



**MONTGOMERY COUNTY PLANNING DEPARTMENT** THE  
MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Item #  
MCPB 7/12/07

**MEMORANDUM**

**DATE:** June 27, 2007  
**TO:** Montgomery County Planning Board  
**VIA:** Rose Krasnow, Chief *RK*  
Robert Kronenberg, Acting Supervisor *RK*  
Development Review Division  
**FROM:** Elza Hisel-McCoy, Assoc. AIA, LEED-AP *EH*  
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**PROJECT NAME:** The Moda Vista Residences

**CASE #:** 9-20070130

**REVIEW TYPE:** Project Plan

**ZONE:** CBD-1/CBD-0.5/Fenton Village Overlay Zone

**APPLYING FOR:** Ninety-four multi-family units including 12 MPDUs (12.5% of the total units) and 3,500 square feet of retail on 1.27 gross acres

**LOCATION:** Southeast quadrant of the intersection of Fenton Street and Silver Spring Avenue

**MASTER PLAN:** Silver Spring CBD

**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 the optional method of development for a CBD zoned property.

**APPLICANT:** Fenton Development, LLC

**FILING DATE:** November 30, 2006

**COMPLETE:** April 8, 2007

**HEARING DATE:** July 12, 2007

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Attached is the staff report for the proposed Moda Vista Residences Project Plan. The Planning Board public hearing for this application is scheduled for July 12, 2007. The staff recommends **Approval** with conditions as delineated in the staff report.

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## **SUMMARY AND BACKGROUND**

The application proposes 94 multi-family dwelling units, including 12 moderately priced dwelling units (MPDUs), and 3,500 square feet of retail, in a 5-story, 60-foot-high building. The project's proposed amenity component includes an 8,331- square-foot linear plaza extending along Silver Spring Avenue from the corner of Fenton Street, two public art installations, and 8,892 square feet of streetscape improvements along the street boundary of the property and across Silver Spring Avenue.

## **ISSUES**

### **1. Multi-Zone Project**

This Project Plan development is located in both the CBD-1 and CBD-0.5 zones. Additionally, only the CBD-1 portion is located within the Fenton Village Overlay Zone. Section 59-C-6.2352 allows Optional Method development for property that lies in more than one CBD zone if several criteria are met:

- (1) The combined development is consistent with the relevant sector or urban renewal plan;
- (2) The properties in multiple CBD zones, including lots adjacent to each other or separated only by a public street or right-of-way, are or will be combined to provide a unified development which will achieve the intent of the sector plan or urban renewal plan;
- (3) The total area of the combined properties is at least 22,000 square feet.
- (4) The aggregate total amount of development density in the combined development must not exceed the amount of density that would be permitted if each CBD zoned area were developed separately.
- (5) The amount of public facilities and amenities, as defined under Section 59-A-2.1, is not less than the amount that would be required if the component areas of the lot were developed separately.
- (6) Development must be approved under Section 59-D-3.
- (7) The density of development for any lot smaller than 22,000 square feet must be measured in accordance with the maximum density provisions of the standard method of development.

Uses permitted in the respective zones may be allowed anywhere in the combined development.

The proposed Project Plan conforms to each of these criteria.

## **STAFF RECOMMENDATION**

**Approval** of Project Plan 920070130 for 94 multi-family dwelling units including 12 MPDUs, 12.5 percent of the total units, and 3,500 square feet of retail on 1.27 gross acres, with the following conditions:

### **1. Development Ceiling**

The proposed development shall be limited to 94 multi-family dwelling units, including 12.5% MPDUs, and 3,500 square feet of retail uses.

### **2. Building Height/Mass**

The height of the proposed building shall not exceed the maximum permitted height of 60 feet.

### **3. Transportation Improvements**

- a. At Preliminary Plan, the applicant shall dedicate an additional 3,621 square feet of right-of-way on the east side of Fenton Street and the south side of Silver Spring Avenue to provide for a total right of way of 80 feet for Fenton Street and 70 feet for Silver Spring Avenue.

### **4. Moderately Priced Dwelling Units (MPDUs)**

The applicant shall provide 12 units, 12.5 percent of the total number of units, as MPDUs on-site, consistent with the requirements of Chapter 25A. The applicant is not receiving a density bonus for providing MPDUs on site.

### **5. Public Use Space**

- a. The applicant shall provide at least 20 percent (8,198 square feet) of the net site area as on-site public use space and at least 21.9 percent (8,992 square feet) as off-site public amenity space.
- b. The proposed public use space must be easily and readily accessible to the general public and used for public enjoyment.
- c. The applicant will also provide two exterior public art installations on site, one near the corner of Fenton Street and Silver Spring Avenue and another near the northeast corner of the site along Silver Spring Avenue.

### **6. Streetscape**

- a. The Applicant will relocate underground the overhead lines associated with the existing utility poles along the front of the property on Fenton Street and Silver Spring Avenue and along the proposed streetscape improvements on the north side of Silver Spring Avenue.
- b. The Applicant will provide the Silver Spring streetscape standard along the property boundary on Fenton Street and Silver Spring Avenue as well as within the public right of way only on the north side of Silver Spring Avenue across from the subject

property, from the existing improvements at Fenton Street to a point equal to the limit of the subject site on the south side of the Avenue.

**7. 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 the building and public plaza.

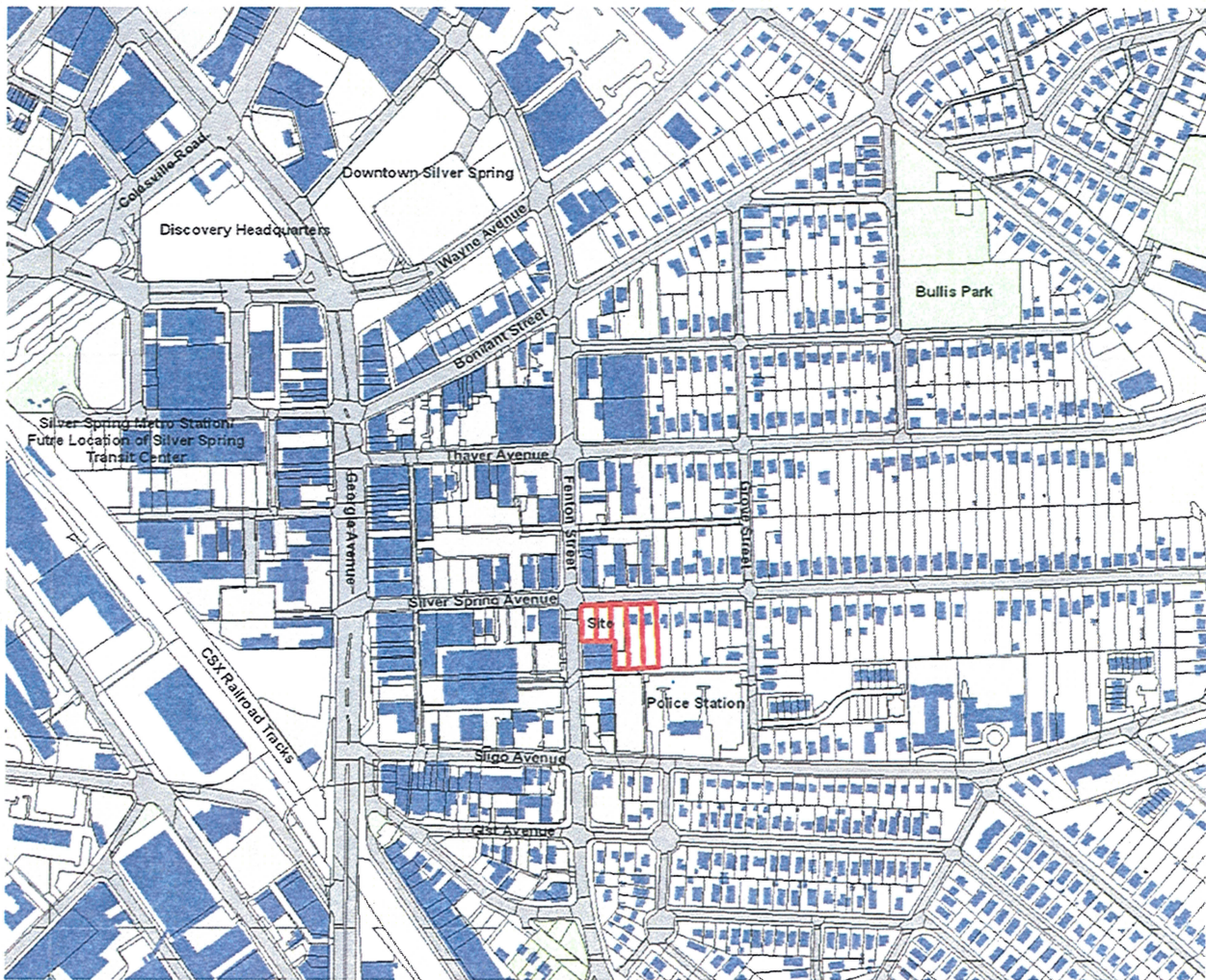
**8. Coordination for Additional Approvals Required at Site Plan**

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

- a. Concept Approval from the Art Review Panel for the public art component of the public amenity package.

## PROJECT DESCRIPTION: Surrounding Vicinity

The proposed development is located on the south side of Silver Spring Avenue, at the southeast quadrant of the intersection of Silver Spring Avenue and Fenton Street in the heart of Fenton Village. The site transitions between a single-family-detached residential neighborhood in the R-60 zone to the east and the more concentrated, mixed-use development towards Georgia Avenue to the west, Downtown Silver Spring to the north, and Maryland Route 410 to the south, all in the CBD-1 or CBD-0.5 zones. The site is a five-minute walk to Downtown Silver Spring and an 8-minute walk to the Silver Spring Metro Station and within a block of a supermarket, convenience retail, several restaurants, and the Greyhound Bus station.



Site Vicinity

## PROJECT DESCRIPTION: Site Description

The Moda Vista Residences site is on the southeast corner of the intersection of Silver Spring Avenue and Fenton Street and includes Lots 4, 5, 12, 13, and part of Lot 3, Block I, in Easley's Subdivision, totaling 55,276 gross square feet. Previous dedication for right of way of 10,663 square feet and a further proposed dedication of 3,621 square feet yield a net tract area of 40,998 square feet. The site currently consists of a paved surface parking lot, a utility platform for the adjacent office building, a vehicle impound lot, and two single-family detached homes. Overhead utility wires exist along both sides of Silver Spring Avenue. The intersection of Fenton Street and Silver Spring Avenue is signalized. The site topography slopes gently to the north, with approximately eight feet of drop from the south side of the site. There are several existing trees, including a large poplar, and vegetation on the site, especially along the eastern boundary of the site. Access would be provided from Silver Spring Avenue, with secondary loading provided from the public alley to the south.



Site Aerial View



Site Aerial Oblique View

The Applicant proposes 94 multi-family dwelling units in a 5-story, 60-foot building with 12 MPDUs on 1.27 acres.



The contextual, contemporary design of this 5-story masonry, steel, and glass building accommodates 94 multi-family units and 3,500 square feet of ground-floor retail. The building is composed of a central 5-story mass partially wrapped by a 3.5-story liner. The 5-story mass, which has a more modern appearance, holds the street edge on Fenton Street and forms the corner of Fenton Street and Silver Spring Avenue. Its ground floor houses both the retail component, at the corner, and the main residential entrance, off the plaza.



Perspective of Fenton Street Façade

The 3.5-story liner, by contrast, evokes the modular character of the Washington rowhouse, allowing the greater density while both visually and physically stepping down the massing along Silver Spring Avenue from the 5-story solid block at the corner of Fenton Street to the adjacent 2.5-story single-family detached houses.



Silver Spring Avenue Facade

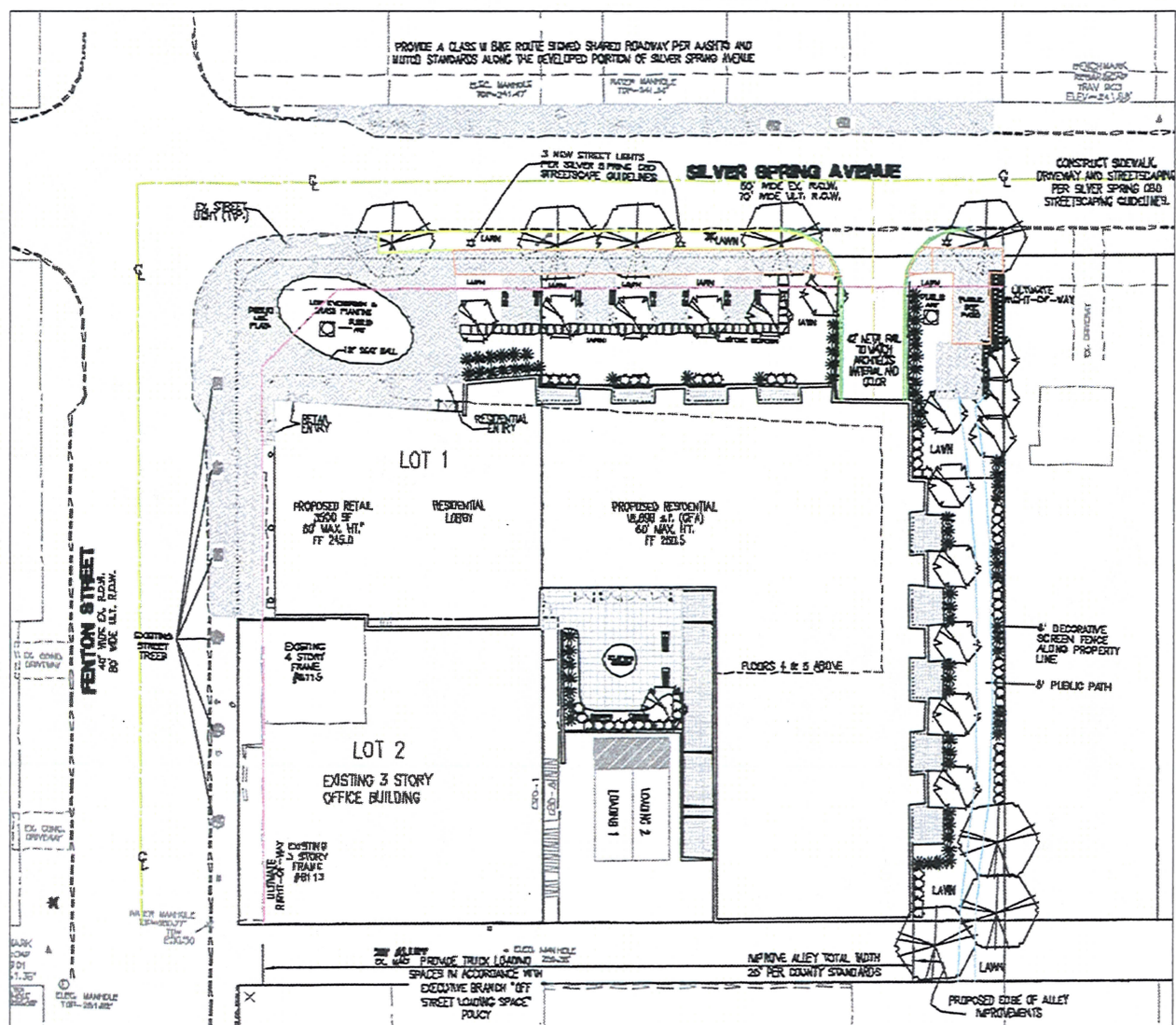
The placement of the building on the site further helps to transition to the adjacent single-family homes. The building is set back from Silver Spring Avenue to correspond to the front yards of the adjacent homes, creating a linear landscaped plaza. A generous 25-foot setback along the east side of the building also helps continue the single-family house side yard rhythm from the neighborhood onto the site.



Perspective Down Silver Spring Avenue

### **Landscape Design**

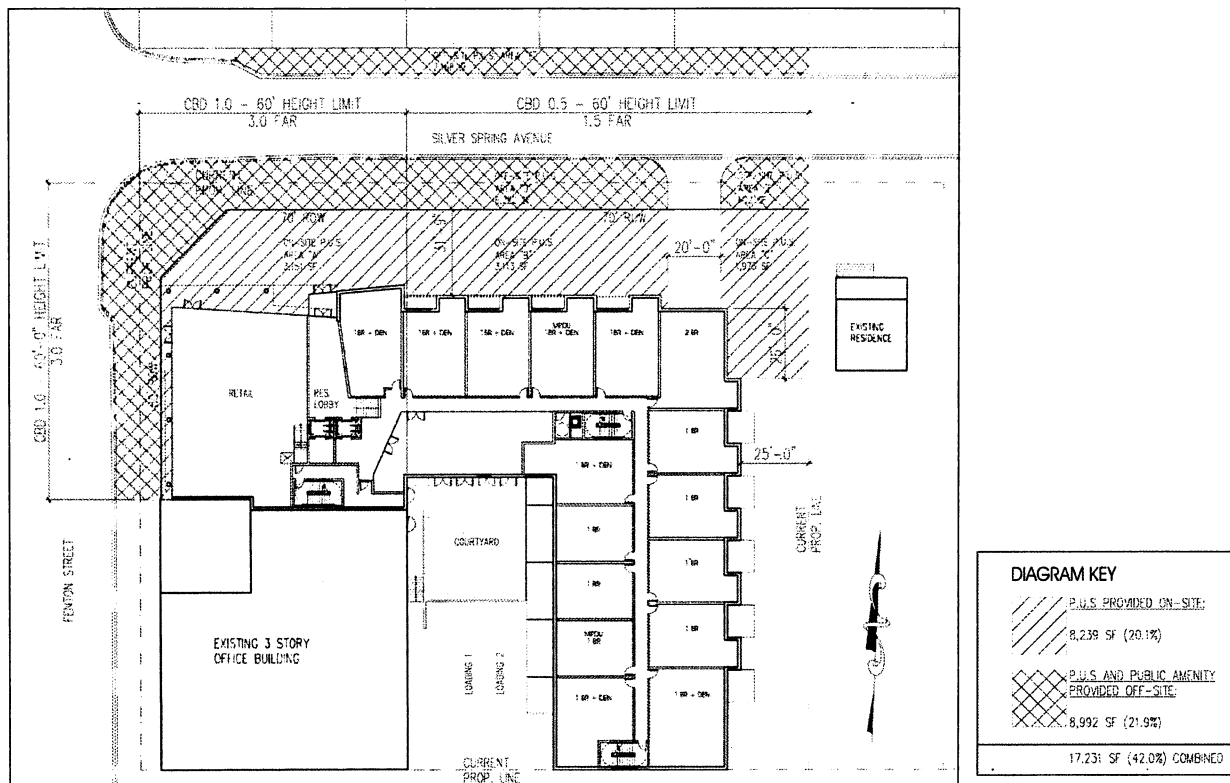
The Project Plan is meeting its full complement of required public open space on site in the form of a linear park along Silver Spring Avenue starting at the intersection with Fenton Street. The primary space is a hardscape plaza at the corner serving the retail space and the main building entrance. This plaza includes a raised platform for one of the public art pieces to be provided by the project. As the space moves deeper into the site towards the existing neighborhood, the character becomes less “urban” and more park-like, with attractively landscaped and well-lit seating areas between the sidewalk and the building. Though briefly interrupted by the parking garage entrance, this promenade is visually terminated by a second public art piece located at the northeast boundary of the site. Though no concept has been decided for the public art, it is the Applicant’s intent to strongly relate the two pieces across the site.



## Landscape Plan

## Public Use Space and Amenities

The Applicant proposes to provide on site a public use space equivalent to the required 20 percent of the net tract area. This 8,331-square-foot plaza is located between the building and Silver Spring Avenue and provides access to the ground-floor retail as well as the main residential entrance. In addition to the on-site public use open space, the applicant is providing an additional 8,992 square feet of streetscape improvements, including the undergrounding of overhead utility wires, in front of the site on the east side of Fenton Street and on both the north and south sides of Silver Spring Avenue. These improvements will enhance the attractiveness of the pedestrian environment and make their use more comfortable.



## Public Use and Amenity Space

### Pedestrian and Vehicular Access

The site is centrally located within the Fenton Village area of the Silver Spring CBD. There is an extensive sidewalk network and the site is five minutes' walk from a supermarket, restaurants, and Downtown Silver Spring. The site is also conveniently located for residents to walk to the Silver Spring Metro Station, about eight minutes' walk away.

Vehicular access to the parking area will be from Silver Spring Avenue with loading access from the public alley immediately south of the site. The 2-level parking garage under the building will provide up to 101 parking spaces for the residential units. As the site is within the parking lot district, the retail parking will be addressed by existing nearby public parking facilities and on-street spaces. The garage will include bicycle and motorcycle parking.

## PLANNING AND REGULATORY FRAMEWORK:

### Sector Plan

The Project Plan is in conformance with the Silver Spring CBD Sector Plan. A description of the themes and goals for the Silver Spring CBD are outlined in the Sector Plan Conformance standards on page 20.

## **Prior Approvals**

The proposed development is zoned CBD-1 and CBD-0.5. The property is comprised of parts of Lots 4, 5, 12, 13, and part of Lot 3, Block I, in Easley's subdivision.

## **Preliminary Plan**

The Applicant has submitted a Preliminary Plan of Subdivision (120070420), which is under review.

## **BASIS FOR CONSIDERATION OF ISSUES**

Per Sec. 59-D-2.43, in making its decision on an application for an Optional Method Project Plan, the Planning Board must consider:

- a. The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under chapter 56;*
- b. Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individual structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access;*
- c. Whether the vehicular circulation system, including access and off-street and loading, is designed to provide an efficient, safe and convenient transportation system;*
- d. Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities;*
- e. The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood;*
- f. The adequacy of provisions for construction of moderately priced dwelling units in accordance with Chapter 25A if that Chapter applies;*
- g. The staging program and schedule of development;*
- h. The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A;*
- i. The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.*

## **FINDINGS for Project Plan Review:**

Section 59-D-2.42 of the Zoning Ordinance sets forth the findings that must be made by the Planning Board and form the basis for the Board's consideration of approval. In accordance herewith, the staff recommends that the Planning Board make the following findings:

***(a) As conditioned, the proposal complies with all of the intents and requirements of the zone.***

The Montgomery County Zoning Ordinance states the purposes which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

- (1) *“to encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal Project Plan is approved on review by the Planning Board.”*

The Project Plan proposes to use the optional method of development and is in conformance with the Approved and Adopted 2000 Sector Plan for the Silver Spring Central Business District. This Project Plan would accomplish several Sector Plan objectives by providing new housing and ground floor retail. As recommended in the Sector Plan, this residential building is proposed for a height of 60 feet to include 94 units and 3,500 square feet of retail.

- (2) *“to permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents.”*

The Project Plan responds to the need for a variety of housing, including affordable housing, near the metro and Downtown Silver Spring in the CBD. Under the optional method, this project encourages the development of active urban streets by providing activated ground floor retail uses and a well-designed contextual public plaza and by improving the quality of the surrounding streetscape, enhancing Fenton Street and encouraging future development.

- (3) *“to encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.”*

The proposed project would continue the revitalization of Fenton Village as a neighborhood-oriented mixed-use urban district. In addition to continuing the development of an interesting and activated contemporary design for the Fenton Village retail frontage, this site and building design provide an excellent transition between the single-family neighborhood to the east of the site and the CBD. It sets the building back from Silver Spring Avenue to match the fronts of the single-family houses beyond, steps down the building height from five stories on Fenton Street to three and one-half stories adjacent to the houses, and on the three-and-one-half-story portion of the building features a townhouse-like character that modulates the massing to skillfully transition from the higher-density development of Fenton Street and the lower-density existing homes. The public spaces are well-designed and inviting and promise to be well used by residents moving along both Fenton Street and Silver Spring Avenue.

- (4) *“to promote the effective use of transit facilities in the central business district and pedestrian access thereto.”*

The site is well positioned to promote the use of transit in the CBD. Several local and regional bus lines run along Fenton Street and there is a stop in front of the site. The site is 2,200 feet, about an eight minute walk, from the Silver Spring Metro station. One block away is a Greyhound bus station, offering regional and national transit options. Additionally, future residents will be able to walk to the numerous places of employment and restaurant, retail, service, and arts uses within the CBD.

- (5) *“to improve pedestrian and vehicular circulation.”*

The project will provide an improved pedestrian sidewalk, replacing existing concrete sidewalk with the Silver Spring streetscape standard. Providing street trees and street lights and placing utilities underground will make walking along this site to Downtown Silver Spring, Georgia Avenue, or the residential neighborhood a more pleasant experience.

- (6) *“to assist in the development of adequate residential areas for people with a range of different incomes.”*

This project increases the diversity of dwelling unit types available in the CBD and increases the number of MPDUs. Currently, the predominant housing type in the area surrounding Fenton Village is single-family detached homes. The variety of unit types included in this multi-family building will provide more opportunities to accommodate people’s changing life situations in the community, encouraging residents to stay. This project will provide on site 82 market-rate units and 12 MPDUs (12.5 percent of the total unit count) for improved housing choice and affordability.

- (7) *“to encourage land assembly and the most desirable use of land in accordance with a sector plan.”*

The project would replace a paved parking lot, a vehicle impound lot and two single-family homes with a well-designed contemporary mixed-use building and inviting public open space. The site will consolidate the entireties or portions of five lots. This is a more desirable use of the land, adding residents who will use the businesses and services of the area, helping further revitalize Fenton Village and providing pedestrian activity on the street in a part of the CBD that has been underutilized.

**Section 59-C-6.213 states that it is further the intent in both the CBD-0.5 and CBD-1 Zones:**

- (1) *“to foster and promote the orderly development of the fringes of the Central Business Districts of the county so that these areas will provide land uses at a density and intensity which will encourage small business enterprises and diverse living accommodations, while complementing the uses in the interior portions of these districts; and*

The Project Plan proposes additional variety of residential unit type options for the edge of the CBD, including much-needed affordable housing, helping to promote sustainable

communities and “aging-in-place”. The additional foot traffic on Fenton Street will further help the neighborhood-scale businesses, restaurants, and services already in place and will promote the development of more such opportunities.

- (2) *“to provide a density and intensity of development which will be compatible with adjacent land uses outside the Central Business Districts.”*

The design of this Project Plan promotes compatibility with the adjacent lower-density residential community in several ways. First, it sets the building back from Silver Spring Avenue to match the fronts of the single-family houses beyond. Second, the building height steps down from five stories on Fenton Street to three and one-half stories adjacent to the houses. Third, the three-and-one-half-story portion of the building itself features a townhouse-like character that modulates the massing to skillfully transition from the higher-density development of Fenton Street and the lower-density existing homes. A generous 25-foot setback along the east side of the building also helps continue the single-family house side yard rhythm from the neighborhood onto the site.

**Section 59-C-18.191 states that it is further the intent in both the Fenton Village Overlay Zone to:**

- (1) *“facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment;*

This Project Plan skillfully knits together two development densities, 5-6 story office buildings and 2.5-story single family detached housing, by maintaining the street walls on both Fenton Street and Silver Spring Avenue while modulating the building massing and scale and introducing neighborhood-scaled landscaped space to transition between the two.

- (2) *“encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the overlay zone;*

Within this revitalizing urban district, the proposed project will set a high standard for attractive design compatibility, as described above.

- (3) *“provide flexibility of development standards to encourage innovative design solutions;*

- \* The project proposes a 5-story, 60-foot-high mixed-use residential building that provides an innovative design to transition between the higher densities along Fenton Street and the lower-density adjacent single-family homes.

- (4) *“allow for the transfer of the public use space requirement to other properties within the Overlay District; and*

The Applicant is providing the entirety of the required 20 percent public use space on site.

- (4) *“allow new uses.”*

The project is proposing 94 multi-family residential units and 3,500 square feet of retail space and is not including any new uses.

# **REQUIREMENTS OF THE CBD-0.5 AND CBD-1 ZONES**

Section 59-C-6.23 sets forth the development standards for the CBD-0.5 and CBD-1 zones. The following table summarizes the required and proposed project features:

**PROJECT PLAN DATA TABLE**

Zoning Ordinance Development Standard	Permitted/ Required CBD-0.5	Permitted/ Required CBD-1	Permitted/ Required/ Total	Proposed CBD-0.5	Proposed CBD-1	Proposed Total
Lot Area, Minimum (sf.)	18,000	18,000		37,950	17,315	
Allowed by 59-C-6.2352(3)			22,000			55,265
Previously dedicated area				5,250	5,402	10,652
Proposed dedicated area				1,500	2,121	3,621
Net lot area				31,200	9,792	40,992
Density, Total Maximum(FAR)	1.5	3		1.6	2.06	
			1.97			1.74
Density, Total Maximum (sf.)	56,925	51,945		60,874	35,699	
			108,870			96,573
Density, Non-Residential Maximum (FAR)	1	2	1.3	0	0.2	.06
Density, Non-Residential Maximum (sf.)	37,950	34,630		0	3,500	
			72,580			3,500
MPDUs, Minimum (percentage)			12.5			12.5
Total Units MPDUs					94	12
Public Use Space, Minimum On Site (percent of net lot area)	20	20		16.3	32.1	
			20			20.1
On-site (sf.)	6,240	1,958.4		5,088	3,151	
			8,198.4			8,239
Off-site amenity space (percent)						21.9
Off-site amenity space (sf.)						8,992
Total public use and amenity space (percent)						42
Total public use and amenity space (sf.)						17,231
Building Height, Maximum (ft.)*	60	60	60	60	60	60
Number of stories, Maximum			Not Specified			5
Building Setbacks, Minimum (ft.)						
Fenton Street			NA			0
Silver Spring Avenue			NA			25
East Side			NA			25
Alley			NA			0

Zoning Ordinance Development Standard	Permitted/ Required CBD-0.5	Permitted/ Required CBD-1	Permitted/ Required Total	Proposed CBD-0.5	Proposed CBD-1	Proposed Total
<b>Parking</b>						
2 studio units @ 1.25 spaces each			2.5			
74 one-bedroom units @ 1.25 spaces each			92.5			
6 two-bedroom units @ 1.5 spaces each			9			
1 studio MPDUs @ 0.625 spaces each			0.625			
10 one-bedroom MPDU @ 0.625 spaces each			6.25			
1 two-bedroom units @ 0.75 spaces each			0.75			
Subtotal			111.625			
Credit for Residential Development in a CBD (10 percent)			-11.1625			
<b>Residential Total</b>			<b>101</b>			
Retail, 3,500 sf. @ 5 spaces /1000 sf			18			
<b>Total</b>			<b>119</b>			
<b>Parking Lot District Reduction</b>			<b>-119</b>			
<b>Grand Total</b>			<b>0</b>			<b>101</b>

\* The vertical distance measured from the level of approved street grade opposite the middle of the front of a building to the highest point of roof surface of a flat roof. On a corner lot exceeding 20,000 square feet in area, the height of the building may be measured from either adjoining curb grade.

## Amenities and Facilities Summary

### On-Site Improvements

#### Landscaped Linear Plaza

- Brick-paved landscaped seating areas transition from streetscape to grass “front yard”.
- Landscaped tree beds complement the architecture, integrating the site and the building.

#### Public Art

- A coordinated pair of art installations to attract passersby and enhance the pedestrian experience.

### Off-Site Improvements

#### Streetscape

- Provision of the Silver Spring Streetscape standard details for the public sidewalk in front of the building and across Silver Spring Avenue.
- Undergrounding of utilities on the poles located within proposed streetscape improvements.

- (b) ***As conditioned, the proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.***

The Silver Spring Central Business District and Vicinity Sector Plan, approved by the County Council on February 1, 2000, outlined six themes, which articulate the shared goals and vision for a revitalized Silver Spring. Four of these themes (i.e., a commercial downtown, a residential downtown, a green downtown, and a pedestrian-friendly downtown) apply to this project proposal. One of the objectives of the Silver Spring CBD Sector Plan is to encourage a mix of offices, retail and other business enterprises. This project provides retail space that will help achieve the above stated objectives. Another objective of the Sector Plan is to provide new housing that will help support the commercial uses in the Core. This project provides housing choices for those seeking an enriched and active place to live, close to employment and shopping choices. A Green Downtown is another theme that this project supports. It incorporates nature into the city through tree-lined streets and well-landscaped public open space. The installation of street trees per the Silver Spring Streetscape Plan on both sides of Silver Spring Avenue helps meet this goal. Finally, the project encourages the development of active streets by providing retail entries at the corner of Silver Spring Avenue and Fenton Street and ample space between the building and curb that will allow room for wide sidewalks, street furnishings, and landscaping. The quality of the pedestrian environment will also be improved through the provision of public art.

The proposed project addresses the Sector Plan Goals for the Fenton Village Overlay Zone. The building is 60' tall at Fenton Street which is allowed by the overlay zone for housing. The project also addresses the Sector Plan goal of tapering the building heights approaching the edge of the CBD and "ensuring compatibility with existing buildings and uses within and adjacent to the overlay zone".

- (c) ***As conditioned, because of its location, size, intensity, design, operational characteristics, and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.***

The project is complementary to the more contemporary architectural character of the larger Silver Spring CBD, as well as the more traditional character of the bungalows and other single-family detached houses east of the site. The design and scale of the project, the pedestrian and vehicular circulation, and streetscape improvements enhance the edge of the CBD and provide a neighborhood amenity gathering space. The proposed development is compatible with the existing development occurring along Fenton Street and Silver Spring Avenue in terms of design, scale, and use, and will encourage redevelopment of Fenton Village.

The surrounding properties are a mix of residential, office, and retail uses, ranging from neighboring 2.5-story single-family houses to the adjacent 5- and 6-story office buildings. The project site is located between high-rise apartments to the north, single-family residences on the east, and 2-6-story commercial buildings on the north, south, and west.

- (d) ***As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under chapter 24A, article H, is subject to a traffic mitigation agreement that meets the requirements of that article.***

The project will be built in one phase. As indicated in the Transportation Planning memo dated June 26, 2007, the residential project will not severely impact the adjacent intersections. Public utilities will be provided from Fenton Street

Although the project is located within the Silver Spring Parking District, the Applicant is providing up to 101 parking spaces on site for the 94 dwelling units. Parking for the ground-floor retail uses is available on-street or at the public parking facility across Fenton Street. Additionally, several local and regional bus lines frequent Fenton Street, and the Silver Spring Metro is about 8 minutes' walk. Secondary access to the site for loading will be from the public alley south of the site.

- e) ***The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.***

The optional method of development of this site permits a more efficient and desirable product than the standard method of development.

Under the standard method of development, the project could achieve only about two-thirds of the proposed dwelling units and would provide only 8 MPDUs. Under the optional method, this plan provides twelve MPDUs. The project also provides significant urban public open space, public art, and streetscape improvements. Under the standard method of development, the project would yield half the public use space, a minimal amount of streetscape, and no amenity space.

- f) ***The proposal will include moderately priced dwelling units in accordance with Chapter 25A of the Code, if the requirements of that chapter apply.***

The proposed development is providing 12 MPDUs on site, 12.5 percent of the total number of units, in accordance with the provision of Chapter 25A of the Montgomery County Zoning Ordinance. The project is not providing Workforce Housing units, as the application was submitted on November 30, 2006, prior to the December 1, 2006, effective date of the Workforce Housing legislation and regulations. Staff accepted the Project Plan on April 8, 2007.

- g) ***As conditioned, the proposal satisfies any applicable requirements for forest Conservation under Chapter 22A.***

The Environmental Planning Division reviewed the proposed project and determined the plan to be adequate pending revisions that will be addressed by Preliminary Plan.

- h) *As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

The applicant has submitted a stormwater management concept plan to the Department of Permitting Services. The concept plan remains under review.

## **APPENDIX**

### **A: Staff and Agency Review Approvals**

## Appendix A: Staff and Agency Review Approvals



**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

June 22, 2007

**MEMORANDUM**

**TO:** ✓ Elza Hisel-McCoy, Senior Planner  
Development Review Division

Cathy Conlon, Subdivision Supervisor  
Development Review Division

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

*gk*

**FROM:** John Marcolin, ASLA, Planner Coordinator  
Community-Based Planning Division

*Jm*

**SUBJECT:** Project Plan #920070130 and Preliminary Plan #120070420  
Moda Vista

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The Community-Based Planning staff has reviewed the above referenced Project and Site Plan for conformance with the Silver Spring Central Business District and Vicinity Sector Plan (Approved February 2000) including the recommendations for the Fenton Village Overlay District for part of the project site (lots 12 and 13 at the corner of Fenton Street and Silver Spring Avenue). The subject property is located on south side of Silver Spring Avenue, the east side of Fenton Street, or the southwest quadrant of the intersection of Silver Spring Avenue and Fenton Street. Community-Based Planning recommends the approval of this Project and Site Plan with the following conditions needed to ensure consistency with the approved CBD Sector Plan:

1. Provide full width streetscape improvements on the south side of Silver Spring Avenue (Type "B") fronting the proposed project in accordance with the *Silver Spring Streetscape Plan* (April 1992) Technical Manual or as amended.
2. Provide streetscape improvements to existing right of way (10' width) on the north side of Silver Spring Avenue (Type "B") in accordance with the specifications of the *Silver Spring Streetscape Plan* (April 1992) Technical Manual or as amended.
3. Proposed art elements in proposed on-site public use spaces to be reviewed and approved by the public art panel before site plan submittal.
4. On-site public use spaces, including the space at eastern end of project, at entry to private use space at this point, to be more fully refined before site plan submittal.

## **ZONING AND LAND USE:**

The 44,624 square foot (55,276 square foot gross tract area for determining density) subject property is zoned CBD-1 (Central Business District 1.0) and CBD-0.5 (Central Business District 0.5). 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 proposed mixed used development is composed of 3,500 square feet of retail, and 89,262 square feet of residential space, for a total of 92,762 square feet. The proposal will be implemented under the optional method of development. The project proposes a combined FAR of 1.68. The maximum total density permitted for this site under the optional method of development is an FAR of 2.0.

The minimum required on-site public use space for this project is 8,201 square feet (20% of the net lot area of 41,003 square feet). The applicant is proposing 10,390 square feet of on-site public use space and amenities, which equals 25% of the net lot area. The applicant also proposes 6,620 square feet of off site amenity space, which equals 16% of the net lot area, in the form of streetscaping per the Silver Spring Streetscape Plan. The applicant proposes 17,010 square feet of on site public use space and amenities and off-site improvements for a total of 41% of the net lot area.

## **SECTOR PLAN CONFORMANCE:**

The Silver Spring Central Business District and Vicinity Sector Plan, approved by the County Council on February 1, 2000 outlined six themes, which articulate the shared goals and vision for a revitalized Silver Spring. Four of these themes (i.e.; a commercial downtown; a residential downtown; a green downtown and a pedestrian friendly downtown) apply to this project proposal. One of the objectives of the Silver Spring CBD Sector Plan is to encourage a mix of offices, retail and other business enterprises. This project provides retail space that will help achieve the above stated objectives. Another objective of the Sector Plan is to provide new housing that will help support the commercial uses in the Core. This project provides housing choices for those seeking an enriched and active place to live, close to employment and shopping choices. A Green Downtown is another theme that this project supports. It incorporates nature into the city through tree-lined streets and well-landscaped public open space. The installation of street trees per the Silver Spring Streetscape Plan on both sides of Silver Spring Avenue helps meet this goal. Finally, the project encourages the development of active streets by providing retail entries at the corner of Silver Spring Avenue and Fenton Street and ample space between the building and curb that will allow room for wide sidewalks, street furnishings, and landscaping. The quality of the pedestrian environment will also be improved through the provision of public art.

The proposed project addresses the Sector Plan Goals for the Fenton Village Overlay Zone (pp 60-69). The building is 60' tall at Fenton Street which is allowed by the overlay zone for housing (pg.68) The project also addresses the Sector Plan goal of tapering the building heights approaching the edge of the CBD and "ensuring compatibility with existing buildings and uses within and adjacent to the overlay zone" (p.28 and p.64).

**STREETSCAPE:**

This applicant proposes to improve the Silver Spring Street frontage (south side) with a streetscape treatment consisting of a 15-foot wide sidewalk separated from the curb by street trees. This frontage will be improved with the type "B" streetscape treatment. On the north side of Silver Spring Street the 10' space between existing curb and right of way will be upgraded paving, street trees and lighting in accordance with the standards of the Silver Spring Streetscape (April 1992) technical manual.

**COMMUNITY OUTREACH:**

The applicant met with the following to describe the proposed development:

1. Silver Spring Chamber of Commerce Economic Development Committee - January 4, 2007.
2. Silver Spring Urban District Advisory Committee - February 15, 2007
3. East Silver Spring Citizens Association - February 19, 2007
4. Silver Spring Citizens Advisory Board Commercial and Economic Development Committee - February 21, 2007.

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**MONTGOMERY COUNTY PLANNING DEPARTMENT**  
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

June 26, 2007

**MEMORANDUM**

TO: Elza Hisel-McCoy, Analyst  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning

FROM: David Paine, Coordinator  
Transportation Planning

SUBJECT: Project Plan 920070130  
8115 Fenton Street, Moda Vista Residences  
Silver Spring CBD Metro Policy Area



This memorandum is Transportation Planning staff's review of the proposed project plan to facilitate construction of 94 garden apartment units and 3,500 square feet of retail. With recommendations listed below, we find the transportation network adequate to support the proposed project plan.

**RECOMMENDATIONS**

Transportation Planning staff recommends the following conditions as part of the APF test for transportation requirements related to Local Area Transportation Review (LATR) to be followed at the time of preliminary plan:

1. Limit the preliminary plan to 94 High-rise Apartment units and 3,500 square feet of retail.
2. Dedicate 40 feet of right-of-way from the centerline of Fenton Street.
3. Dedicate 35 feet of right-of-way from the centerline of Silver Spring Avenue.
4. Coordinate with Mike Madden of the MTA regarding a deep tunnel alignment alternative for the Purple Line transitway in this area.

## DISCUSSION

### Site Location, Access, and Circulation

The subject property is located south of Silver Spring Avenue, east of Fenton Street in the Silver Spring CBD Metro Policy Area. The applicant proposes vehicle access via garage entrance from Silver Spring Avenue and a loading bay off of an alley to the south.

### Master Planned Roadways and Bikeways

The adjacent roadways are listed in the *2000 Silver Spring CBD Sector* and *2005 Countywide Bikeways Functional Master Plan*. Fenton Street is designated as an arterial street, A-264, with an 80-foot right-of-way. Silver Spring Avenue is designated as a business district street with a 70-foot right-of-way and as a signed, shared roadway.

### Local Area Transportation Review

According to the submitted traffic study, the table below shows the number of peak-hour vehicular trips generated by the proposed land uses during the weekday morning and evening peak periods, 6:30 to 9:30 AM and 4:00 to 7:00 PM:

Proposed Land Uses	Proposed	Weekday Peak-Hour Trips	
		AM	PM
High-Rise Apartments	94	42	42
Retail	3,500 SF	2	7
Total Vehicular Trips Proposed		44	49

Under the *FY 2005 Annual Growth Policy*, a traffic study is required to satisfy Local Area Transportation Review at time of preliminary plan because the proposed land uses generate 30 or more peak-hour trips within the weekday evening peak period. The applicant submitted a traffic study at time of project plan to support a finding that roadway infrastructure is adequate to support approval of the project.

In the traffic study submitted April 1, 2007, the table below shows the resulting critical lane volume (CLV) values for the existing, background, and the total future traffic conditions.

The background traffic condition includes existing traffic plus traffic generated by approved developments.

Intersection	Weekday Peak-Hour	Traffic Condition		
		Existing	Background	Total
Fenton Street and Thayer Avenue	AM	688	830	832
	PM	878	1,037	1,044
Fenton Street and Silver Spring Avenue	AM	620	630	637
	PM	807	819	851

As noted in the table, the weekday peak-hour Critical Lane Volume analysis concludes that total traffic conditions CLV at all of the study intersections are below the Silver Spring CBD Policy Area congestion standard of 1,800.

#### Pedestrian Access and Transit

Pedestrian access is provided via sidewalks to be built to Silver Spring streetscape standard via Silver Spring Avenue (18 feet typical) and Fenton Street (18 feet wide) plus the Fenton Street curb extensions at the intersection with Silver Spring Avenue. Additional pedestrian and bicycle access and circulation could be considered at time of preliminary plan and site plan, if needed.

The Purple Line, formerly known as the Bi-County Transitway and/or Georgetown Branch, is currently being planned along a number of alignments connecting the Silver Spring/Sarbanes Transit Center to New Carrollton. One alignment being studied by the MTA and Montgomery County proceeds under the property in this area. Should this tunnel alignment be chosen, it would come in the form of a deep bore tunnel that is not expected to affect the project plan layout for this building. Nevertheless, the applicant has been placed in touch with Mike Madden of the Maryland Transit Authority to accommodate the design of the transitway.

DP:tc

mmo to Elza re 920070130.doc

**MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES  
WATER RESOURCES SECTION**

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: May 24, 2007

MEMO TO: Robert Kronenberg, Acting Supervisor  
Development Review Committee, MNCPPC

FROM: *David Kuykendall*  
~~William Campbell~~  
Water Resources Section, MCDPS

SUBJECT: Stormwater Management Concept Plan/100-Year Floodplain Review  
Site Plan # \_\_\_\_\_,  
Project Plan # 920070130 \_\_\_\_\_, The Moda Vista Residence  
Preliminary Plan # 120070420 \_\_\_\_\_, DPS File # 229643  
Subdivision Review Meeting of May 29, 2007

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for a 100year floodplain. The following summarizes our findings:

**SM CONCEPT PLAN PROPOSED:**

- ☐ **On-site:** ☐ CPv ☐ WQv ☐ Both  
☐ **CPv** < 2cfs, not required  
☐ On-site/Joint Use ☐ Central (Regional): waived to  
☐ Existing ☐ Concept Approved  
☐ **Waiver:** ☐ CPv ☐ WQv ☐ Both  
☐ Approved on \_\_\_\_\_  
☐ **Other**

**Type Proposed:**

- ☐ Infiltration ☐ Retention ☐ Surface Detention ☐ Wetland ☐ Sand Filter  
☐ Separator Sand Filter ☐ Non Structural Practices ☐ Other

**FLOODPLAIN STATUS:** 100 Year Floodplain On-Site ☐ Yes ☒ No ☐ Possibly

- ☐ Provide source of the 100Year Floodplain Delineation for DPS approval:  
☐ Source of the 100-Year Floodplain is acceptable.  
☐ Submit drainage area map to determine if a floodplain study (> or equal to 30 acres) is required.  
☐ Dam Breach Analysis: ☐ Approved ☐ Under Review:  
☐ 100-Year Floodplain study: ☐ Approved ☐ Under Review:

**SUBMISSION ADEQUACY COMMENTS:**

- ☐ Provide verification of Downstream notification.

**RECOMMENDATIONS:**

- ☐ Approve ☐ as submitted ☐ with conditions (see approval letter)  
☐ Incomplete; recommend not scheduling for Planning Board at this time.  
☒ Hold for additional information. See below  
☒ Comments/Recommendations: Concept is currently under review. Vertical clearance of twelve feet is required for maintenance access to the Storm Water management structures.

cc: Steve Federline, Environmental Planning Division, MNCPPC

bll DRC site plan.03/01

EPD Recommendation to Dev Rev Div: Hold for revision/additional information

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
DEVELOPMENT REVIEW COMMITTEE RECOMMENDATIONS**

TO: Cathy Conlon  
Development Review Division

SUBJECT: Plan # 1-07042 & 9-07013, Name The Moda Vistas Residences  
DRC date: Tuesday, May 29, 2007

The above-referenced plan has been reviewed to determine if it meets requirements of the Guidelines for Environmental Management of Development in Montgomery County, and other county regulations that may apply. The following recommendations are made for the DRC meeting:

**SUBMITTAL ADEQUACY**

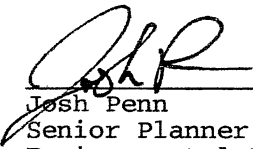
Plan is Adequate. (see recommendations below)

**EPD RECOMMENDATIONS:**

Hold for the following Revisions/Additional Information before scheduling for Planning Board:

X Revise forest conservation plan (see FCP recommendation sheet)

SIGNATURE: \_\_\_\_\_

  
Josh Penn  
Senior Planner  
Environmental Planning

DATE: 5/25/07

cc: Burgess and Niple

**Reminder:** Address your submissions/revisions to the Reviewer who completed the Comments sheet.  
Put the Plan numbers on your cover/transmittal sheets.

**MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION  
FOREST CONSERVATION PLAN RECOMMENDATIONS**

TO: Cathy Conlon  
Development Review Division

SUBJECT: Preliminary Forest Conservation Plan # 120070420  
Preliminary Plan Moda Vista Residences  
Date Recd 11/30/06 NRI/FSD # 4-07090

The subject Forest Conservation Plan has been reviewed by the Environmental Planning Division to determine if it meets the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). The following determination has been made:

**SUBMISSION ADEQUACY**

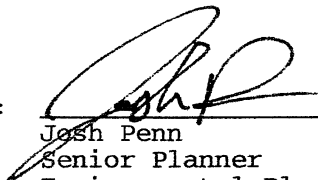
Adequate as submitted

**RECOMMENDATIONS**

Revise according to the comments specified below.

- 1- The forest conservation worksheet is incorrect. Please revise the numbers so that they are accurate. Additionally please demonstrate where the .08-acre dedication not being improved is located.
- 2- The preliminary forest conservation must be in compliance with section 109 of the forest conservation regulations.
- 3- Why is specimen tree #5 being removed? It appears from the preliminary plan that this tree may be able to be saved.

SIGNATURE: \_\_\_\_\_

  
Josh Penn  
Senior Planner  
Environmental Planning

DATE: 5/25/07

cc: Burgess and Niple