems, remain adequate, safe, and efficient.

The rooftop amenity area has been added for the enjoyment of the future residents and will not be visible from the street. Solar panels are proposed to enhance the project's sustainability and will also not be visible from the street. Modifications to unit types and counts are a result of the current market conditions and the desire of the Housing Opportunities Commission and do not impact the maximum residential density of the project. The proposed façade revisions result mainly from the internal unit revisions, with fenestration altered to match revised floor plans. The Applicant proposes to remove of the parking garage resulting in the removal of the on-site garage parking. The project is located within the Silver Spring Parking Lot District, and therefore does not need to provide any required parking on-site, but will be subject to the parking district tax regulations in lieu of providing the full minimum parking required. With the removal of the garage and the garage entry on the public alley, there is an increase in the amount of on-site public use space. In addition, the off-site public amenity space has increased because the Applicant is now replacing more of the existing streetscape. The Applicant is requesting a modest height increase of two feet to 68 feet on Thayer Avenue. The height increase is a result of the final design. The building will remain significantly below the building height found to be compatible as part of the original Project Plan and Site Plan and the height allowed by the Zone (90 feet). The maximum density and building footprint associated with the Project will not change as part of this Amendment.

The Application complies with the sections and accordingly, the Applicant seeks to amend the Project Plan Site Plan approval under the standards of Section 59-C-2.42 of the Zoning Ordinance in effect on October 29, 2014.

**STAFF RECOMMENDATION**

The proposed modifications to Project Plan Amendment No. 92005003A and Site Plan Amendment No. 82006020A will not alter the overall character or impact of the development with respect to the original findings of approval. Further, these modifications will not affect the compatibility of the development with respect to the surrounding neighborhood. Staff recommends approval of Project Plan Amendment No. 92005003B and Site Plan Amendment No. 82006020B.

**Attachments:**

- A. Project Plan Amendment No. 92005003A Resolution
- B. Site Plan Amendment No. 82006020A Resolution