

MONTGOMERY PRESERVATION

P.O. Box 4661 Rockville, Maryland 20849-4661 301-495-4915 www.montgomerypreservation.org

September 10, 2004

Wynn Witthans, RLA, AICP
Development Review Division
Montgomery County Department of Park & Planning
8787 Georgia Avenue
Silver Spring, MD 20910

Dear Ms. Witthans:

I am writing you about the Silver Spring Gateway project that is to be built across the railroad tracks from the Silver Spring B & O Train Station, owned by Montgomery Preservation, Inc. (MPI), of which I am the President. I am providing this letter to you to state MPI's understanding of what the developer, JBG will be doing in relation to MPI's interests. MPI understands the following conditions:

1. The East-Bound Waiting Room (EBWR) will be demolished as part of the project.
2. In its place, JBG will hire an artist to create a 15-foot by 20-foot commemorative mural. This mural will be attached to the new parking garage in the same location along the railroad tracks as the current EBWR. This mural will be a "trompe l'oeil" depiction of the original 1945 EBWR as seen from the train station. MPI will approve the design of the mural. MPI would like the artist to use sand and black paint on the trim of the building in the mural to match that of the main station. The mural is to be painted by Byron Peck at JBG's cost, which is capped as agreed to by both MPI and JBG. The mural will be maintained in perpetuity by JBG or successor owners of the project at its expense.
3. JBG will be installing gates at both ends of the tunnel, which will be able to be opened for educational programs, but which will otherwise be kept locked at all other times.
4. JBG will provide a financial contribution to MPI as agreed to by both MPI and JBG on January 28, 2004, for maintenance of the historic Silver Spring B&O train station and to help with the loan repayment for the acquisition and restoration of the station.

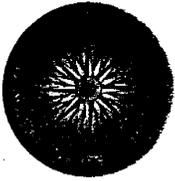
Please feel free to contact me if you have any questions about our understanding. I am cc'ing the JBG representative as well.

Thank you,

Wayne Goldstein
President
Montgomery Preservation, Inc.

Cc: Cathy Moy, JBG

(3)



September 7, 2004

MEMORANDUM

TO: Wynn Witthans, Coordinator
Community-Based Planning Division

VIA: Ronald C. Welke, Supervisor
Transportation Planning

FROM: Shahriar Etemadi, Coordinator
Transportation Planning

SUBJECT: Project Plan # 9-04002-A and Site Plan # 8-05001
Silver Spring Gateway
Silver Spring CBD

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the subject application.

RECOMMENDATION

Staff recommends the following conditions to support approval of the referenced plans:

1. Limit the development to 50,000 square feet of Grocery Store, 20,000 Square feet of Incubator Space of office, 10,000 square feet of Retail, and 477 High-rise multi-family residential units.
2. Dedicate an additional 15 feet to provide for 90 feet of right-of-way for MD 410 (East-West Highway).
3. Abandon a portion of Blair Mill Road and create a full movement intersection from a new driveway onto the site intersecting with MD 410. This new access road will function as the connection from Blair Mill Road to MD 410.



4. Enter into a Traffic Mitigation Agreement with the Planning Board and the Montgomery County Department of Public Works and Transportation to participate in the Silver Spring Transportation Management Organization.
5. Provide bicycle racks or lockers as follows, at least 25 for the residential units, eight for the office area, and eight for the retail area.

DISCUSSION

Local Area Transportation Review

A traffic study was submitted to assess the impact of this development on the local area transportation network and to meet the requirements of the Local Area Transportation Review Guidelines. Transportation Planning staff concurs with the overall conclusion of the study that all intersections will continue to operate within the congestion standard of 1800 Critical Lane Volume (CLV) for the Silver Spring Central Business District.

The generated site trips were added to the existing and background traffic (trips from approved but un-built projects) and assigned to seven intersections plus the site access to determine the impact of the total future traffic on the affected intersections. The results of the intersection analysis are shown in the following table.

Intersections	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
MD 410 and Blair Mill/Newell	529	741	562	779	620	849
MD 410 and Georgia Ave/Burlington Ave/13 th Street	1,387	1,432	1,422	1,442	1,528	1,459
MD 410 and US 29	1,085	1,186	1,129	1,243	1,207	1,360
MD 410 and 16 th Street	1,551	1,461	1,567	1,468	1,574	1,474
Burlington Ave/Philadelphia Ave/Fenton Street	777	1,178	786	1,183	797	1,195
Georgia Ave and Sligo Avenue	829	1,022	840	1,022	859	1,022
US 29 and Wayne Ave/2 nd Ave	844	661	851	667	864	690
MD 410 and Site Access	N/A	N/A	N/A	N/A	586	564

Vehicular and Pedestrian Access and Circulation

The proposed development will be provided with safe and adequate vehicular and pedestrian access and circulation. There will be one full-movement access at the intersection of MD 410 and the new "Mixed-Use" street. One right in/right out access is from Georgia Avenue (at former Blair Mill Road) and another is from MD 410. Blair Mill Road will be abandoned between Georgia Avenue and East West Highway (MD 410).



The applicant is coordinating with Department of Housing and Community Development's pedestrian linkage program for the new South Silver Spring pathway that includes improvements along Photogroup Alley. The applicant should also provide bicycle racks or lockers; at least 25 for the 477 residential units (partly in the garage), eight for the office area and eight for the retail area.

Traffic Mitigation

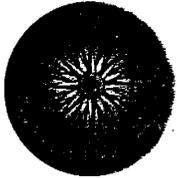
A draft traffic mitigation agreement has been submitted and is currently under review by Maryland-National Capital Park and Planning Commission and Department of Public Works and Transportation staff. The agreement will be finalized prior to filing a record plat.

Policy Area Review/Staging Ceiling Analysis

The site is located within the Silver Spring Central Business District policy area, which has a remaining capacity of 2,860 jobs, and 4,448 housing units, as of June 30, 2004.

SE/gw

mmo to Witthans re SSgateway.DOC



September 3, 2004

MEMORANDUM

TO: ✓ Wynn Witthans, Planner Coordinator
Development Review Division

Delores Kinney, Senior Planner
Development Review Division

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

FROM: Miguel Iraola, ASLA, Planner Coordinator *MI*
Community-Based Planning Division

SUBJECT: Preliminary Plan Review No. 1-04039A
Project Plan Review No. 9-04002A
Site Plan Review No. 8-05001
Silver Spring Gateway

The Community-Based Planning staff has reviewed the above referenced Preliminary Plan Amendment, Project Plan Amendment and Site Plan for conformance with the Silver Spring Central Business District and Vicinity Sector Plan (Approved February 2000). The subject property is located at the south east quadrant of the intersection of Blair Mill Road and East-West Highway in South Silver Spring. Community-Based Planning recommends the approval of this Preliminary Plan Amendment, Project Plan Amendment and Site Plan with the following conditions needed to ensure consistency with the approved CBD Sector Plan:

1. Coordinate with the Silver Spring Regional Center and verify the location and type of proposed wayfinding signs (#209- Type D; #208- Type D and #36- Type C2) per the Silver Spring Wayfinding Master Plan. Locate these signs within the public right-of-way.
2. Provide full width streetscape improvements on East-West Highway in accordance with the *Silver Spring Streetscape* (April 1992) technical manual or as amended along the entire site frontage.
3. Amend the Silver Spring Square site plan (Site Plan No. 8-02040) to reflect the off-site improvements proposed.

4. Coordinate with the Montgomery County Department of Housing and Community Affairs (DHCA), the planning staff, and other interested parties on the design and development of the private street located between the proposed development and the buildings owned by Blair Mill LLC.
5. Coordinate with the Maryland State Highway Administration (SHA) regarding the proposed on-street parking along East-West Highway.

ZONING AND LAND USE:

The 129,160 square foot subject property is zoned CBD-2 (Central Business District, 2.0). The approved CBD Sector Plan recommends the CBD-2 zoning for this site which was applied through the Sectional Map Amendment (SMA) adopted July 18, 2000, per County Council Resolution 14-600. The property is within the Ripley/South Silver Spring overlay zone which provides for flexibility of development standards to encourage innovative design solutions.

The proposed mixed-use development is comprised of 477 residential units, office and retail space which are permitted uses under the CBD-2 Zone. The proposal will be implemented under the optional method of development. The project proposes 555,399 GSF (gross square feet) of development (502,567 GSF of residential and 52,832 GSF of non-residential) with a 4.30 FAR. The permitted maximum density for this site is 5.0 FAR or 645,800 gross square feet of mixed-use development.

The minimum required public use space for this project is 22,893 square feet (20% of the net lot). The applicant proposes to displace the approved public use area for the Silver Spring Innovation Center project (776 square feet) and will be replacing this requirement on-site as part of the Silver Spring Gateway proposal. The on-site public use space requirement is therefore a minimum of 23,669 square feet.

The applicant is proposing 24,591 square feet of public use space and amenities provided on-site which equals 24.7% of the net lot. The applicant also proposes an additional 9,941 square feet of off-site streetscape improvements and improvements to the public space on the adjoining Silver Spring Square project. The project proposes a total of 43,454 square feet of on-site public use space, amenities and off-site improvements or 38.0% of the net lot area. The total public space proposed also includes 5,228 square feet of existing Blair Mill Road streetscape improvements that has recently been implemented by the Montgomery County Department of Housing and Community Affairs (DHCA) as part of the Silver Spring Innovation Center and will be maintained by the applicant.

SECTOR PLAN CONFORMANCE:

The Silver Spring Central Business District and Vicinity Sector Plan, approved by the County Council on February 1, 2000, outlines six themes which articulate the shared goals and vision for a revitalized Silver Spring. Four of these themes (i.e. a commercial downtown; a residential downtown; a green downtown; and a pedestrian-friendly

downtown) apply to this proposed project. The Sector Plan does not specifically identify the proposed project site as a potential housing site. However, the Sector Plan does encourage housing as an important component of the revitalization efforts. This project is being developed under the optional method of development and proposes new opportunities for landscaped public open spaces and streetscape. This project encourages the development of active urban streets by providing building entrances along the streets and easily accessible public spaces as activity generators. This improves the quality of the pedestrian environment by extending the East-West Highway promenade streetscape treatment and other amenities required for optional method projects.

The applicant proposes off-peak, on-street parking spaces on East-West Highway. The Sector Plan specifically endorses the provision of on-street parking for major arterials within the Silver Spring CBD. Staff is supportive of on-street parking for this proposal subject to review and approval by SHA.

- A. **Compatibility:** The proposed mixed-use development is adjacent to the Silver Spring Square residential development to the north, the CSX/Metrorail lines to the east and the Blair Mill LLC buildings to the south. The Discovery Communications Creative Technology Center is located across East-West Highway from the proposed development.

The CBD-2 Zone permits a maximum building height of 143 feet under the optional method of development. The Sector Plan recommends a maximum building height of 90' at the street along East-West Highway. The Sector Plan further suggests the building height may step back at a 2:1 (vertical to horizontal) setback envelope to a maximum of 143 feet after the initial 90 feet. The proposed office building facing East-West Highway as proposed is within the prescribed 2:1 setback envelope. The building adjacent to the Metrorail tracks is approximately 143'. Staff feels that the proposed development meets the intent of the Sector Plan in terms of building height and use.

- B. **Silver Spring Wayfinding System:** The Silver Spring Wayfinding Master Plan indicates 3 signs (#209- Type D; #208- Type D and #36-Type C2) proposed along East-West Highway and Blair Mill Road. Staff suggests that the applicant verify the location and type of proposed wayfinding signs with the Silver Spring Regional Center and locate these signs on the plans within the public right-of-way.
- C. **Sector Plan Street Rights-of-Way:** The Sector Plan recommends a street right-of-way of 90 feet for East-West Highway. The applicant proposes to dedicate an additional 15 feet to meet the required right-of-way width.
- D. **Streetscape:** The applicant proposes to improve the East-West Highway streetscape including a promenade treatment consisting of a 10-foot wide brick sidewalk separated from the curb by a street tree panel. The streetscape public amenities for the proposed project are in accordance with the standards of the



Silver Spring Streetscape technical manual and are required of optional method projects.

- E. **Coordination with the Historic Preservation Commission:** There is no regulatory impediment to removing the former B&O waiting room located on the west side of the tracks across from the historic B&O train station. The pedestrian tunnel under the tracks is considered part of the historic site. Staff agrees with the applicant that closing access to the tunnel will improve pedestrian safety.

COMMUNITY OUTREACH:

The applicant has met with various community and historic preservation groups regarding this proposal. These groups have been generally supportive of the proposal.

BLAIR MILL ROAD ABANDONMENT:

The Planning Board reviewed Abandonment Petition No. AB-652 for Blair Mill Road on January 10, 2002. The Planning Board recommended approval with the condition that the abandonment of Blair Mill Road would not be implemented until the Board approves the preliminary plans and site plans for parcels affected by the abandonment. The properties affected include the subject property assemblage, the approved Silver Spring Square (Canada Dry) and the recently completed Silver Spring Innovation Center.

RELATIONSHIP TO THE SOUTH SILVER SPRING PATHWAYS PLAN:

Montgomery County Department of Housing and Community Affairs has prepared a conceptual Pedestrian Pathways Plan for South Silver Spring. The Pedestrian Pathways Plan consists of a series of pedestrian-oriented linkages routed primarily through the larger blocks typical of South Silver Spring. The pathways most affected by this development proposal are identified as I-A and I-C in Phase 1 of the plan. A briefing was held on May 15, 2003 for the Planning Board on the DHCA Pedestrian Pathways Plan.

Pathway I-A is the proposed Art Alley located between several buildings owned by Blair Mill LLC. The Arts Alley is a private alley being implemented by DHCA that will provide a whimsical space for strolling and sitting as well as showcasing art. The proposed development will extend the notion of an arts-oriented space from the Arts Alley into the internal street within the project. The applicant, in coordination with DHCA, the Montgomery County Department of Public Works and Transportation (DPWT) and the planning staff, has agreed to design and construct a private street (pathway I-C) located in the space between the proposed development and the existing buildings owned by Blair Mill LLC. The street improvements include a raised crosswalk leading to the Arts Alley (pathway I-A) special paving, ornamental lighting and street trees. Staff encourages an open dialog between the applicant, DHCA and other interested parties as the design of these spaces continues to evolve.



Resolution:	<u>15-115</u>
Introduced:	<u>April 8, 2013</u>
Adopted:	<u>April 8, 2013</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

**SUBJECT: DPWT DOCKET NO. AB652
ABANDONMENT OF A PORTION OF BLAIR MILL ROAD, SILVER SPRING**

BACKGROUND

1. By letter dated November 1, 2002 the petitioner, The JBG Companies, petitioned the County to abandon a portion of Blair Mill Road, Silver Spring.
2. A Public Hearing to consider the abandonment proposal was conducted on January 16, 2002, by the Designee of the County Executive.
3. The Department of Police has no objection to the proposed abandonment.
4. The Department of Fire and Rescue Services has no objection to the proposed abandonment provided that adequate water supply is maintained, and that accessibility to railroad track bed for large fire apparatus is maintained.
5. By letter dated January 16, 2002, the Maryland-National Capital Park and Planning Commission approved the proposed abandonment conditioned upon Montgomery County Planning Board, prior approval of 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.
6. Washington Suburban Sanitary Commission approved the proposed abandonment conditioned upon easements were to be provided and costs of relocating their existing facilities be borne by the Petitioner.
7. Washington Gas has no objection to the proposed abandonment.
8. Verizon has no objection to the proposed abandonment.
9. Potomac Electric Power Company has no objection to the proposed abandonment.
10. The Department of Public Works and Transportation recommended approval subject to the Petitioner's granting the necessary easements for public purposes; including utilities.

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Abandonment of a Portion of Blair Mill Road, Silver Spring
AB652

Resolution No. 15-115

- 11. The County Executive recommends approval of the proposed abandonment subject to the following:
 - a. Petitioner's shall grant easements for all existing and relocated utilities and access easements for vehicular and pedestrian traffic.
 - b. the abandonment not be effective until the Montgomery County 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.

ACTION

The County Council for Montgomery County, Maryland, finds that the portion of Blair Mill Road, proposed for abandonment is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code, and approves the abandonment, subject to the following conditions:

- 1. The Petitioner shall convey and record all necessary easements for affected existing and relocated public utility facilities, for purposes of repair and maintenance.
- 2. The Abandonment shall not become effective until the following conditions have been met:
 - a. Approval of preliminary plan(s) of subdivision and site plan(s) for parcels affected by the abandonment, by the Montgomery County Planning Board, and a final plat reflecting the approved plans is recorded in the land records.
 - b. All public utility and access easements are recorded
- 3. Petitioner shall bear all costs for the preparation and recordation of all necessary legal easement documents and plats.
- 4. The County Attorney shall record among the Land Records of Montgomery County, Maryland, a copy of this Resolution approving the abandonment of the subject area.
- 5. Any person aggrieved by the action of the Council for abandonment may appeal to the Circuit Court within 30 days after the date such action is taken by Council.



This is a correct copy of Council Action.

Mary Edgar
Mary Edgar
Clerk of the Council



Blair Mill LLC
1100 Blair Mill Road
Silver Spring, MD 20910

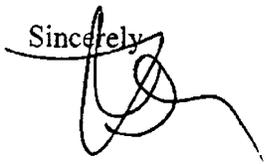
March 7, 2005

Wynn E. Witthans
Development Review Division
Montgomery County Department of Park and Planning
8787 Georgia Avenue
Silver Spring MD 20910-3760

Dear Wynn,

Regarding the Silver Spring Gateway project, it is our understanding that Blair Mill Rd. will be abandoned upon the project's receipt of site plan approval and that Blair Mill L.L.C. will be taking possession of that portion of the road adjacent to our property and labeled as such on the attached plan. Blair Mill LLC will provide the necessary construction and maintenance easements for the sidewalk and road improvements related to the new mixed street, for Blair Mill Rd (including the extension of the Arts Walk within private right-of-way owned by Blair Mill LLC), and along East West Highway. It is also our understanding that the owners of the Silver Spring Gateway project will be responsible for maintaining the amenity areas and the new mixed street allowed by the abandonment of Blair Mill Rd. In summary, Blair Mill LLC is fully aware of the total package being proposed in conjunction with the Silver Spring Gateway project and is in full support and will offer complete cooperation in participating in all documentation necessary to allow the plan to be fully implemented.

Sincerely,



Barry Soorenko
Managing Member

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Crisfield Seafood, Inc.
8012 Georgia Avenue
Silver Spring, MD 20910
301-589-1306

February 17, 2005

Wynn E Withans
Development Review Division, M-NCPPC
Site Plan Review

Ms. Withans,

I am the General Manager of Crisfield Seafood Restaurant. Crisfield has been in business since 1945 in its original location at 8012 Georgia Avenue in Silver Spring. We are very excited about the revitalization of Silver Spring and specifically the development taking place in the area surrounding our restaurant.

I recently met with Mr. Peter Jervey of The JBG Companies to review the plan for the Silver Spring Gateway project. He presented to me the process that will take place to develop the area at the intersection of Blair Mill Road and East-West Highway. We are very optimistic about the long-term benefits of this development. While we were weary of the short-term impact on our business, we feel that JBG understands our concerns, specifically with parking. The parking situation in the surrounding area has long been a concern for Crisfield. I'm sure that you are aware that it is extremely difficult to operate a service business without the appropriate parking for customers. We have been discussing the many options associated with the short-term parking issues and feel confident that Mr. Jervey will develop a scenario that works for our needs.

From our conversations, I feel that their new development will provide tremendous long-term benefits for Crisfield, its employees, and other local business.

Sincerely,



Bruce Mancuso
General Manager





DEPARTMENT OF ECONOMIC DEVELOPMENT

Douglas M. Duncan
County Executive

David W. Edgerley
Director

January 28, 2005

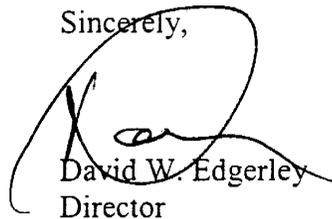
Wynn E. Witthans
Development Review Division
Maryland-National Capital Park and Planning
Montgomery County Regional Office
8787 Georgia Avenue
Silver Spring MD 20910-3760

Re: Silver Spring Innovation Center and Silver Spring Gateway

Dear Wynn,

As a follow up to our previous letter supporting the Silver Spring Gateway Project, this letter will evidence our support for the Preliminary Plan for Silver Spring Gateway. This Preliminary Plan includes, with County authorization, the Silver Spring Innovation Center property and the transfer of approximately 26 square feet from the Silver Spring Innovation Center (Montgomery County Parcel L. 21110 F.62 on the attached plan) to Silver Spring Gateway Residential, L.L.C.

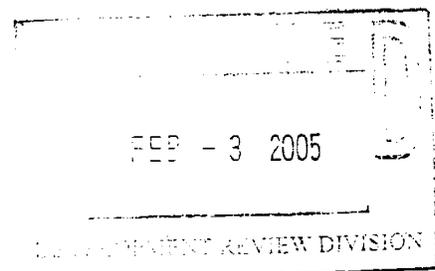
Sincerely,



David W. Edgerley
Director

DWE/lma

cc: Pete Jervey



70

Mayorga Coffee Roasters, Inc.
15151-D Southlawn Lane
Rockville, MD 20850
301-315-8093

January 20, 2005

VIA FACSIMILE
301-495-1306

Wynn E Wirthans
Development Review Division, M-NCPPC
Site Plan Review

Ms. Wirthans,

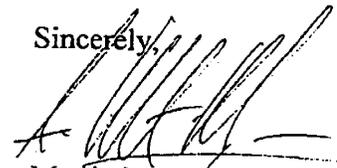
I am the President of Mayorga Coffee Roasters, Inc. We own and operate the company's flagship retail location, MAYORGA COFFEE FACTORY, at 8040 Georgia Avenue in Silver Spring, MD. We are very excited about the development taking place in the area surrounding our store.

I recently met with Mr. Peter Jervey of The JBG Companies to overview the plan for the Silver Spring Gateway project. He presented to me the process that will take place to develop the area at the intersection with Blair Mill Road and East-West Highway. We are very optimistic about the long-term benefits of this development. While we were weary of the short-term impact on our business, we feel that JBG understands our concerns, specifically with parking. We have been discussing the many options associated with the short-term parking issues and feel confident that Mr. Jervey will develop a scenario that works for our needs.

Through this open line of communication with the developer, we feel very comfortable providing whatever support is needed from us toward this project. From our conversations, I feel that their new development will provide tremendous long-term benefits for Mayorga, its employees, and local residents.

I welcome any comments or questions regarding this matter.

Sincerely,



Martin Mayorga
President

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DEPARTMENT OF ECONOMIC DEVELOPMENT

Douglas M. Duncan
County Executive

David W. Edgerley
Director

December 29, 2004

Wynn E. Witthans
Development Review Division
Maryland-National Capital Park and Planning
Montgomery County Regional Office
8787 Georgia Avenue
Silver Spring MD 20910-3760

Re: Silver Spring Innovation Center and Silver Spring Gateway

Dear Wynn,

Regarding the Silver Spring Gateway project and its relationship to the Silver Spring Innovation Center, it is our understanding that Blair Mill Road will be abandoned upon the site plan approval of Silver Spring Gateway, and that Silver Spring Gateway Residential L.L.C. will be taking possession of that portion of the road adjacent to the Silver Spring Innovation Center (as is indicated on the attached plan). It is also our understanding that Silver Spring Gateway will be maintaining the abandoned portions of the Blair Mill Road.

We are in support of the Silver Spring Gateway site plan and the benefits which the project will bring to south Silver Spring.

Sincerely,

David W. Edgerley
Director

DWE/lma

Cc: Pete Jervey



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THE JBG COMPANIES

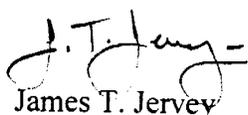
December 28, 2004

Wynn E. Witthans
Development Review Division
Montgomery County Department of Park and Planning
8787 Georgia Avenue
Silver Spring MD 20910-3760

Dear Wynn,

Regarding the Silver Spring Gateway project, it is our understanding that Blair Mill Rd. will be abandoned upon the project's receipt of site plan approval and that Silver Spring Square L.L.C. will be taking possession of that portion of the road adjacent to our property and labeled as such on the attached plan. Silver Spring Square will be maintaining that portion of the abandoned land which is transferred to Silver Spring Square following the abandonment.

Sincerely,



James T. Jervey
Silver Spring Square L.L.C.

