



## **Housing Opportunities Commission Headquarters Office Building Location Selection – Mandatory Referral No. 2021002**

 Matthew Folden, AICP, Planner Coordinator, DownCounty Planning, [matthew.folden@montgomeryplanning.org](mailto:matthew.folden@montgomeryplanning.org), 301.495.4539

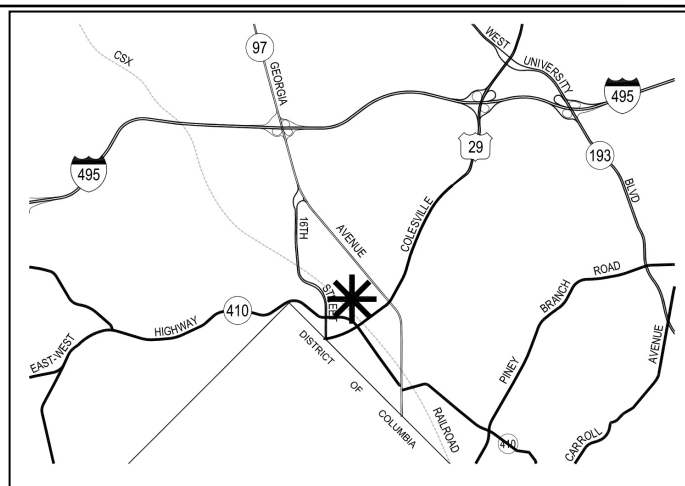
 Stephanie Dickel, Supervisor, DownCounty Planning, [stephanie.dickel@montgomeryplanning.org](mailto:stephanie.dickel@montgomeryplanning.org), 301.495.4527

 Elza Hisel-McCoy, Chief, DownCounty Planning, [Elza.Hisel-McCoy@montgomeryplanning.org](mailto:Elza.Hisel-McCoy@montgomeryplanning.org), 301.495.2115

**Completed: 10.2.20**

### **Description**

- Proposal: Site selection for the new Housing Opportunities Commission Headquarters office building of up to 82,356 square feet in Downtown Silver Spring;
- Current use: surface parking lot;
- Located on the southeast corner of the Second Avenue/ Fenwick Lane intersection in Downtown Silver Spring;
- 0.47 acres (20,589 square feet) of tract area zoned CR 5.0 C 4.0 R 4.75 H145T in the 2000 *Silver Spring Central Business District Sector Plan*;
- Applicant: Housing Opportunities Commission of Montgomery County;
- Acceptance date: August 19, 2020



### **Summary**

- Staff recommends approval of the proposed Housing Opportunities Commission Headquarters office building site selection with conditions.
- The Subject Mandatory Referral review is for site selection only; a subsequent mandatory referral for site design and architecture will be filed at a later date.
- Staff received one letter from the community raising concerns about the scale and compatibility of the proposed development. These concerns are summarized and addressed in the staff report.

## SECTION 1: RECOMMENDATION

### **MANDATORY REFERRAL NO. 2021002**

Staff recommends approval of Mandatory Referral No. 2021002, for the selected Site for a new sole-tenancy headquarters office building for the Housing Opportunities Commission of Montgomery County of up to 82,356 total square feet, on 0.47 acres of land, zoned CR 5.0 C 4.0 R 4.75 H145T.

1. Mandatory Referral Application for Building and Site Design  
The Applicant must submit a separate application for Mandatory Referral review of building and site design.
2. Subdivision Plan  
The Applicant must submit a Subdivision Plan for the creation of a new record lot, the finding of adequate public facilities, and other applicable requirements of Chapter 50.
3. Review of Sketch Plan and Site Plan  
The Applicant must submit Sketch Plan and Site Plan applications for review as an Optional Method of Development project if the building tenancy will not be limited to the Housing Opportunities Commission of Montgomery County or other public entity.

## SECTION 2: SITE DESCRIPTION

### Site Vicinity and Analysis

#### *Subject Property*

The subject site (Subject Property or Property) consists of an existing surface parking lot located on the southeast corner of Second Avenue and Fenwick Lane in downtown Silver Spring. The Property is comprised of 0.47 acres or 20,589 square feet of tract area.

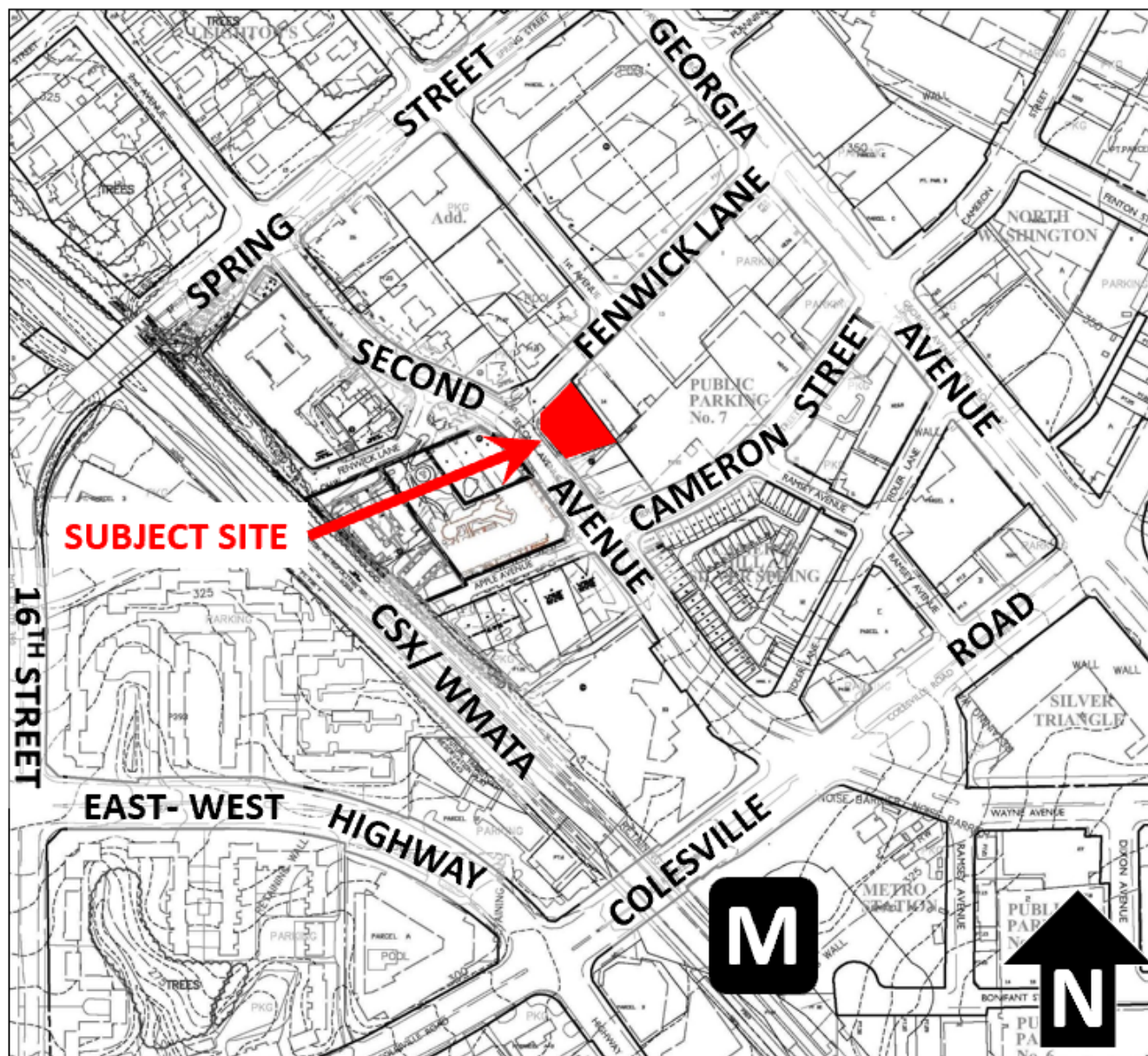


Figure 1-Vicinity Map

The Property is within the area encompassed by the 2000 *Silver Spring Central Business District Sector Plan* (Sector Plan). The Property is located within a ¼ mile of both the Silver Spring Metrorail Station and Paul S. Sarbanes Transit Center and falls within the Silver Spring Parking Lot District (PLD).



### Site Analysis

The Property is zoned CR 5.0 C 4.0 R 4.75 H145T and is currently improved as a surface parking lot that will be removed from the Site to accommodate the Project. The Site currently consists of Parts of Lots 32, 33, 34, and 35 within E. Brooke Lee's Second Addition to Silver Spring subdivision, as originally recorded by Plat No. 237 in 1922. There are no known rare, threatened, or endangered species on site; there are no 100-year floodplains, stream buffers, or wetlands on site. There are no known historic properties on site.



Figure 2 – Site Aerial

### Surrounding Uses

The Property is surrounded by a mix of residential and non-residential uses. Abutting the Property to the east is the 8-story *Octave 1320* multifamily residential building and to the south is the *Cameron-Second Garage* (Public Garage No. 7). Confronting the Site to the west, across Second Avenue, is the existing *Elizabeth House* (to be redeveloped under Site Plan No. 820170140) and *Alexander House* (Site Plan Amendment No. 81989071B) multifamily developments. Confronting the Site to the north, across Fenwick Lane, are two single-family detached buildings serving commercial uses, *Fenwick Beer and Wine* and *1323 Fenwick Lane*.





*Figure 3: Fenwick Lane Frontage (Looking South)*



*Figure 4: Second Avenue Frontage (Looking east)*

## SECTION 3: PROJECT DESCRIPTION

### Proposal

The Application proposes to locate the new Housing Opportunities Commission of Montgomery County (HOC) Headquarters office building at the southeast corner of the intersection of Second Avenue and Fenwick Lane in downtown Silver Spring. The subject Mandatory Referral application, designated MR2021002, seeks approval of the selected Site. No development is included with this Application. Building and site design, including development standards, will be reviewed as part of a subsequent Mandatory Referral application to be submitted for review at a later date.

### Sector Plan

The Property is comprised of several parts of lots on a small corner within downtown Silver Spring and is subject to the Approved and Adopted 2000 *Silver Spring Central Business District Sector Plan* (Sector Plan). The Site is located in the area designated “Other Areas of the CBD” (Sector Plan, page 69) and is shown as proposed for “transitional mixed use” in the Proposed Land Uses Map (page 30), but is not specifically discussed in the Sector Plan. The zoning designation at the time of the Sector Plan (CBD-2) and subsequent conversion to CR-5.0 C-4.0 R-4.75 H-145T, as part of the 2014 Zoning Ordinance rewrite, permit the use and density contemplated through the Subject Mandatory Referral.

More broadly, the location of the HOC Headquarters on the selected Site satisfies many of the major themes of the Sector Plan. The location of a public office building on the Site supports the Civic and Commercial Downtown themes. The ready pedestrian and bicycle access from the Site to multi-modal transit options and numerous community-serving retail and recreation opportunities supports the Transit-Oriented, Green, and Pedestrian-Friendly Downtown themes. The Site selected by HOC through this Application substantially conforms to the 2000 *Silver Spring Sector Plan*.

### Forest Conservation

There are no environmentally sensitive features, such as streams, wetlands, floodplains or associated buffers, on the Site. The Site is located within the Lower Rock Creek watershed, a Use I watershed. This Project is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2) because the proposed activity occurs on a tract of land less than one acre with no existing forest and will not result in the clearing of more than 20,000 square feet of existing forest. Staff confirmed Forest Conservation Exemption 42021027E on September 23, 2020 (Attachment A).

### Community Outreach

The Applicant held a virtual pre-submittal public meeting, via the “GoTo Meeting” platform with an optional dial-in number for those unable to join via the Internet, at 7:00 PM on July 22, 2020. The Applicant has complied with all submittal and noticing requirements.

As of the date of this Staff Report, staff received one letter from the community (Attachment B) raising concerns about the compatibility of the future HOC Headquarters building and scale of development. The primary concerns raised in the letter are summarized and addressed below:

- **The proposed commercial use is not acceptable given the predominance of residential uses in the surrounding vicinity.**

The blocks surrounding the Site contain a great diversity of uses, both public and private. These include several multifamily apartment buildings and townhouses, but also include a Montgomery County Courthouse, a YMCA Multi-Generational Center, and numerous office buildings one block away along

Spring Street, Georgia Avenue, and Colesville Road. As the Sector Plan identified this area of downtown Silver Spring as appropriate for “transitional mixed use,” the location of the HOC Headquarters use will readily fit into the surrounding uses.

- **The building is too large for the Site and will negatively impact the adjacent Octave Condominium building, located immediately to the east of the subject property, and will create a closed-in, claustrophobic feel on Second Avenue.**

Staff appreciates the concern about the proximity between the existing Octave building and the future HOC Headquarters building. As with any infill development in downtown Silver Spring, staff will review the forthcoming Mandatory Referral for building and site design with this issue specifically in mind.

- **The location of the building will make entry into the Octave Condominium less safe by eliminating the clear line of sight present within the existing parking lot.**

Again, Staff appreciates the concern regarding safe access both to the selected Headquarters site and the associated impact on the Octave. Staff will be reviewing this and other issues at the time of both the forthcoming Mandatory Referral application for building and site design and subdivision application.

## **CONCLUSION**

As conditioned, the Site selected for location of the new HOC Headquarters building is consistent with the uses allowed by the Zone and the general and specific recommendations of the *Silver Spring CBD Sector Plan*. Staff recommends approval of the Site selection with the conditions cited above.

## **ATTACHMENTS**

- A. Forest Conservation Exemption
- B. Community Correspondence



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

September 23, 2020

Frank Johnson  
Macris, Hendricks, & Glascock, P.A.  
Montgomery Village, MD 20886

Re: Forest Conservation Exemption 42021027E; HOC HQ

Frank Johnson:

Based on the review by staff of the Montgomery County Planning Department, the exemption request submitted on August 5, 2020 for the plan identified above, is confirmed. The project is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(s)(2) because the activity will occur on a tract less than 1 acre that will not result in the clearing of more than a total of 20,000 square feet of existing forest, or any existing specimen or champion tree, and reforestation requirements would not exceed 10,000 square feet. There is no forest on site.

A pre-construction meeting is required after the limits of disturbance have been staked prior to clearing and grading to verify the limits of disturbance and to determine what tree protections are required. The project manager should contact inspector David Wigglesworth at [david.wigglesworth@montgomeryplanning.org](mailto:david.wigglesworth@montgomeryplanning.org) or at 301-495-4581 before construction to schedule this pre-construction meeting. The site supervisor, construction superintendent, forest conservation inspector, a private Maryland licensed tree expert, and the Montgomery County Department of Permitting Services sediment control inspector shall attend this pre-construction meeting.

You may contact me at [kristin.taddei@montgomeryplanning.org](mailto:kristin.taddei@montgomeryplanning.org) or at 301-495-4597.

Sincerely,

Kristin Taddei  
Forest Conservation Planner Coordinator  
Development Application and Regulatory Coordination Division



**From:** Karen Storms [<mailto:karenstorms@hotmail.com>]  
**Sent:** Wednesday, August 19, 2020 8:43 PM  
**To:** Smith, Will Senator <[Will.Smith@senate.state.md.us](mailto:Will.Smith@senate.state.md.us)>; Charkoudian, Lorig Delegate <[Lorig.Charkoudian@house.state.md.us](mailto:Lorig.Charkoudian@house.state.md.us)>; Moon, David Delegate <[David.Moon@house.state.md.us](mailto:David.Moon@house.state.md.us)>; Wilkins, Jheanelle Delegate <[Jheanelle.Wilkins@house.state.md.us](mailto:Jheanelle.Wilkins@house.state.md.us)>  
**Subject:** Concern about placement and size of proposed Housing Opportunities Commission Headquarters

Greetings Senator and Delegates,  
Thank you for taking the time to read my email.

I am deeply concerned about the proposed new **Housing Opportunities Commission headquarters** planned for the corner of 2nd Ave & Fenwick Ln in Silver Spring. It is slated to be built right next to The Octave condominiums, and will certainly reduce the property value of those units facing the new building, if not the entire building, and perhaps the Alexander House & Elizabeth House apartments across the way as well.

The proposed building is simply too large for the parcel size given its proximity to a residential building in a primarily residential block.

Below are my main areas of concern:

1. This is primarily a residential block within an urban vicinity. I'm sure when this parcel was originally zoned, it was zoned for commercial use & office buildings. The Octave condos were repurposed from an old office building. But nearly all the surrounding buildings are now residential. The land use that would have been appropriate when the area was largely commercial, is no longer acceptable.
2. The building proposal (attached) is too large for the site, given the residential use of the surrounding land. Nearly every square inch of land will be covered by the new building's footprint, crowding the Octave, and leaving only a cramped one-way driveway between it, the Octave, and the adjacent parking garage. The Octave residents' windows on the East side of the building would look directly at a wall, blocking almost all of the natural light from entering their units. Even the view from the Octave's roof terrace would be blocked by the HOC building.
3. Not only does the new building encroach too close to the Octave condos, it will create a crowded corridor between it and the tall apartment buildings across from it on 2nd Ave. (Alexander House & Elizabeth House) This will create a closed-in, claustrophobic feel on this block of 2nd Ave.
4. This will also make entry into the Octave less safe from the rear doors (facing 2nd Ave). Currently, the parcel is used as a surface parking lot. There is clear sight from the road to the doors from both 2nd Ave & Fenwick Lane. If the HOC building is built as planned, residents returning to the Octave after business hours will be completely blocked from view if they enter from the back door. Even if they use the front doors, when walking from the South on 2nd Ave (as you would come from the Metro), they would be quite visually isolated in that one block stretch of 2nd, making getting to the

front door a little less safe as well. It would feel a bit like a wide alley instead of an urban residential street.

While I am sympathetic to the scarcity of land in Silver Spring for new development, this simply seems like a bad fit. It is more than a little ironic that building the new Housing Opportunities Commission headquarters on this plot would so adversely impact the homeowners and renters already living there.

with great appreciation,

-Karen Storms (she/her)

1320 Fenwick Lane, #400, SS MD 20910

240-281-3415

<HOC\_Headquarters\_Office\_Building\_-\_Mandatory\_Referral\_-\_  
\_Public\_Community\_Meeting.pdf>