



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

**Item #**  
**MCPB 2-10-11**

**MEMORANDUM**

DATE: February 1, 2011  
 TO: Montgomery County Planning Board  
 VIA: Rose Krasnow, Area 1 Chief *RK*  
 FROM: Robert Kronenberg, Area 1 Supervisor *RK*  
 Robert.Kronenberg@mncppc-mc.org  
 (301) 495-2187



REVIEW TYPE: **Limited Site Plan Amendment**  
 CASE #: **82000032C**  
 PROJECT NAME: Discovery Communications, Inc. Headquarters  
 APPLYING FOR: Amendment to decrease the amount of public use space, add a new door from the building directly to the existing play area, install a second 8-foot-tall fence, around the play area in the Discovery Garden, remove/relocate trees and other landscape plantings as needed to accommodate the fence.

REVIEW BASIS: Div. 59-D-2.6 of Montgomery County Zoning Ordinance for Minor Plan Amendments

ZONE: CBD-2  
 LOCATION: Bounded by Georgia Avenue, Colesville Road, and Wayne Avenue  
 MASTER PLAN: Silver Spring CBD and Vicinity Sector Plan  
 APPLICANT: Discovery Communications, Inc. Headquarters  
 FILING DATE: December 7, 2010  
 HEARING DATE: February 10, 2011

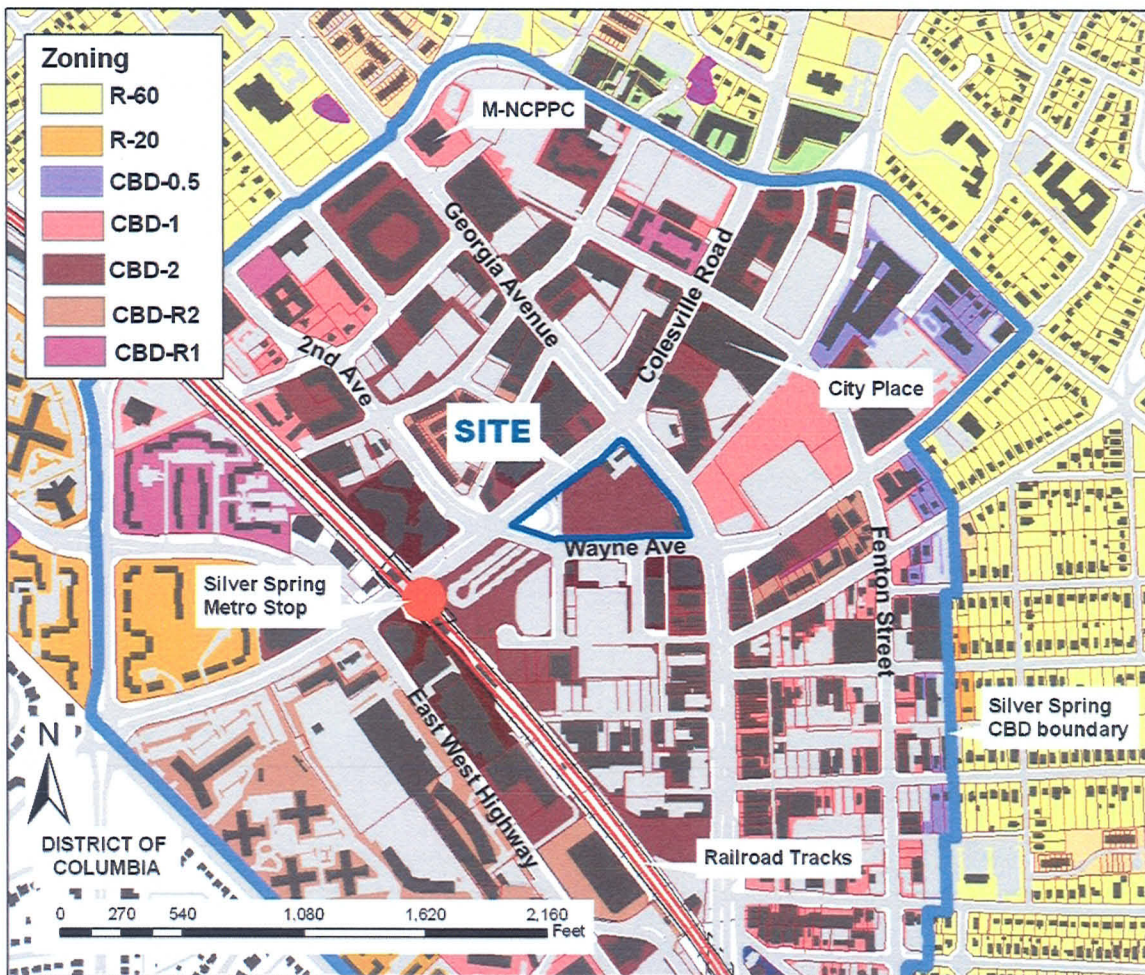
EXECUTIVE SUMMARY: In response to the need for additional security measures for the building, the applicant, Discovery Communications, is proposing to reduce the amount of public use space by installing a second fence around the perimeter of the playground serving the daycare and retrofit the interior public space in the atrium. Staff recommended some options to Discovery to offset the loss of public use space. In response, Discovery has chosen to provide an artistic, interactive design for the new fence that will engage the public and highlight the space.



## Site Vicinity and Description

The subject site is located in the southern quadrant of the intersection of Georgia Avenue and Colesville Road in the core area of the Silver Spring CBD. The Core is characterized by varied and intensive commercial uses, an important residential component that offers convenience and housing choices, as well as a concentration of historic buildings. This property is subject to the optional method standards of the CBD-2 Zone.

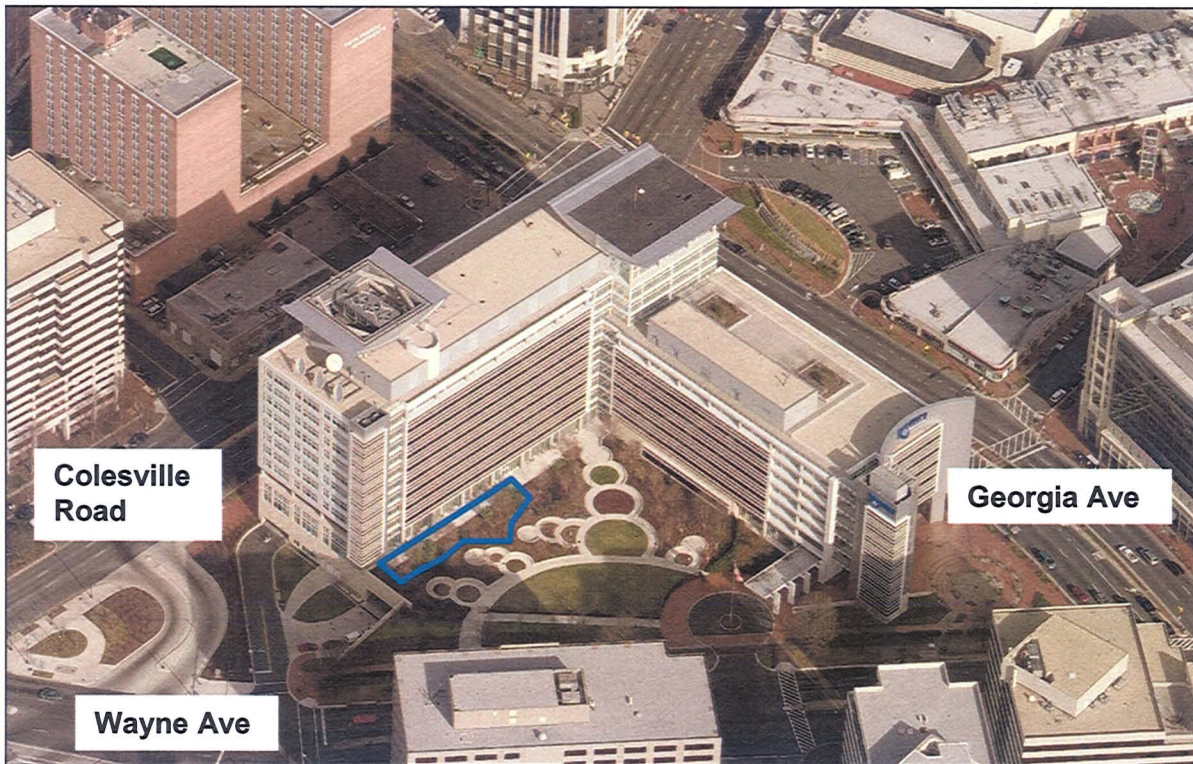
In the immediate vicinity of the site, across Georgia Avenue to the east, is the traditional retail center of Silver Spring; across Colesville Road to the west is a gas station; across Ramsey Avenue to the west is the Silver Spring Metro Stop, and across Wayne Avenue to the south are mixed-use office and retail buildings.



The subject site is fully developed with the Discovery Communications Headquarters building. The office building, which is situated in the northeast corner of the site, is L-shaped, with six stories along Georgia Avenue, and nine stories along Colesville Road. Facing Wayne Avenue, in the “L” of the building, is an outdoor space known as ‘Discovery Garden’. In 2008, a daycare



center was located in the south wing of the building, complimented by an outdoor playground for the children that was dedicated to the memory of Steve Irwin.



**Outdoor playground outlined in blue. The proposed fence is to be parallel to the existing fence and closer to the edge of the three small circles.**

## **BACKGROUND**

The Project Plan (920000020) and Site Plan (820000320) for the Discovery Communications World Headquarters were presented concurrently to the Planning Board on June 1, 2000 (Planning Board Resolutions dated August 31, 2000) for approval of 478,898 square feet of office use, subject to conditions.

Site Plan Amendment (82000032A) was approved by the Planning Board on April 3, 2008 (Planning Board Resolutions dated May 8, 2008) to 1) convert approximately 9,296 square feet of office space within the existing building into a child day care center; 2) convert approximately 4,500 square feet of Discovery Garden to a playground; 3) add necessary safety surfaces, playground equipment, fence enclosure, and furnishings; 4) add new plantings around the proposed playground; 5) remove and/or relocate trees and other landscape plantings as needed for playground construction; and 6) update the Forest Conservation Plan.

Site Plan Amendment #82000032B was approved administratively by the Director on October 23, 2008 for minor modifications to the playground equipment.

## **PUBLIC NOTICE**

A notice regarding the subject site plan amendment was sent to all parties of record by the Applicant on December 8, 2010. The notice gave the interested parties 15 days to review and comment on the contents of the amended site plan. Staff received phone calls and emails regarding concerns over further restricted access to public spaces. Staff also received correspondence from the Silver Spring Citizens Advisory Board supporting the modifications [Attachment A].

## **SITE PLAN REVIEW**

The proposed amendment is consistent with the previous approvals for Project and Site Plan, and the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved Project and Site Plans, with the exception of the loss of public use space, which is being compensated for by the design of artistic panels and shapes in the fence.

As a result of a serious security breach on the Discovery Communications headquarters, the applicant temporarily closed the publicly accessible spaces, including both the “Discovery Garden” and the interior atrium space. The applicant engaged a security consultant to evaluate the overall security measures currently in place on the site and proposed measures that would adequately and efficiently protect the employees and general public who intend to continue using this space.

The applicant is proposing to implement the recommended security measures by applying the following actions:

- 1) Install a new, 8-foot-tall fence around the playground in the Garden;
- 2) Relocate or remove plant material needed to accommodate the fence;
- 3) Add a door from the building directly into the existing play area; and
- 4) Make interior retrofits to the interior space in the atrium to apply security measures for the employees and general public.

The installation of the second fence outside of the current fence for the playground will provide additional protection for the children in the playground by creating a buffer but it will also eliminate approximately 1,400 square feet of Public Use Space (PUS), currently part of the Discovery Garden. The loss of “green” public use space is always a concern in urban areas such as Silver Spring since public green areas are usually on the edge of the district or not present at all. Whittling away segments of the garden diminishes public access, decreases the green area

available to the public and alters the proffer by the applicant when originally approved but would appear to be justified in this case.

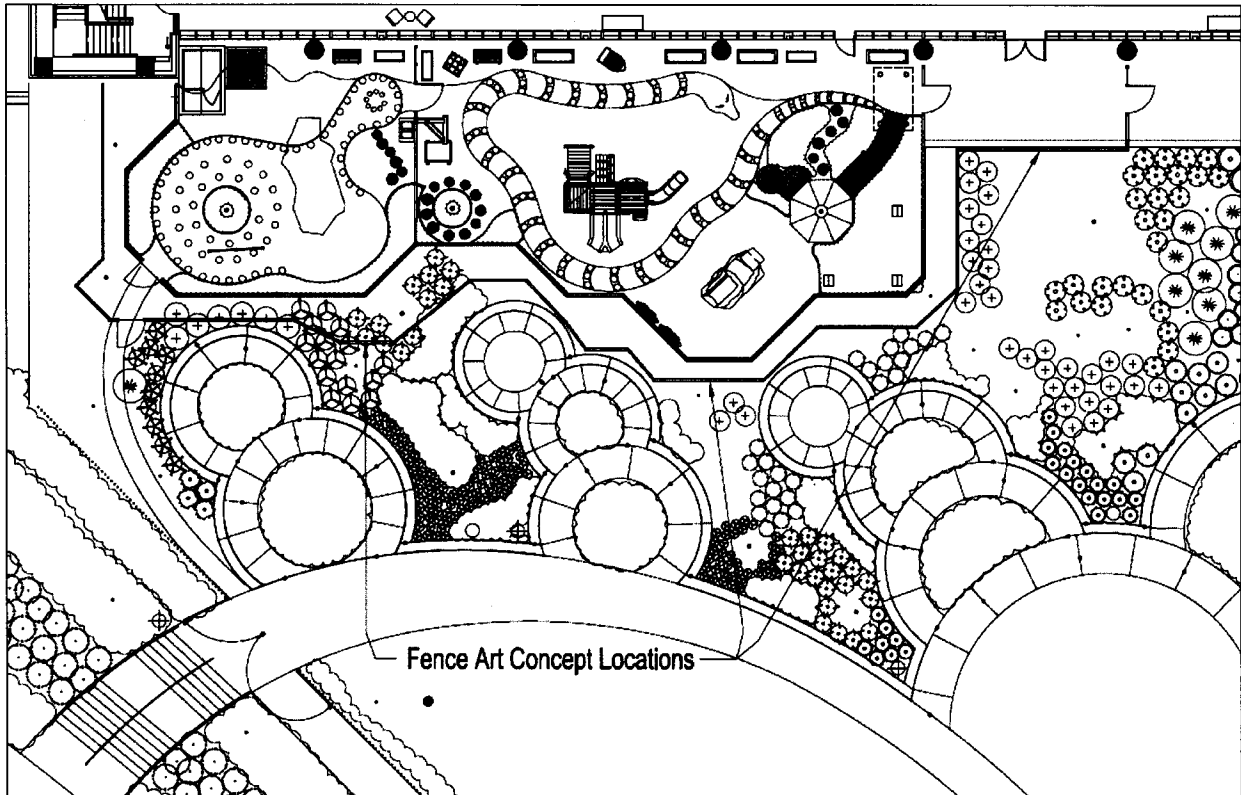
The original on-site PUS provided at the Discovery Communications Headquarters (89,795 square feet or 59.96 percent of the net lot area) is well above the minimum requirement (29,951 square feet or 20 percent of the net lot area). The removal of 4,500 square feet to create the playground decreased their overall amount to 85,295 square feet or approximately 57%, still well above the required amount. Moreover, since 2008, the definition of public use space has changed to include “passive and active recreational areas including outdoor recreation areas for a child day care facility.” While the buffer area between the existing and proposed fence is not technically accessible to the playground, it could still be considered a passive area that is an integral part of the outdoor playground space. 1,400 square feet results in an additional 1 percent loss of public use space, but, the 56%, being provided is still considerably higher than the required 20 percent. However, staff always views the public use, amenities and associated art work as a part of the overall package that is evaluated when making a recommendation for the increased density being received.

Staff recommended a number of options to compensate the public for the loss of public use space, including a payment to the amenity fund, elimination of the interior fence that currently surrounds the playground, a contribution to the endowment of the Betty Mae Kramer Art Gallery located in the new Civic Center, or an artistic design for the proposed fence that both highlights the public space and provides the necessary security measures.

The applicant considered the options and decided to pursue an artistic design of the fence in conjunction with providing additional programming for events to be held in the Central Business District. The Applicant provided Staff with a list of similar outreach and community events already sponsored by their company.

The fence art installations would be comprised of a series of thin panels, attached to the sides of the fence pickets, so that when viewed directly perpendicular to the fence would be hardly visible - maintaining the transparency of the fence for the public's view through to the plants and playground, and for the children and teachers view out to the sensory garden. These same panels when viewed parallel to the fence would then evoke forms/shapes moving along the fence - visible to people seated in the circles adjacent and while walking along the paths. These art installations would be located to best complement the existing and new plantings, the adjacent seating areas, and the open sight lines. The nature of the forms/shapes would be harmonious with the themes of the existing Sensory Garden and Steve Irwin Memorial Playground. The panels would be made of a durable material and finish suitable for exterior exposure with limited or no maintenance required.

The attached plan indicates the approximate areas where these installations would be located. The final locations/extent would be determined in the field to best complement the existing and new plantings, the adjacent seating areas, and the open sight lines.



DISCOVERY COMMUNICATIONS, LLC  
World Headquarters

Playground Security Fencing Proposal - Fence Art Concept Locations

27 January 2011

While the elimination of the fence would be preferable, the impact to the public space is minimal, and will not adversely impact the total on-site PUS since this still exceeds the minimum requirement of 20 percent.

When the daycare center was originally established, the amendment sought to increase visibility and access to the space, as required by the following provisions:

- a. Fully open all gates leading to the Discovery Garden during daylight hours.
- b. Post signs at the entrances and on the fence surrounding the Garden indicating that the Garden offers a multi-sensory experience and is open to the public and listing the hours of operation.
- c. Retrain security personnel to encourage and accommodate public use of the Garden.





**Fence enclosure and gates at the Discovery Garden.**

These provisions are still applicable to the Discovery Garden. Signs may need to be relocated for enhanced visibility and plant material will need to be relocated and added to areas for the installation of the new fence.

The retrofit of the interior atrium space does not take away from the overall public use space and the space will still be accessible by the public while providing the security necessary measures.

**STAFF RECOMMENDATION:** Approval of the proposed amendment to Site Plan 82000032B to install a second, 8-foot-tall fence around the perimeter of the playground in the Discovery Garden resulting in a loss of approximately 1,400 square feet of public use space; relocate or remove plant material needed to accommodate the fence; add a door to provide direct access from the building to the existing play area; and make interior retrofits to the interior space in the atrium to allow for additional security measures to be installed for the employees and general public. All site development elements as shown on the site and landscape plans stamped by the M-NCPPC on December 7, 2010, shall be required except as modified by the following conditions:

**A. Public Use Space**

The Applicant is required to compensate the community for the loss of approximately 1,400 square feet of public use space in the Discovery Garden, by providing an interactive design of the proposed fence. Based upon the proposed concept and plan, the Applicant will:

1. Provide an artistic design for the fence panels in the Discovery Garden in a minimum of three locations.
2. Ensure that the nature of the forms/shapes will be harmonious with the themes of the existing Sensory Garden and Steve Irwin Memorial Playground. The panels would be made of a durable material and finish suitable for exterior exposure with limited or no maintenance required.

**B. Development Program**

The Development Program shall include a phasing schedule as follows:

1. Discovery shall construct the artistic design for the fence within 6 months of the issuance of the permit for the fence.

C. Certified Site Plan

Prior to approval of the certified site plan, the following revisions shall be included and/or information provided, subject to staff review and approval:

1. Include development program, inspection schedule, site plan index, and site plan resolution in certified site plan.
2. Update site plan tabulations to reflect amended Public Use Space totals.
3. Provide the design of the fence, including the forms and shapes.
4. Label material for the fence and artistic design.
5. Add a note allowing field adjustments for the fence and planting by the Applicant and Staff.



## **ATTACHMENTS**

- A. Correspondence from the Silver Spring Citizens Advisory Committee, dated January 18, 2011
- B. Correspondence from Applicant

**ATTACHMENT A**



## SILVER SPRING CITIZENS ADVISORY BOARD

January 18, 2011

Ms. Alexa Verveer  
Vice President  
Government Relations and Public Policy  
Discovery Communications, Inc.  
One Discovery Place  
Silver Spring, MD 20910

Dear Alexa,

Thank you very much for attending the Silver Spring Citizens Advisory Board meeting on January 10, 2011. The presentation that Marc Parsons gave regarding Discovery's application for a site plan amendment (submitted to the Montgomery County Planning Board) was very useful. We appreciated the opportunity to engage in dialogue with you about our shared Silver Spring community.

We are pleased to have an opportunity to strengthen and re-invigorate the dialogue with Discovery. Not only is the company an important corporate citizen in the community, but we also recognize that with 1400 employees, there are also important personal community connections between Discovery and Silver Spring.

The Board believes that Discovery's application for site plan amendment (#82000032C) represents a thoughtful balance of the community's interests in the public spaces on Discovery's site and the security of Discovery's employees and the children in the company's daycare center who use the park space and playground. Therefore, the Board supports Discovery's current site plan application.

In addition, the Board hopes that Discovery's January 10, 2011 presentation marks the beginning of more frequent and substantive communication between the Board,



Ms. Verveer  
Page 2  
January 18, 2011

In addition, the Board hopes that Discovery's January 10, 2011 presentation marks the beginning of more frequent and substantive communication between the Board, Discovery and the Silver Spring community as we continue to build a working relationship to ensure that our mutual needs and goals can be met.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Stevens", with a long horizontal flourish extending to the right.

Kathy Stevens, Chair

cc:

Isiah Leggett, County Executive, Montgomery County  
Valerie Ervin, President, Montgomery County Council  
Robert Kronenberg, Development Review Division, MNCCPC

**ATTACHMENT B**

**LINOWES**  
**AND | BLOCHER LLP**  
ATTORNEYS AT LAW

December 6, 2010

**Stephen Z. Kaufman**  
skaufman@linowes-law.com  
301.961.5156

**Debra S. Borden**  
dborden@linowes-law.com  
301.961.5250

**Via Courier**

Francoise Carrier, Chair  
and Members of the Montgomery County  
Planning Board  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: Discovery Communications, Inc.  
Limited Site Plan Amendment No. 82000032<sup>C</sup>~~B~~ (the "Site Plan")

Dear Ms. Carrier:

On behalf of Discovery Communications, Inc. ("Discovery") we are pleased to submit the attached Limited Site Plan Amendment for Discovery's world headquarters building in Silver Spring ("One Discovery Place" or the "Property"). This application is filed pursuant to Section 59-D-3.7, et seq. of the Montgomery County Zoning Ordinance.

The purpose of the application is to enhance security at One Discovery Place in response to the recent hostage situation at the Property. As you know, on September 1, 2010 an individual armed with incendiary devices and a firearm entered the lobby of One Discovery Place, and held Discovery employees hostage in a standoff with police for several hours. After that tragic occurrence, and upon the advice of police officials, Discovery initiated a full review of building security and hired an independent consultant to make recommendations aimed at improving the safety of employees, visitors and vendors, as well as the safety of children enrolled in Discovery's 9,296 +/- square-foot child day care center located on-site.

The applicant requests the following amendments to the Site Plan:

- Install an 8-foot fence in Discovery Sensory Garden (the "Garden") to provide a secure buffer (approximately 1,410 square feet) between the child day care playground and the public area of the Garden;

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Francoise Carrier, Chair

December 6, 2010

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- Relocation of a minimal number of landscape plantings to accommodate the new fence;
- Add landscape plantings to enhance the Garden and minimize visual effects of the new fence;
- Add a door from the building directly into the child day care playground.

The proposed security buffer between the public area of the Garden and the child day care playground will provide space between the children and the public area, with minimal impact on the usable areas of the Garden, the plantings or the visual aesthetic. The proposed new fence will be constructed in an area that is currently covered with mulch, ground cover and plantings near the existing fence enclosing the child day care playground. The location of the new fence-line has been designed to minimize impact on mature trees and significant vegetation. Additionally, because the site currently exceeds afforestation requirements, the relocation of a small number of trees or shrubs is not anticipated to affect these requirements. The few plantings that are proposed to be disturbed will be relocated, and additional plantings are proposed to further enrich the Garden. The applicant requests flexibility in order to determine whether the plantings will be relocated, and/or replaced as conditions dictate.

Upon installation of the new fence and plantings, the Garden will re-open to the public on weekdays during daylight hours, in addition to the weekend daylight hours currently in place. Additionally, after security upgrades have been installed in the lobby, (see the attached drawing of the lobby redesign plan, enclosed for informational purposes), the lobby will be fully re-opened to the public, and will continue to feature various exhibits and displays.

Thank you for your consideration of our request. If you or your staff requires additional information, please contact us.

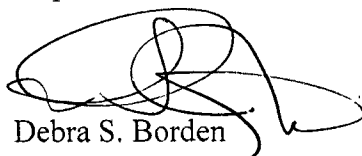
Francoise Carrier, Chair  
December 6, 2010  
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Very truly yours,

**LINOWES AND BLOCHER LLP**

Handwritten signature of Stephen Z. Kaufman in black ink, followed by a circled 'OB'.

Stephen Z. Kaufman

Handwritten signature of Debra S. Borden in black ink, consisting of a large, stylized loop.

Debra S. Borden

:dsb  
Enclosures

cc: Rollin Stanley  
Rose Krasnow  
Robert Kronenberg  
Alexa Verveer, Esquire  
Larry Laque  
Marc Parsons  
Jeff Amateau  
Jeannette Ankoma-Sey  
Kathleen Kulenguski



# **Whelan SFI**

**8401 Corporate Drive  
Suite 610  
Landover, MD 20785  
301.459.2355**

January 11, 2011

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

Dear Mr. Kronenberg,

I am the District Manager for Whelan SFI Security, and we are the contract security provider at Discovery Communications in Silver Spring, MD. As such, I am writing this letter to lend our support to Discovery's plans to improve their physical security to a number of access points at the One Discovery Place location.

As I am sure you can imagine, the events that transpired at One Discovery Place on September 1, 2010 led to a thorough analysis of security vulnerabilities within the Silver Spring location. We have already increased our weekly hours of security coverage from a pre-September 1 level of just over 1,000 to its current level of 2,544, which provides both a drastic increase in foot patrols by our Officers, as well as an increased presence at all major access points for the building. However, this increase alone is not guaranteed to prevent something similar to the hostage situation on September 1—an increased number of personnel alone will not stop a determined individual from gaining access to the building. Therefore, our increased security presence should be augmented by a number of physical security improvements in order to provide the best possible defense against another September 1.

The two key areas that Discovery has identified for additional physical security improvements are the main lobby and the Sensory Garden/Day Care Center area, with one specific detail being the addition of an extra fence around the outside portion of the Day Care Center area. As I am certain Discovery has forwarded their plans onto you already, I will not reiterate them, but our stance is that these improvements are both prudent and warranted.

If I can offer assistance in any way, please feel free to contact me at 202-409-5800 or [jrogowski@security-forces.com](mailto:jrogowski@security-forces.com).

Respectfully,

Jim Rogowski  
District Manager  
Whelan SFI Security