**MEMORANDUM**

DATE: May 16, 2003

TO: Montgomery County Planning Board

VIA: Joe Davis, Chief
Michael Ma, Supervisor *Ma*
Development Review Division

FROM: Robert A. Kronenberg, RLA *RK*
Planning Department Staff
(301) 495-2187

REVIEW TYPE: Site Plan Review

APPLYING FOR: Approval of 33, 665 gross square feet (gfs) of residential development, including 24 loft apartments on approximately 0.39 acres.

PROJECT NAME: **Lofts 24**

CASE #: 8-03025

REVIEW BASIS: Montgomery County Zoning Ordinance, Div. 59-D-3, Fenton Village Overlay Zone, Div. 59-C-18.195

ZONE: CBD-1/Fenton Village Overlay Zone

LOCATION: Southeast quadrant of the intersection of Spring Street and Second Avenue in downtown Silver Spring

MASTER PLAN: Silver Spring CBD Sector Plan

APPLICANT: MAB LLC

FILING DATE: March 11, 2003

HEARING DATE: May 22, 2003



STAFF RECOMMENDATION: The staff recommends approval of Site Plan #8-03025 for 33,665 gsf, including 24 loft apartments, utilizing the standard method of development within the Fenton Village Overlay Zone, with the following conditions:

1. Signature Set
Prior to signature set approval of the site/landscape plans the following revisions shall be made and/or information provided, subject to staff and approval:
 - a. Show all easements, LOD's, ROW's, Stormwater Management Parcels, development program inspection schedule, numbers and dates of approval on the drawing;
 - b. All internal sidewalks to be a minimum of 4' in width;
 - c. The proposed on-site public use space shall not be less than the proposed 10 percent of the net lot area of the site. The proposed off-site public use space and

amenities shall not be less than 12 percent, with a total combined on-site and off-site public use space of 22%. The space shall be easily and readily accessible to the general public and used for public enjoyment;

- d. Provide a sign at the entrance from Fenton Street and exit from Bonifant cautioning drivers approaching the pedestrian and bicyclist crossings;
- e. Provide parking setback information on the Data Table at signature set of site plans;
- f. Landscape and Lighting Plan to show the following:
 - i. Provide two three-four-inch caliper Willow Oaks on the south side of Bonifant Street along the frontage of the property, consistent with the Silver Spring Streetscape (April 1992) technical manual, or as amended;
 - ii. Provide full width streetscape improvements on Bonifant Street in accordance with the Silver Spring (April 1992) technical manual or as amended;
 - iii. Expand the existing streetscape improvements on Fenton Street to conform with the Silver Spring (April 1992) technical manual or as amended;
 - iv. The applicant shall accept the maintenance and responsibility for the proposed streetscape improvements along Fenton and Bonifant Street;
 - v. Coordinate with the Department of Housing and Community Affairs prior to installation of the streetscape improvements within the public right-of-way.

2. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowners Association Documents for review and approval prior to approval of the signature set as follows:

- a. Development Program to include a phasing schedule as follows:
 - i. Street tree planting and streetscape must progress as street construction is completed, but no later than 6 months after completion of the units and parking;
 - ii. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
 - iii. Coordination of each section of the development and roads;
 - iv. Phasing of dedications, stormwater management, sediment and erosion control, public use spaces and amenities or other features;
- b. No clearing or grading prior to M-NCPPC approval of signature set of plans.

3. Stormwater Management

Condition of MCDPS stormwater management concept approval dated March 11, 2003.

OUTSTANDING ISSUES PERTINENT TO SITE PLAN REVIEW:

During the course of Site Plan review and approval, Staff reviewed issues relevant to access, right-of-way, landscaping and public use space improvements. Design and placement of parking spaces was reviewed for adaptability to the site and for efficient vehicular circulation. Pedestrian circulation will be greatly enhanced with the improvements to the right-of-way along Fenton and Bonifant streets. The applicant is proposing a waiver to the subdivision regulations to reduce the street right-of-way dedication for Fenton Street. The applicant is also proposing a reduction to the building setback adjacent to Bonifant Street, which is permitted in the Fenton Village Overlay Zone. The requests, justifications and recommendations by staff are discussed below:

A. Waiver to Reduce the Fenton Street Right-Of-Way Dedication

Fenton Street presently has an existing right-of-way of 64 feet along the frontage of the property (32' from centerline of road). The Sector Plan recommends an ultimate right-of-way of 80 feet for Fenton Street (40' from centerline of road). To provide the recommended 80 feet right-of-way, the current proposal needs to dedicate an additional 8 feet of right-of-way. The applicant is requesting a reduction of the planned right-of-way dedication from 8 feet to 3 feet, measured from the centerline of the road.

Applicant Position

The applicant is requesting a waiver to reduce the street right-of-way dedication for Fenton Street based on the building design, character of the neighborhood within the CBD and existing site conditions along Fenton Street. The applicant proposes to dedicate 3 feet for the public right-of-way and an additional 5 feet to be used as public use space. The 5-foot public use space will directly abut the proposed building.

Staff Recommendation

The proposed sidewalk along Fenton Street will be a total of 12 feet wide after the improvements are made to the streetscape, with a 5-foot public use space between the edge of the sidewalk and the front of the building. The total dedication and public use space will be a total of 17 feet along Fenton Street, encouraging pedestrian interaction. The combined dedication and public use space will be perceived as public right-of-way given the improvements to the streetscape.

Staff recommends approval of the waiver request to reduce the right-of-way based on site conditions and innovative solutions targeted as part of the Fenton Village Overlay Zone for innovative approaches.

B. Reduction of Building Setback on Bonifant Street

The applicant proposes a reduction to the building setback from the property line on Bonifant Street (units 18, 20, 22, 24) of three feet. The building will be setback 12 feet from the existing Bonifant Street and 2 feet from the proposed streetscape improvements.

Applicant Position

The applicant suggests that the proposed residential building will be compatible with the adjacent structures and buildings on Fenton and Bonifant Street. The proposed building will be also be more consistent with the adjacent office building to the west of the

property, which overlaps the property line at the right-of-way. The proposed residential units will be a great addition of market-rate units in the Silver Spring CBD, and hopefully promote pedestrian-oriented activity within the CBD. The Fenton Village Overlay Zone allows for flexibility to the development standards so that innovative design approaches can be achieved. The building design as well as the proposed improvements within the right-of-way are considered innovative and provide the necessary improvements to the urban environment.

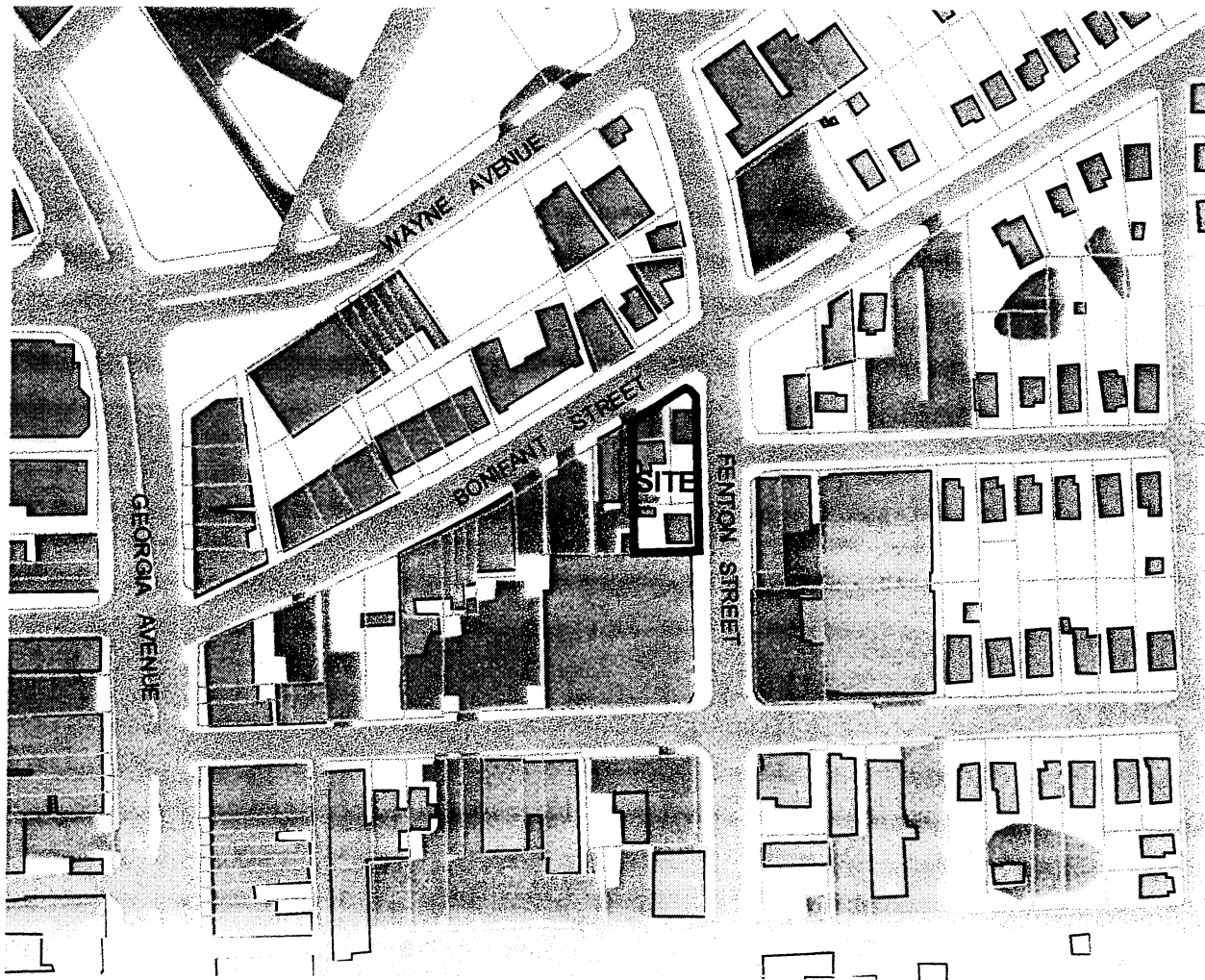
Staff Recommendation

Staff concurs with the Applicant's position that the reduced setback will assure compatibility as well as support transit-oriented residential development in the CBD. Staff also encourages the flexibility to the development standards within the Fenton Village Overlay Zone and feels that the proposal is innovative and provides the necessary improvements to the urban environment. Staff recommends granting the building setback reduction of 3 feet for the proposed residential building on Bonifant Street.

PROJECT DESCRIPTION: Surrounding Vicinity

The site is located in the southwest corner of the intersection Bonifant Street and Fenton Street, approximately 600 feet east of Georgia Avenue in Downtown Silver Spring. An existing two-story building and surface parking lot is located directly west of the site, and to the south is the existing Safeway building. Directly across Fenton Street is the Citgo Gas Station, which also borders Easley Street. The Safeway store is adjacent to the property at the southern end. The Silver Spring Metro Station is located approximately ½ mile, along Bonifant Street, to the west of the site.

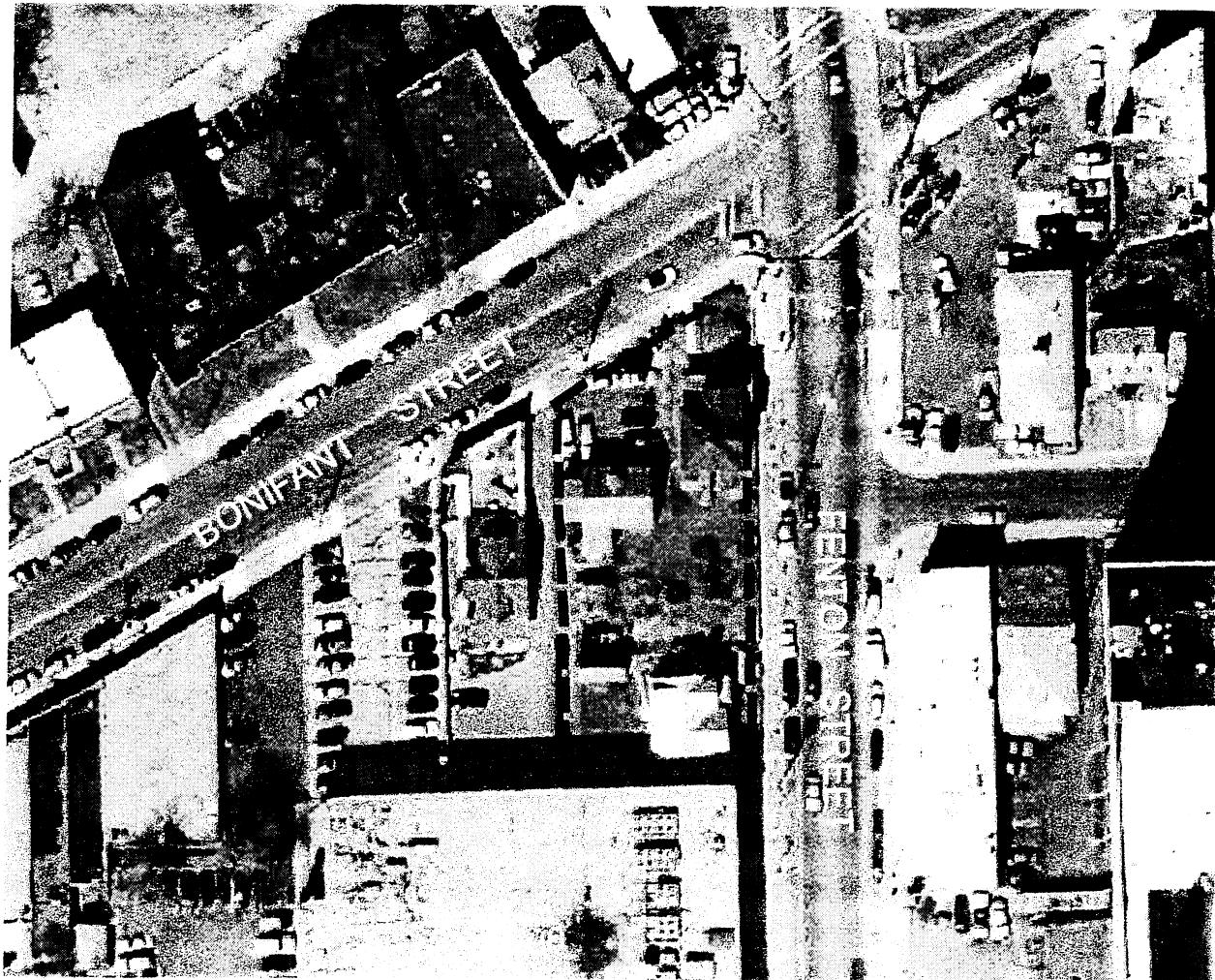
The surrounding property is zoned CBD-R1, consisting of a mix of building types and structures within the Fenton Village Overlay Zone. On the outskirts of the Overlay zone, the zoning pattern changes to CBD-2 and CBD-R2. All of the zoning within the Fenton Village Overlay Zone is CBD-1. Past the CBD zones to the east is R-60 zoning.



PROJECT DESCRIPTION: Site Description

The site consists of 17,089 square feet of improved CBD-R1 zoned land. The site contains three single-family detached homes on lots 14, 15 and part of lots 14 and 15 in Block O of Silver Spring Park (Plat Book B, Page 52). The residences are 1.5-2 story frame and brick buildings, two of which front on Bonifant Street.

The topography of the site slopes northeast toward the intersection of Bonifant and Fenton Streets approximately 3 percent. Existing streetscape improvements were recently completed by the County along Fenton Street and at the intersection of Bonifant Street. The improvements consist of brick pavers, specialty lighting and street trees along Fenton Street. On-street parking is also provided along Fenton Street. No existing vegetation exists on site.



PROJECT DESCRIPTION: Prior Approvals

The proposed development site is zoned CBD-R1 (Central Business District, Residential, 1.0). The subject properties (lots 14, 15 and p/o lots 14 and 15) were subdivided in June 27, 1905 (Plat B, Page 52).

The Preliminary Plan of Subdivision (1-03060) is being reviewed concurrently with the Site Plan.

PROJECT DESCRIPTION: Proposal

The applicant, requests Site Plan approval under the standard method of development within the Silver Spring CBD for 24 residential loft apartments. The property is also located within the Fenton Village Overlay Zone, which allows for flexibility of development standards to encourage innovative design solutions. Staff recommends approval of the Site Plan with conditions, as listed in the staff report.

Introducing this housing project into the Silver Spring Central Business District will contribute greatly to a vibrant and diverse urban center as envisioned by the Silver Spring Central Business District and vicinity Sector Plan as approved in February 2000. The project will help support the Sector Plan goals and visions for a revitalized Silver Spring providing innovative loft apartments and green roof technology.

The proposed development will consist of 33,665 gross square feet of development located within a 60-foot-tall building, designed as loft apartments. The proposed architecture, mass and height of the building will provide a good transition between the mix of uses within the CBD, and conforms to the guidelines in the Sector Plan.

The main entrance to the site is a one-way access from Fenton Street to the parking and rear entrance of the building. The vehicular traffic will enter from Fenton Street and exit a one-way drive on to Bonifant Street. Traffic signs and painted markers delineating vehicular circulation will be coordinated with DPW&T. Special pavers within the crosswalks will assist with the pedestrian movement across the entrance and exit to and from the site.

A total of 22% public on-site and off-site public use space will be provided with this application. The minimum 10% of public use space is being provided on-site, as required under the Standard Method of Development in the CBD. The applicant is proposing an additional 12% or 2,006 sf as off-site public use space, for a total of 22% combined on-site and off-site public use space improvements. Under this proposal, the applicant proposes to improve the public rights-of-ways along Bonifant and Fenton Streets, consisting of approximately 2,000 square feet.

As part of this proposal, the applicant intends to expand the improvements along Fenton Street and provide full streetscape improvements along Bonifant Street with special paving, planting and street lighting. On-site public improvements will consist of a landscaped pedestrian plaza at the intersection of Bonifant and Fenton Streets, including specialty paving, landscaping, a low knee-wall and modern seating areas within the plaza which will also function as an art component.

The parking requirement will be met by the provision of 12 parking spaces on site. A total of 28 spaces are required by the zoning ordinance, however, the applicant is permitted to pay a tax to the parking district for the remaining 16 required spaces for maintenance and upkeep of the facilities. The project will be developed in one phase and completely accessible to disabled and handicapped patrons.

Storm water management concept was approved on March 11, 2003 by DPS and consists of on-site water quantity control via a green roof and separator sand filter. Onsite recharge is waived due to urban site constraints. Channel protection volume is not required because the one-year post development peak is less than or equal to 2.0 cfs.