

Housing Opportunities Commission Headquarters Office Building and Site Design – Mandatory Referral No. 2021013

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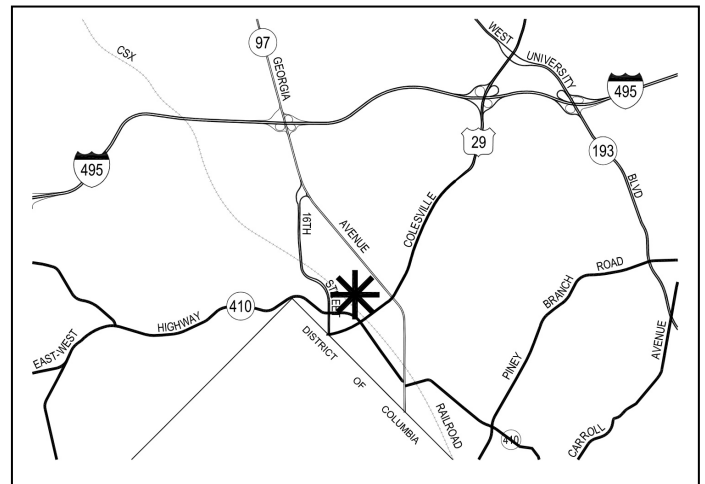
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Completed: April 2, 2021

Description

- Proposal: Building and Site design for the new Housing Opportunities Commission Headquarters office building of up to 82,220 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 (20,555 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: February 17, 2021;
- Review Basis: Maryland Land Use Article, Title 20, Subtitle 3, Mandatory Referral and 2001 Uniform Standards for Mandatory Referral Review, as amended.



Summary

- Staff recommends approval of the proposed Housing Opportunities Commission Headquarters office building and site design, with conditions, and transmittal of comments to the Housing Opportunities Commission of Montgomery County.
- The Project will provide a new 132-foot tall transit-oriented public agency headquarters office building in downtown Silver Spring with no parking spaces.
- The Applicant is seeking Alternative Compliance for the Section 59.6.1.4 Design Standards to retain the two existing driveways for this corner lot.
- Staff received correspondence stating opposition to the Project's size and concerns about compatibility with adjacent development.

SECTION 1: RECOMMENDATION

MANDATORY REFERRAL NO. 2021013

Staff recommends approval of Mandatory Referral No. 2021013 for the Building and Site Design associated with a new sole-tenancy headquarters office building for the Housing Opportunities Commission of Montgomery County. The development is limited to 82,220 total square feet, on 0.47 acres of land, zoned CR 5.0 C 4.0 R 4.75 H145T. The development must comply with the conditions of approval associated with Mandatory Referral No. 2021002 and Administrative Subdivision No. 620210120, subject to the following conditions:

1. Subdivision Plan

The Applicant should receive approval of Administrative Subdivision Plan No. 620210120 for the creation of a new record lot, the finding of adequate public facilities, and other applicable requirements of Chapter 50. The Administrative Subdivision Plan should show:

- a. Creation of a new record lot with an approximate Site Area of 15,921 square feet and a minimum Tract Area of 20,555 square feet.
- b. Dedication of all land necessary to achieve a minimum of 40-feet of public right-of-way, as measured between the property line and the Fenwick Lane right-of-way center line; and
- c. All necessary easements must be recorded prior to the issuance of an occupancy permit.

2. Height

The development is limited to a maximum height of 132 feet, as measured from the building height measuring point, as illustrated on the Mandatory Referral Plan.

3. Building Design

The exterior architectural elements should be substantially similar to the architectural elevations as shown on the Mandatory Referral Plan.

4. Lighting

- a. Prior to issuance of any building permit, the Applicant should provide certification to Staff from a qualified professional that the exterior lighting in this Mandatory Referral Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting should be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights should have full cut-off or BUG-equivalent fixtures.
- c. Deflectors will be installed on all fixtures to prevent excess illumination and glare.
- d. Illumination levels generated from on-site lighting should not exceed 0.5 footcandles (fc) at the lot line, excluding areas impacted by street lights within the right-of-way.
- e. Streetlights and other pole-mounted lights should not exceed the height illustrated on the Mandatory Referral Plan.
- f. On the rooftop of the building, the light pole height should not exceed the height illustrated on the Mandatory Referral Plan.

5. Streetscape

The Applicant should install the following streetscape improvements consistent with the Silver Spring Central Business District Streetscape Standards, including the undergrounding of utilities, on both the Fenwick Lane and Second Avenue frontages:

- a. Fenwick Lane: a 7-foot wide "Planting/Furnishing Zone" and a 7-foot wide "Pedestrian Through Zone," in accordance with the Silver Spring Streetscape Design Standards for a Narrow Street; and

- b. Second Avenue: a 6-foot wide “Planting and Furnishing Zone” and a 10-foot wide “Pedestrian Through Zone,” in accordance with the Silver Spring Streetscape Design Standards for a Generous Street (modified) along a designated Habitat Corridor.

6. Bicycle Facilities

- a. Separated Intersection: The Applicant should install a new concrete median on Second Avenue, between the bicycle lane and vehicular travel lane, and install a curb extension on Fenwick Lane, as shown on the Mandatory Referral Plan.
- b. Separated Bicycle Lanes: The Applicant should improve the existing two-way separated bike lane on east side of Second Avenue with a concrete median buffer.
- c. Bicycle Parking: The Applicant should provide 8 short-term bicycle spaces near the main pedestrian entrance and 14 long-term bicycle parking spaces internal to the building, in accordance with the *2020 Bicycle Parking Guidelines*.

7. Transportation Demand Management

Before the release of any above-grade building permit, the Applicant should coordinate with and gain approval from MCDOT on a Level 3 Results Transportation Demand Management (TDM) Plan to participate in the Silver Spring Transportation Management District (TMD) and work toward the Montgomery County Council’s goal of 46 percent Non-Auto Drive Mode Share (NADMS) during peak travel periods.

8. Forest Conservation

The Applicant should schedule the required site inspections by M-NCPPC Forest Conservation Inspection Staff per Section 22A.00.01.10 of the Forest Conservation Regulations.

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 20,555 square feet of tract area.

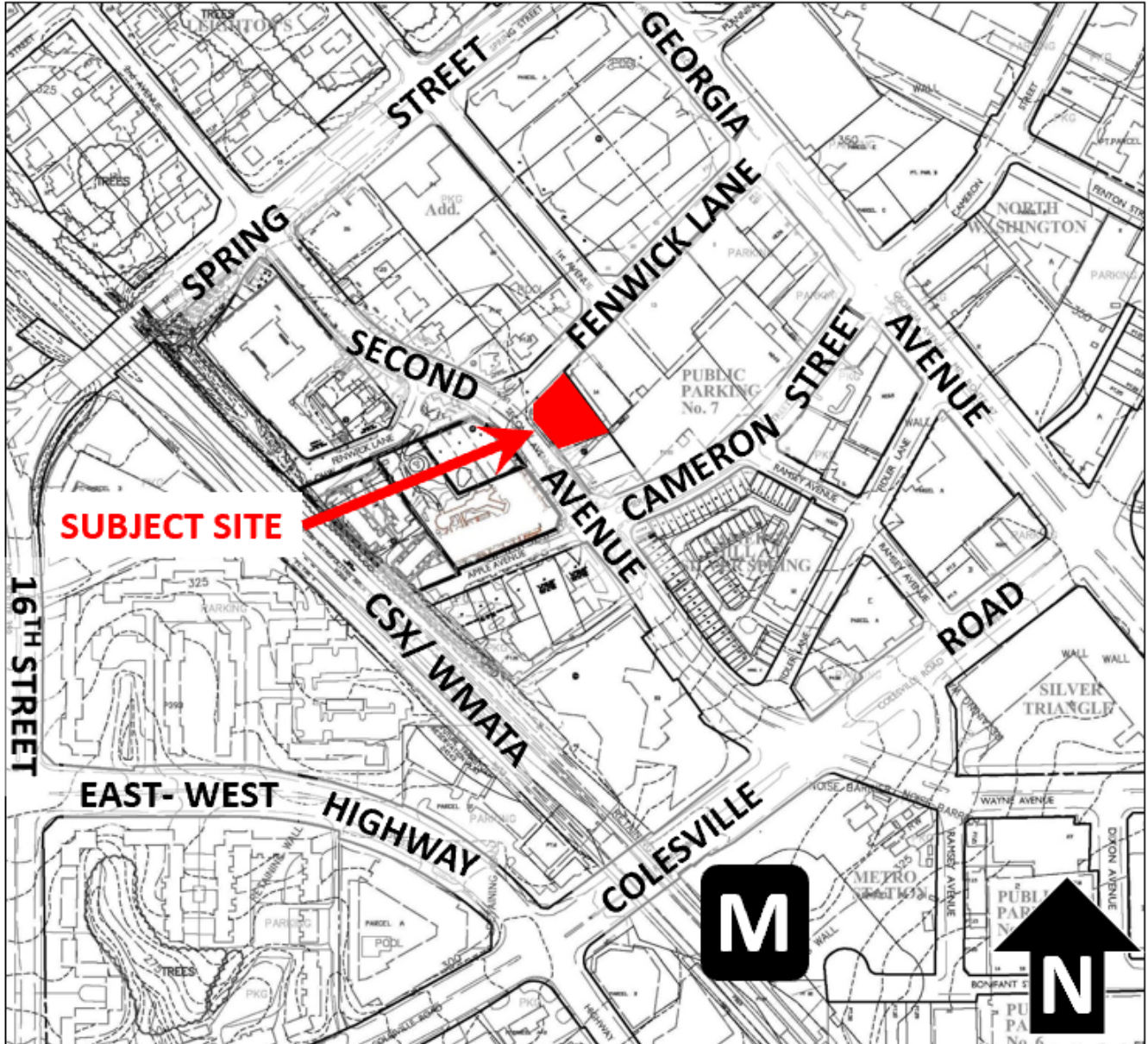


Figure 1: Vicinity Map

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 1922.¹ 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 of varying heights and densities. Abutting the Property to the east is the 8-story *Octave 1320* multi-family 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 with multiple buildings comprised of up to 906 multi-family residential dwelling units, including a 23-story Elizabeth House IV building, under Site Plan No. 820170140) and Alexander

¹ A concurrent Administrative Subdivision Application, designated No. 620210120, is under review to consolidate the existing parts of lots into a new lot of record measuring approximately 15,921 square feet (0.36 acres) of Site Area.

House (an existing 143-foot tall building approved through Site Plan Amendment No. 81989071B). 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: Adjacent Elizabeth Square Development
(As viewed from Fenwick Lane, looking west)



Figure 4: Fenwick Lane Frontage (Looking South)



Figure 5: Second Avenue Frontage (Looking east)

SECTION 3: PROJECT DESCRIPTION

Prior Approvals

Site Selection Mandatory Referral

On October 15, 2020, the Planning Board approved Mandatory Referral No. MR2021002 (Attachment A) for selection of the Subject Property as the location of the new headquarters office building for the Housing Opportunities Commission of Montgomery County (HOC). No site design elements or architectural features were approved through Mandatory Referral No. MR2021002.

Administrative Subdivision

On January 26, 2021, the Applicant submitted Administrative Subdivision No. 620210120 for the Subject Property in accordance with Section 50.6.1.D., "Consolidation of existing lots or parts of lots in a nonresidential zone," of the Subdivision Regulations. That application seeks to consolidate Parts of Lots 32, 33, 34, and 35 within the E. Brooke Lee's Second Addition to Silver Spring subdivision, as originally recorded by Plat No. 237 in 1922, into a new lot, measuring approximately 15,921 square feet (0.36 acres) of Site Area, to support future redevelopment of the Site as the new Housing Opportunities Commission Headquarters office building comprised of up to 82,220 square feet of gross floor area. Approval of Administrative Subdivision No. 620210120 is anticipated subsequent to the Planning Board's action on the Subject Application.

Proposal

The Subject Application proposes a new Housing Opportunities Commission of Montgomery County (HOC) Headquarters office building ("HOC HQ") at the southeast corner of the intersection of Second Avenue and Fenwick Lane in downtown Silver Spring. The subject Mandatory Referral application, designated No. MR2021013, builds upon the previous site selection Mandatory Referral, designated No. MR2021002, and seeks approval of the building architecture and site design associated with the new HOC HQ building. The Project will provide a commercial building with a maximum density of up to 82,220 square feet of development and a height of up to 132 feet.

The proposal represents an exciting addition to downtown Silver Spring by locating a public sector office building within easy walking distance to the Silver Spring Metrorail that will enhance and balance the existing mix of uses within the immediate vicinity. The Subject Property is across Second Avenue from one of HOC's largest projects, Elizabeth Square, and will place public services related to the agency's affordable housing mission in a transit-rich downtown.

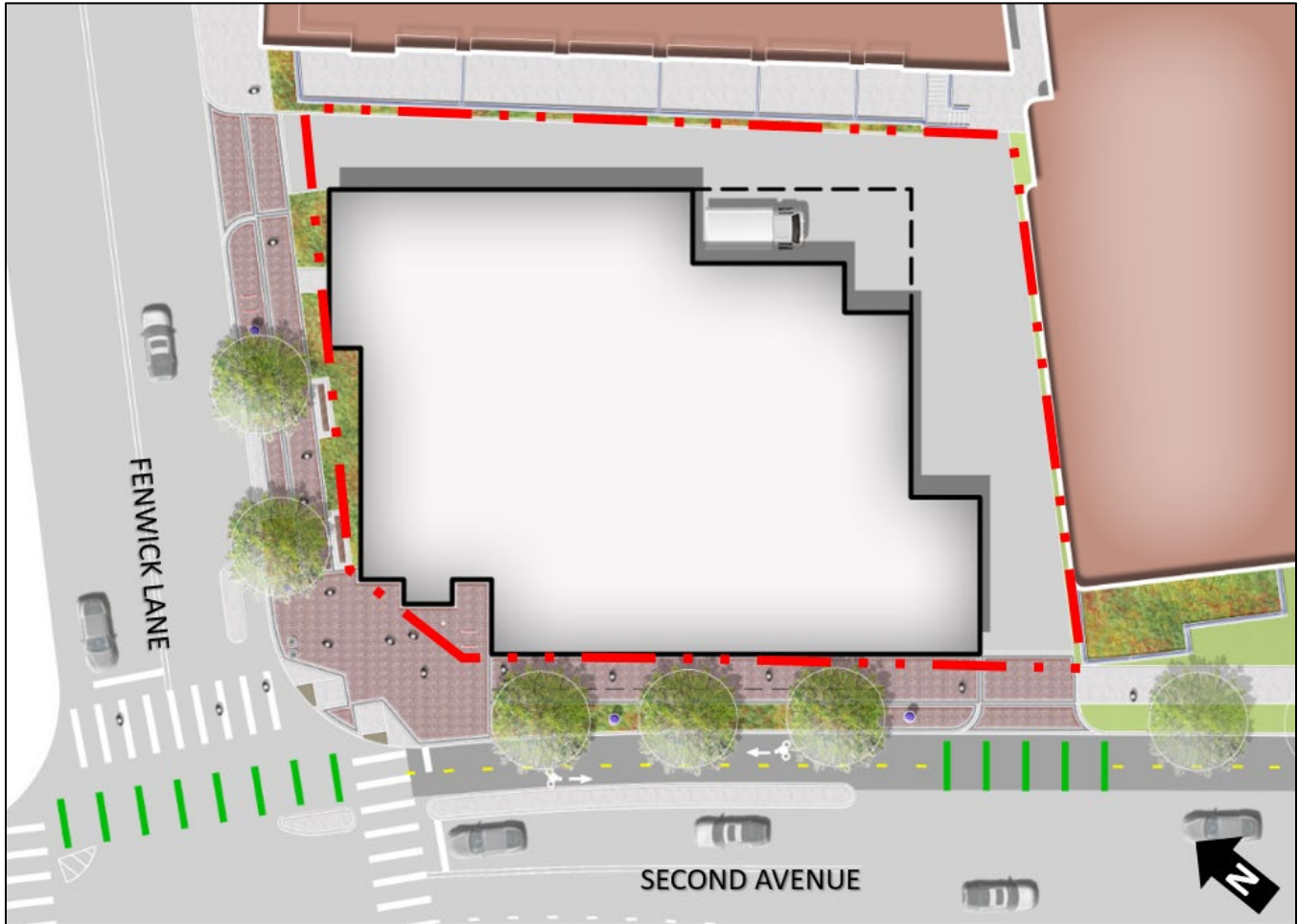


Figure 6: Illustrative Mandatory Referral Plan

Building and Site Design

The proposed building will occupy the entire southeast corner of the intersection of Second Avenue and Fenwick Lane in Silver Spring. The building’s main pedestrian entrance is proposed at the corner of Second Avenue and Fenwick Lane and although there is no parking provided on-site, a one-way loading driveway is provided inbound from Fenwick Lane and outbound onto Second Avenue. This one-way driveway will be shared with the adjacent Octave 1320 Condominium building.

The building’s massing at the Second Avenue corner is set back from the street to create a focal point public plaza for the building entry. Facing Fenwick Lane, above the third level, the upper floors are set back to help break down the scale of the building massing and to establish a pedestrian scale that responds to building heights north of Fenwick Lane. On the northern corner, adjacent to the Octave 1320 Condominium, the upper floors are recessed to create more separation between the two structures and to provide more natural light to the buildings.

The building elevations use differences in glazing treatment to emphasize interior functions. Larger, open glass surfaces are inviting to the pedestrian and are used to highlight the two-story lobby, the Service Center along Second Avenue, and the Hearing Room on the second level. In addition, conference rooms rising from the buildings’ corner are also heavily glazed to entice the eye upward and emphasize the corner’s dramatic and inviting statement. At the top of the building, large glass expanses create an attractive amenity area for employees, inviting them outdoors and inviting those outdoors inside.

The proposed building is compatible with adjacent existing and approved development and will contribute positively to downtown Silver Spring by replacing an existing surface parking lot with an attractive public agency office building that enlivens the street all hours of the days. Specifically, the building will provide a transition from the higher height associated with the approved 23-story Elizabeth House IV building, located across Second Avenue, and the lower scale Octave 1320 Condominium building located to the east of the Subject Property. As a result of the building’s massing and articulation, the building’s overall scale will be broken-down to fit within the context established by the surrounding development and will contribute positively to the Silver Spring streetscape with an open and activating presence.



Figure 7: HOC HQ Perspective View



Figure 8: Northwest Façade



Figure 9: Southwest Façade



Figure 10: Southeast Façade



Figure 11: Northeast Façade

Open Space

The Subject Property has a Site Area of less than ½ an acre and two right-of-way frontages. In accordance with Section 59.4.5.4B.1. of the Zoning Ordinance, the Project is not required to provide public open space. No open space is provided with the Subject Application.

Site Access Circulation, Loading, and Parking

The Site is located within ¼ mile from the Silver Spring Metro Station and is within the block that includes the Public Parking Garage No. 7, which has a maximum parking capacity of 1,224 long-term and 111 short-term vehicular parking spaces. On-street, short-term metered parking will continue to be provided on both sides of Fenwick Lane between Second Avenue and Georgia Avenue.

The Site is currently served by two vehicular access points: one on Fenwick Lane and one on Second Avenue, both of which are proposed to remain¹ and function in the future condition as a one-way service driveway with vehicles entering from Fenwick Lane and exiting on Second Avenue (right-out-only). This configuration is desirable on this Site because it consolidates vehicular access on the Subject Property with the adjacent Octave 1320 Condominium. No parking will be provided as part of the Subject Application. Therefore, the only vehicles using the Site driveways will be service vehicles. Since the vehicular traffic volume will be very low on Site (likely fewer than 5 trips per day) the Applicant is seeking alternative compliance (permitted under Section 59.6.8.1) for Section 59.6.1.4.C., which limits the number of driveways for corner lots to one, so that both existing driveways may remain.

Pedestrians will access the building via the main lobby entrance, located at the southeast corner of the Fenwick Lane and Second Avenue intersection. Pedestrian access will continue to be provided by the existing sidewalk network along Fenwick Lane and Second Avenue, which will be improved in accordance with the new Silver Street Streetscape Standards. The Fenwick Avenue frontage will be improved with a 7-foot wide Pedestrian Through Zone and a 7-foot wide Planter/Furnishing Zone with new street trees, exceeding the minimum widths required for a “Narrow Streets with Tree & Grate” street typology, per the 2019 *Silver Spring Streetscape Standards (Streetscape Standards)*. The Second Avenue frontage will be improved with a 10-foot wide Pedestrian Through Zone and a variable width (6-to-7) foot wide Planter/Furnishing Zone with new street trees. Although Second Avenue will meet the minimum width required for the pedestrian through zone for a “Generous Street with Bike Lanes” along a Habitat Corridor street typology, the constrained nature of the Site requires a reduction in the planter/ furnishing zone. This reduction results in a minimum 6-foot wide planter/ furnishing zone where an 8-foot wide planter/ furnishing zone is required.

Bicycle access to the Site is provided along a two-way separated bike lane along the east (Site frontage) side of Second Avenue. This bicycle facility was recently installed by MCDOT and reflects an interim design, comprised of pavement striping and flex posts, to buffer bicyclists from motor vehicles traveling on Second Avenue. As recommended in this Staff Report, the Applicant will implement the master-planned separated bike lanes by installing raised medians between the bicycle and vehicular travel lanes. The Applicant will also improve the separated intersection treatment at Second Avenue and Fenwick Lane by installing two new elements at the southeast corner of the intersection: a concrete median on Second Avenue and a curb extension on Fenwick Lane. No bicycle facilities are planned on Fenwick Lane. The Project will provide 8 short-term and 14 long-term bicycle parking spaces on-site and will be installed in accordance with the 2020 *Bicycle Parking Design Guidelines*.

¹ The existing driveway on Second Avenue will be shifted slightly to the southeast to maximize buildable area on site.

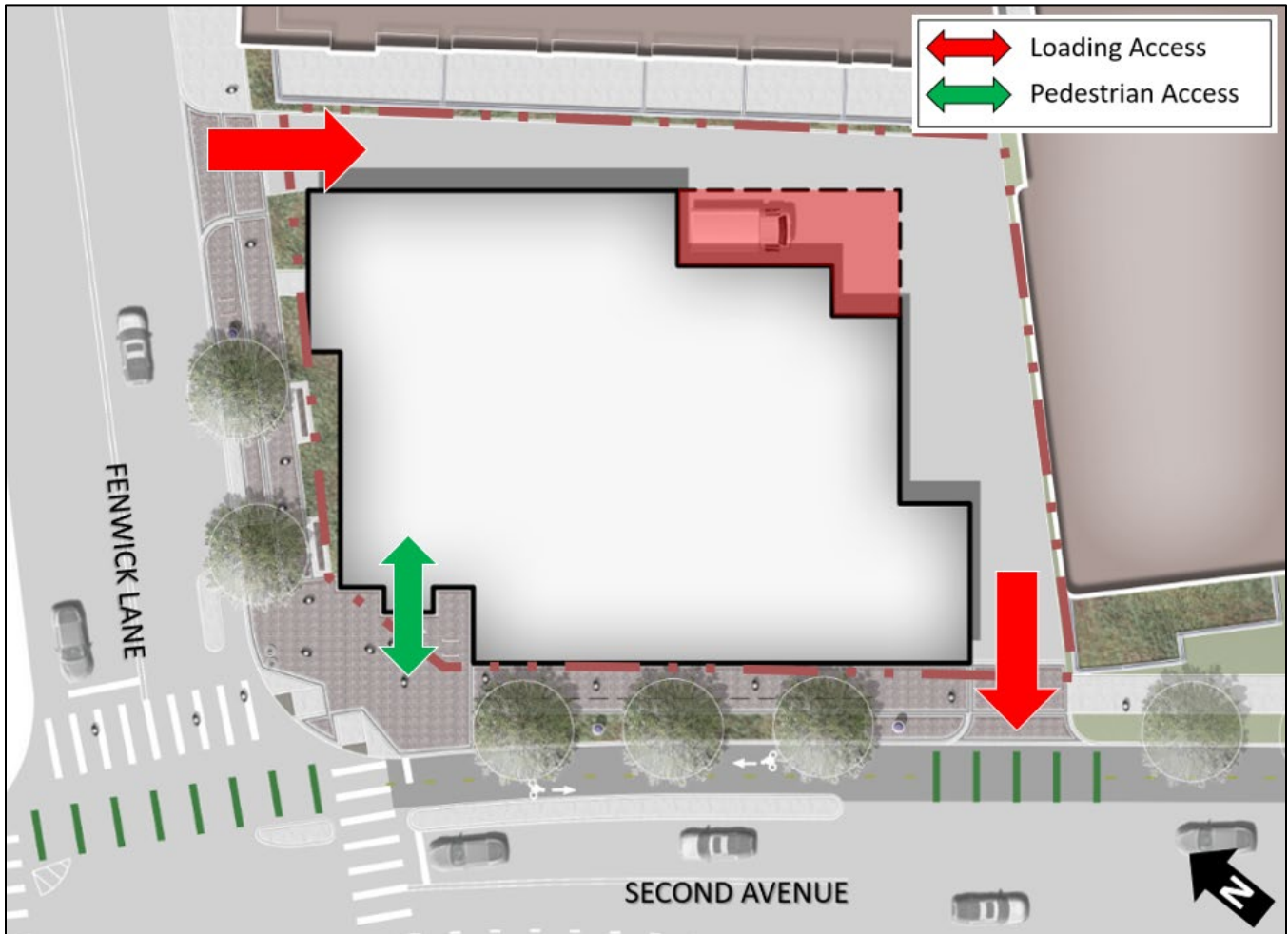


Figure 12: Access and Site-Circulation

Environment

The Subject Property is located within the Lower Rock Creek Watershed, a Use I watershed. The Property, located at the intersection of Fenwick Lane and Second Avenue, lies within the urban area of downtown Silver Spring. The Site currently consists of a surface parking lot with trees limited to street trees along adjacent sidewalks and are typically below 24" in diameter-at-breast-height (DBH). Soils are classified generally as 400-Urban Land; the Site, which is paved, slopes moderately downward from east to west. No slopes greater than 25%, or 15-25% on high erodible soils, exist onsite. There are no known rare, threatened, or endangered species or 100-year floodplains, stream buffers or wetlands on site. Other than the watershed itself, there are generally no environmentally sensitive resources associated with the Subject Property nor any historic features on or near the Site.

Forest Conservation

This Application is subject to Chapter 22A Forest Conservation Law but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(2). In lieu of a Natural Resource Inventory/Forest Stand Delineation (NRI/FSD), a simplified NRI was submitted by the Applicant in support of a Forest Conservation Exemption request. Forest Conservation Exemption 42021027E was confirmed for the Subject Property on September 23, 2020. The Project meets the particular requirements of the exemption because the proposed activity occurs on a tract of land 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 will not result in reforestation requirements more than 10,000 square feet.

Stormwater Management (SWM)

Stormwater management will be provided in accordance with Chapter 19 of the County Code using Environmental Site Design (ESD) practices to the Maximum Extent Practicable (MEP). The Application proposes three areas of green roof and a single micro-bioretenention planter will be placed on the various roof levels of the building. Due to the compact nature of the Site, additional stormwater practices were deemed impracticable. Therefore, a partial review waiver has been requested to address volumetric shortfall. A combined Stormwater Management Concept/ Site Development Plan is currently under review by the Department of Permitting Services and will be approved prior to record plat in accordance with Section 50.6.1.A.3. of the Subdivision Regulations.

Agency Approvals

Although not required at the time of Mandatory Referral, the Application was reviewed by public agencies for conformance with the County Code and best practices for site design. A summary of that review is provided below, and agency approval letters are included in Attachment B for the record. Formal review of these elements and subsequent approvals letters will be incorporated as conditions as part of the Administrative Subdivision Plan application.

- The Montgomery County Department of Transportation (“MCDOT”) recommended approval of development on the Site, through its review of the concurrent Administrative Subdivision Plan, in its letter dated March 16, 2021;
- The Montgomery County Department of Permitting Services (“MCDPS”), Fire Department Access and Water Supply Section recommended approval of development on the Site, through its review of the concurrent Administrative Subdivision Plan, in its letter dated March 19, 2021.

SECTION 4: MANDATORY REFERRAL ANALYSIS AND FINDINGS

Mandatory Referral review is guided by the 2001 Montgomery County Department of Park and Planning Uniform Standards for Mandatory Review, as amended, and through the authority granted through the Maryland Land Use Article, Section 20-301. As set forth in Section 20-301, all federal, state, and local governments and public and private utilities are required to submit proposed projects for a Mandatory Referral review and approval by the Commission. The law is briefly stated but has a very broad application, requiring that the Planning Board review and approve the proposed location, character, grade and extent of any road, park, public way or ground, public (including federal) building or structure, or public utility (whether publicly or privately owned) prior to the project being located, constructed or authorized. The Planning Board must also review the widening, extension, relocation, narrowing, vacation, abandonment or change of use of any road, park or public way or ground, and the acquisition or sale of any land by any public board, body or official.

The Planning Board must conduct its review within 60 days of the submission of a complete application unless a longer period is granted by the applicant. The Board's failure to act within 60 days is deemed an approval, unless the applicant agrees to extend the review period. In case of disapproval, the law requires the Planning Board to communicate its reasons to the applicant agency. In practice, the Planning Board communicates its approval, approval with conditions, and disapproval, with the reasons for its actions to the applicant agency. Mandatory Referral review and comments by the Planning Board are advisory in that the statute allows the applicant to overrule the Planning Board's disapproval, or any conditions attached to approval, and proceed.

During the Mandatory Referral hearing at the Planning Board's regularly scheduled meeting, the Board will review the proposal and may seek clarifications from the Staff, the Applicant, or the community, if necessary. The Planning Board will consider all relevant land use and planning aspects of the proposal including, but not limited to, the following:

1. *whether the proposal is consistent with the County's General Plan, functional plans such as the master plan of highways, environmental guidelines, the approved and adopted area master plan or sector plan, and other public plans or programs for the area;*

The Property is comprised of several parts of lots¹ 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 update, permit the use and density contemplated through the Subject Mandatory Referral.

More broadly, the location of the HOC Headquarters on the Subject Property 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*, as discussed in greater detail below.

¹ A concurrent Administrative Subdivision Application, designated No. 620210120, is under review to consolidate the existing parts of lots into a new lot of record measuring approximately 15,921 square feet (0.36 acres) of Site Area.

Urban Design Recommendations

The Sector Plan provides general urban design recommendations for redevelopment projects in the Silver Spring CBD. The guidelines most applicable to the application site are analyzed below.

- *Create an attractive pedestrian environment by creating a system of short blocks, and defining streets with buildings, open spaces, and streetscaping at a human scale created by street-front retail, frequent doors and windows, architectural detail, and appropriately scaled buildings.*

The redevelopment will replace an existing surface parking lot with an attractive pedestrian environment defined by a well-designed building that provides a prominent pedestrian entrance at the corner of Fenwick Lane and Second Avenue. The building height will be limited to 132 feet and will be stepped-down on both Second Avenue and Fenwick Lane to create visual interest and an appropriate pedestrian scale along the street. Additionally, the Second Avenue façade will be lined with the public-facing elements of the Housing Opportunities Commission, including a service center and public hearing room.

- *Through urban design treatments, establish streetscapes that emphasize the hierarchy of the circulation system.*

The development provides safe and efficient site access and circulation by placing consolidating loading and service access with the adjacent building and providing a transit-oriented building with no on-site parking. As conditioned, the Project includes appropriate streetscape elements, including the undergrounding of overhead utility lines.

- *Create formal and informal civic spaces – buildings and open spaces – that add to property values, provide amenity, and improve downtown’s aesthetic appearance.*

As the new headquarters of a public agency, the HOC HQ building will contribute a civic presence in downtown Silver Spring. The Project will provide an office building that will enhance the community with high quality architecture, enliven the area, and connect to other downtown area uses. The Subject Property has a Site Area of less than ½ an acre and two right-of-way frontages. In accordance with Section 59.4.5.4B.1. of the Zoning Ordinance, the Project is not required to provide public open space.

General Recommendations

For the general goals of the Sector Plan, the vision for Silver Spring’s future is “to create a development environment that invites revitalization” (page 28). The Plan outlines six themes: transit-oriented downtown, commercial downtown, residential downtown, green downtown, civic downtown and pedestrian friendly downtown that guide the vision for the Silver Spring CBD, which apply to the Project.

Transit-Oriented Downtown

The Site is situated at the corner of Second Avenue and Fenwick Lane, less than ¼ mile from the Silver Spring Metrorail station and future Purple Line Station and served by numerous local and regional bus routes. Additionally, the development provides no on-site parking for its future employees and will participate in the Silver Spring Transportation Management District. The Sector Plan’s transit-oriented downtown theme strives to balance the needs of commuter and local traffic, of walkers and drivers and to maximize the investment in Silver Spring’s transit infrastructure. “Creating a transit-oriented community is not only a

transportation effort, but also a land use effort” (Sector Plan, page 16). The Sector Plan further states that transportation choices go beyond the car to link local and regional buses, trains, bikes and foot travel.

Commercial Downtown

The Sector Plan states, “Commercial activity – a mutually supportive mix of office, stores, and other business enterprises-is the defining feature of a successful downtown” (Sector Plan, page 18). As a commercial office building, the Project will add vibrancy to the daytime population of downtown Silver Spring and will consolidate public-facing operations of the Housing Opportunities Commission in a transit-rich location.

Residential Downtown

The Sector Plan’s residential downtown theme seeks to create a mix of housing choices supported by parks, shopping, cultural, civic and employment uses with transit. “A green and pedestrian friendly downtown will create parks, plazas, and streets of a desirable residential community” (Sector Plan, page 19). The Subject Property does not add residential units to the downtown, however, the Site abuts and confronts residential uses and further diversifies the mix of land uses on the block.

Green Downtown

The green downtown theme of the Sector Plan envisions shaded, tree-lined streets and well-placed green parks and plazas, creating a comprehensive system of open spaces that provide economic, environmental, and aesthetic benefits throughout downtown. The Sector Plan states, “Landscaped plazas are incorporated into building and site design to create visual and physical respite, to create formal and informal gathering places, and to complement street and building design” (Sector Plan, page 23). The streetscape along Second Avenue and Fenwick Lane will be upgraded as necessary with street trees, paving, and lighting to improve the pedestrian experience.

Civic Downtown

The civic downtown theme envisions formal or informal, large or small, public or private civic spaces, where people meet, cross paths and gather (Sector Plan, page 21). As the new headquarters of a public agency, the HOC HQ building will contribute a civic presence in downtown Silver Spring. The Project will provide an office building that will enhance the community with high quality architecture, enliven the area, and connect to other downtown area uses. The new building will also provide public services related to the agency’s affordable housing mission in a transit-rich downtown.

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.

Pedestrian-Friendly Downtown

The pedestrian-friendly downtown theme of the Sector Plan encourages the development of active streets and sidewalks, busy with people walking to shop, commute, or for pleasure.

The Sector Plan states, “An urban area’s greatest economic asset and strongest physical definition comes from its pedestrian environment” (Sector Plan, page 24). Proposed improvements to the streetscape will improve the pedestrian experience by creating a safe and attractive pedestrian space.

Circulation Systems Recommendations

The Sector Plan recommends creating a system of trails and bike routes, implementing streetscape improvements to create a safe and pleasant pedestrian environment, and where appropriate, reuse public parking facilities, and to make circulation improvements to local roads. (Page 93)

In accordance with the 2000 *Silver Spring Central Business District Sector Plan* and the 2018 *Bicycle Master Plan*, a description of the nearby roadways and bikeways are as follows:

- a) Second Avenue along the western frontage is classified as a business district roadway, with a recommended 80-foot right-of-way. A two-way separated bike lane facility is master-planned and has been installed along Second Avenue. This facility will be upgraded with a 5-foot concrete median buffer by the Applicant in accordance with the 2018 *Bicycle Master Plan*.
- b) Fenwick Lane is classified as a Business District Street with an 80-foot right-of-way. The Applicant will dedicate additional right-of-way to achieve the minimum distance of 40-feet between the right-of-way centerline of the roadway and the property line. No bikeways are master planned on Fenwick Lane at this time.

The Project includes upgrades to the recently completed Second Avenue bike lanes, including physical separation from traffic, which will improve bicycle connectivity between residential neighborhoods to the north of the CBD, the Metrorail and future Purple Line station, and points south. In addition to the separated bicycle lane improvements, the Project will further improve the separated intersection for bicycle facilities at Second Avenue and Fenwick Lane and upgrade the streetscape and improve the quality of the pedestrian experience. As conditioned, the Application conforms to the Sector Plan recommendations for Circulation Systems.

Housing Recommendations

The housing objective of the Sector Plan is to develop new residential projects to provide housing and encourage maintenance of existing housing, creating Silver Spring as an even more desirable residential market. The Sector Plan did not identify the Subject Property as a potential housing site. The Application provides new Housing Opportunities Commission of Montgomery County Headquarters office building (“HOC HQ”) with up to 82,220 square feet of commercial development. Although the Application does not provide additional housing in downtown Silver Spring, it does contribute to the land use mix on the block and helps to support a vibrant downtown. The Project is consistent with the Site’s zoning and the Sector Plan recommendations.

The Mandatory Referral application is in substantial conformance with the 2000 *Silver Spring CBD Sector Plan*.

2. *whether the proposal is consistent with the intent and the requirements of the zone in which it is located;*

Development Standards

The Tract is approximately 0.47 acres or 20,555 gross square feet, zoned CR 5.0 C 4.0 R 4.75 H145T. The following Data Table shows the Application’s conformance to the development standards of the zone.

Table 1: Mandatory Referral Data Table

Section 59.4	Development Standard	Permitted/ Required	Proposed
	Tract Area CR 5.0 C 4.0 R 4.75 H145T	n/a	20,555 sf (0.47 ac)
	Prior Dedication Proposed Dedication	n/a	2,438 sf (0.056 ac) 2,196 sf (0.050 ac)
	Site Area ¹		15,921 sf (0.36 ac)
	Residential Density (GFA/ FAR) ² Maximum Dwelling Units Maximum Square Footage (FAR)	n/a 97,636 sf (4.75 FAR)	0 0 (0.00 FAR)
	Commercial Density (GFA/ FAR) ²	82,220 sf (4.0 FAR)	82,220 sf (4.0 FAR)
	Total Maximum (GFA/ FAR) ²	102,775 sf (5.0 FAR)	82,220 sf (4.0 FAR)
	Building Height (max)	145 feet	132 feet
	Public Open Space (min)	0%	0%
	Minimum Setbacks	0	0
Section 59.6.2	Parking	Permitted/ Required	Proposed
	Vehicle Parking 82,220 sf Office Space (Min./ Max.)	165 min./ 247 max.	0 ³
	Bicycle Parking (Long Term/ Short Term)	(14/3) 17	(14/8) 22
	Loading Spaces	1	1

¹ Site Area, including prior dedication and proposed dedication to be determined through Administrative Subdivision Plan No. 620210120

² Density must not exceed maximum approval.

³ The Site is located within the Silver Spring Parking Lot District and is therefore permitted to provide fewer than the minimum required parking spaces.

Section 59.4.5.4.B.4 - Form Standards

The Mandatory Referral Plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. The Project proposes significant glass features at the ground-level for transparency as well as activating features on the ground-floor level, including a lobby, at the corner of Fenwick Lane and Second Avenue, the Service Center along the Second Avenue façade, and the Hearing Room on the second level along Second Avenue.

i. Division 6.1. Site Access

The Site is located within a quarter-mile walk of the Sarbanes Transit Center which is served by several rapid transit services (Metrorail Red Line, US 29 Flash Bus Rapid Transit, and the future Purple Line light rail), the regional MARC commuter rail, and several local and regional bus services (WMATA bus, RideOn, and the VanGo local circulator).

Pedestrian access to the Site will be from the established sidewalk network and will be enhanced by streetscape improvements along each of the Property frontages, consistent with the Silver Spring Streetscape Standards. Bicyclist access to the Site will be via existing separated bicycle lanes on Second Avenue, which will be enhanced with physical separation from vehicular traffic as a result of the Subject Project.

Vehicular access to the Site will occur via a one-way service driveway that will enter the Site via Fenwick Lane and exit onto Second Avenue (right-out-only). This service driveway will be consolidated with the adjacent Octave 1320 Condominium and will permit vehicles to enter and exit the Site “head-first.” No vehicle parking will be provided on-site.

The Applicant is seeking Alternative Compliance for Section 59.6.1.4.E as it applies to driveway access.

Division 6.8.1 Alternative Compliance

The applicable deciding body may approve an alternative method of compliance with any requirement of Division 6.1 through Division 6.6 if it determines this is a unique site, a use characteristic or a development constraint, such as grade, visibility, an existing building or structure, an easement or a utility line. The applicable decision body must also determine that the unique site, use characteristic or development constraint precludes safe or efficient development under the requirements of the applicable Division, and the alternative design will:

- a. satisfy the intent of the applicable Division;*
- b. modify the applicable functional results or performance standards the minimal amount necessary to accommodate the constraints.*
- c. provide necessary mitigation alleviating any adverse impacts; and*
- d. be in the public interest*

Section 59.6.1.4.E Driveway Access

The Applicant is seeking Alternative Compliance for Section 59.6.1.4.E Driveway Access for a corner lot that has more than one driveway. The intent of this requirement is to increase safety of all travel modes by reducing conflict points on-site. The Applicant is proposing to maintain the location of the two existing driveways: one on Fenwick Lane and one on Second Avenue. By keeping both driveways, the Site can operate as one-way, with ingress movements from Fenwick Lane, and right-out-only egress movements via Second Avenue. No parking will be provided on-site, therefore the only vehicular traffic on the Site will be service vehicles performing deliveries, trash collection, etc. Traffic volumes through the Site will be extremely minimal and will occur outside the peak travel hours. Exposure to conflicts with pedestrians and bicyclists on Fenwick Lane and Second Avenue will be significantly lower than a typical office building in an urban area. Finally, the one-way on-site vehicular operation ensures that all vehicles will enter and leave the Site, head-in/head-out, and therefore eliminates the need for a vehicle to operate in reverse, which the County aims to avoid especially in urban areas. On such a constrained site, it would not be possible to achieve the one-way vehicular operations without the use of two driveways. The driveway configuration as proposed increases safety for all transportation modes and is therefore in the public interest. The Applicant’s alternative method of compliance meets the intent of the Division by addressing potential safety conflicts on the local travel network, addressing public safety and the public interest, and therefore the method satisfies the necessary findings for Alternative Compliance.

Local Area Transportation Review (LATR)

Transportation impacts associated with the proposed development will be evaluated through Administrative Subdivision No. 620210120 which is currently under review by Staff. The Application was

received after January 1, 2021 and is therefore subject to the recently adopted 2020-2024 *Growth and Infrastructure Policy (2020 – 2024 GIP)*. As proposed, the Project is estimated to generate a maximum of 137 person trips in the peak travel hour, which exceeds the minimum threshold for a transportation impact study (50 net new person trips). A transportation impact study was submitted with Administrative Subdivision No. 620210120 and is currently under review by Planning staff, MCDOT, and MDOT SHA. An Adequate Public Facilities (APF) finding will be made at the time the Administrative Subdivision Plan is approved.

ii. *Division 6.2. Parking, Queuing, and Loading*

The Subject Application proposes a new public agency office building with no vehicle parking spaces on-site.¹ This configuration is permissible based on the Site's location within the Silver Spring Parking Lot District. Adequate capacity exists within the Silver Spring Parking Lot District and regional transit network to serve travel demand generated by the proposed office building.

Vehicular access for the Site (for loading and service operations) will be provided as a one-way driveway with loading vehicles entering the Site from Fenwick Lane and existing onto Second Avenue (right-out-only). A loading easement will be recorded to provide shared loading access with the Site and the adjacent Octave 1320 Condominium. The Applicant has demonstrated that the design vehicles can safely navigate through the Site, even if an additional vehicle is servicing the loading area for the Octave 1320 Condominium.

3. *whether the nature of the proposed site and development, including its size, shape, scale, height, arrangement and design of structure, is compatible with the surrounding neighborhood and properties;*

The proposed building will occupy the entire southeast corner of the intersection of Second Avenue and Fenwick Lane in Silver Spring. The building's main pedestrian entrance is proposed at the corner of Second Avenue and Fenwick Lane and although there is no parking provided on-site, a one-way loading driveway is provided inbound from Fenwick Lane and outbound onto Second Avenue. This one-way driveway will be shared with the adjacent Octave 1320 Condominium building.

The building's massing at the Second Avenue corner is set back from the street to create a focal point public plaza for the building entry. Facing Fenwick Lane, above the third level, the upper floors are set back to help break down the scale of the building massing and to establish a pedestrian scale that responds to building heights north of Fenwick Lane. On the northern corner, adjacent to the Octave 1320 Condominium, the upper floors are recessed to create more separation between the two structures and to provide more natural light to the buildings.

The building elevations use differences in glazing treatment to emphasize interior functions. Larger, open glass surfaces are inviting to the pedestrian and are used to highlight the two-story lobby, the Service Center along Second Avenue, and the Hearing Room on the second level. In addition, conference rooms rising from the buildings' corner are also heavily glazed to entice the eye upward and emphasize the corner's dramatic and inviting statement. At the top of the building, large glass expanses create an attractive amenity area for employees, inviting them outdoors and inviting the outdoors inside.

The proposed building is compatible with adjacent existing and approved development and will contribute positively to downtown Silver Spring by replacing an existing surface parking lot with an attractive public

¹ Based on the size of the proposed office building, 82,220 square feet, the development generates a minimum parking requirement of 165 parking spaces and a maximum of 247 parking spaces. No parking will be provided on-site.

agency office building that enlivens the street all hours of the days. Specifically, the building will provide a transition from the higher height associated with the approved 23-story Elizabeth House IV building, located across Second Avenue, and the lower scale Octave 1320 Condominium building located to the east of the Subject Property. As a result of the building's massing and articulation, the building's overall scale will be broken-down to fit within the context established by the surrounding development and will contribute positively to the Silver Spring streetscape with an open and activating presence.

4. *whether the locations of buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient;*

The location of the building, landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient. The building will replace an existing surface parking lot and will contribute high quality architecture to the downtown Silver Spring streetscape. The building will be built up to the property line and will add an active and civic presence to this portion of Silver Spring.

As a Site within the CR Zone with a Site Area less than 0.50 acres 15,921 square feet (0.36 acres) and two right-of-way frontages, the Applicant is not required to provide any public open space. No open space will be provided as part of the proposed development. Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for year-round use and enjoyment by employees and visitors. The Project will transform existing streetscape along both the Fenwick Lane and Second Avenue frontages with new street trees, wider sidewalks, and street lighting. The on-site lighting will limit the necessary light levels to streets and sidewalks.

5. *whether the proposal has an approved NRI/FSD and a preliminary SWM concept plan, and meets the requirements of the Forest Conservation law (Chapter 22A of the County Code). Forest Conservation Plan, if applicable, must be approved by the Planning Board, either before or at the time of the Board's mandatory referral review and action on the project. Unlike the mandatory referral review by the Board, the conditions of the Forest Conservation Plan are binding on all county projects.*

A simplified Natural Resources Inventory (NRI/FSD) and Forest Conservation Exemption was approved by Planning Staff on September 23, 2020 under plan number 42021027E. There are no existing forest, specimen, or champion trees on site. The project is exempt from Forest Conservation Law under Section 22A-5(s)(2) because the development activity will occur on a tract less than 1 acre and will not result in the clearing of more than 20,000 square feet of existing forest or any specimen or champion tree(s) and reforestation requirements would not exceed 10,000 square feet.

Stormwater management will be provided in accordance with Chapter 19 of the County Code using Environmental Site Design (ESD) practices to the Maximum Extent Practicable (MEP). The Application proposes three areas of green roof and a single micro-bioretenion planter will be placed on the various roof levels of the building. Due to the compact nature of the Site, additional stormwater practices were deemed impracticable. Therefore, a partial review waiver has been requested to address volumetric shortfall. A combined Stormwater Management Concept/ Site Development Plan is currently under review by the Department of Permitting Services and will be approved prior to record plat in accordance with Section 50.6.1.A.3. of the Subdivision Regulations.

6. *whether a Preliminary or a Final Water Quality Plan has been reviewed by the Planning Board if the project is located in a Special Protection Area. In addition, for a Water Quality Plan for a project on public property, the Board must determine if the plan meets the standards of Article V. WATER QUALITY REVIEW IN SPECIAL PROTECTION AREAS, of the County Code (pursuant to Section 19-65(d)(4));*

Not applicable.

7. *whether or not the site would be needed for park use if the proposal is for disposition of a surplus school.*

The Subject Application is not for disposition of a surplus school and is not recommended as a future park location by any master plan.

8. *whether alternatives or mitigation measures have been considered for the project if the proposal is inconsistent with the General Plan or other plans and policies for the area, or has negative impacts on the surrounding properties or neighborhood, the transportation network, the environment or other resources.*

The Subject Application is not inconsistent with either the General Plan or other plans and policies for the area. Although the proposed building will have impacts on the adjacent Octave 1320 Condominium, based on its proximity and the fact that it will replace an existing surface parking lot, Staff has determined that the proposed building is compatible with adjacent development and within the character of an urban downtown. As a result, the Project does not have negative impacts on surrounding properties or neighborhood, the transportation network, the environment or other resources.

SECTION 5: CONCLUSION

Community Outreach

The Applicant held a pre-submittal public meeting on December 16, 2020 at 7:00 PM. This meeting was held in a virtual format due to the COVID-19 Pandemic. 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 C) raising concerns about the compatibility of the future HOC Headquarters office building and scale of development and opposing the Project. Staff responded to those concerns with the following:

Staff acknowledges the concerns raised by the community about the impact of the proposed building on views and natural light, privacy, and construction on the adjacent Octave 1320 Condominium. The proposed HOC HQ office building will have a significant impact on the views and sunlight for the Octave's west-facing units, which currently benefit from the abutting surface parking lot. Staff also acknowledges that the current surface parking lot use does not support the Sector Plan recommendations for downtown Silver Spring as the Subject Property is a very desirable Site within easy walking distance of transit, the Capital Crescent Trail, the future South County Recreation and Aquatic Center, parks, and the many other amenities available throughout Downtown Silver Spring. Any feasible redevelopment of this surface parking lot would have a similar impact on the adjacent development when compared to the proposed building. In order to mitigate the proposed building's proximity to the adjacent Octave Condominium on this very constrained Site, the new building will be set back from the shared property line between 12 and 16 feet, resulting in a separation between buildings of approximately 24 feet. In an urban context this is a compatible relationship.

Similarly, while the office building proposes windows facing the Octave, staff would highlight that the new building would generally be occupied primarily on weekdays and not on evenings and weekends. The proposed windows provide the people working in the building a very desirable connection to the outside. Again, in an urban context this is a compatible relationship.

Finally, it is inevitable that any redevelopment of the existing surface parking lot next to the Octave will have construction impacts. The construction will be in compliance with all County requirements, including work hours, as directed by the County Department of Permitting Services and Department of Environmental Protection.

CONCLUSION

As conditioned, the Mandatory Referral application for the proposed HOC Headquarters office building Architecture and Site Design, designated Mandatory Referral No. 2021013, 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 Design with the conditions cited above.

ATTACHMENTS

- A. Previous Approval
- B. Agency Letters
- C. Community Correspondence