



January 3, 2002

MEMORANDUM

TO: Montgomery County Planning Board

VIA: Daniel K. Hardy, Supervisor *DKH*
Transportation Planning
County-wide Planning Division

Glenn Kreger, Silver Spring/Takoma Park Team Leader *GK*
Community-Based Planning Division

FROM: Janet Gregor, Planner *DKH for*
Transportation Planning
County-wide Planning Division

SUBJECT: DPWT Docket No. AB-652
Abandonment of a Portion of Blair Mill Road
Silver Spring, Maryland

RECOMMENDATION

Staff recommends the following condition related to approval of the subject abandonment:

That the abandonment of Blair Mill Road will not be considered implemented until the Planning Board approves preliminary plan(s) of subdivision and site plan(s) for parcels affected by the abandonment, and a final plat reflecting the approved plans is recorded in the land records. The preliminary and site plan reviews must ensure:

- all properties affected by the abandonment have sufficient public street access
- all vehicular and pedestrian access (ingress/egress) easements are established and identified on all forthcoming plans
- proposed development is consistent with the Silver Spring CBD Sector Plan.

SUMMARY OF DISCUSSION

DPWT Docket No. AB-652 concerns the proposed abandonment of the portion of Blair Mill Road between East-West Highway (MD 410) and Georgia Avenue (US 29), as shown in Exhibit 1. A County Council resolution supporting this abandonment is necessary at this time to continue development of the Silver Spring Gateway project. Staff believes that the roadway abandonment, in conjunction with an appropriate development plan, is a desirable and supportable concept. However, concept plans developed to date for the Silver Spring Gateway do not adequately address staff concerns regarding either county code requirements associated with the abandonment or development review. Therefore, staff recommends the condition described above so that the development proposals can continue through the approval process, but that the abandonment cannot be finalized through plat recordation independent of an approved development project.

The remainder of this memorandum describes the following elements related to the abandonment:

- Silver Spring Gateway project description and status
- Relationship between abandonment, subdivision, and site plan processes
- Blair Mill Road closure history
- Current and future need for Blair Mill Road
- Effects of abandonment on property access
- Sector Plan consistency

Silver Spring Gateway project description and status

The Silver Spring Gateway project entails the redevelopment of properties bounded by Georgia Avenue on the east, the CSX railroad on the northeast, the AT&T/Canada Dry property on the north, and East-West Highway on the southwest.

The first phase of the Silver Spring Gateway project is also referred to as the Silver Spring Innovation Center (SSIC), a public/private partnership between Montgomery County and the JBG Companies (JBG). A concept plan for the SSIC is shown in Exhibit 2. The SSIC is designed to provide information technology incubator space to supplement the expanded Maryland Technology Development Center (MTDC) in Rockville. The MTDC is a highly successful project that has contributed to Montgomery County's high percentage of technology related jobs. As of January 2001, there were over 25 information technology firms on a waiting list for space to open at MTDC. Additional incubator space is needed for the County to continue to benefit from technology sector employment opportunities and remain competitive in technology growth.

Additional details regarding the SSIC are provided in the December 26, 2001 letter from Alfredo Echeverria to Daniel Hardy included as Attachment B, and the December 26, 2001 letter from Alfredo Echeverria to Janet Gregor included as Attachment C.

Both the first (SSIC) and second phases of the Silver Spring Gateway will require an assemblage of small parcels into a larger property. Pursuant to this goal, Montgomery County has acquired two properties essential to the Gateway Project. The two properties, one acquired from CSX Realty Development, LLC and the other from the Washington Metropolitan Area Transit Authority (WMATA), are located on the northeast side of Blair Mill Road adjacent to the CSX/WMATA rail tracks.

The properties included in the second phase of the Silver Spring Gateway are owned by either Blair Mill, LLC or the Imperial Investment Company. These property owners support the abandonment, as indicated in the September 14 (sic), 2001 letter from Lawrence Shulman to Janet Gregor, included as Attachment D.

The AT&T/Canada Dry property on the north side of Blair Mill Road is adjacent to, but not currently part of, the Silver Spring Gateway project. Staff notes that additional coordination with this property will be required during subdivision and site plan review. On December 20, 2001, the Planning Board placed a portion of this site on the *Locational Atlas and Index of Historic Sites*. This site currently has access to both Blair Mill Road and East-West Highway. Abandonment of the Blair Mill Road right-of-way would require further coordination to preserve access to the historic portion of the property. In addition, the abandonment would convey a portion of the existing Blair Mill Road right-of-way to the AT&T/Canada Dry property, not to the Silver Spring Gateway assemblage as presumed in Exhibit 2. Additional property transfer or other easements between the AT&T/Canada Dry property and the Silver Spring Gateway would therefore be required to retain the existing alignment of Blair Mill Road as a private driveway as shown in Exhibit 2.

Relationship between abandonment, subdivision, and site plan processes

The preparation of proper preliminary plans and site plans for either phase of the development of the Silver Spring Gateway project requires prior Council abandonment of Blair Mill Road. A plat prepared for recordation cannot show a site split by a publicly owned right-of-way nor can it show buildings crossing right-of-way lines.

The County Executive is holding a public hearing on the proposed abandonment on January 16, 2002 as described in Executive Order 283-01, included as Attachment A. Subsequent to the public hearing, the County Council can abandon the right-of-way by resolution. The Council can issue a conditional resolution that requires subsequent preliminary plan and site plan approval.

The Planning Board will subsequently review preliminary plans of subdivision and site plans for the two phases of the Silver Spring Gateway and the AT&T/Canada Dry site. These future development review activities must adequately address staff concerns regarding property access and Sector Plan consistency.

If the County Council accepts the abandonment condition as recommended in this memorandum, then until the development review process is completed successfully, the abandonment cannot be realized and the right-of-way will remain public. Therefore, staff believes that the interests of the Planning Board and the community are maintained by

the recommended condition. Community-Based Planning support for this process is described in the memorandum from Glenn Kreger included as Attachment E.

Blair Mill Road closure history

The portion of Blair Mill Road between Georgia Avenue and East-West Highway has already been the subject of a conditional roadway closure by the County Council. In 1989, the 8030 Georgia Avenue Limited Partnership petitioned for the closure of this portion of Blair Mill Road. The request for closure was linked to providing open space for a residential development proposal (Project Plan 9-87002, East-West Plaza) approved by the Planning Board.

The public hearing for DPWT Docket No. AB 564, Closure of a Portion of Blair Mill Road, was held on April 21, 1988. The Montgomery County Department of Transportation opposed the closure based on the loss of public parking and uncertainty regarding maintenance of storm drainage systems and other public improvements. The Potomac Electric Power Company, Maryland Natural Gas, and the Washington Suburban Sanitary Commission each supported the closure with the condition that they retain the ability to maintain and operate their utilities located within the right-of-way. The Chesapeake and Potomac Telephone Company, the Department of Fire and Rescue and the Police Department had no objections to the closure. The Maryland-National Capital Park and Planning Commission supported the closure noting that it would have minimal effects on traffic flow.

On September 19, 1989 the County Council adopted resolution 11-1628, granting the closure subject to the following conditions:

- That the Montgomery County Planning Board review any and all of the development site plans of the area affected by this closure and provide adequate parking for both the park and businesses within the immediate area
- That an agreement be negotiated between the Montgomery County Department of Transportation and the petitioner, its assigns and heirs for the responsibility and maintenance of the present storm drainage system and other public improvements
- That the necessary right-of-way agreements are granted to the Washington Suburban Sanitary Commission, Potomac Electric Power Company and the Maryland Natural Gas Company for the maintenance of their facilities.

The closure was never implemented. The development plan upon which it was predicated has expired.

Current and future need for Blair Mill Road

Section 49-63 (e) of the Montgomery County Code states that a right-of-way may be abandoned or closed if "the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future". Currently, Blair Mill Road serves three necessary public uses as it:

- Provides vehicular and pedestrian access to abutting properties
- Provides pedestrian access to the western portal of the pedestrian tunnel crossing under the CSX railroad and connecting South Silver Spring to the Ripley District
- Provides on-street, short-term public parking for nearby businesses, particularly the Crisfield's restaurant.

Staff concurs with the findings of the 1989 closure that, other than serving the three purposes described above; Blair Mill Road is not a necessary component of the roadway network. Staff also concurs with the applicant that the Silver Spring Gateway project can be designed in a manner to adequately address all three purposes described above. The development review process for the Silver Spring Gateway project must ensure that these public needs are met by the project so that the roadway can be abandoned once the project is approved.

Effects of abandonment on property access

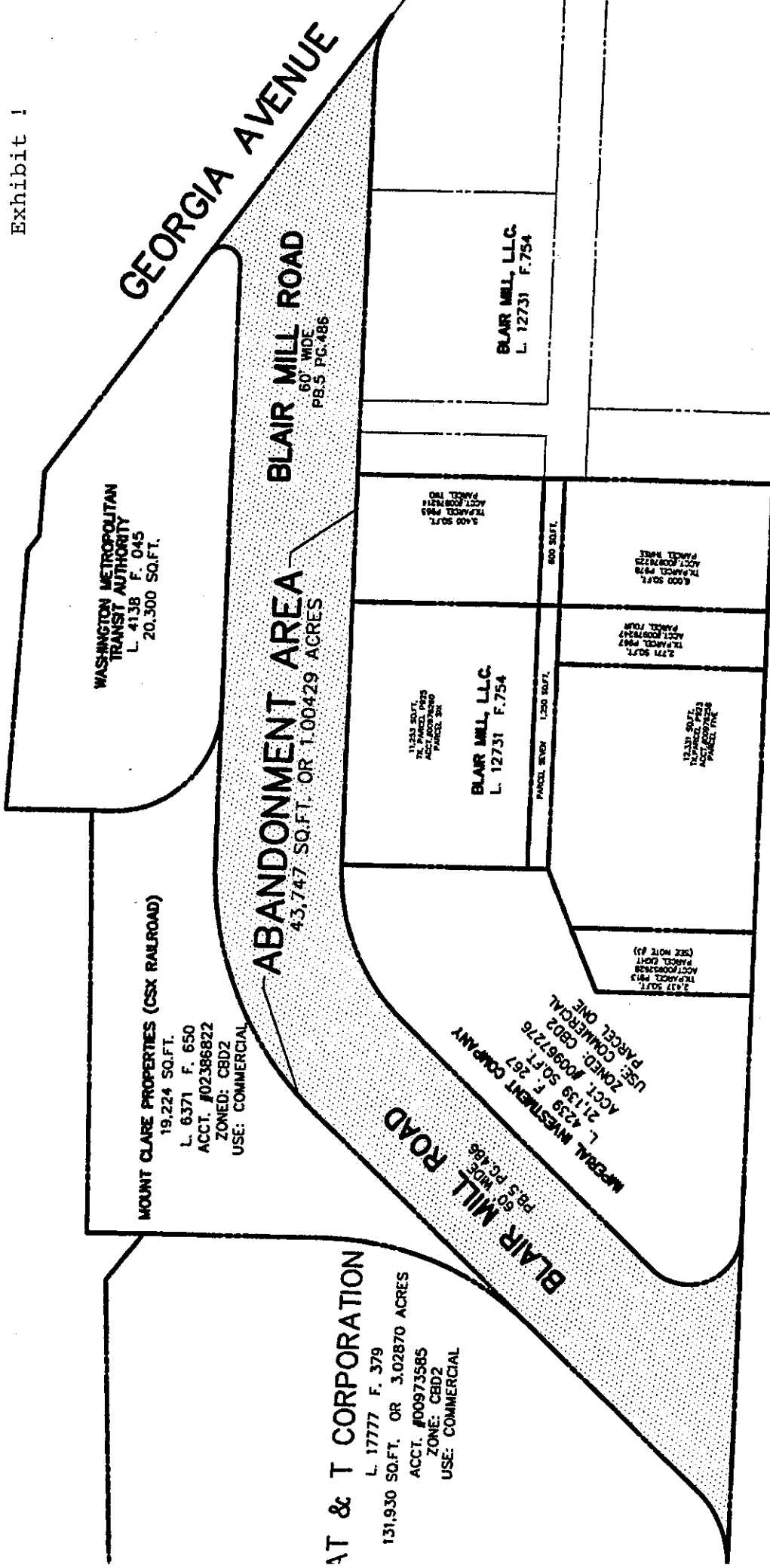
Section 49-63 (f) of the Montgomery County Code states that "a right-of-way which is the sole means of access to any property must not be abandoned or closed". Currently, Blair Mill Road serves as the sole means of access to several parcels that must be consolidated in conjunction with the abandonment.

The concept plans for the two phases of the Silver Spring Gateway entail all properties bounded by Georgia Avenue on the east, the CSX railroad on the northeast, the AT&T property housing the Canada Dry facility on the north, and East-West Highway on the southwest. The applicant does not have a current plan showing how these properties will be subdivided for either Phase I or Phase II of the proposed Silver Spring Gateway project. However, staff concurs with the applicant that these properties can be re-subdivided in a manner to provide public access via Georgia Avenue and East-West Highway.

Sector Plan Consistency

The abandonment of Blair Mill Road is not recommended in the February 2000 *Silver Spring CBD Sector Plan*. The Sector Plan recommends that this portion of Blair Mill Road be designed as a mixed-use street in conjunction with redevelopment. Staff believes that if the Silver Spring Gateway project and the AT&T/Canada Dry site is developed in a manner that is consistent with the Sector Plan, then the proposed abandonment can also be considered consistent with the Sector Plan.

JG:kcw



PORITION OF
BLAIR MILL ROAD
ABANDONMENT
 MONTGOMERY COUNTY, MARYLAND
 SCALE: 1" = 70' DECEMBER, 2001

EAST/WEST HIGHWAY
 60' WIDE
 PB.5 PG.446

VIKA

ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES

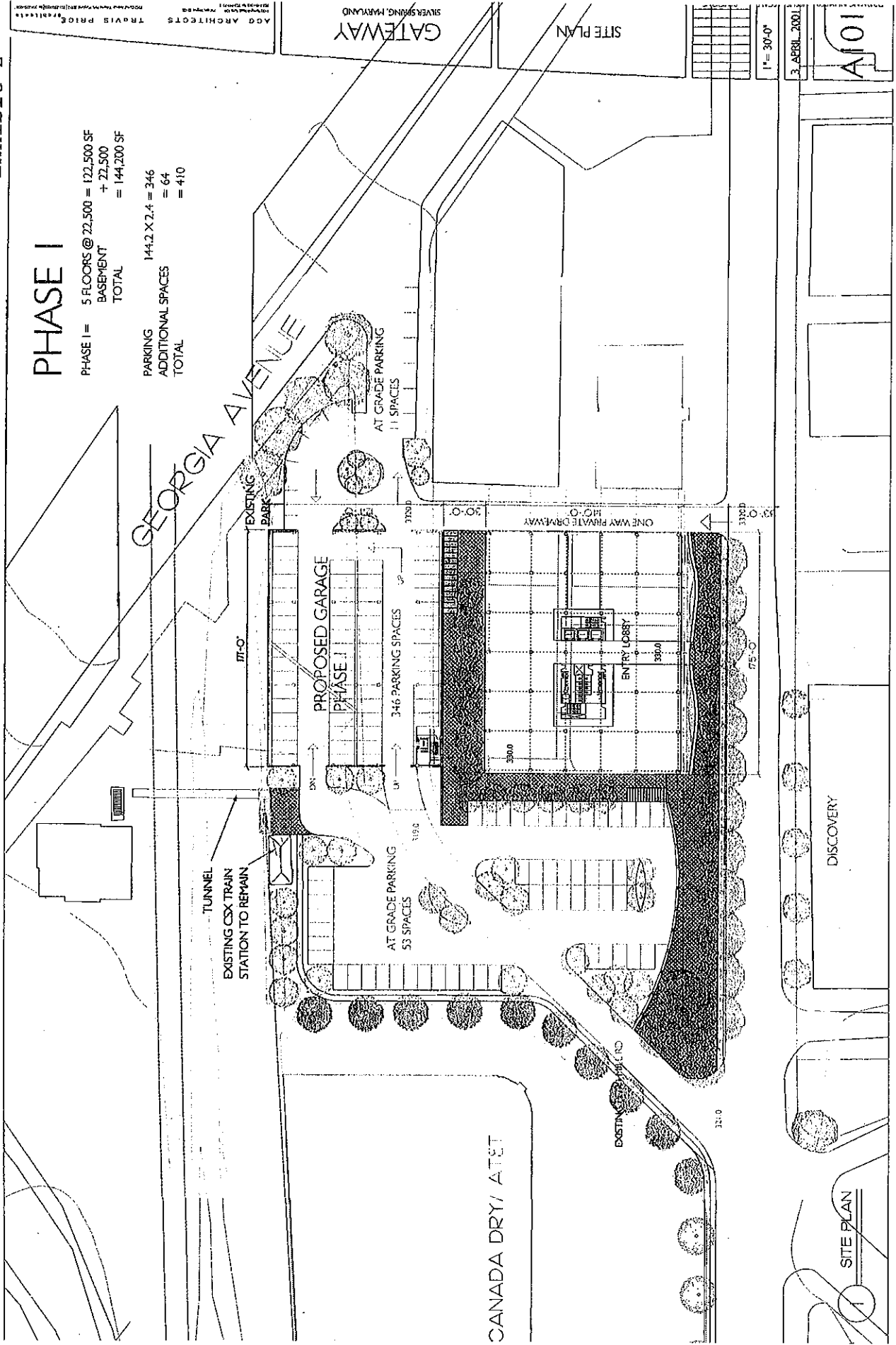
VIKA INCORPORATED
 20251 CENTURY BOULEVARD—FIRST FLOOR ■ GERMANTOWN, MARYLAND 20874
 (301) 916-4100 ■ (301) 916-2262
 GERMANTOWN, MD. ■ MCLEAN, VA.

Exhibit 2

PHASE I

PHASE I = 5 FLOORS @ 22,500 SF = 122,500 SF
 BASEMENT = 22,500 SF
 TOTAL = 144,200 SF

PARKING 144.2 X 2.4 = 346
 ADDITIONAL SPACES = 64
 TOTAL = 410



SITE PLAN
 GATEWAY
 SILVER SPRING, MARYLAND
 AGG ARCHITECTS
 TRAVIS PRICE ARCHITECTS

1" = 30'-0"
 3 APRIL 2001

A101

SITE PLAN



Attachment A

DEPARTMENT OF PUBLIC WORKS
AND TRANSPORTATION

Douglas M. Duncan
County Executive

Albert J. Genetti, Jr., P.E.
Director

November 14, 2001

Mr. Arthur Holmes, Jr., Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

RECEIVED
011790
NOV 16 2001

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION
RE: AB652 - Abandon a Portion
of Blair Mill Road

Dear Mr. Holmes:

Enclosed for review by the Maryland National Capital Park and Planning Commission are Executive Order 283-01 describing the above-captioned abandonment proposal, location map and copy of petitioners' letter requesting the abandonment.

Please submit the Planning Board's recommendation to the Department of Public Works and Transportation by January 7, 2002 since the hearing date is scheduled for January 16, 2002.

Thank you for expediting this matter.

Sincerely,

Wanda Whorton
Public Administrative Intern

WW:wcw
AB652

Enclosures

COPY



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: AB652 - Abandonment of a Portion of Blair Mill Road	Executive Order of No. 283-01	Subject Suffix PAS
Originating Department Public Works and Transportation	Department Number AB 4-02	Effective Date 11/09/01

AB652

ABANDONMENT OF A PORTION OF BLAIR MILL ROAD

- Pursuant to Section 49-62 of the Montgomery County Code 1994, the County Executive or his designee shall conduct a Public Hearing

at 7:00 p.m. on Wednesday, January 16, 2002 at the
 Maryland National Capital Park and Planning Commission
 8787 Georgia Avenue, First Floor Auditorium
 Silver Spring, Maryland 20910

to consider a joint petition submitted by the Department of Economic Development on behalf of Montgomery County, Maryland and JBG/Silver Spring, L.L.C. by J. Trapier Jervey to abandon a portion of Blair Mill Road from Georgia Avenue to East-West Highway, as more fully described and shown on certain Exhibits which are available for examination at the Office of the Montgomery County Department of Public Works and Transportation, Division of Engineering Services, Property Acquisition Section, 101 Monroe Street, 6th Floor, Rockville, Maryland.

- After the aforesaid hearing, the Hearing Officer shall report his findings and recommendations to the County Executive for further consideration, as prescribed by the County Code.

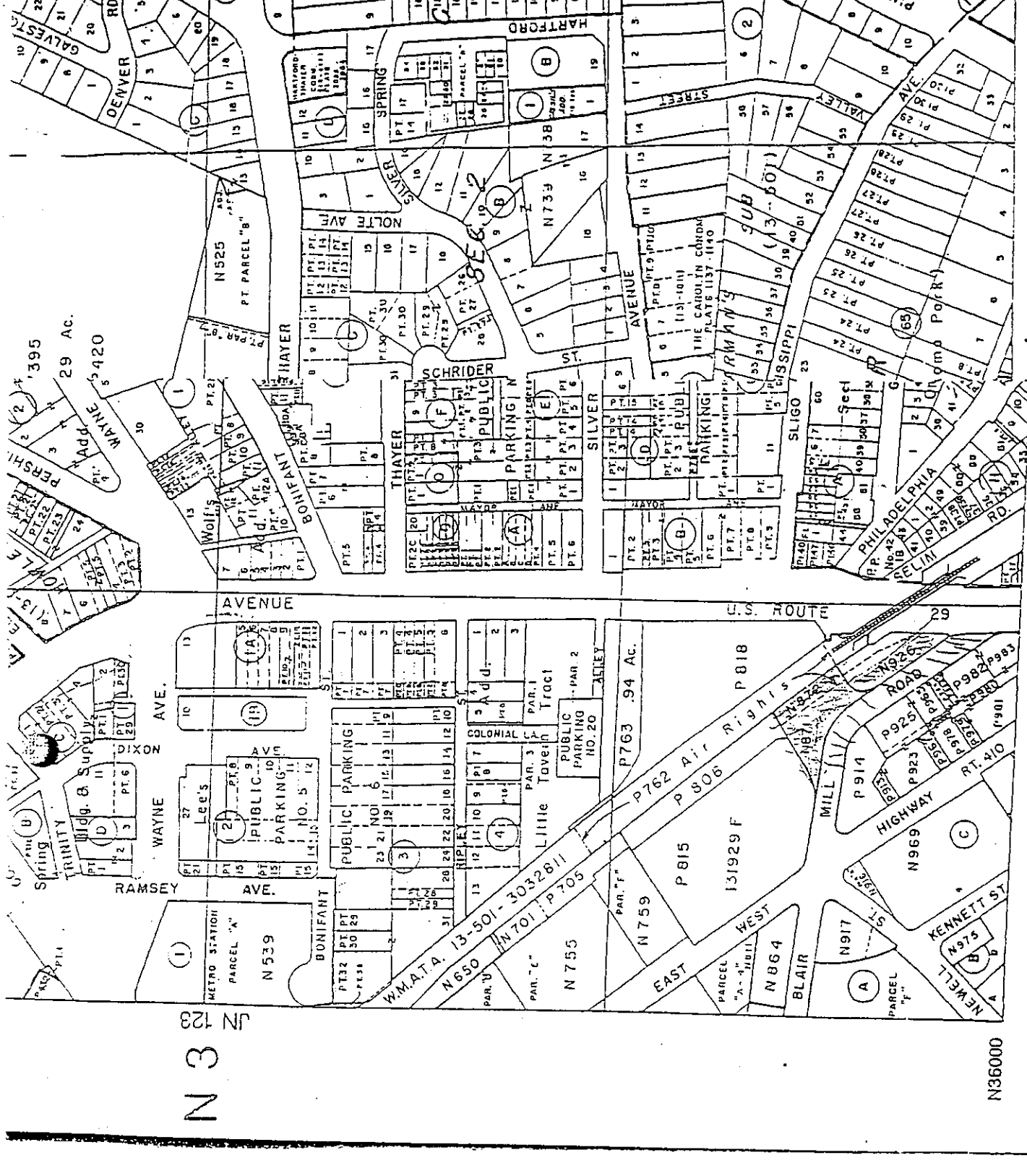
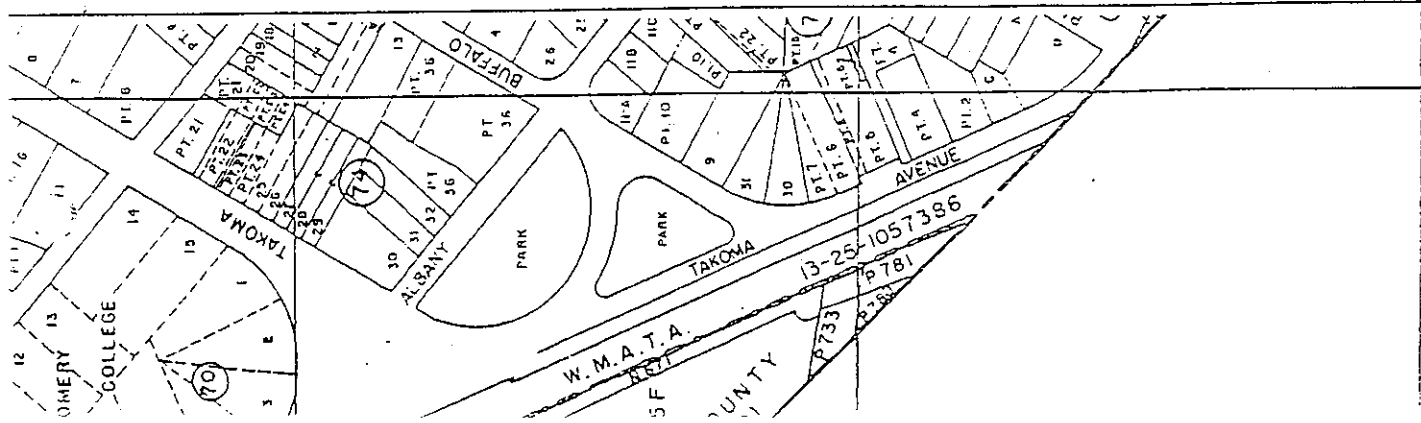
Approved as to Form and Legality

APPROVED

By: Gileen S. Basore
 Date: 11/16/2001

William M. Mooney, Jr.
 William M. Mooney, Jr.
 Assistant Chief Administrative Officer

Distribution:
 Department of Public Works and Transportation
 Department of Finance



OMERY COLLEGE
TAKOMA
ALBANY
PARK
TAKOMA
W.M.A.T.A.
COUNTY

WAYNE
PERSH
WOLF'S
THAYER
BOHNIANT
THAYER
PARKING
PUB. P.
SILVER
SLIGO
PHILADELPHIA
MELIN

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JN 123

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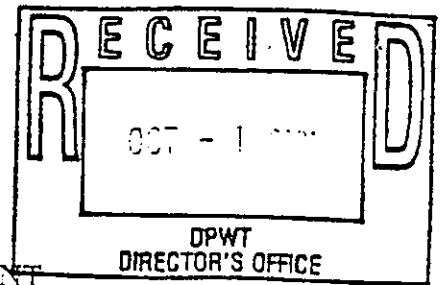
W6000

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MONTGOMERY CO. PLANNING
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MONTGOMERY CO.
PLANNING
PROPERTY MAPPING SECTION



DEPARTMENT OF ECONOMIC DEVELOPMENT

Douglas M. Duncan
County Executive

David W. Edgerley
Director

MEMORANDUM

October 1, 2001

TO: Albert J. Genetti, Jr. Director
Department of Public Works and Transportation

FROM: David W. Edgerley, Director
Department of Economic Development

SUBJECT: Closing and Abandonment of Blair Mill Road

You may recall that on July 17, 2000 I sent to you a Memorandum asking for your Department's assistance regarding the proposed closing and abandonment of Blair Mill Road to facilitate the development of the Silver Spring Innovation Center (SSIC).

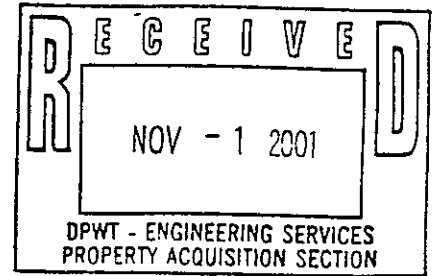
We are now ready to proceed to close and abandon the entire length of Blair Mill Road's right-of-way from East-West Highway (State Route 410) to Georgia Avenue (State Route 29). Because of the public interest in building the SSIC, we have agreed with the developer that the County would be a co-petitioner of the closing and abandonment.

In order to facilitate the prompt initiation of the process, we have requested the developer to prepare the necessary surveys for the public hearing. I am asking for your assistance in suggesting what type of surveys are required, and any other supplementary documentation, such as site plans, drawings, illustrations, etc., that may strengthen our petition. Because the project is now in a very critical stage, the proposed closing and abandonment should proceed as quickly as possible. We have met with Gail Libby Curtis and Dennis Robinson of your staff to assess which is the most effective and fastest way to accomplish this important goal.

Thank you for your assistance in seeking a successful completion of the Silver Spring Innovation Center. Our staff contact is Alfredo Echeverria at x72034. He will assist with any questions you may have.

DWE/ae

THE JBG COMPANIES
November 1, 2001



4:30 PM
[Signature]

Mr. Albert J. Genetti, Jr.
Director
Montgomery County Department of Public Works and Transportation
101 Monroe St., 10th Floor
Rockville, Md. 20850

Re: Abandonment of Blair Mill Rd.

Dear Mr Genetti:

The purpose of this letter is to request the abandonment of Blair Mill Rd. between East West Highway and Georgia Ave. in Silver Spring, Md. The abandonment is necessary to allow for the development of the Silver Spring Gateway project, which is a joint development of JBG and the Montgomery County Department of Economic Development. Silver Spring Gateway will be a mixed-use project, and will include the County's information technology incubation facility. The project will incorporate the County-controlled land located on the northeast side of Blair Mill Rd. (between East West Highway [Route 410] and Georgia Ave. [Route 29]) as well as the JBG controlled properties at 1139 and 1141 East West Highway.

It is our understanding that a partial closing of Blair Mill Road has been approved and adopted by Executive Order Number 8-88, effective on 2-23-88. This portion of Blair Mill Rd. ends at Georgia Ave., and is therefore not a frequently used thoroughfare. We consider that there will be no negative transportation impact resulting from the proposed abandonment. Furthermore, the project will contribute to County's investment in the redevelopment Downtown Silver Spring.

Please let us know what additional information will be required in order to proceed with the abandonment process. We will be happy to meet with you at your earliest convenience and look forward to working with you on this project. Thank you for your time and assistance.

JBG/Silver Spring, L.L.C.

[Signature]
J. Trapier Jervey



DEPARTMENT OF ECONOMIC DEVELOPMENT

Douglas M. Duncan
County Executive

David W. Edgerley
Director

December 26, 2001

Mr. Daniel Hardy
CW/TP
Maryland National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Ref.: Blair Mill Road Abandonment

Dear Mr. Hardy:

Enclosed please find the information you might need to evaluate the merits of the proposed abandonment. The sites affected by the proposal are located between East-West Highway, CSX Railroad Tracks and Georgia Avenue in Silver Spring.

Phase I of the proposed project includes the development of approximately 12,000 square feet for the creation of the Silver Spring Innovation Center (SSIC). SSIC is a creative public/private undertaking to achieve the County's goals of responding to an increasing demand for information technology incubator space, while continuing to invest in the revitalization and enhancement of the designated Arts and Technology District in Silver Spring.

The public/private partnership with the County and the JBG Companies (JBG) will design and build the SSIC as part of a development to be known as the "Silver Spring GATeWAY" project. SSIC will become the "beachhead" for the information technology industry in the eastern part of the County.

The County has acquired two properties that are essential to the entire development of the GATeWAY project. These properties were acquired from CSX Realty Development, LLC and from the Washington Metropolitan Area Transit Authority (WMATA). The CSX site is part of the total site acquired for another public project. The entire site comprised 110,051 square feet. On March 6, 2001, the County signed an Option Contract with WMATA for the acquisition of 7,749 square feet. The total combined site acquired by the County is 27,184 square feet.

Mr. Daniel Hardy
December 26, 2001
Page 2

According to consolidated data generated by Maryland-National Capital Park and Planning Commission (MNCPPC) and the County's Department of Economic Development (DED), during the year 2000 there were over 1,700 information technology businesses in the County. Information technology businesses in the County represent over 30% of all high-tech businesses in the State.

Because of the great need for incubator space, the County originally opened an incubator in leased space for information technology businesses in September 1993. On January 1, 1999, the County's incubator, the Maryland Technology Development Center (MTDC), moved to a new 52,000 square feet facility located at 9700 Great Seneca Highway, Rockville.

MTDC currently houses 12 biotechnology businesses and 7 information technology firms. Since its opening, 5 information technology businesses and 6 biotechnology firms graduated from the program. These companies have generated nearly 375 new high paying jobs with approximately \$120 million in FY00 revenues. MTDC has been fully occupied since shortly after its opening. Due to the high demand for incubator space, expansion of the existing facilities at MTDC comprising 5,000 square feet will be completed by January 2002. This expansion is designed to accommodate office space. As of January 2001, there was a large waiting list of over 25 information technology firms seeking entrance at MTDC.

SSIC is located within the Smart Growth Area. The Smart Growth Initiative was adopted by the Maryland General Assembly in 1997. The centerpiece of the legislation is the "Priority Funding Areas" legislation designed to focus infrastructure, economic development and other funding to Smart Growth Areas.

Furthermore, the SSIC is within the Silver Spring Enterprise Zone (SSEZ) designed by the State of Maryland on December 15, 1996. Executive Regulations No. 5-97 were adopted on May 6, 1997 for the administration of the SSEZ. Businesses and owners of commercial properties may be eligible for employment and property tax credits if they meet the requirements for eligibility.

On June 26, 2001 the County Council adopted a Supplemental Appropriation (Number 32-S01-CMCG-12) to help finance the development of the SSIC. During the budget process, the Council was briefed on the need to consolidate the land owned by the County and the property controlled by JBG, and consequently on the need to abandon Blair Mill Road.

Mr. Daniel Hardy
December 26, 2001
Page 3

Prior to the preparation of schematic drawings, a series of meetings were held with abutting property owners who could be affected by the project and the abandonment of Blair Mill Road. The issues raised basically dealt with the provision of surface parking for patrons of businesses towards the eastern part of the project, along Georgia Avenue.

To respond to those concerns, also raised during the public hearing related to the closure of a portion of Blair Mill Road (see attached material), two specific actions will be taken. One relates to the provision of at-grade parking spaces and the second relates to a one-way private driveway to be kept in perpetuity from East-West Highway onto the project. The petition to partially close Blair Mill was adopted by the County Council through Resolution number 11-1628 on September 19, 1989.

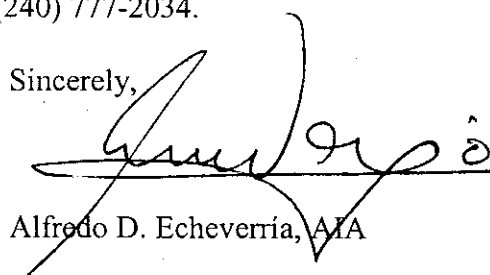
Three conditions were required for such a partial closure. They relate to referrals to MNCPPC for site plan review, an agreement with the County's Department of Public Works and Transportation (before the Department of Transportation) and agreements with public utilities. We are committed to address those conditions in a mutually satisfactory manner.

For your review I am enclosing the following documents:

- ◆ Copy of Petition AB-652 for the Abandonment of Blair Mill Road, dated November 14, 2001, and documents related to the previous partial closure
- ◆ Set of photographs of the sites acquired by the County for the subject project
- ◆ Set of maps, schematic site plan, renderings of the project, and a narrative describing the overall quality of the proposed GATeWAY project

I hope this material is satisfactory to you, and that you forward a favorable recommendation to the Planning Board. Please feel free to call me if you need any additional information. I can be reached at (240) 777-2034.

Sincerely,



Alfredo D. Echeverría, AIA

cc: The JBG Properties
David W. Edgerley, DED
Albert Genetti, DPWT



DEPARTMENT OF ECONOMIC DEVELOPMENT

Douglas M. Duncan
County Executive

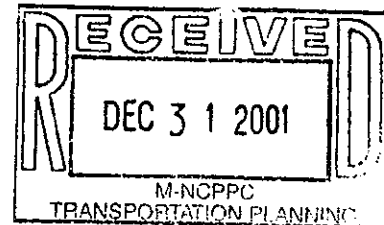
David W. Edgerley
Director

December 26, 2001

Ms. Janet E. Gregor
Planner/Coordinator
Transportation Planning
Maryland National Capital Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Ref: Blair Mill Road Abandonment

Dear Ms. Gregor:



As requested by you during our meeting early this morning in your office, I am forwarding additional information that I hope can further assist you is drafting the staff recommendation to the Planning Board, regarding the subject abandonment.

1. For approximately two years, the County has been negotiating with The JBG Companies (JBG) a complex public/private joint development agreement (the Agreement) to build an incubator facility for information technology businesses and a "Class A" office building. The incubator is known as the "Silver Spring Innovation Center" (SSIC). Please refer to my letter to Mr. Daniel Hardy dated December 26, 2001 which provides background information related to the need to develop the SSIC.
2. The Agreement has been changed several times to respond to changes pertaining to the availability of public funds. After intensive negotiations the Agreement has been approved by all parties and is awaiting final signature of County officials. We expect that no later than mid January it will be finalized.
3. Some of the key components of such an Agreement are as follow:
 - a) The County will sell approximately 27,184 square feet of land acquired by the County from CSX Realty and the Washington Metropolitan Area Transit Authority, and will co-petition the request for abandoning Blair Mill Road. The County will contribute the corresponding right-of-way land resulting from the abandonment of Blair Mill Road.

- b) JBG will build approximately 12,000 square feet for the SSIC according a design criteria provided by the County. The County will buy the SSIC facility under a condominium regime.
 - c) JBG will pay the County for the value of its land to pay for part of the construction cost of the SSIC.
 - d) The balance of the SSIC development costs will be paid by the County from funds obtained from the State of Maryland (House Bill 626, Senate Bill 594, Chapter 624, effective June 1, 2000) the Maryland Technology Development Corporation (approved on November 8, 2001), and the County's Supplemental Appropriation to FY01-06 Capital Improvement Program (#32-S01CMCG-12, Resolution 14-934, adopted June 26, 2001).
 - e) The Contract stipulates that --- **“Failure to Achieve Development Closing within a timeframe specified in the contract (inclusive of the abandonment of Blair Mill Road) the parties shall be released from this Agreement and all obligations hereunder shall terminate unless otherwise specified herein.”**
 - f) The parties to the Agreement control all land shown on the site plan left with Mr. Hardy today. Generally they are bound by CSX railroad tracks, Georgia Avenue, East West Highway, and the AT&T site.
4. The State of Maryland's Capital Project Grant Application requires that the grantees (the County) submit to the State's Board of Public Works an Estimated Project Schedule, and the State's Treasure's Office requires that the County submits a Cash Requirement Survey. These schedules are designed to allow the State to project its cash flow and disbursement of funds. We have indicated that the County will need all funds by the end of calendar year 2003 or by mid 2004. These dates are ready for occupancy dates.
5. This project will undergo several other reviews (Master Plan Amendment, Subdivision Review, Site Plan Review, Permits etc). As you know, we cannot proceed with a subdivision review until the public street dissecting the property is officially abandoned. While those reviews offer ample opportunities to the Planning Board to seek compliance with planning policies in the Silver Spring Sector Plan, they have a great scheduling impact on meeting the abovementioned completion schedule.

Ms. Janet Gregor
December 26, 2001
Page 3

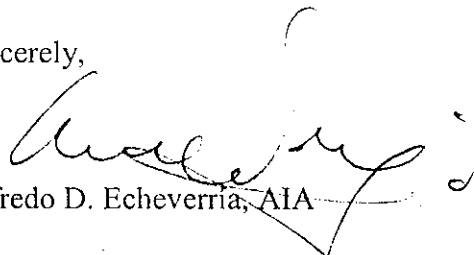
6. Pertaining to the issue of abutting property owners, a letter will be sent to you from the law firm of Shulman, Rogers, Gandal, Pordy & Ecker representing those owners clearly stating that:
 - a) they fully support the abandonment of Blair Mill Road;
 - b) they are in partnership with JGB for the development of the GATeWAY project; and
 - c) that the issue related to existing tenants' parking has been addressed satisfactorily.

7. The County's Department of Public Works and Transportation will submit a report regarding the Department's evaluation of the impacts of the proposed abandonment for the Board's public hearing. Such a report is not available at this time.

I hope this additional information answers most of the questions and concerns you expressed during the meeting, and that you find them sufficient to recommend favorable consideration by the Planning Board.

Please feel free to call me if you need any additional information. You can reach me at (240) 777-2034.

Sincerely,



Alfredo D. Echeverria, AIA

AE/ga

cc: The JBG Properties
David W. Edgerley, DED
Albert Genetti, DPWT

SHULMAN ROGERS GANDAL PORDY & ECKER, P.A.

Lawrence A. Shulman
Donald R. Rogers
Larry N. Gandal
Karl L. Ecker†
David A. Pordy+
David D. Freishtat
Martin P. Schaffer
Christopher C. Roberts
Jeffrey A. Shane
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Sandy David Baron
Christine M. Sorge
Sean P. Sherman+
Michael L. Kabik
Gregory D. Grant+
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Timothy Dugan+
Karl W. Means
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Deborah L. Moran
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Eric J. von Vorys
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Maryland and D.C.
except as noted:
+ Virginia also
• Maryland only
◦ D.C. only
† Retired

Writer's Direct Dial Number:

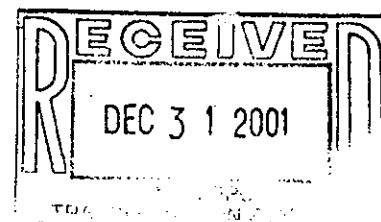
Attachment D

301/230-5201
lshulman@srgpe.com

September 14, 2001

VIA FAX 301-495-1302

Ms. Janet E. Gregor
Planner/Co-ordinator
Transportation Planning
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760



RE: Proposed Abandonment of Blair Mill Road between East-West Highway and Georgia Avenue, Silver Spring, Maryland

Dear Ms. Gregor:

This Firm represents Blair Mill, LLC and Imperial Investment Company, the owners of the properties on the south side of Blair Mill Road ("Properties"). This Firm also represents JBG/Silver Spring, LLC, the development entity for the proposed Silver Spring Gateway project ("Project") planned for the Properties and certain other lands.

This letter is to confirm that Blair Mill, LLC, Imperial Investment Company and JBG/Silver Spring, LLC (collectively, "Clients") are in full accord with the abandonment that has been filed for the aforereferenced portion of Blair Mill Road that has been filed.

This letter is also to confirm that the Clients, as part of the planning for Project, have provided adequate parking facilities for the current tenants of the improvements located on the Blair Mill, LLC property; provisions have been made for said tenants' parking needs during construction of the first building in the Project and after the construction of said first building in the Project.

**SHULMAN
ROGERS
GANDAL
PORDY &
ECKER, P.A.**

Ms. Janet E. Gregor

December 27, 2001

Page 2

If there is any other confirmation or information necessary, please do not hesitate to communicate with me.

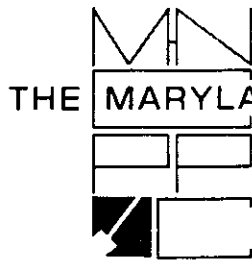
Very truly yours,

SHULMAN, ROGERS, GANDAL,
PORDY & ECKER, P.A.

By: *Lawrence A. Shulman*
Lawrence A. Shulman

cc: Mr. Pete Jervey
Mr. Alfredo D. Echeverria

T: N



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

January 2, 2002

MEMORANDUM

TO: Dan Hardy, Supervisor
Transportation Planning Unit
Countywide Planning Division

VIA: John A. Carter, Chief *JAC*
Community-Based Planning Division

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

SUBJECT: Abandonment Case AB 652

The February 2000 Approved and Adopted Silver Spring CBD Sector Plan calls for the development of an incubator somewhere in Silver Spring. The proposed site may be a good location for the Silver Spring Innovations Center (SSIC). Unfortunately, we have very little information about the proposed project or its relationship to the adjacent Canada Dry site which JBG is in the process of acquiring from AT&T.

Ideally, JBG would do a comprehensive plan encompassing both the SSIC site and the Canada Dry site. A coordinated development that is consistent with the Sector Plan guidance and Smart Growth policy would essentially finish out this corridor. All we have seen thus far, however, is a concept plan for the SSIC site alone. Even this concept plan could not be built as shown since it fails to acknowledge that a portion of the Blair Mill Road right-of-way would be conveyed back to the AT&T property (i.e., Canada Dry).

Under the circumstances, we are comfortable with the proposed abandonment only if it is implemented after the Planning Board has reviewed and approved development plans for the SSIC and the Canada Dry sites—ideally for an assemblage of the two. Such plans must provide for vehicular and pedestrian access to the portion of the Canada Dry site recently placed on the Locational Atlas by the Planning Board. They should also be consistent with the Sector Plan recommendations for this area, including the recommendation that any roadway constructed through this area be designed as a Mixed Street.

