

CHEN, WALSH, TECLER & MCCABE, LLP.

ATTORNEYS AT LAW

200A MONROE STREET
SUITE 300

ROCKVILLE, MARYLAND 20850

(301) 279-9500

FAX: (301) 294-5195

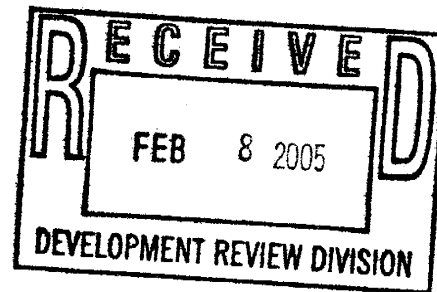
*ALSO ADMITTED IN THE
DISTRICT OF COLUMBIA

1-800-229-9510

JOHN BURGESS WALSH, JR.
WILLIAM JAMES CHEN, JR.*
KENNETH B. TECLER*
JOHN F. MCCABE, JR.*

February 7, 2005

Mary Beth O'Quinn
Development Review Division
Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue, 2nd Floor
Silver Spring, Maryland 20910



Re: Site Plan 8-05021, 8215 Fenton Street, Silver
Spring, Montgomery County, Maryland

Dear Ms. O'Quinn:

This letter is to follow-up our telephone discussion of this past Friday. As I explained, I represent Katz & Company which is the owner/occupant of the office building which is adjacent to the property, to the south, which is the subject of the above-referenced site plan application. My client's property is known as the Globe Building with a street address of 1817 Silver Spring Avenue.

I enclose color photocopies of five photographs of the Globe Building and the parking area behind the building which, I understand, is located on the property which is the subject of Site Plan 8-05021. As you will see, the Globe Building is five stories in height with the first floor being a parking garage area. I understand that the building has been in existence since the early 1960's, and there are windows in the wall which overlook the subject property. The concern of Katz & Company is that the proposed development would block the windows in the Globe Building from adequate, sunlight, ventilation, *etc.*

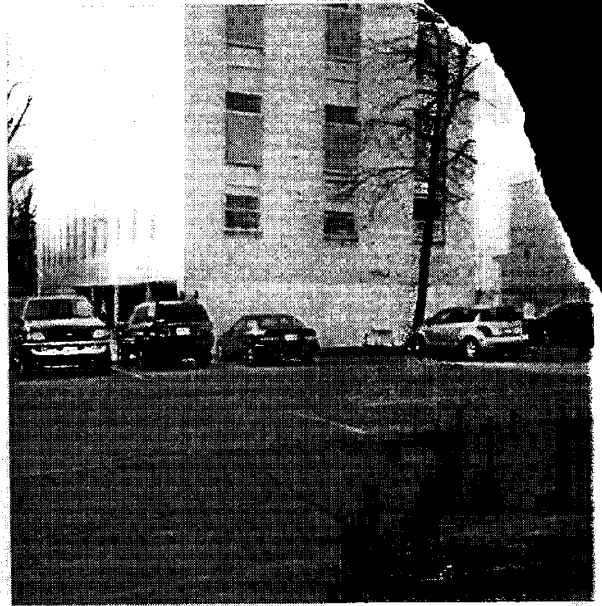
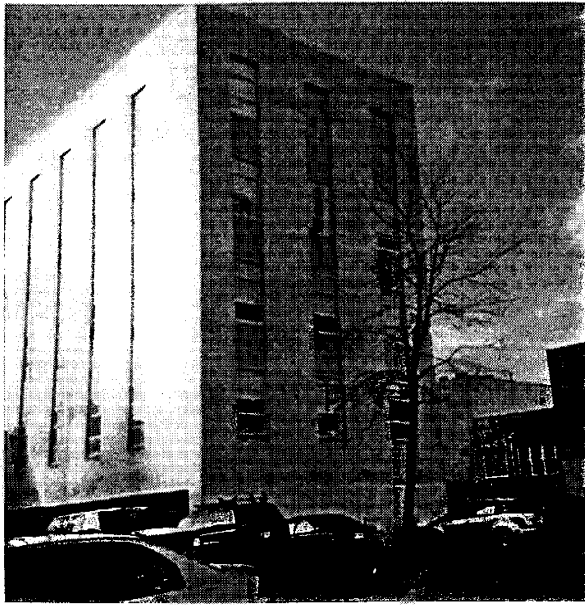
Your consideration of this matter is sincerely appreciated. After you have reviewed the enclosures, please call me to discuss my client's concern.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Chen, Jr.", written over the typed name below.

William J. Chen, Jr.

WJC:mml
Enclosures
cc: Katz & Company
mml\katz&co\b\o'quinn.ltr





Holland+Knight

Tel 301 654 7800
Fax 301 656 3978

Holland & Knight LLP
3 Bethesda Metro Center, Suite 800
Bethesda, MD 20814
www.hklaw.com

Robert R. Harris
301 215 6607
robert.harris@hklaw.com

February 22, 2004

VIA FACSIMILE AND FIRST CLASS MAIL

William Chen, Esquire
Chen, Walsh, Tecler & McCabe
200 Monroe Street
Suite 300
Rockville, MD 20850

RECEIVED
FEB 24 2005

Re: 8215 Fenton Street

BY:.....

Dear Bill:

Following our conversation yesterday, I had a chance to speak with the architect in order to answer the questions you raised. I believe the information provided in this letter should give your client comfort that the building will not adversely impact the Globe Building.

First, the difference in elevation between the existing ground level and the top of the parapet of the proposed building at a point at the rear of the Globe Building is 38 feet, which I believe means that the new building will reach to approximately the top of the existing second floor of the Globe Building. In order to ensure protection of light and air for the first and second levels of the Globe Building, the new building will be setback 15 feet and will have a courtyard open to the sky. The levels of the Globe Building above the second floor will have an open view.

Secondly, with respect to shadows, the proposed building will not impact the Globe Building. Frankly, the opposite is true. The proposed building is oriented east and west and is north of the Globe Building which is significantly taller than the new building. As a result of the building orientation and the path of the sun, the Globe Building will cast shadows on the proposed building, rather than the opposite.

Third, the brick parapet wall at the northwest corner of the proposed building will not impact the Globe Building either. It extends approximately 8 feet above the roof but is only located along a small part of the west and north faces of the building. Given that our client's property is 50 feet

William Chen, Esquire
February 22, 2005
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wide, those small portions of the parapet wall are located sufficiently far away from the Globe Building so as to not impact it.

Finally, with respect to your request to enlarge the open courtyard by extending it further to the east and to the west, I do not believe we can accommodate your suggestion. It would impact the building dimensions and its useful area. Additionally, I do not see that such a change is necessary with respect to the Globe Building given that the new building already will be setback 15 feet along the entire face of the Globe Building.

Overall, I believe the new building will be yet another improvement to the Fenton Street area benefiting all property owners. The code allows the new building to be up to 60 feet tall (measured from the Fenton Street grade) but the proposed building is limited to 26.5 feet. Our client also could request approval to build the new building right up to the property line and require your client to close off the windows on the north side of the Globe Building, but has agreed to set the building back 15 feet thus protecting your client's window conditions. The proposed building thus meets applicable code requirements with respect to the Globe Building.

Cordially yours,

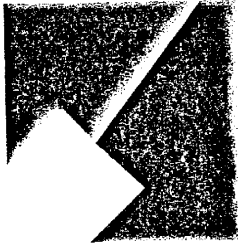


Robert R. Harris

cc: Bob Hillerson
Allen Mushinsky

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M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760
301-495-4500, www.mncppc.org

March 3, 2005

MEMORANDUM

TO: Mary Beth O'quinn, Coordinator
Community-Based Planning Division

FROM: Shahriar Etemadi, Supervisor
Transportation Planning

SUBJECT: Site Plan # 8-05021, 8215 Fenton Street, Silver Spring Central Business District

This memorandum is Transportation Planning staff's adequate public facilities review of the subject application. The application was reviewed under the FY 2004 Annual Growth Policy since it was filed prior to July 1, 2004.

RECOMMENDATION

Transportation Planning staff recommends the following conditions as part of the transportation requirements related to approval of this application.

1. Enter into a Traffic Mitigation Agreement with Maryland-National Capital Park and Planning Commission and Montgomery County Department of Public Works and Transportation (DPWT) to participate in the Silver Spring Transportation Management Organization.
2. Coordinate with DPWT's Capital Improvement Program project for any construction or changes to the sidewalks, driveways, or any other improvements along the frontage of the property on Fenton Street.

Local Area Transportation Review

The proposed development will generate less than 30 peak hour trips in the morning or evening weekday peak periods and therefore a traffic study is not required for assessing the Local Area Transportation Review.

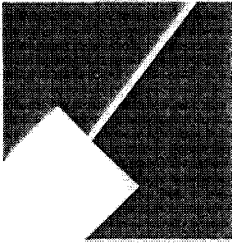
Site Access and Circulation

There will be a "Drop Off" location along side the building that is designed to provide for a safe parking of delivery vehicles without obstructing traffic in the area. The "Drop Off" area will be signed for delivery purposes only. Staff recommends against any long-term parking at this location.

Pedestrian Facilities

There are adequate sidewalks provided along Fenton Street. This sidewalk is connected with a safe and adequate network of sidewalks for the entire area of Silver Spring Central Business District. Adequate crosswalks and pedestrian signal is provided at nearby intersections.

SE:gw



March 3, 2005

MEMORANDUM

TO: Mary Beth O'Quinn, Staff Reviewer
Development Review Division

VIA: Glenn Kreger, Team Leader, Silver Spring/Takoma Park Team *GK*
Community-Based Planning Division

FROM: Miguel Iraola, ASLA, Planner Coordinator *MID*
Community-Based Planning Division

SUBJECT: Site Plan Review No. 8-05021
8215 Fenton Street

The Community-Based Planning staff has reviewed the above referenced Site Plan and Preliminary Plan for conformance with the Silver Spring Central Business District and Vicinity Sector Plan (Approved February 2000). The subject property is located on the east side of Fenton Street between Thayer Avenue and Silver Spring Avenue in Fenton Village. Community-Based Planning recommends the approval of this Site Plan with the following condition needed to ensure consistency with the approved CBD Sector Plan:

- Expand the existing streetscape improvements on Fenton Street to conform with the *Silver Spring Streetscape* (April 1992) technical manual or as amended.

ZONING AND LAND USE:

The subject property is zoned CBD-1 (Central Business District, 1.0). The approved CBD Sector Plan recommends the CBD-1 zoning for this site which was applied through the Sectional Map Amendment (SMA) adopted July 18, 2000, per County Council Resolution 14-600. The property is within the Fenton Village revitalization area. The Overlay Zone provides for flexibility of development standards to encourage redevelopment and innovative design solutions.

The proposed office and retail uses are permitted under the CBD-1 Zone. The proposal will be implemented under the Standard Method of Development. The project proposes 6,819 gross square feet of non-residential development on a 9,461 square foot lot. The resulting 0.52 FAR is less than the permitted maximum 2 FAR (26,084 gross square feet) allowed for Standard Method projects under the CBD-1 Zone within the Fenton Village Overlay Zone. The minimum required public use space for this project is 947 square feet (10 percent of the net lot). The project proposes 950 square feet of on-site public use space which equals 10 percent of the net lot.

SECTOR PLAN CONFORMANCE:

The Silver Spring Central Business District and Vicinity Sector Plan, approved by the County Council on February 1, 2000, outlines six themes which articulate the shared goals and vision for a revitalized Silver Spring. Three of these themes (i.e. a commercial downtown; a green downtown; and a pedestrian-friendly downtown) apply to this proposed project. The Sector Plan recommended the overlay zone in order to foster redevelopment and improve the investment climate in Fenton Village. The proposal will improve an existing building and add additional new commercial space. This project is being developed under the Standard Method of Development and provides opportunities for landscaped public open spaces and streetscapes. This project encourages the development of active urban streets by providing the public space along Fenton Street, and improves the quality of the pedestrian environment by providing the Silver Spring streetscape treatments normally required for Optional Method projects.

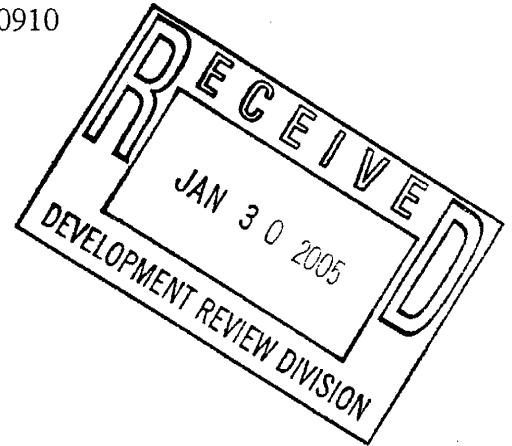
- A. **Compatibility:** The Fenton Village Overlay Zone mandates height restrictions as the primary means of addressing compatibility issues. The Overlay Zone requires a maximum height east of Fenton Street of 45 feet for all uses except housing, which must not exceed 60 feet. The proposed building is 25 feet in height. Staff feels that the proposed development satisfactorily meets the requirements of the Overlay Zone and the Sector Plan regarding compatibility.
- B. **Silver Spring Wayfinding System:** There are no wayfinding signs proposed in the vicinity of the existing street frontage.
- C. **Sector Plan Street Rights-of-Way:** The Sector Plan recommends a street right-of-way of 80 feet for Fenton Street. The existing street right-of way for Fenton Street is 80 feet (40 feet measured from the centerline of the street). No additional dedication is required.
- D. **Streetscape:** The applicant proposes to improve the Fenton Street streetscape with additional brick paving and one additional street tree. Staff recommends that the streetscape improvements be in accordance with the *Silver Spring Streetscape* (April 1992) technical manual or as amended.

COMMUNITY OUTREACH:

The applicant has presented the development proposal to the East Silver Spring Citizens Association (ESSCA). The ESSCA is supportive of the proposal and has provided comments to the applicant.

MI:ha: j:\CBPDisc1\iraola\8-05021_8215Fenton_CBPmemo
Attachment

8214 Cedar Street
Silver Spring, MD 20910
January 30, 2005



Development Review Division
Montgomery County Department of Park & Planning
The Maryland National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Site Plan for 8215 Fenton Street, File # 8-05021

Dear Planning Board and staff:

On January 17, 2005 the East Silver Spring Citizens Association (ESSCA) held its monthly meeting. The owner/developer (Robert Hillerson) of 8215 Fenton Street spoke to us, showed us his site plan and an architectural view from Fenton Street. ESSCA voted to support the plan, and Bob Colvin, the President, asked me to write a letter expressing this support.

We are particularly supportive of its low height (25.6 ft instead of the permitted 45 ft) and the fact that its FAR appears to be .52 (this FAR seems to be based on the exclusion of the cellar level in both the proposed and existing buildings). The landscape area and the public art viewing promenade are a plus.

The only possible concern is the lack of apparent setbacks from Lot 19 which has an existing 5 story building with windows facing the proposed new building. However, we understand that the speckled rectangular area, shown adjacent to Lot 19 on the site plan, represents a court yard and this seems to satisfy the concern.

We are pleased to see a project on the edge of our single family residential area which will be a suitable buffer, involves rehabilitation of an existing building as well as new construction, and upholds the concept of Fenton Street Village as a village.

Sincerely,

A handwritten signature in cursive script that reads "Betsy Taylor".

Betsy Taylor

cc: Robert Hillerson