




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

CONSENT ITEM
MCPB 3-20-08

MEMORANDUM

DATE: March 10, 2008
TO: Montgomery County Planning Board
VIA: Rose Krasnow, Chief *RK*
Robert Kronenberg, Supervisor *pk*
Development Review Division
FROM: Elza Hisel-McCoy, Assoc. AIA, LEED-AP *cm*
Development Review Division
elza.hisel-mccoy@mncppe-mc.org
(301) 495-2115



REVIEW TYPE: **Site Plan Amendment**
CASE #: **82005001B**
PROJECT NAME: Silver Spring Gateway
APPLYING FOR: Minor modifications to the Site Plan to make materials substitutions and access and accessibility modifications.

REVIEW BASIS: Div. 59-D-3.7 of Montgomery County Zoning Ordinance for Site Plan Amendments

ZONE: CBD-2
LOCATION: The east side of East-West Highway (MD 410) at Blair Mill Road
MASTER PLAN: Silver Spring CBD
APPLICANT: The JBG Companies
FILING DATE: January 9, 2008
HEARING DATE: March 20, 2008

STAFF RECOMMENDATION: Approval of the proposed amendment to Site Plan #82005001A, and approval of the attached draft Planning Board Resolution for Site Plan #82005001B.

BACKGROUND

The Board approved the Project Plan (#920040020) and the Preliminary Plan (#120040390) for Silver Spring Gateway on February 5, 2005, and the original Site Plan (#820050010) on March 17, 2005, for 468 multi-family dwelling units, including 59 MPDUs, and 53,027 square feet of retail on 2.68 acres. On November 3, 2005, the Board approved a Site Plan Amendment (#82005001A) to eliminate the previously approved grocery store, add 8,892 square feet of retail, and reduce the number of units from 468 to 457 units.

PROPOSED AMENDMENT

The applicant filed Site Plan Amendment 82005001B on January 9, 2008, describing the changes to the approved site plan. These changes are limited to:

1. Sheet L2.1

- a. modify the alignment of bluestone pavers;
- b. change 3 rows of pavers adjacent to pocket park lawn from matrix #1025 to charcoal color;
- c. eliminate one riser from the top run of stairs leading to the pocket park;
- d. modify the bike rack design;
- e. provide additional architectural pots at the base of the stairs leading to the Canada Dry entrance;
- f. revise the retaining wall copings at pocket park stairs to brick rowlock rather than precast coping;
- g. revise crosswalk location along East-West Highway by providing additional pavers and relocating a proposed street light;
- h. add a depressed curb along East-West Highway to allow for maintenance vehicle access to the underground stormwater management facility;
- i. add accessibility pavers at crosswalk handicap-accessible location;
- j. add two removable bollards at the depressed curb location along East-West Highway;
- k. replace the radial drain at the base of the Central Plaza stairs with 12"x12" inlet catch basins;

2. Sheet L2.2

- a. remove New Mixed Street Enlargement to Sheet L2.2A;
- b. remove two stationary bollards in crosswalk ramps along the garage entry road;
- c. replace the four non-lighted bollards along the depressed drop-off area with lighted bollards;
- d. add a double-stacked bond row of pavers on the inside of the concrete monolithic band within the crosswalk at the intersection of East-West Highway and the garage entry road;
- e. modify crosswalk paving patterns and add accessibility pavers;
- f. relocate the bike rack;

3. Sheet L2.2A

- a. show sidewalk & paving pattern along the Internal Street;
- b. modify sidewalk paving patterns;
- c. modify the concrete unit paver pattern in the interior of the raised intersection from 12"x12" Hanover prest paver, color matrix #1025, to 4"x8"x3" Hanover prest paver, color Matrix #1025;
- d. add a second row of 12"x12" Hanover prest pavers behind the flush curb condition at the raised intersection;
- e. modify crosswalk paving patterns and add accessibility pavers;
- f. add precast concrete stairs with metal handrails at the apartment entry;
- g. add cast-in-place concrete stairs with metal handrails at the Sorrenko Property corner along East-West Highway;
- h. change the pavers located just north of the transformer from 12"x12" Hanover prest paver to the Silver Spring standard Beldon Brick #470-479 in a basketweave pattern;
- i. modify the bike rack design;

- j. add 11 additional bollards at the raised intersection's depressed curb condition along Blair Mill Way;
- 4. Sheet L2.3**
 - a. relocate the construction notes from sheet L2.0;
 - b. add cast-in-place concrete stairs with metal handrails at the Sorrenko Property corner along East-West Highway;
- 5. Sheet L3.0**
 - a. replace the Landscape Forms Plainwell Series site bench and trash receptacle with the Austin Series backed and backless bench and Chase Park trash receptacle;
 - b. replace the lighted Se'lux Saturn Bollard with the Landscape Forms Annapolis Bollard lighted and non-lighted bollard;
 - c. replace the Se'lux Saturn-12' Pole Fixture with the Louis Poulsen ornamental pole light 12'-high pole with Satellite Maxi fixture;
 - d. add upright details, including shielding where appropriate to limit light trespass off site;
 - e. relocate the bike rack detail to sheet L3.3;
 - f. relocate Art Furnishing details to sheet L3.2;
- 6. Sheet L3.2**
 - a. relocate Art Furnishing details from L3.0;
- 7. Sheet L3.3**
 - a. relocate the bike rack detail from L3.0;
- 8. Sheet L3.4**
 - a. add details of new concrete entry stair;
- 9. Sheet L3.5**
 - a. add details of Sorrenko property ramp;
- 10. Sheet L4.1**
 - a. modify the plant list.

PUBLIC NOTICE

The Applicant sent notice regarding the subject site plan amendment to all parties of record on January 3, 2008. The notice gave the interested parties a minimum of 15 days to review and comment on the amended site plan. Staff received two letters (attached) from residents of the adjacent condominium. These letters did not express opposition to the proposed amendment, but to the existence of the public amenity space located between their building and the Silver Spring Gateway project currently under construction. As noted above, the Planning Board has already approved – through Project, Preliminary, and Site Plan Review – the existence, location, and design of the space. Staff has followed up with the commenters to clarify the substance of the proposal.

In response to a request from one of the commenters, the office of Representative Chris Van Hollen submitted an inquiry regarding the proposed amendment. Staff responded to Representative Van Hollen's office that the object of the citizen's concern had indeed already been approved. Both Representative Van Hollen's letter and the staff response are attached.

STAFF REVIEW AND RECOMMENDATION

The proposed amendment is consistent with the provisions of Section 59-D-3.7 of the Montgomery County Zoning Ordinance for Site Plan Amendments. The proposed amendment is designed primarily to make minor cosmetic changes and improve access to and accessibility of the public facilities included in the approved site plan and does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan. Staff recommends **APPROVAL** of the Minor Site Plan Amendment for Silver Spring Gateway (Site Plan No. 82005001B) for modifications to the approved site plan.

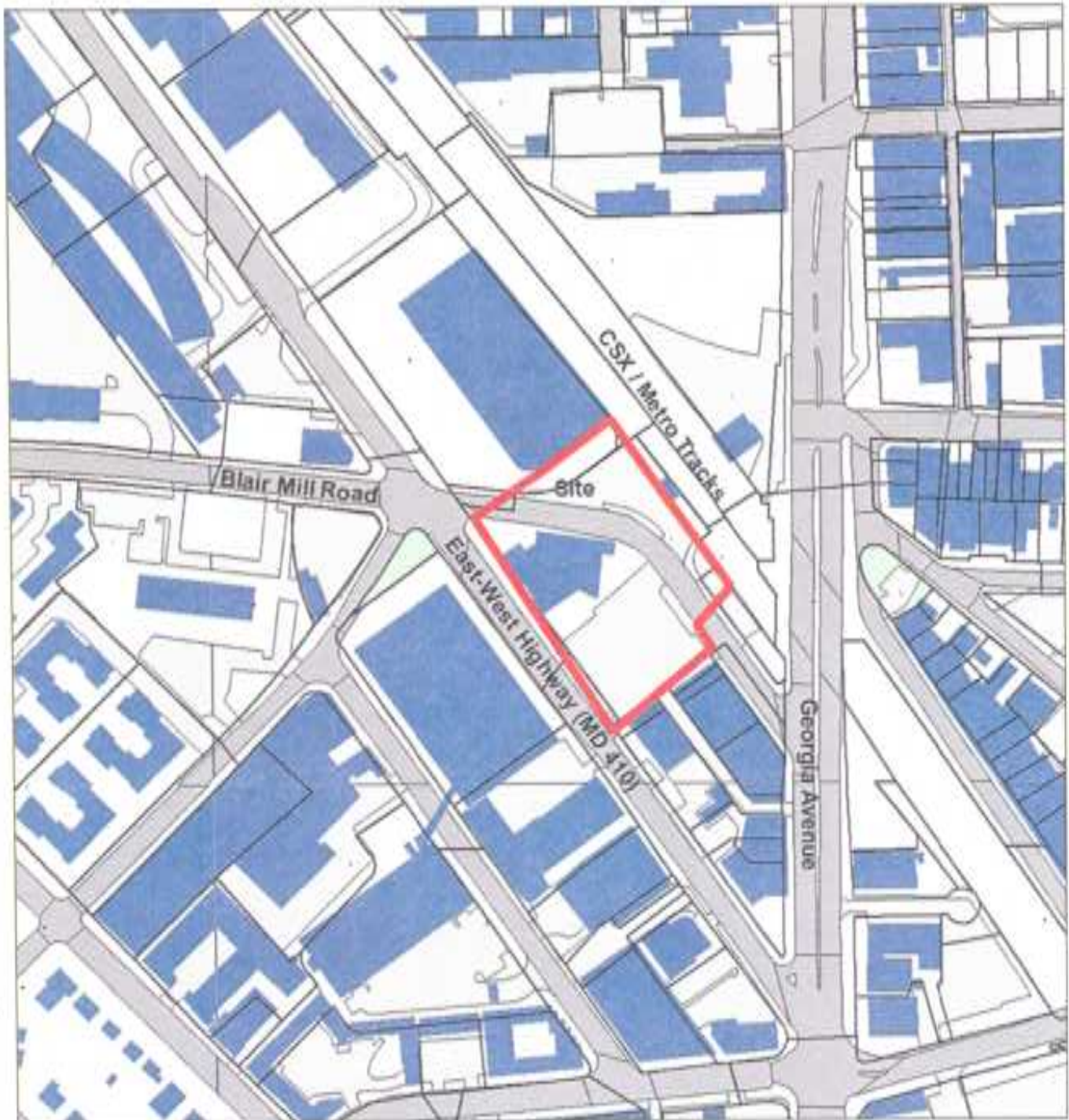
ATTACHMENTS

- A. Site Description and Vicinity
- B. Citizen comment letters
- C. Representative Van Hollen inquiry
- D. Draft Planning Board Resolution

ATTACHMENT A: VICINITY MAP FOR SITE PLAN AMENDMENT 82005001B

Site Description and Vicinity

The site is located on the east side of East-West Highway (MD 410) at Blair Mill Road.

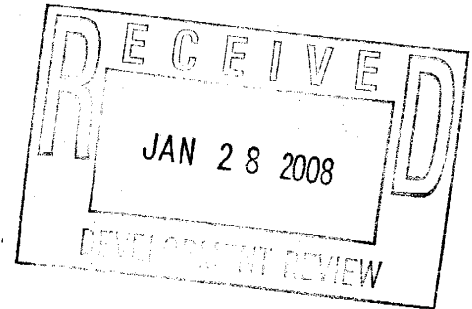


ATTACHMENT B: CITIZEN COMMENT LETTERS

1201 East West Hwy. #246
Silver Spring, MD , 20910
Silverton Condominium/Canada Dry Building

January 25, 2008

Elza Hisel-McCoy
M-NCPC
8787 Georgia Ave, Silver Spring, MD , 20910



Dear Mr. Hisel-McCoy:

Re: Silver Spring Gateway – Public Pocket Park – Site Plan Case# 8-05001B

I am writing to voice my opposition to the proposed Public Pocket Park which will be part of the Silver Spring Gateway project. My name is David Hudson and I own a unit in the Canada Dry building next to the proposed park. I also pay taxes and I vote.

The park will directly impact at least 20 homes in the Canada Dry building, and be located within a few feet of our bedroom and living room windows.

I am all for Green Space, but there are several elements that combine to make this location for a Public Pocket Park undesirable.

- attract vagrants and illegal activity.
- used as a Public Pet bathroom
- does not have a high level of visibility from the street
- anyone will be able to hang out at anytime
- increase the level of noise in the area outside our units

Who will be responsible for security and maintenance of this park? I would rather see the money used to create a true Green Space, not bricks and pavers with park benches.

Is this really a good thing for Silver Spring and its residents?

Most of the units in the Gateway building will be 7 stories above the park, so it will not be much of an issue for them.

I already deal with an extremely high level of noise pollution: the fire station, the trains, traffic on East West Highway, soon to be a 7 floor parking garage outside my windows and now a proposed park open to the public.

Sincerely,

David Hudson

301 565 5141

VIA ELECTRONIC MAIL AND U.S. MAIL

31 January 2008

Maryland-National Capital Park
and Planning Commission
Development Review Division
8787 Georgia Avenue
Silver Spring, MD 20910

RE: Site Plan No.: 8-05001B

ATTN: Elza Hisel-McCoy, Senior Planner

I am writing in response to correspondence received January 18, 2008 on the revision of the proposed site plan for Silver Spring Gateway.

I am an owner in the adjacent Canada Dry building within the Silverton condominium development completed by JBG Companies. Unfortunately, I did not receive a copy of the plan when I purchased my home last February.

My concerns are that while the Pocket Park concept is extremely appealing its location within the Gateway development, which includes the building in which I live and within downtown Silver Spring defeats its intended purpose.

The Silverton buildings share two courtyards and a dog run behind the parking garage. We have experienced several conflicting issues within them that will likely be replicated and magnified within the proposed Pocket Park.

However, the first and foremost concern is safety and, unfortunately, I fear for my safety and peace of mind entering and exiting the building when there is an area only a few feet away which provides cover for vagrants, peddlers and those who engage in illegal activity. The visibility from the street is minimal and in order to enhance it lighting would need to be added. That light pollution is a detriment to my neighbors whose sole windows line that side of the building. I do not see any access control points or see any specifications for monitoring by cameras. A woman was nearly abducted in broad daylight this week in Takoma Park. I would assume the camera wasn't noticed by the attacker but perhaps had it been evident it would have deterred the attempt.

Then there is the issue of undutiful pet owners who do not clean up and the inevitable confrontations which can at any hour of the day or night. Dogs barking and owners' raised voices are not uncommon in our courtyard and are the subject of many notices on the electronic discussion board we have in place.

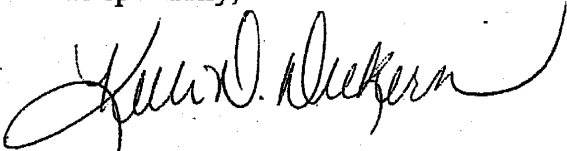
There is also the comfort issue of having a group of inconsiderate people gathered in the park and on the benches as proposed. I am more concerned that we will be subjected to calling police officers to clear the park because it is 1:00 AM on a warm summer day and the sound is resonating between the building and the concrete parking garage of the neighboring apartment building. I notice that the paved terrace will be furnished with moveable furniture that seems likely to draw those who don't have a home and need to camp out.

And finally, there is no way to consistently reinforce a ban on smoking in a public, open-air park. It is bad enough that as a former smoker I fight that battle with passersby and my neighbors who enjoy a smoke on their walk just as they exit the building. But now to deal with people who are huddled next to the entrance and in the park reduces any enjoyment of the space I would be offered. At least in a larger park you can try and move away from the second hand smoke and odor. And it is not clear who is responsible for clean up of the park but traffic through the area will undoubtedly cause more litter and cigarette butts at our entrance.

I understand that the park is for everyone and serves our environmental goals but as it is proposed and in light of how I see other open areas by the Silver Spring Metro used I strongly object to its inclusion in the overall development.

There are some very creative parks which are 90% landscaped with natural stone, a water feature and thick greenery only allowing visitors to walk through—not congregate—within it. I would support that as a resident and taxpayer. As proposed, the Pocket Park is not that type of Green Space. I fear the park will be abused by a few thus ruining it for all.

Respectfully,

A handwritten signature in black ink, appearing to read "Kelli D. Dickerson". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Kelli D. Dickerson

Hisel-McCoy, Elza

From: Hisel-McCoy, Elza
Sent: Monday, February 25, 2008 11:59 AM
To: 'Kelli Dickerson'
Subject: RE: Site Plan No. 8-05001B - Silver Spring Gateway
Attachments: Van Hollen Letter Silver Spring Gateway SPA.pdf

Dear Ms. Dickerson,

Thanks very much for your letter regarding the Silver Spring Gateway proposed site plan amendment (#82005001B). We appreciate your taking the time to share your concerns about the design, location, and safety of the pocket park next to your building. However, the proposed site plan amendment includes only cosmetic changes to that space and other spaces on the site. The park spaces' location and design were approved by the Planning Board in 2004 and 2005 (Project Plan 920040020 on February 5, 2005, Site Plan 820050010 on March 17, 2005, and Site Plan Amendment 82005001A on November 3, 2005). Details of these approvals, including plans and staff reports are available online at:

<http://www.mcparkandplanning.org/>

Select "Development Info" under Quick Links and enter the project numbers when prompted.

The proposed amendment will go to the Planning Board for approval on March 13 or 20 as part of the "Consent Agenda". Consent items are very minor changes and are approved without testimony.

As part of the public record, I have attached for your reference a letter submitted to Congressman Van Hollen's office in response to a comment from another resident of the condominium.

If you have any questions, please contact me.

Regards,

Elza Hisel-McCoy, Assoc. AIA, LEED-AP
Planner Coordinator
Development Review Division
Montgomery County Planning Department
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910
301.495.2115

From: Kelli Dickerson [mailto:KelliD@kennedyusa.com]
Sent: Thursday, January 31, 2008 12:18 PM
To: Hisel-McCoy, Elza
Subject: Site Plan No. 8-05001B - Silver Spring Gateway

Good afternoon,

Please find attached my letter in response to the notice I received on revisions to the current site plan.

Thank you in advance for your review and consideration of my concerns.

Kelli D. Dickerson

Vice President - Asset Management
Kennedy Associates Real Estate Counsel LP
7315 Wisconsin Avenue
Suite 350 West
Bethesda, MD 20814
(301) 634-2205 Direct Dial
(301) 656-9339 Fax

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ATTACHMENT C: REPRESENTATIVE VAN HOLLEN INQUIRY AND STAFF RESPONSE

CHRIS VAN HOLLEN
8TH DISTRICT, MARYLAND

COMMITTEE ON
WAYS AND MEANS

COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM

Congress of the United States
House of Representatives
Washington, DC 20515

February 14, 2008

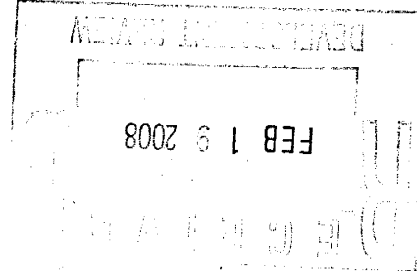
1707 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5341

DISTRICT OFFICES:
51 MONROE STREET, #507
ROCKVILLE, MD 20850
(301) 424-3501

SUITE C-201
6475 NEW HAMPSHIRE AVENUE
HYATTSVILLE, MD 20783
(301) 891-6982

www.vanhollen.house.gov

Mr. Elza Hisel-McCoy
Development Review Division
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910



Dear Mr. Hisel-McCoy:

I am writing on behalf of my constituent, David Hudson, with respect to the pocket park now under consideration as part of the Silver Spring Gateway project.

I would appreciate your reviewing his concerns and advising me of your findings. Please direct all correspondence to me at the following address:

51 Monroe Street, Suite 507
Rockville, MD 20850
FAX: (301) 424-5992

If you need additional information, please contact Ann Humphrey in my Rockville office at (301) 424-3501.

Thank you for your assistance.

Sincerely,

Chris Van Hollen
Member of Congress

CVH/ AH



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

February 20, 2008

Representative Chris Van Hollen
51 Monroe Street, Suite 507
Rockville, MD 20850

Dear Mr. Van Hollen:

Thank you for forwarding the concerns of David Hudson regarding the proposed Silver Spring Gateway Site Plan Amendment (No. 82005001B). This Amendment proposes to make minor cosmetic changes, primarily materials substitutions, to the public use and amenity open spaces approved by the Planning Board as part of the Silver Spring Gateway Site Plan.

Mr. Hudson's letter, of January 25, 2008, expresses his opposition not to the proposed materials changes, but to the fact of the park itself. However, the Planning Board has already approved the park and the other public use and amenity open spaces, including their location and design. The Board approved the conceptual Project Plan (No.920040020) and the Preliminary Plan of Subdivision (No.120040390) on February 5, 2005, and the original Site Plan (No.820050010) on March 17, 2005. The Board approved an initial Site Plan Amendment (No.82005001A) on November 3, 2005.

While I was not personally involved in the review of the initial plans, I understand from the associated staff reports that the public and amenity open spaces included in the project are intended to enliven and animate spaces between the buildings by providing attractively designed, landscaped, and well-lit areas. The Site Plan features located in the public space were designed in collaboration with an artist's concept to further activate the space. These features will improve security in the areas between the buildings by enabling multiple opportunities for residents, management, and passersby to monitor the spaces.

I have scheduled the Planning Board hearing for the proposed amendment for March 13, 2008, as part of the Consent Agenda. Consent items are uncontested minor changes to approved Site Plans and are voted on by group, with an abbreviated staff report and no public testimony. Although Mr. Hudson's opposition is not to the specifics of the proposal, I will include his letter in my Staff Report to the Planning Board with a brief discussion. At its discretion, the Board may remove items from the Consent Agenda if there are issues that warrant a full hearing.

Further information on the aforementioned approvals and proposals, including staff reports and plans, may be obtained online at the Montgomery County Planning Board's website – <http://www.mcparkandplanning.org> – by selecting "Development Info" in the "Quick Links" box and entering the plan numbers listed above. My Staff Report will be available at that address as well on Monday, March 3, 2008, under the "Read the Meeting Agenda" link for March 13, 2008.

If you have any questions or may be of further assistance, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, consisting of a stylized 'E' followed by a horizontal line.

Elza Hisel-McCoy, Assoc. AIA, LEED-AP
Planner Coordinator, Development Review Division
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910
301.495.2115; elza.hisel-mccoy@mncppc-mc.org

cc: David Hudson
file

ATTACHMENT D: DRAFT PLANNING BOARD RESOLUTION



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION


MCPB No. 08-39
Site Plan Amendment No. 82005001B
Project Name: Silver Spring Gateway
Hearing Date: March 20, 2008

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, on January 9, 2008, The JBG Companies ("Applicant") filed a site plan amendment application designated Site Plan No. 82005001B ("Amendment") for approval of the following modifications:

1. Sheet L2.1
 - a. modify the alignment of bluestone pavers;
 - b. change three rows of pavers adjacent to pocket park lawn from matrix #1025 to charcoal color;
 - c. eliminate one riser from the top run of stairs leading to the pocket park;
 - d. modify the bike rack design;
 - e. provide additional architectural pots at the base of the stairs leading to the Canada Dry entrance;
 - f. revise the retaining wall copings at pocket park stairs to brick rowlock rather than precast coping;
 - g. revise crosswalk location along East-West Highway by providing additional pavers and relocating a proposed street light;
 - h. add a depressed curb along East-West Highway to allow for maintenance vehicle access to the underground stormwater management facility;
 - i. add accessibility pavers at crosswalk handicap-accessible location;
 - j. add two removable bollards at the depressed curb location along East-West Highway;
 - k. replace the radial drain at the base of the Central Plaza stairs with 12-inch-by-12-inch inlet catch basins;
2. Sheet L2.2
 - a. remove New Mixed Street Enlargement to Sheet L2.2A;

APPROVED AS TO LEGAL SUFFICIENCY

10 MAR 08
MNCPPC LEGAL DEPARTMENT

- b. remove two stationary bollards in crosswalk ramps along the garage entry road;
- c. replace the four non-lighted bollards along the depressed drop-off area with lighted bollards;
- d. add a double-stacked bond row of pavers on the inside of the concrete monolithic band within the crosswalk at the intersection of East-West Highway and the garage entry road;
- e. modify crosswalk paving patterns and add accessibility pavers;
- f. relocate the bike rack;

3. Sheet L2.2A

- a. show sidewalk & paving pattern along the Internal Street;
- b. modify sidewalk paving patterns;
- c. modify the concrete unit paver pattern in the interior of the raised intersection from 12-inch-by-12 Hanover prest paver, color matrix #1025, to four-inch-by-eight-inch-by-three-inch Hanover prest paver, color Matrix #1025;
- d. add a second row of 12-inch-by-12-inch Hanover prest pavers behind the flush curb condition at the raised intersection;
- e. modify crosswalk paving patterns and add accessibility pavers;
- f. add precast concrete stairs with metal handrails at the apartment entry;
- g. add cast-in-place concrete stairs with metal handrails at the Sorrenko Property corner along East-West Highway;
- h. change the pavers located just north of the transformer from 12-inch-by-12-inch Hanover prest paver to the Silver Spring standard Beldon Brick #470-479 in a basketweave pattern;
- i. modify the bike rack design;
- j. add 11 additional bollards at the raised intersection's depressed curb condition along Blair Mill Way;

4. Sheet L2.3

- a. relocate the construction notes from sheet L2.0;
- b. add cast-in-place concrete stairs with metal handrails at the Sorrenko Property corner along East-West Highway;

5. Sheet L3.0

- a. replace the Landscape Forms Plainwell Series site bench and trash receptacle with the Austin Series backed and backless bench and Chase Park trash receptacle;
- b. replace the lighted Se'lux Saturn Bollard with the Landscape Forms Annapolis Bollard lighted and non-lighted bollard;

- c. replace the Se'lux Saturn-12 foot Pole Fixture with the Louis Poulsen ornamental pole light 12 foot-high pole with Satellite Maxi fixture;
 - d. add uplight details, including shielding where appropriate to limit light trespass off site;
 - e. relocate the bike rack detail to sheet L3.3;
 - f. relocate Art Furnishing details to sheet L3.2;
- 6. Sheet L3.2
relocate Art Furnishing details from L3.0;
 - 7. Sheet L3.3
relocate the bike rack detail from L3.0;
 - 8. Sheet L3.4
add details of new concrete entry stair;
 - 9. Sheet L3.5
add details of Sorrenko property ramp;
 - 10. Sheet L4.1
modify the plant list.

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated March 10, 2008, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on March 20, 2008, Staff presented the Amendment to the Planning Board as a consent item for its review and action (the "Hearing").

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan No. 82005001B; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that the site plan and this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is _____ (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *