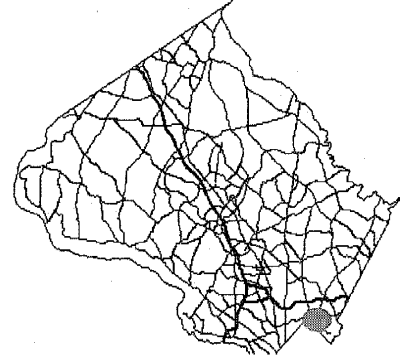
**MEMORANDUM**

DATE: March 24, 2006
 TO: Montgomery County Planning Board
 VIA: Rose Krasnow, Chief *RK*
 Development Review Division
 FROM: Robert Kronenberg, Acting *RK*
 Supervisor
 Development Review Division
 (301) 495-2187



REVIEW TYPE: **Site Plan Review**
 CASE #: **820060200**
 PROJECT NAME: Easley Subdivision (The Adele)
 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
 REVIEW BASIS: Div. 59-D-3 of Montgomery County Zoning Ordinance
 ZONE: CBD-1 and the Fenton Village Overlay Zone
 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 CBD Master Plan
 APPLICANT: Fenton Street Development, LLC
 FILING DATE: November 27, 2005
 HEARING DATE: April 6, 2006

STAFF RECOMMENDATION: Approval of Site Plan 820060200 for a maximum of 145,471 gross square feet of development, including 96 multi-family units, of which 15 will be MPDUs, 15,020 square feet of retail and 18,200 square feet of office, on 0.96 gross acres. All site development elements as shown on Easley Subdivision (The Adele) plans stamped by the M-NCPPC on January 20, 2006, shall be required except as modified by the following conditions:

1. **Preliminary Plan Conformance**

The proposed development shall comply with the conditions of approval for Preliminary Plan 120050770 as listed in the Planning Board opinion dated January 10, 2006 [Appendix A].

2. Project Plan Conformance

The proposed development shall comply with the conditions of approval for Project Plan 920050030 as listed in the Planning Board opinion dated January 10, 2006 [Appendix B].

a. Public Use Space

The proposed public use space must be easily and readily accessible to the general public and used for public enjoyment. All streetscape improvements shall be in accordance with the *Silver Spring Streetscape Plan (April 1992)* Technical Manual or as amended.

The applicant shall provide 20 percent (5,705 sf.) of on-site public use space and 23.7 percent (6,763 sf.) of off-site public use space within the rights-of-way for Thayer Avenue and Fenton Street.

b. Streetscape Improvements

1) 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.

2) 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 number 3 from Thayer Avenue.

c. Contribution

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.

d. 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.

3. Site Design

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.

4. Lighting

a. Provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for mixed-use development.

b. All on-site light fixtures shall be full cut-off fixtures or able to be equipped with deflectors, refractors or reflectors.

5. Pedestrian Circulation

Provide a six-foot-wide public access easement on the north side of the 20-foot-wide public alley that provides service to the subject building from Fenton Street. The paver material shall be consistent with the material provided in the public use space along the retail frontage on Fenton Street.

6. Recreation Facilities
 - a. The Applicant shall provide two (2) picnic/sitting areas, an indoor fitness facility, an interactive pedestrian system, and an indoor community space.
 - b. The Applicant shall meet the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation Guidelines.
7. Transportation

The applicant shall comply with the following conditions of approval from M-NCPPC-Transportation Planning in the memorandum dated June 3, 2005 [Appendix C]:

 - a. The applicant shall provide full width streetscape improvements on Fenton Street and Thayer Avenue in conformance with the Silver Spring Streetscape standards.
 - b. Provide a modified Silver Spring streetscape on the south side of the Thayer Avenue right-of-way from the subject property and extended off-site westward toward Georgia Avenue to the entrance to the 20-foot-wide alley that provides access into parking lot number 3.
8. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated March 10, 2005 [Appendix C].
9. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). Applicant shall provide verification to M-NCPPC staff prior to issuance of the 1st building permit that Applicant's recorded Condominium Association Documents incorporate by reference the Covenant.
10. Moderately Priced Dwelling Units
 - a. 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.
 - b. The MPDU agreement shall be executed prior to the release of the first building permit.
11. Maintenance Responsibility

Initially, the applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member and enter into an agreement with the Silver Spring Urban District for the purpose of maintaining the on-site public open spaces, including the public art, seating areas, landscaping and lighting and participating in community events.
12. Development Program

Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of signature set of site plan. The Development Program shall include a phasing schedule as follows:

 - a. All site features associated with each building as defined by the site plan dated January 20, 2006 shall be installed prior to occupancy of the units, but no later than twelve (12) months after the occupancy of the first residential unit, whichever comes first. Applicant shall provide the use and occupancy permits to M-NCPPC staff in order to inspect the site for streetscape within the respective street rights-of-way, including the street trees, street lights and pavers, as well as construction of the public plaza and art, on-site landscaping, lighting, recreation and paver materials.

- b. Street tree planting shall progress as street construction is completed, but no later than six months after completion of the building.
 - c. Community-wide pedestrian pathways, including the 6-foot-wide paver walkway on the north side of the 20-foot-wide public alley, shall be completed no later than six months after completion of the building.
 - d. Landscaping associated with the private amenity space shall be completed no later than six months after completion of the building.
 - e. Pedestrian pathways, including the streetscape improvements along Fenton Street and Thayer Avenue and seating areas associated with the streetscape, shall be completed no later than six months after completion of the building.
 - f. The recreation facilities located within the building shall be installed prior to occupancy of the first residential unit in the building.
 - g. The extension of the streetscape along the south side of Thayer Avenue from the subject property, west to the entrance to the alley, shall be completed no later than six months after completion of the building.
 - h. The \$70,000 contribution shall be received by the M-NCPPC prior to the release of the first building permit.
 - i. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
 - j. Phasing of dedications, stormwater management, sediment/erosion control, public art, recreation, community paths, trip mitigation or other features.
13. Clearing and Grading
No clearing or grading prior to M-NCPPC approval of certified site plans.
14. Certified Site Plan
Prior to approval of the certified site plans the following revisions shall be included and/or information provided, subject to staff review and approval:
- a. Development program, inspection schedule, and Site Plan Opinion.
 - b. Limits of disturbance.
 - c. Methods and locations of tree protection for existing streetscape.
 - d. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading.
 - e. Provide additional details of the art component designed by The Washington Glass Studio. The design shall be presented to the Art Review Panel for final review and comment.
 - f. All of the items specified in the site design, landscape, lighting and recreation conditions of approval.

Summary

The application proposes 145,471 square feet of residential space including 96 multi-family dwelling units and 15 MPDUs, and 33,220 square feet of retail and office space on 0.96 acres of CBD-1-zoned land in the Silver Spring Central Business District. The building height varies from 60 feet along Fenton Street to 90 feet on Thayer Avenue. The proposal is satisfying the 20 percent public use space requirement and extending off-site streetscape improvements on Thayer Avenue approximately 125 feet toward Georgia Avenue. As a condition of project plan, the Applicant is also contributing \$70,000 toward park improvements in the Silver Spring CBD.

Issues

The issues addressed during project plan 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. The issues resolved during site plan review included access improvements to the subject site from the public alley.

Public Art

The Applicant presented their art program to the Art Review Panel on March 13, 2006 for elements within the public use space. The art elements included glass panels incorporated into the railings along the retail space located on Thayer Avenue near the intersection of Fenton Street. The glass panels are hand imprints of sign language that spell out words such as diversity, honor and freedom. The Panel requested that the Applicant consider incorporating the glass elements into the plaza area and building facade. The panel was also concerned about the visibility of the retail space with the placement of the glass panels, and wanted the artist and Applicant to provide more detail as part of the certified site plan.

Community Outreach

During the Project Plan review period, the Applicant 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 and the Greater Silver Spring Chamber of Commerce, 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.

During the Site Plan review period, the Applicant met with the East Silver Spring Civic Association (ESSCA), the Economic Development (CED) Subcommittee of the Silver Spring Citizens Advisory Board, and the Downtown Silver Spring Urban District. Staff received comments from the Downtown Silver Spring Urban District and the Silver Spring Regional Center. Both offer support of the proposal with discussion about access through the alley as proposed and maintenance of the elements within the public right-of-way.

PROJECT DESCRIPTION: Surrounding Vicinity

The proposed development is within the CBD-1 Zone in downtown Silver Spring and is surrounded by CBD-1 properties. The zoning pattern transitions to CBD-0.5 approximately 100 feet east of Fenton Street and to R-60 within the existing neighborhood of Silver Spring Park (Plat Book B, Page 47). The existing site and surrounding properties are within the Fenton Village Overlay Zone.



The property is surrounded by unique commercial and retail establishments; including the Safeway grocery store (Plat Book 535, Page 53) to the north, directly across Thayer Avenue; and Weller's dry cleaning building and parking, and an Ethiopian restaurant directly opposite the site on Fenton Street. An Exxon gas station is located at the northeast intersection of Fenton Street and Thayer Avenue. Silver Spring Towers, a 13-story apartment complex, creates a backdrop to the Exxon building.

The Lofts development (Site Plan #8-03024), consisting of 24 condominiums, is currently under construction on the north side of Safeway. A mix of salons, tailors, professional office buildings and small restaurants accent the streetscape along Fenton Street. Directly adjacent to the site on Thayer is the one-story Thai Market and nail salon and the recently renovated 3-story Grand Design office and retail building.

The County parking lot (Lot No. 3) is located directly west of the site in the center of the block framed by Fenton Street, Thayer Avenue, Silver Spring Avenue and Mayor Lane. The parking lot can be accessed from all of these streets via public alleys.

PROJECT DESCRIPTION: Site Description

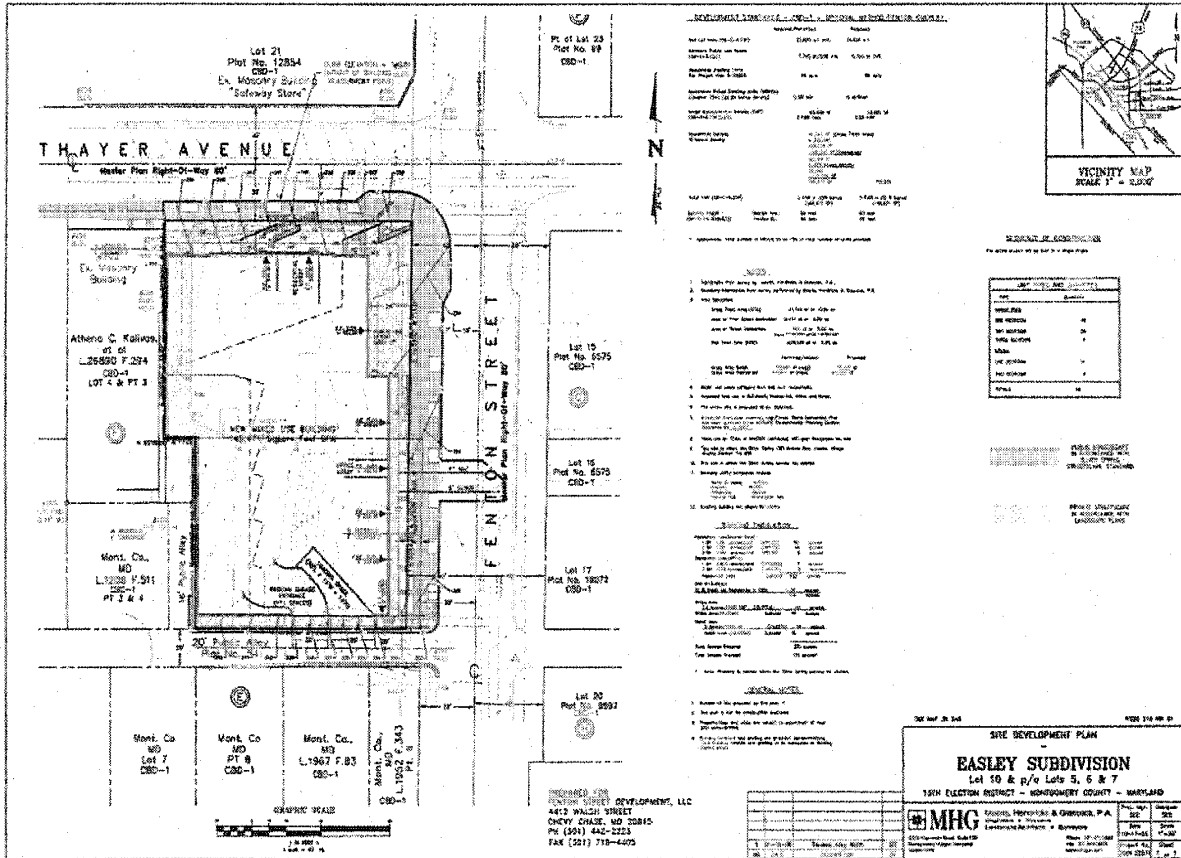
The site is located at 8222-8224 Fenton Street, in the southwest quadrant of the intersection of Fenton Street and Thayer Avenue in Downtown Silver Spring. The property consists of Lots 5-7 of the original Silver Spring Park subdivision (Plat Book B, Page 47) and the Easley's Silver Spring subdivision (Lot 10, Plat Book 191, Page 93) recorded in May 1912. The property is currently being used as an automobile service facility in a one-story building with ancillary parking.

The topography on the property slopes from west to east by approximately 5 feet, although, the grade difference is 5-10 feet higher at the western boundary adjacent to the Thai Market. The southern perimeter of the property is an open lawn area and lower in elevation by approximately 5 feet. This portion of the site is fenced. The perimeter of the site along Fenton Street up to the intersection with Thayer Avenue contains five-foot-tall brick piers with ornamental wrought iron, along with the street trees, pavers, lighting and benches, consistent with the Silver Spring Streetscape standards. Overhead wires exist along the frontage of Fenton Street and Thayer Avenue and along the adjacent 20-foot-wide public alley. Both intersections are signalized. The western boundary contains a mix of mature white pines and locust with understory plant material.



PROJECT DESCRIPTION: Proposal

The Fenton Street Development, LLC proposes to redevelop the existing automobile service facility into 145,471 gross square feet of mixed-use development, including 96 multi-family dwelling units, of which 15 will be MPDUs and 33,220 square feet of commercial space, on approximately 0.96 gross acres. The applicant is receiving a 22% density bonus for providing additional MPDUs on the site.

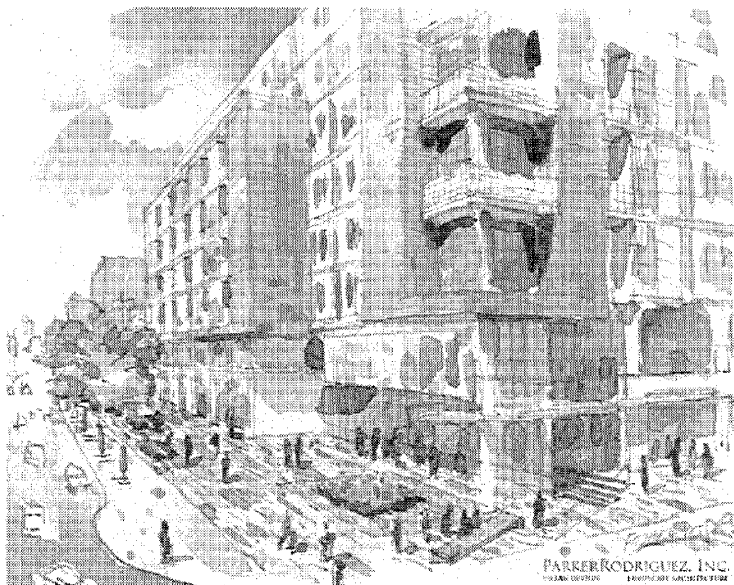


Site Plan of the Proposed Development

The proposed building varies in height from 6 stories to 13 stories including a retail and office on the first two floors and the 96 residential loft-style units on the floors above. The height of the building transitions from 60 feet along Fenton Street to 90 feet at least 20 feet from the Fenton Street right-of-way. The building height along Thayer is 90 feet and conforms to the height limitations in the Fenton Village Overlay Zone and CBD-1 Zone. The residential lobby entrance into the building is located directly on Thayer Avenue, approximately 40 feet from the building edge corner. The office and retail entrance is located mid-block along the Fenton Street frontage. Each individual storefront will have a separate entrance along Fenton Street. The plaza is partially covered and protected, extending out five feet from the storefront to create a shopping arcade and define the retail frontage for pedestrians.



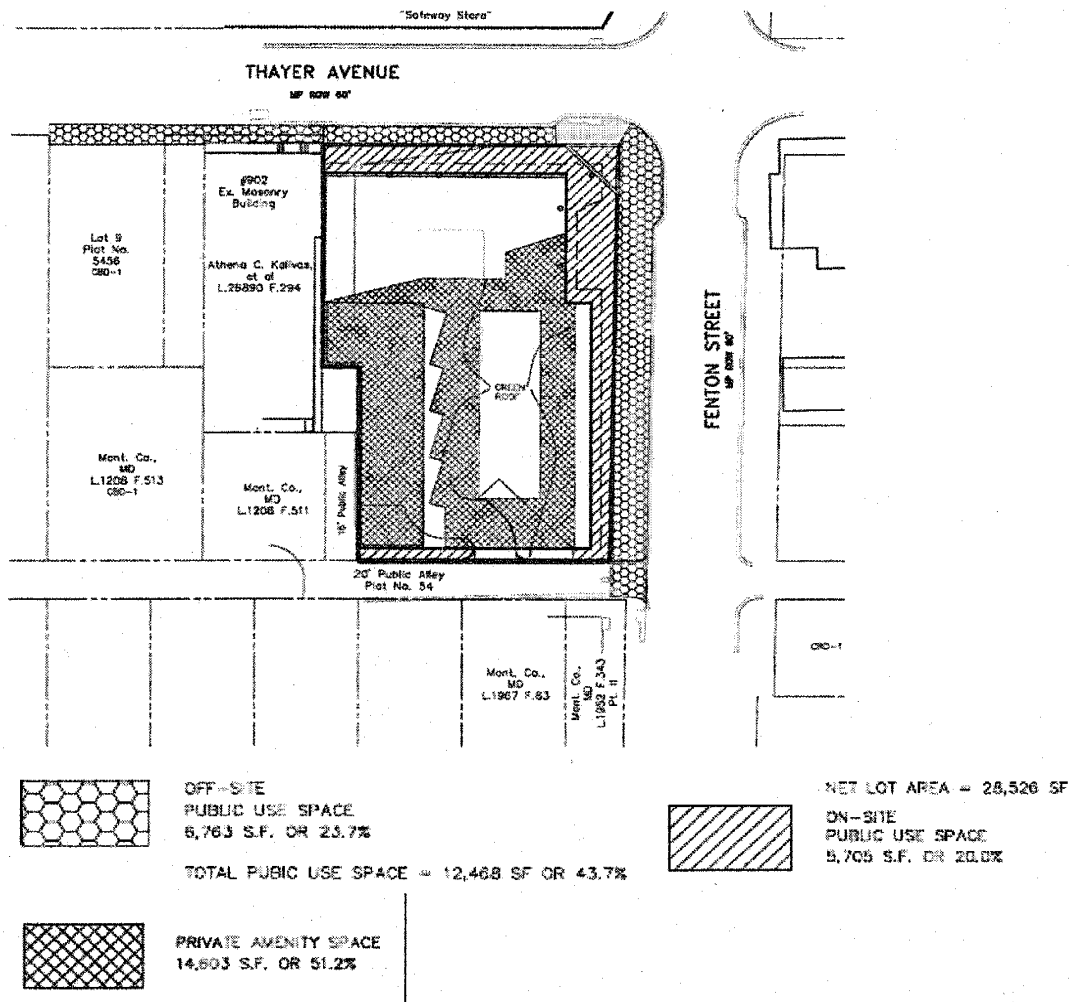
Vehicular access for the residents will be comprised of a two-level below-grade parking structure accommodating 171 parking spaces accessed from the public alley at the southern end of the site from Fenton Street. The parking garage will accommodate 122 spaces for the future residents and the remaining 49 spaces for the commercial space.



The majority of the on-site public use space consists of a plaza located at the intersection of Fenton Street and Thayer Avenue and consisting of public art, benches, amenity landscaping and lighting and ornamental paving to accentuate the building and amenities. The remainder of the on-site public use space is located directly in front of the building, expanding the streetscape of Thayer Avenue and incorporating the public art as an element of the design. The total on-site public use space being provided is 5,705 square feet or 20% of the net

lot area. Overhead utilities will be relocated underground, consistent with the procedures for Optional Method Projects within the CBD.

Off-site improvements will include streetscape improvements along the west side of Fenton Street and south side of Thayer Avenue, directly in front of the property. The applicant is also undergrounding the utilities within the Fenton Street and Thayer Avenue rights-of-way that correspond to the off-site improvements. The total off-site improvement being provided is 6,763 square feet or 23.7% of the net lot area. The combined totals for on and off-site improvements equal 43.7%, which exceeds the requirement of 20% in the CBD for optional method developments and complements the combined totals for other projects in the CBD with similar requirements. In addition to the public use space, the applicant is providing private amenity space for the residents on the western perimeter of the building that will consist of a private courtyard and amenity landscaping.



The urban plaza programmed at the intersection of Thayer Avenue and Fenton Street will serve as a vital urban open space link in the community. The outdoor public plaza will be the part of an interconnected pedestrian system within Fenton Village that leads to the core area of development in downtown Silver Spring. The plaza will create a focal point at the corner that directly ties into the architecture of the building and serve as an outdoor seating area with landscaping, varying paver treatments, and glass medium artwork.