

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 County 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.

Consistent with Montgomery County Code § 59-D-2.7, Project Plan No. 9-04007 will remain valid for 24 months from the Initiation Date (30 days after the mailing of the written opinion or at the conclusion of an administrative appeal, including the running of any further applicable appeal periods) provided that a complete site plan application is filed within 18 months of the Initiation Date.

[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY
M-NCPPC LEGAL DEPARTMENT
DATE 12/30/05

APPENDIX C



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

March 10, 2005

Mr. Steven Wilde
Macris, Hendricks & Glascock, P.A.
9220 Wightman Road, Suite 120
Montgomery Village, MD 20886

Re: Stormwater Management **CONCEPT** Request
for Easley Subdivision
Preliminary Plan #: Pending
SM File #: 216524
Tract Size/Zone: 0.65 acres / CBD-1
Total Concept Area: 0.65 acres
Lots/Block: Lot 10, part of lots 5,6 &7/F
Parcel(s): N/A
Watershed: Sligo Creek

Dear Mr. Wilde:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site water quality control via construction of a green roof. Onsite recharge is not required because this is a redevelopment project. Channel protection volume is not required because the one-year post development peak discharge is less than or equal to 2.0 cfs.

The following **items** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. The green roof is credited as providing a measure of channel protection for this development.
6. Since the green roof will provide formal stormwater management controls, a maintenance covenant will be required. Please work directly with the Montgomery County Department of Environmental Protection (MCDEP) to produce an agreeable document. It is not feasible to use the County's standard easement and covenant documents for a project of this nature. The document(s) must be recorded in the County Land Records prior to detailed plan approval. Please contact Dan Harper at MCDEP (240-777-7709).



7. The green roof must cover a minimum of 9,600 square feet of roof area, as proposed in this concept submittal. Prior to detailed plan submission, the design must be submitted to the County's "New Products" Review Committee for conceptual review and approval. Please contact Richard Gee at 240-777-6333.
8. Additional measures should be investigated for water quality control for this project. These may include designing the planter boxes to provide some water quality control, use of pavers for pedestrian areas, etc.
9. Note that all covered parking areas must drain to WSSC.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact Mark Etheridge at 240-777-6338.

Sincerely,



Richard R. Brush, Manager
Water Resources Section
Division of Land Development Services

RRB:dm mce

cc: R. Weaver
S. Federline
SM File # 216524

QN -ON; Acres: 0.65
QL - ON; Acres: 0.65
Recharge is not provided

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

TO: Doug Johnsen, Development Review Division

SUBJECT: Project Name Easley Subdivision, Lot 10 & Part of Lots 5, 6 & 7 Date Recd 01/06/05
NRI/FSD # 4-05071E

The above-referenced plan has been reviewed by the Environmental Planning Division to determine the requirements of Chapter 22A of the Montgomery County Code (Forest Conservation Law). A determination has been made that the plan qualifies for the following exemption:

EXEMPTION:

X **Small Property**

X Activity occurring on a tract less than or equal to 1.5 acre in size where there is no existing forest and afforestation, requirements would be less than 10,000 square feet, and no specimen or champion trees will be disturbed;

___ Activity occurring on a tract less than or equal to 1 acre in size where activity will not result in the clearing of more than 30,000 square feet of existing forest, or any specimen or champion trees, and reforestation requirements would be less than 10,000 square feet.

Note: Tree preservation and/or replanting of individual trees may be required. Forest within any priority area on-site must be preserved.

This property may be subject to a Tree Save Plan.

This property is not within a Special Protection Area*.

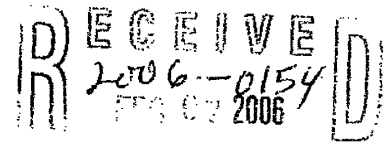
* Properties within a Special Protection Area (SPA) must submit a Preliminary Water Quality Plan. **Contact Leo Galanko at MCDPS for information regarding the requirements (240-777-6242).**

Comments At the preliminary plan stage we will determine whether a Tree Save Plan is required or not.

Signature: 
Evelyn W. Gibson, Environmental Planning, CWP Division

Date: 01/14/05

cc: Lauren Wirth, for the applicant (Fax 301-948-0693)



DOWNTOWN SILVER SPRING URBAN DISTRICT

Douglas M. Duncan
County Executive

Gary Stith
Director

February 6, 2006

Mr. Derick Berlage, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Mr. Berlage:

The Silver Spring Urban District Advisory Committee (SSUDAC) received an update on The Adele project located in downtown Silver Spring at Fenton Street and Thayer Avenue. We are pleased with how this project is moving forward. The concept for the development of the public use space has been greatly improved and the proposed public art will add interest and contribute to our effort to enhance the Arts and Entertainment District.

The site plan shows the proposed entrance to the parking for The Adele from the publicly dedicated alley that is perpendicular to Fenton Street and serves as the access to the County PLD's Lot 3. By locating the entrance off of the alley, this will keep the new streetscape on Fenton Street and Thayer Avenue from being disrupted by an entrance. This will not only enhance the aesthetics of the area but should create a safer environment for pedestrians around this building by keeping all of the cross traffic in one location at the existing alley entrance where pedestrians are expecting vehicular access.

The Department of Public Works and Transportation is concerned about this location for the parking off the alley because the alley is only 20 feet wide. To address this, the developer has proposed to include a six foot wide area with their paving pattern between the dedicated alley and the building which could be used by pedestrians but would not be separated from the alley by a curb so vehicles could use it when necessary. We would encourage DPWT to agree with this location for the parking entrance for this project. We are aware of the potential development of Lot 3 and do not feel this project will conflict with this new joint development.

The Silver Spring Urban District Advisory Committee continues to support this project

Information and Assistance • Clean and Safe

8435 Georgia Avenue • Silver Spring, Maryland 20910 • 301/565-7300, FAX 301/565-5849

Mr. Berlage
Page 2
February 6, 2006

and hopes that this will be the beginning of the new Fenton Village. We ask the Montgomery County Planning Board to give final approval to this project.

Sincerely,

A handwritten signature in black ink that reads "Tom Collins". The signature is written in a cursive style with a large, stylized "C" at the end.

Tom Collins
Chair

cc:

Douglas M. Duncan, County Executive
Art Holmes, Director, Department Public Works and Transportation
Robert Hubbard, Department of Permitting Services

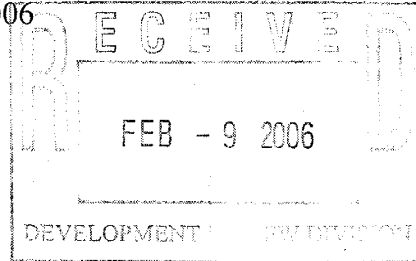


SILVER SPRING REGIONAL CENTER

Douglas M. Duncan
County Executive

Gary Stith
Director

February 7, 2006



Mr. Lewie Bloom
Fenton Street Development LLC
4412 Walsh Street
Chevy Chase, Maryland 20815

Re: *The Adele* – Maintenance of Nonstandard Streetscaping within the Public Right-of-Way

Dear Mr. Bloom:

This letter confirms the Silver Spring Urban District's agreement with Fenton Street Development LLC concerning the maintenance of proposed nonstandard streetscaping materials to be located within the Fenton Street and/or Thayer Avenue rights-of-way in connection with the development of *The Adele* mixed-use project. The project is located at the southwest quadrant of the intersection of Thayer Avenue with Fenton Street.

The proposed Site Plan for *The Adele* (Site Plan Review No. 820060200) contemplates the extension of special paving materials and landscaping into the public right-of way. Although at the time of site plan approval the Planning Board will determine the limit and types of materials to be located within the public right-of-way, the Silver Spring Urban District agrees any approved nonstandard materials shall be maintained as follows:

1. The Property owner shall be responsible for maintaining all nonstandard materials located within the public-right-of-way.
2. The Property owner shall maintain a replacement supply of the nonstandard paving materials equal to ten percent (10%) of the total quantity of nonstandard paving materials installed within the public right-of-way. The replacement materials shall be stored on the Property.
3. Upon request, The Property owner shall provide the Silver Spring Urban District with access to the replacement supply of nonstandard paving materials, and the Silver Spring Urban District shall be permitted to use the replacement materials as necessary to replace any damaged materials located within the public right-of-way in the event the Property owner fails to do so. Before taking any action under this paragraph, the Property owner shall be given notice



Regional Services/Redevelopment Program/Urban District

8435 Georgia Avenue • Silver Spring, Maryland 20910 • 301/565-7300, FAX 301/565-7365
silsprng.citizen@montgomerycountymd.gov

Mr. Bloom
February 7, 2006
Page 2

and a reasonable opportunity to replace the damaged materials. In the event that the Silver Spring Urban District finds it necessary to make repairs or replace the non-standard materials, the cost to the Silver Spring Urban District will be covered by imposing an Optional Method Development Fee as permitted by County Code upon the Property Owner.

4. The Property owner must obtain all necessary approvals and permits before installing any materials within the public right-of-way.

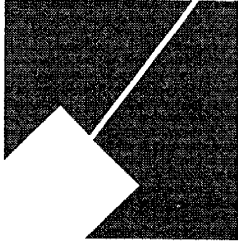
If you have any questions, please contact me at (301) 565-7359.

Sincerely,

A handwritten signature in cursive script that reads "Gary Stith".

Gary Stith
Director

cc:
Mr. Robert Kronenberg
Todd D. Brown, Esq.



March 14, 2006

MEMORANDUM

TO: Robert Kronenberg, RLA, Planner Coordinator
Development Review Division

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

SUBJECT: Site Plan Review No. 820060200
The Adele

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

1. Provide full width streetscape improvements on Fenton Street and Thayer Avenue in accordance with the *Silver Spring Streetscape* (April 1992) technical manual or as amended.
2. Enter into an agreement with the Silver Spring Urban District for maintenance of all or some of the streetscape improvements.

ZONING AND LAND USE:

The 29,326 square foot (41,743 square foot gross tract area) 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 Overlay Zone, which provides for flexibility of development standards to encourage innovative design solutions.

The proposed commercial and residential uses are permitted under the CBD-1 Zone. The proposal will be implemented under the Optional Method of Development. The project proposes 145,471 gross square feet of development including 96 residential units, 15,020

square feet of retail and 18,200 square feet of office. The development has a 3.0 FAR plus a 22 percent residential density bonus (with 15 percent MPDUs), which is the permitted maximum for mixed-use, Optional Method projects under the CBD-1 Zone. The minimum required public use space for this project is 5,705 square feet (20 percent of the net lot). The project proposes 5,705 square feet of on-site public use space, which equals 20 percent of the net lot, plus off-site streetscape improvements.

The Fenton Village Overlay Zone mandates height restrictions in order to address compatibility issues. The Overlay Zone requires a maximum height of 60 feet for projects on the west side of Fenton Street. The building height may be increased up to 90 feet for projects that are at least 33 percent residential and where the additional height is placed closest to Georgia Avenue and decreases as you move east toward Fenton Street.

The proposed building is set back 8 feet from the Fenton Street right-of-way and is 60 feet in height. A 90-foot portion of the building mass is setback an additional 12 feet for a total setback of 20 feet from the Fenton Street right-of-way. This is generally consistent with the provisions in the Fenton Overlay Zone and similar guidance in the Sector Plan in terms of achieving two important objectives. The first objective is encouraging new housing in mixed-use projects within Fenton Village. The second is achieving a gradual transition in building height between the central part of the CBD (along Georgia Avenue) and the edge along Fenton Street. Building heights along the east side of Fenton Street are limited to 60 feet for residential projects.

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. Four of these themes (i.e. a residential downtown; a green downtown; a commercial downtown; and a pedestrian-friendly downtown) apply to this proposed project. The Sector Plan does not specifically identify the proposed project site as a potential housing site. However, the Sector Plan does encourage housing as an important component of the revitalization efforts and recommends height incentives for the construction of new housing in Fenton Village.

The proposed project is being developed under the optional method of development and proposes a new public open space. This project encourages the development of active urban streets by providing street-facing building entrances and a highly visible public space with a public art component as an activity generator. This project expands the employment base within the CBD by providing new retail and office opportunities. This project encourages the development of active urban streets and improves the quality of the pedestrian environment by providing the Silver Spring streetscape treatments on Thayer Avenue and Fenton Street. While the proposed project is larger than most existing buildings on Fenton Street, staff feels that the approved building height and land uses meets the compatibility requirements of the Overlay Zone and the Sector Plan for future redevelopment.

COMMUNITY OUTREACH:

The applicant has presented the development proposal to the East Silver Spring Citizens Association (ESSCA) and the Commercial and Economic Development (CED) Subcommittee of the Silver Spring Citizens Advisory Board. The Silver Spring Urban District submitted a letter on February 6, 2006, in support of the project.

GK:tv: G:\Kreger\The Adele.doc



CHECKLIST Site Plan / Project Plan Review

Plan # 820060200 Name: EASLEY SUBDIVISION "THE ADELE"
 Zone: CBD-1 Tract Area: 0.96 ac GROSS Proposed Use: RESIDENTIAL/OFFICE RETAIL
 Number of Units: 96 Square Footage: 145,471 SF.
 Development Method: OPTIONAL Other: _____

Referral Comments:

M-NCPPC

	Staff	Date
Transportation	<u>SE</u>	<u>12/7/05</u>
Environmental	<u>EG</u>	<u>1/14/06</u>
Community Planning	<u>GK</u>	<u>3/4/06</u>
Historic Planning	<u>N/C</u>	_____
Park Planning	<u>N/C</u>	_____
Research/Housing	<u>N/C</u>	_____

Other Agencies

	Staff	Date
SHA	<u>N/C</u>	_____
DPS (SWM)	<u>RB</u>	<u>3/10/05</u>
DPS (Traffic)	<u>SN</u>	<u>12/5/05</u>
Public School	<u>N/C</u>	_____
Utility	<u>RB</u>	<u>12/5/05</u>
Fire & Rescue	_____	_____
DPW & T	<u>EL</u>	<u>2/23/06</u>

Development Standards / Requirements

- Zoning Requirements
- MPDU Calculation
- Building Restriction Lines
- Development Data Table
- TDR Calculation
- Building Height
- Recreation Calculation
- Timing/Phasing Conditions
- Master Plan Conformance

Prior Approvals

- Project Development Plan
- Preliminary Plan
- Prior Site Plan Approvals
- Record Plat

Community Input

- Civic Association SILVER SPRING REGIONAL CNTR, DOWNTOWN S.S. URBAN DISTRICT
- Individuals _____

Supervisor Review

3-24-06 RAH

Chief Review
