



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item # **7**
MCPB 6/23/05

MEMORANDUM

DATE: June 8, 2005
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Michael Ma, Supervisor *MM*
Development Review Division
FROM: Robert A. Kronenberg, RLA *RAK*
Planning Department Staff
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PROJECT NAME: Easley Subdivision (The Adele)
CASE #: 9-05003
REVIEW TYPE: Project Plan

ZONE: CBD-1
APPLYING FOR: Approval of approximately 145,471 gross square feet of development, including 96 residential condo units, of which 15 will be MPDUs, 15,020 square feet of retail and 18,200 square feet of office, on approximately 0.96 acres

LOCATION: 8222-8224 Fenton Street, located in the southwest quadrant of the intersection of Fenton Street and Thayer Avenue in Downtown Silver Spring

MASTER PLAN: Silver Spring Central Business District
Fenton Village Overlay Zone

REVIEW BASIS: Division 59-D-2.11 of the Zoning Ordinance requires submission of a Project Plan as part of the application for the use of optional method of development for a CBD zoned property.

APPLICANT: Fenton Street Development, LLC
FILING DATE: March 9, 2005
HEARING DATE: June 23, 2005

Attached is the staff report for the proposed Easley Subdivision Project Plan. The Planning Board public hearing for this application is scheduled for June 23, 2005. A draft Planning Board opinion for the Project Plan will be available on June 8, 2005. The staff recommends **Approval** with conditions as delineated in the staff report.

**Easley Subdivision
'The Adele'
Silver Spring, Maryland**



PARKER RODRIGUEZ, INC.
URBAN DESIGN LANDSCAPE ARCHITECTURE

Staff Report
for the review of

Project Plan 9-05003
Utilizing the Optional Method of Development

Fenton Street Development, LLC

SK&I, Architect
Macris, Hendricks, & Glascock, Engineer
Parker Rodriguez Inc., Landscape Architect
Linowes and Blocher, LLP, Attorney
Integrated Transportation Solutions, Inc., Traffic Consultants

Prepared for
The Montgomery County Planning Board
June 23, 2005

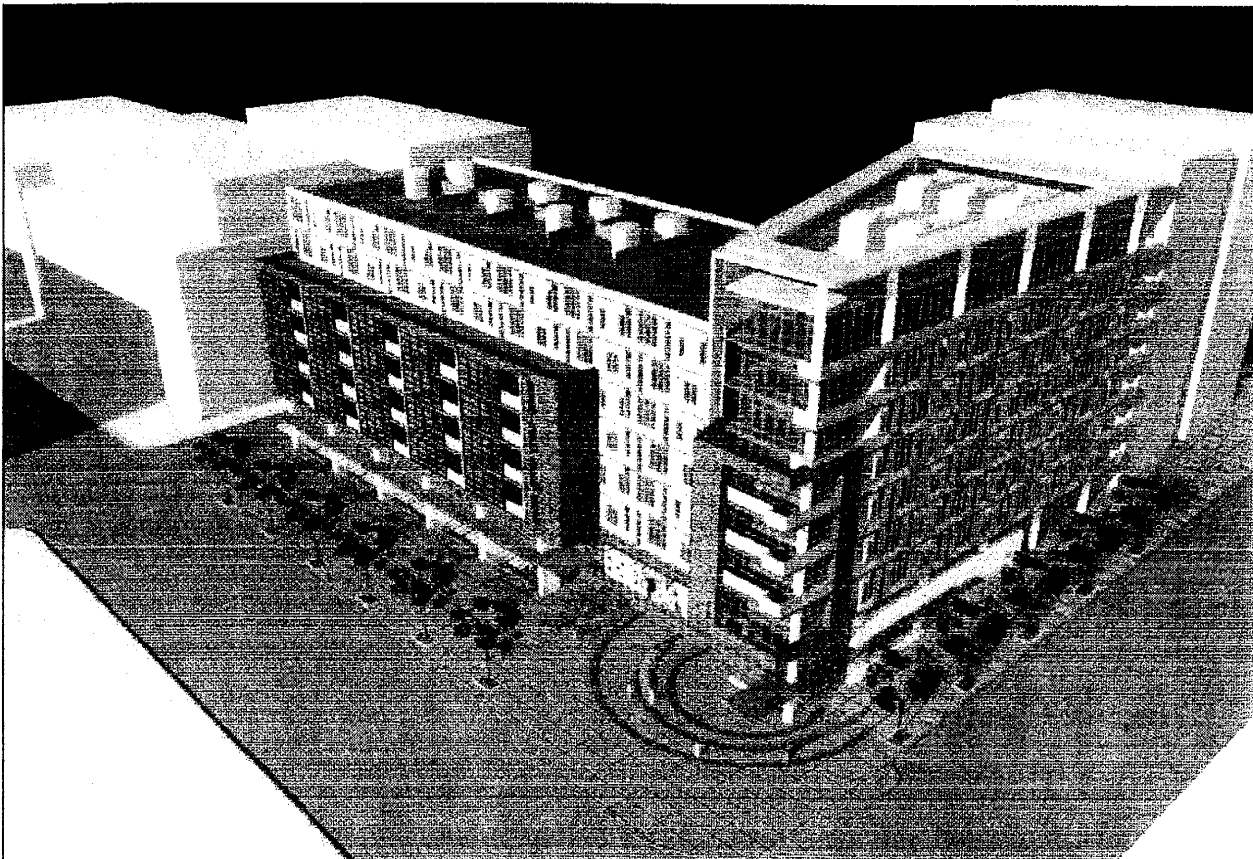
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Summary

The application proposes approximately 145,471 square feet of residential space (consisting of approximately 96 multi-family dwelling units), of which 15 (or 15% of the total number of units) will be MPDUs, and 33,220 square feet of retail and office space on 0.96 acres of CBD-1-zoned land in Silver Spring Central Business District. The building height varies from 60 feet along Fenton Street to 90 feet on Thayer Avenue. The applicant also filed a Preliminary Plan application #1-05077, which is being processed concurrently with the Project Plan and will be heard by the Planning Board on the same day. Amenities and facilities proposed include a public plaza at the intersection of Fenton Street and Thayer Avenue, along with streetscape improvements provided to both streets. The proposal is meeting the 20 percent public use space requirement and extending off-site streetscape improvements of Thayer Avenue approximately 125 feet toward Georgia Avenue. In addition, the Applicant is contributing \$70,000 toward park improvements in the Silver Spring CBD. Staff recommends approval of the Project Plan with the conditions listed in the Recommendation section below.

The issues addressed during review include the building height as it is described in the Fenton Village Overlay Zone for transitioning from 60-90 feet on Fenton Street, location and quality of the proposed public use space, and streetscape improvements to Fenton Street and Thayer Avenue.



Southwestern view of the building footprint and transitional steps in height from 60 feet to 90 feet.

Development Issues

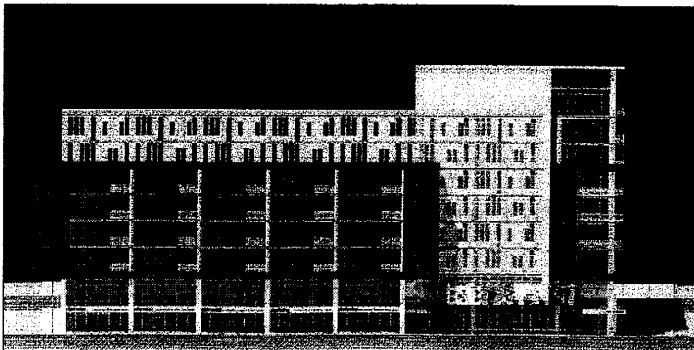
1. Community Outreach

The Applicant has presented the proposed development to various civic groups including: the East Silver Spring Citizens Association (ESSCA) and the Commercial and Economic Development (CED) Subcommittee of the Silver Spring Citizens Advisory Board, and the Silver Spring Advisory Board, as requested by staff. Staff met with representatives of the CED Subcommittee to discuss their concerns about the proposed development, specifically with regard to building setbacks, building height zoning interpretation and the public use space. The Applicant plans on presenting the proposed development to the Greater Silver Spring Chamber of Commerce prior the Planning Board hearing for the project plan. Staff has not received any written comments from any of the organizations. Additionally, the Applicant presented their art program to the Art Review Panel on May 18, 2005 for elements within the public use space. The Panel requested that the Applicant consider enhancing the patterns of the ground plane, security lighting in the public space and less artistic ornamentation on the building facade.

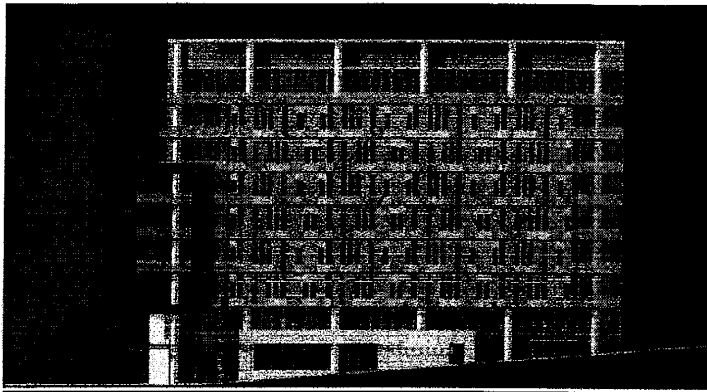
2. Building height in the Fenton Village Overlay Zone

The Fenton Village Overlay Zone is located south of Wayne Avenue, north of Gist Avenue and east of Georgia Avenue, encompassing the CBD 0.5 properties east of Fenton Street and the CBD-1 properties along the Fenton Street corridor. The intent of the Fenton Village Overlay Zone is to encourage redevelopment by providing flexibility in development standards and uses, while addressing compatibility with nearby uses and incorporating design elements, streetscape and public use spaces. The major provisions within the overlay zone that affect this development include the limitation of building height for new construction fronting along the east side of Georgia Avenue to 90 feet and 60 feet for properties fronting on the west side of Fenton Street.

Properties not fronting on Fenton Street or Georgia Avenue may go up to 90 feet if the proposed development is at least 33 percent residential and where the increased height is placed toward Georgia Avenue. Neither the Master or Sector Plan nor the Fenton Village Overlay Zone provide guidelines that offer specific transitions or setbacks from the required 60 feet on Fenton Street to the 90 feet closer to Georgia Avenue.



East elevation view of building along Fenton Street. The building transitions from 60 to 90 feet where the red colored material is accentuated.



North elevation view along Thayer Avenue.

Community's Concerns

The East Silver Spring Citizens Association (ESSCA) and the Commercial and Economic Development (CED) Subcommittee of the Silver Spring Citizens Advisory Board have expressed their concerns with regard to the transition in height of the proposed 60-90 foot tall building, building height zoning interpretation and the proposed public use space. Staff did meet with the CED Subcommittee to hear their concerns, but has not received any written comments from the community regarding this proposal.

Applicant's Position

The applicant is proposing to construct a building that is 60 feet in height along the frontage of Fenton Street, a portion of which is approximately 24 feet from the actual pavement edge. The building massing along Fenton Street steps back by 12 feet toward Georgia Avenue to a height of 80 feet. The intersection of Thayer and Fenton addresses the height limitations by holding the building corner approximately 12 feet back from the major portion of the building frontage along Fenton Street and transitioning to a 90-foot roof line for the frontage along Thayer.

The residential portion of the building facing Fenton Street is elevated above the ground and cantilevers five feet above the public use space with a 2-story clear area for pedestrians. The units portray a loft-like quality, designed to establish a connection with the surrounding neighborhood. The front portion of the building steps from 60 feet to 90 feet to architecturally accentuate the prominent corner of the site through building articulation and varied massing.

Staff Position

The project is complementary to the range of commercial and residential characteristics of the surrounding neighborhood. The project is supporting the major provisions of the Fenton Village Overlay Zone by providing more than the 33 percent residential use call for by the Master Plan to allow increased height from Fenton Street to Georgia Avenue. The proposed development is compatible with the existing development occurring in downtown Silver Spring and should encourage redevelopment of adjacent properties in the CBD and specifically Fenton Village.

Staff believes the transitional step in height from 60 to 80 feet on Fenton Street and 60 to 90 feet on Thayer Avenue meets the objectives of the Overlay Zone and is compatible with the existing and proposed surrounding development in Fenton Village. The majority of the building is set back 8 feet from the Fenton Street right-of-way expanding the sidewalk to 26 feet from the edge of curb on Fenton Street to the face of the proposed building. The 60 foot portion of the building steps back an additional 12 feet and transitions to a height of 80 feet. The prominent intersection transitions from 60-90 feet, with the 90 feet closer toward Georgia Avenue.

STAFF RECOMMENDATION FOR PROJECT PLAN: Approval of Project Plan #9-05003 for approximately 145,471 gross square feet of development, including 96 residential condo units, of which 15 will be MPDUs, 15,020 square feet of retail and 18,200 square feet of office, on approximately 0.96 acres, with the following conditions:

1. Development Ceiling

The proposed development shall be limited to 145,471 gross square feet of development, including 96 residential condo units, of which 15 will be MPDUs and 33,220 square feet of retail and office space, on approximately 0.96 acres.

2. Building Height/Mass

The height of the proposed building shall not exceed 90 feet. Any portion of the building that exceeds 60 feet in height shall be set back at least 20 feet from the Fenton Street right-of-way.

3. Transportation Improvements

- a. The proposed development shall dedicate an additional 8 feet of right-of-way (40 feet from the centerline) to provide for a total of 80 feet right-of-way for Fenton Street, as recommended in the Silver Spring CBD Sector Plan.
- b. Provide standard Silver Spring streetscape along the property boundary on Thayer Avenue and Fenton Street, and extend the streetscape off-site, as shown on the approved Project Plan.

4. Moderately Priced Dwelling Units (MPDUs)

The applicant shall provide 15% or 15 MPDUs on-site, consistent with the requirements of Chapter 25A. The development is receiving a 22% density bonus for providing additional MPDUs on the site.

5. Public Use Space

- a. The proposed development shall provide at least 20 percent of on-site public use space and 23.7 percent of off-site public use space.
- b. The proposed public use space shall be easily and readily accessible to the general public and used for public enjoyment.
- c. The Applicant shall make a contribution to the M-NCPPC toward park land acquisitions or improvements in the Silver Spring CBD in the amount of \$70,000.

6. Streetscape

- a. The applicant shall provide the full streetscape improvements along the Fenton Street and Thayer Avenue frontage using the *Silver Spring Streetscape Plan (April 1992)* Technical Manual. The following elements are proposed: stone, precast concrete, brick pavers, street trees, lighting, and any other details that are necessary, including

the undergrounding of utilities along the frontage of the property, to fulfill the Silver Spring streetscape standards.

- b. Off-site improvements shall be provided along the property frontage of Fenton Street and Thayer Avenue, and extended along the south side of Thayer Avenue to the entrance to the county parking lot.

7. Public Art

A public art program shall be developed to include opportunities within the public plaza area to reinforce the architecture of the building, provide for pedestrians and shoppers to congregate and provide for seasonal color in front of the buildings. The Applicant has identified three areas or elements that could be incorporated into the public art component: seating areas, paving within the streetscape, and the railings, which could incorporate glass or acrylic elements as part of the overall design.

8. Staging of Amenity Features

- a. The proposed project shall be developed in one phase.
- b. Landscaping to be installed no later than the next growing season after completion of building and public plaza.
- c. Streetscape improvements and public art to be installed prior to occupancy of the building.

9. Maintenance and Management Organization

Initially, the applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member of and enter into an agreement with the Silver Spring Urban District for the purpose of maintaining public open spaces and participating in community events.

10. Coordination for Additional Approvals Required Prior to Site Plan Approvals

The applicant shall secure the following additional approvals prior to Site Plan Review:

- a. Coordinate with the Silver Spring Regional Service Center on the placement of the proposed Type C2 way finding sign (Sign #73) located on Thayer Avenue;
- b. Present the public art components to the Art Review Panel for review and comment to be available to the Planning Board;
- c. Coordinate with the M-NCPPC staff and the Montgomery Department of Public Works and Transportation (MCDPWT) staff regarding the final design and extent of the non-standard elements as part of the proposed streetscape improvements;
- d. The applicant shall request a waiver for all non-standard elements and non-standard streetscape improvements as well as a maintenance and liability agreement with the MCDPWT;

- e. Enter into a maintenance agreement with the Silver Spring Urban District for maintenance of all or some of the streetscape improvements.