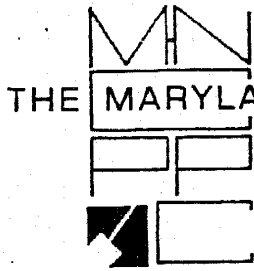


10. Final street lighting specifications for the site are subject to possible future amendment for the purpose of coordinating this project with any contemplated change to the standard street lighting plan for the CBD as a whole, such amendment to be approved by the Planning Board.

Other:

11. Standard Conditions dated 10-10-95:
- A. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
- a. Development Program to include a phasing schedule as follows:
- 1) Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
  - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
  - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
  - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
  - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
  - 6) Coordination of each section of the development and roads;
  - 7) Sequencing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
- b. Site Plan Enforcement Agreement to delineate transportation management program, park maintenance agreement or other requirement of a condition of approval
- B. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
- a. Methods and location of tree protection;
  - b. Conditions of DPS Stormwater Management Concept approval (waiver) letter
  - c. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
  - d. The development program inspection schedule.



8787 Georgia Avenue • Silver Spring Maryland 20910-3760

## MONTGOMERY COUNTY PLANNING BOARD OPINION

Combined Urban Renewal Project Plan: Project Plan No. 9-98005  
Project: Downtown Silver Spring  
Date of Hearing: September 17, 1998

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*Action: APPROVAL, SUBJECT TO CONDITIONS. (Motion by Commissioner Richardson; seconded by Commissioner Holmes; with a vote of 4 to 0; Commissioners Holmes, Richardson, Perdue and Hussmann voting in favor of the Motion.)*

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### INTRODUCTION

On September 17, 1998, the Montgomery County Planning Board ("Board") held a public hearing to consider a Combined Urban Renewal Project Plan application ("Application") filed by Montgomery County, Maryland and PFA Silver Spring LC pursuant to Division 59-D-5 of the Montgomery County Zoning Ordinance ("Zoning Ordinance"). In accordance with Section 59-D-5.1.11 of the Zoning Ordinance, the Application included all the requirements for the preliminary plan of subdivision under Chapter 50 of the Montgomery County Code 1994 (as amended) ("Code"). The Application also included all the information required in Sections 59-D-2.12 and 59-D-3.2 of the Zoning Ordinance.

The property which is the subject of the Application ("Property") encompasses approximately 22.5 acres in the CBD 0.5, CBD-1, CBD-2 and CBD R-2 Zones. The proposed development includes retail, movie theaters (including the Silver Theatre), entertainment and recreation space, office space, civic center space, a 200 room hotel, 160 residential dwelling units, amenity and public use space and the preservation of historic resources (collectively, the "Project"). The public hearing on the Application (including Project Plan No. 9-98005 and Site Plan Review No. 8-99002) was consolidated with a public hearing on an application for preliminary subdivision plan approval for the Property designated Preliminary Plan No. 1-98107. This Opinion covers the Project Plan component of the Application. The Board has issued separate opinions approving Preliminary Plan No. 1-98107 and the site plan review component of the Application designated Site Plan Review No. 8-99002. The findings and conclusions of the Board in the Preliminary Plan and Site Plan opinions are adopted by the Board and incorporated herein in full by reference.

At the hearing, the Board heard testimony and received evidence submitted in the record, both supporting and opposing the Application. The testimony and evidence presented included, without limitation, the Application materials; copies of resolutions and actions taken by civic groups

and organizations supporting the Preliminary Plan application; the Amended Silver Spring Urban Renewal Plan dated March 11, 1997; Montgomery County Council Resolution No. 13-1281 adopted May 28, 1998, approving the FY1999-2004 Montgomery County Capital Improvements Program, FY99 Capital Budget and individual Project Description Forms (PDF's) for the public infrastructure requirements of the development; the M-NCPPC Transportation Planning Division Memorandum dated September 2, 1998, Revised September 11, 1998; the M-NCPPC Development Review Division Memorandum dated September 2, 1998 and Appendix; Errata Sheet dated September 17, 1998; the General Development Agreement for the Redevelopment of Downtown Silver Spring, dated April 20, 1998, between PFA Silver Spring LC and Montgomery County; the recommendations of the Montgomery County Department of Public Works and Transportation and the Montgomery County Department of Permitting Services. Based on the testimony and evidence, including the September 2, 1998 M-NCPPC Development Review Division Memorandum and Errata Sheet (collectively, "Staff Report") made a part hereof.

## DISCUSSION

The Project is being developed pursuant to (a) the General Development Agreement for the Redevelopment of Downtown Silver Spring dated April 20, 1998 between PFA Silver Spring LC and Montgomery County, Maryland; and (b) the Amended Silver Spring Urban Renewal Plan approved before Montgomery County Council in Resolution 13-186 on March 11, 1997 ("Urban Renewal Plan"). The Property consists of approximately 22.5 acres and is located within the Silver Spring Central Business District. The Property is generally bounded by Georgia Avenue, Colesville Road, Wayne Avenue, Roeder Road and Cedar Street. The Property is also located within the Silver Spring Urban Renewal Area established in the Urban Renewal Plan. The Application proposes to redevelop the area to accommodate an optional method, mixed use development project.

The Property is located at the corner of Colesville Road (a State Highway) and Georgia Avenue (a Montgomery County road). Both roads carry through commuter traffic on its way to and from downtown Washington, D.C. and the commuter parking garages adjacent to the Silver Spring Metro Station. On the east, Cedar Street is a transitional street to an adjacent residential area. Wayne Avenue, located to the south, carries traffic between the Silver Spring Metro Station and east Silver Spring. Ellsworth Drive and Fenton Street intersect within the Property boundary. Ellsworth Drive serves as an internal distributor of local traffic, and Fenton Street acts as a link between the northern end of the Silver Spring Central Business District and the proposed Fenton Street Village south of the Property.

The Property is bounded by Georgia Avenue, Colesville Road, Wayne Avenue and Cedar Street. To the north across Colesville Road are retail and office uses in one and two-story buildings, except for the Lee Building, a high-rise office building at the intersection of Georgia Avenue with Colesville Road. To the west of the Property across Georgia Avenue is a gas station and the site of an approved site plan for a 650,000 square foot office building project which has not yet been built. To the south of the Property across Wayne Avenue are various commercial, office and institutional uses including the First Baptist Church and the St. Michael's School. East of the Property across Cedar Street are single-family dwellings, some of which have been converted to

special exception commercial uses. The Property is also bounded on the east by the St. Michael's Church on Wayne Avenue and a high-rise apartment building located between Roeder Road and Ellsworth Drive, and on the north along Roeder Road by small commercial uses.

The Property contains several buildings preserved by the Master Plan for Historic Preservation. The Art Deco facade of the shopping center at the corner of Georgia Avenue and Colesville Road will be restored as a part of this development. The Art Deco-style Silver Theatre located on Colesville Road will also be restored and will be adaptively reused as the new home of the American Film Institute. The parking lot of the existing shopping center will be renovated. The Silver Spring Armory, located on Wayne Avenue at Pershing Drive, will be demolished pursuant to the approval of an historic area work permit application approved by the Montgomery County Historic Preservation Commission on June 23, 1998.

The Applicants propose to construct 1,175,935 gross square feet of office, retail, entertainment, restaurant, hotel and housing uses and 354,023 square feet of public amenities.

Two large parking garages will also be constructed as a part of the Project, in addition to surface parking facilities.

The Project contemplates the creation of a new, pedestrian-oriented core for Silver Spring, containing traditional retail development patterns, significant cultural and public amenities, and a civic building with a Town Square at the central crossroads of the two internal streets. The Town Square will be flanked by local/family/neighborhood uses and by a new Civic Building which will include meeting space to replace that now found in the Silver Spring Armory and Montgomery County outreach facilities. A veterans' memorial will be incorporated into the Town Square.

A second place, Silver Circle, will round out the downtown concept. Silver Circle, centered on Ellsworth Drive, will create a night life area featuring restaurants and outdoor cafes, along with bookstore, hotel and retail uses. A third place, Gateway Plaza, at the historic art deco shopping center at Georgia Avenue and Colesville Road, will function to tie the Ellsworth Drive area uses to the proposed theater uses along Colesville Road, housing the American Film Institute and Roundhouse Theater complex. These uses will be served by a new parking garage on Wayne Avenue with civic service office uses facing the street at ground level.

Significant demolition of existing facilities and parking is proposed. The garages now serving City Place (Garages 1 and 1A) will be razed and reconstructed in a configuration more supportive of the Project objectives for pedestrian amenity, parking efficiency, retail exposure and urban design. An historic area work permit authorizing the Armory demolition was approved by the Historic Preservation Commission on June 23, 1998. A number of retail and office businesses on the site will be, or have been, relocated. Most of Pershing Drive will be abandoned, along with all of Fenton Place. Kughn Park, which was the City Place retail facility's public open space amenity, and Armory Place, will be abandoned and demolished.

Except for the abandonment of Pershing Drive, Fenton Place, Baltimore Road (a paper street not in use) and two alleys (as described in the Preliminary Plan opinion), most of the streets will remain unchanged. Wayne Avenue will be widened from four to five lanes and Ellsworth Drive

between Georgia Avenue and Fenton Street will become private. Significant improvements will be made in streetscape on all streets. In addition, the Green Trail, a major link in the regional bikeway network, will be installed along Wayne Avenue to ultimately connect the Capital Crescent Trail to the Sligo/Northwest Branch trails and Prince George's County.

In making its decision on the Application, the Planning Board considered the following in accordance with Section 59-D-5.43 of the Zoning Ordinance:

1. The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with the Urban Renewal Plan.
2. Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individual structures and groups of structures and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.
3. Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.
4. Whether the pedestrian system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient, safe and adequate linkages among residential areas, open space, recreational areas, commercial and employment areas and public facilities.
5. The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs in relation to the type of use and neighborhood.
6. The adequacy of provisions for compliance with Chapter 25A of the Code regarding moderately priced dwelling units.
7. The staging program and schedule of development.
8. The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A of the Code.
9. The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19 of the Code.

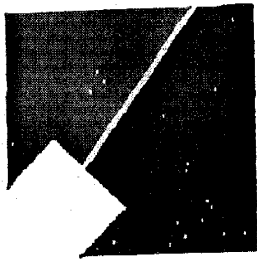
## FINDINGS

Based on the Project data table in the Staff Report, (the Staff Report and attachments are expressly incorporated herein) the Board finds the Project complies with all the requirements of the Zone pursuant to Chapter 59-C-6.2352 of the Code entitled, "Combined Development in an Urban Renewal Area." The Board further finds the Application complies with the intent of the Combined Urban Renewal Project Plan provisions by providing an expedited project review and approval process for development in the Central Business District Zones in an urban renewal area designated under Chapter 56 of the Code.

For the reasons set forth in the Staff Report, the Board finds the Application is consistent with the Urban Renewal Plan. The Board further finds the Application complies with the goals and objectives of the Urban Renewal Plan and with the Design Criteria and Guidelines. The Board also finds the Application proposes the combination of properties in multiple CBD zones to provide a unified development, thereby achieving the intent of the Urban Renewal Plan. The Board further finds the total area of the combined properties is at least 22,000 square feet and that the aggregate total amount of development density in the combined development does not exceed the amount of density that would be permitted if each CBD zoned area comprising the Property were developed separately. The Board also finds the amount of public facilities and amenities is not less than the amount that would be required if the component areas of the Property were developed separately. The Board further finds that the demolition and use of the land currently occupied by Kughn Park is necessary to the Project and redevelopment of the Urban Renewal Area to proceed and that the provision of the new town square will replace, expand and substantially improve upon the uses currently being served by Kughn Park. The Board's approval in this respect supersedes all existing development approvals and agreements with the Planning Board and/or M-NCPPC affecting the use and development of Kughn Park.

The Board further finds that because of the Project's location, size, intensity, design, operational characteristics and staging, as set forth in the Combined Urban Renewal Project Plan Application materials and other evidence of record, the Project will be compatible with and not detrimental to existing or potential development in the general neighborhood. The Board adopts the reasons stated in the Staff Report in this regard as the basis for this finding.

The Board further finds the Project will not overburden existing public services nor those programmed for availability concurrently with each stage of construction and that the Project will be subject to a traffic mitigation agreement meeting the requirements of Chapter 42A of the Code. The Board finds the traffic impact study prepared by the Applicants in connection with the Preliminary Plan submission, as analyzed by the Transportation Planning Division Staff in its September 2, 1998, Revised September 11, 1998, Memorandum, demonstrate existing transportation facilities are adequate to serve the Project. In addition, the Board finds the Capital projects necessary to construct all public elements of the Project have been funded by the Montgomery County Council in the FY99 Capital Improvements Program and Budget, adopted on May 28, 1998 as Resolution No. 13-1281. The Board finds such funding will assure that the public facilities necessary to serve the Project will be available concurrently with the Project's construction as set forth in the development schedule submitted with the Application.



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING  
 Action: Approved Staff Recommendation  
 Motion of Comm. Bryant, seconded by  
 Comm. Perdue with a vote of 5-0; Comms.  
 Bryant, Perdue, Holmes, Hussmann and  
 Wellington voting in favor.

Date Mailed: September 1, 1999

THE MARYLAND-NATIONAL CAPITAL  
 PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
 Silver Spring, Maryland 20910-3760

## MONTGOMERY COUNTY PLANNING BOARD

### OPINION

Preliminary Plan 1-98107R  
 NAME OF PLAN: DOWNTOWN SILVER SPRING

On 06-10-98, PFA SILVER SPRING LC and MONTGOMERY COUNTY submitted an application for the approval of a preliminary plan of subdivision of property in the CBD-0.5, CBD-1, CBD-2 and CBD-R2 zones. The application proposed to create 12 lots on 22.5 acres of land. The application was designated Preliminary Plan 1-98107. On 09-17-98, Preliminary Plan 1-98107 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based upon the testimony and evidence presented by staff and on the information on the Preliminary Subdivision Plan Application Form, attached hereto and made a part hereof, the Montgomery County Planning Board found Preliminary Plan 1-98107 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approved Preliminary Plan 1-98107 with limitations on the type of use and amount of developable building area.

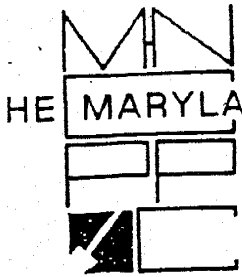
On 05-24-99, PFA SILVER SPRING LC and MONTGOMERY COUNTY submitted an application requesting the Planning Board amend Condition #1 of the previous opinion to adjust the uses and amount of square footage under the development limitations previously adopted. On 07-22-99, Preliminary Plan 1-98107R was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board found Preliminary Plan 1-98107R to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and amends the previous conditions of approval, subject to the following:

- (1) Applicant to submit an amended Adequate Public Facilities (APF) agreement with the Planning Board to limit development to the following uses and not to exceed the identified floor areas:
  - 507,340 square feet of Retail
  - 297,408 square feet of Office
  - 48,000 square feet of Civic Center
  - 242 room Hotel
  - 160 residential dwelling units

Applicant to provide the necessary roadway improvements as identified in the 09-11-98 Transportation Planning Division memo

- (2) Applicant is responsible for all related sidewalk construction along Georgia Avenue and Ellsworth Drive
- (3) All previous conditions associated with the Planning Board Opinion dated 03-02-99 remain in full force and effect





**MONTGOMERY COUNTY PLANNING BOARD  
OPINION**

Preliminary Plan No.: 1-98107  
Project: Downtown Silver Spring  
Date of Hearing: September 17, 1998

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*Action: APPROVAL, SUBJECT TO CONDITIONS. (Motion by Commissioner Richardson; seconded by Commissioner Perdue; with a vote of 4 to 0; Commissioners Holmes, Richardson, Perdue and Hussmann voting in favor of the Motion.*

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**INTRODUCTION**

On September 17, 1998, the Montgomery County Planning Board ("Board") held a public hearing to consider Preliminary Plan No. 1-98107, an application for subdivision approval encompassing approximately 22.5 acres in the CBD 0.5, CBD-1, CBD-2 and CBD R-2 Zones. The proposed development includes 417,440 square feet of retail; 148,765 square feet of movie theaters (including the Silver Theater); 64,930 square feet of entertainment and recreation space; 210,000 square feet of office space; 32,000 square feet of civic center space; a 200 room hotel; 160 residential dwelling units; amenity and public use space and the preservation of historic resources (collectively, the "Project"). The public hearing on Preliminary Plan No. 1-98107 formed a part of and was consolidated with the public hearing on an application for Combined Urban Renewal Project Plan approval, including Project Plan No. 9-98005 and Site Plan Review No. 8-99002.

At the hearing, the Board heard testimony and received evidence submitted in the record, both supporting and opposing the application. The testimony and evidence presented included, without limitation, the Preliminary Plan Application materials; copies of resolutions and actions taken by civic groups and organizations supporting the Preliminary Plan Application; the Amended Silver Spring Urban Renewal Plan dated March 11, 1997; Montgomery County Council Resolution No. 13-1281 adopted May 28, 1998, approving the FY1999-2004 Montgomery County Capital Improvements Program and

FY99 Capital Budget and individual Project Description Forms (PDF's) for the public infrastructure requirements of the development; the M-NCPPC Transportation Planning Division Memorandum dated September 2, 1998, Revised September 11, 1998; the M-NCPPC Development Review Division Memorandum dated September 11, 1998; and the recommendations of the Montgomery County Department of Public Works and Transportation, the Montgomery County Department of Permitting Services, and the Maryland State Highway Administration. Based on the testimony and evidence, the Board finds Preliminary Plan No. 1-98107 to be in accordance with the purposes and requirements of the Subdivision Regulations (Chapter 50, Montgomery County Code, as amended) and approves Preliminary Plan No. 1-98107, subject to the conditions listed at the end of this opinion.

### DISCUSSION and FINDINGS

The Property consists of approximately 22.5 acres and is located within the Silver Spring Central Business District. The Property is generally bounded by Georgia Avenue, Colesville Road, Wayne Avenue, Roeder Road and Cedar Street. The Property is also located predominantly within the Silver Spring Urban Renewal Area established in the Amended Silver Spring Urban Renewal Plan approved by the Montgomery County Council in Resolution No. 13-186 adopted March 11, 1997. The Preliminary Plan Application proposes to resubdivide the area to accommodate an Optional Method, mixed use development project.

The Property is located at the corner of Colesville Road (a State Highway) and Georgia Avenue (a Montgomery County road). Both roads carry through commuter traffic on its way to and from downtown Washington, D.C. and the commuter parking garages adjacent to the Silver Spring Metro Station. On the east, Cedar Street is a transitional street to an adjacent residential area. Wayne Avenue, located to the south, carries traffic between the Silver Spring Metro Station and east Silver Spring. Ellsworth Drive and Fenton Street intersect within the Property boundary. Ellsworth Drive serves as an internal distributor of local traffic, and Fenton Street acts as a link between the northern end of the Silver Spring Central Business District and the proposed Fenton Street Village south of the Property.

The Property also contains several buildings preserved by the Master Plan for Historic Preservation. The Art Deco facade of the shopping center at the corner of Georgia Avenue and Colesville Road will be restored as a part of the Project. The Art Deco-style Silver Theatre located on Colesville Road will also be restored and will be adaptively reused as the new home of the American Film Institute. The parking lot of the existing shopping center will be renovated. The Silver Spring Armory, located on Wayne Avenue at Pershing Drive, will be demolished pursuant to the approval of an historic area work

permit application approved by the Montgomery County Historic Preservation Commission on June 23, 1998.

The Applicants propose to construct over 1,175,935 gross square feet of office, retail, theater, restaurant, hotel and public building space. The Project also includes a 160 unit, multi-family residential building proposed to front on Cedar Street, between Ellsworth Drive and Pershing Drive. The specific uses proposed include the following:

1. 417,440 square feet of retail;
2. 148,765 square feet of movie theaters (including the Silver Theatre);
3. 64,930 square feet of entertainment and recreation space;
4. 210,000 square feet of office space;
5. 32,000 square feet of civic center space;
6. 200 room hotel;
7. 160 residential dwelling units.

Two large parking garages will be constructed as a part of the Project, in addition to several surface parking facilities.

County Code Section 50-35(k) (the "Adequate Public Facilities Ordinance" or "APFO") directs the Planning Board to approve preliminary plans of subdivision only after finding that public facilities will be adequate to serve the subdivision. This involves predicting future demand from private development and comparing it to the capacity of existing and programmed public facilities. The Montgomery County Council delegated to the Planning Board and its staff all necessary administrative decisions not covered by the guidelines established by the Council for the APFO in the County's Annual Growth Policy. In its administration of the APFO, the Planning Board must consider the recommendations of the County Executive and other agencies in determining the adequacy of public facilities.

Subdivision applications may be subject to two different types of tests. One is called the Policy Area Transportation Review. The other is called the Local Area Transportation Review. The Policy Area Transportation Review divides the County into policy areas. These are geographic areas for which the adequacy of public facilities is addressed on an area-wide basis. With regard to transportation, a staging ceiling may be established for each policy area. The staging ceiling for a policy area is the maximum number of new

peak period vehicular trips that can be accommodated by the existing and programmed public facilities serving the area, at an assigned level of service standard. Except for special circumstances, if a proposed subdivision is in a geographic policy area for which previously approved development exceeds the staging ceiling, then the Planning Board must find the public facilities to be inadequate.

Pursuant to the FY98 Annual Growth Policy adopted by the Montgomery County Council as Resolution No. 13-977 on July 8, 1997, the Property is located within the Silver Spring CBD Policy Area. This policy area has remaining staging ceiling capacity for 3,202 jobs and 1,509 dwelling units. Based on the mix of uses provided as a part of the Project and the analysis contained in M-NCPPC Transportation Planning Staff Memorandum dated September 2, 1998, Revised September 11, 1998 ("TPD Memorandum"), the Board determined the Project would result in 2,700 new jobs and 160 dwelling units. The Board concludes the Application therefore passes the Policy Area Transportation Review test.

Regarding the Local Area Transportation Review test, the Applicants submitted a detailed traffic impact study dated June 10, 1998, Revised August 12, 1998, which was reviewed by the M-NCPPC Transportation Planning Division. Based on the Applicants' traffic study and the analysis provided by staff in the TPD Memorandum, and for the reasons stated therein which the Planning Board hereby adopts as its own, the Planning Board concludes the Project passes the Local Area Transportation Review test, if the transportation improvements identified in the TPD Memorandum are provided. The Board's approval in this respect supersedes all existing development approvals and agreements with the Planning Board and/or M-NCPPC affecting the use and development of Kughn Park.

Section 50-24(b) of the Subdivision Regulations provides that the subdividers shall also provide, in addition to any required dedication for widening existing frontage roads, such reasonable improvement to the road necessary to meet the needs of the subdivision for access and traffic. In the TPD Memorandum, the Planning Department staff recommended the Applicants provide certain right-of-way dedications and additional roadway improvements required to maintain safe travel conditions, including pavement widening, restriping of travel lanes and modification of and/or additional review of accesses to specified Project components.

The Planning Board, after considering all the evidence and testimony of record, finds the improvements and access modifications recommended by Staff are necessary and adequate to serve the needs of the Project for access and traffic. The improvements will facilitate the safe and efficient traffic movements on the public roads abutting the Property. The improvements will also assure the vehicles entering and leaving the Property will be able to do so in a safe and efficient manner.

As a part of the Project, the Applicants also proposed the abandonment of several rights-of-way: portions of Ellsworth Drive, Pershing Drive, Fenton Place, Baltimore Road (a paper street not in use), and two unnamed alleys within or adjacent to the Project boundary. The abandonment of public roadways is governed by the provisions of Chapter 49 of the Code. Authority to approve the abandonment of any right-of-way in public use is vested in the Montgomery County Council.

On July 27, 1998, the Board reviewed the proposed road abandonments at a public meeting convened for that purpose and recommended approval of the abandonment petition to the County Council. On August 10, 1998, the Montgomery County Hearing Examiner conducted a public hearing on the abandonment petition. By its Report and Recommendation dated August 20, 1998, the Hearing Examiner recommended approval of the petition. The Chief Administrative Officer for Montgomery County and the Montgomery County Executive approved the Hearing Examiner's recommendation on August 25, 1998 and August 27, 1998, respectively. The Montgomery County Council was scheduled to consider the abandonment petition on September 22, 1998.

The Board finds the proposed road abandonments are necessary for the Project to move forward, were contemplated by the Amended Silver Spring Urban Renewal Plan, and will facilitate safe pedestrian and vehicular circulation in and around the Project site. The Board's approval of Preliminary Plan No. 1-98107 is conditioned upon the Montgomery County Council's approval of the abandonment petition prior to the recordation of subdivision plats involving the abandoned roadways.

The Applicants also requested authority to reduce the required dedication width of three streets (Fenton Street, Ellsworth Drive and Cedar Street) to less than the Master Plan recommended right-of-way width. Fenton Street has an existing right-of-way of 60 to 76 feet. The 1993 Silver Spring CBD Sector Plan ("Sector Plan") proposed an 80 foot right-of-way for that street. The Preliminary Plan proposes a 76 foot wide right-of-way. The second street is Ellsworth Drive east of Fenton Street. The existing right-of-way in this area is 60 feet. The Sector Plan proposes 75 feet. The Applicants' proposal is for 70 feet. The final street is Cedar Street. The existing right-of-way is 78 feet. The Sector Plan shows 78 feet, but a pending Sector Plan Amendment shows 80 feet. The Applicants' proposal is for 78 feet.

In all three instances, the Board believes that the requested reduction in right-of-way is appropriate. Based on the fact that in looking at the Sector Plan today with this Project the Board believes that the Sector Plan right-of-way will not have to be as wide as shown in a Sector Plan. Based on the analysis provided by Staff and contained in the Applicants' traffic impact study, the Board finds the roads are currently adequate to accommodate the planned traffic and the circulation of traffic through the area. The Board also finds that the

sidewalks and streetscape can be provided within the proposed rights-of-way to satisfy the intent of the Sector Plan. Therefore, in accordance with the provisions of Section 50-35(l) of the Subdivision Regulations, the Board finds that the Master Planned rights-of-way for those streets are no longer appropriate and that the street widths proposed by the Applicants are adequate to ensure safe and efficient vehicular and pedestrian traffic circulation.

The Applicants have also requested authority to permit an existing garage to cross a proposed new lot line and have requested a waiver of the Subdivision Regulation in this regard. The existing garage will be demolished as a part of the Project. The Board therefore finds that a waiver is not necessary for compliance with the Subdivision Regulations since the continued use and existence of this structure will be on a temporary basis. The Board shall require as part of the Site Plan Enforcement Agreement for this Project, that the Applicants specify that the garage be timely removed.

The Planning Board further finds the proposed storm drainage improvements and the stormwater management concept plan approved by the Montgomery County Department of Permitting Services on July 21, 1998 and September 14, 1998 will provide adequate control of stormwater runoff from the site. The approved stormwater management concept consists of on-site water quality control via various Best Management Practices (to include bioretention, CSF Stormwater Treatment System, surface and structural filters and enhanced street sweeping) and a waiver request for stormwater quantity control.

Therefore, having considered all the evidence presented and all the testimony taken, the Planning Board finds the Preliminary Plan to be in accordance with the Subdivision Regulations of the Montgomery County Code, the Amended Silver Spring Urban Renewal Plan, and the provisions of the Maryland Code Ann., Art. 28, and approves Preliminary Plan No. 1-98107 subject to the following conditions:

- (1) Prior to recording of plat(s), Applicant to enter into an Adequate Public Facilities (APF) agreement with the Planning Board to limit development as follows:
  - \* 417,400 square feet of retail
  - \* 148,765 square feet of movie theaters (including the Silver Theater)
  - \* 64,930 square feet of entertainment and recreation space
  - \* 210,000 square feet of office space

- \* 32,000 square feet of civic center space
- \* 200 room hotel
- \* 160 residential dwelling units

Applicant to provide for the necessary roadway improvements as outlined in the April 9, 1998 Transportation Division memo and as required by MCDPW&T.

(1) Prior to recording of any plat(s), Applicant to join the Silver Spring CBD Transportation Management District and enter into a trip mitigation program in accordance with the requirements of the FY99 Annual Growth Policy (AGP).

(2) Applicant must provide dedication for the following streets as follows:

- \* Georgia Avenue: 120 feet as measured from the opposite property
- \* Colesville Road: 100 feet as measured from the opposite properties
- \* Wayne Avenue: 40 feet as measured from the center line of the existing pavement
- \* Fenton Street: 76 feet based on 38 feet on each side of the center line of the existing pavement
- \* Ellsworth Ave.: 70 feet based on 35 feet on each side of the center line of the existing pavement
- \* Cedar Street: 78 feet as measured from the opposite properties
- \* Pershing Drive: 40 feet as measured from the center line of the existing pavement

Dedication for the proposed new street connecting Ellsworth Drive and Pershing Drive, east of the proposed civic center, must be for 60 feet of right-of-way, as shown on the Preliminary Plan. The grade establishment for this proposed street must be approved by MCDPW&T prior to submission of the record plat which dedicates the right-of-way.

- (1) Prior to recording of record plats, access and improvements are to be stipulated in a Public Improvements Agreement (PIA) and/or permit and bond, as required by MCDPW&T and MDSHA, respectively.
- (2) Conditions of MCDPS stormwater management approvals dated 07-21-98 and 09-14-98.
- (3) Provide 24 moderately priced dwelling units (MPDU's) or enter into an agreement with Montgomery County to contribute to the Housing Initiative Fund (HIF) in accordance with Sec. 25A-5(e) of the MPDU Law and Executive Regulation 7-94. The agreement must specify that the contribution to the HIF is to be used for housing in the Silver Spring Planning area.
- (4) No clearing, grading or recording of lots prior to site plan approval.
- (5) A record plat may be recorded for new lots encompassing existing Montgomery County Garage #1 allowing the garage to temporarily cross a new lot line(s), provided that the Site Plan Enforcement Agreement (SPEA) provides for the timely removal of the garage, in accordance with the site development schedule contained in the site plan development program approved as part of the site plan signature set.
- (6) Prior to the recording of any record plat, Applicant must present certification or commitments from the appropriate utility companies or public agencies to the technical staff that all required utilities will be properly installed to serve the proposed Project, as required by Sec: 50-40(c) of the Subdivision Regulations.
- (7) Compliance with the conditions of the final forest conservation plan approved as part of the site plan. Applicant must meet all conditions prior to recording of plat(s).
- (8) The Montgomery County Council must approve the abandonment petitions for portions of Ellsworth Drive, Pershing Drive, Baltimore Road, Fenton Place and two unnamed alleys prior to recording of record plat(s) involving these streets.
- (9) Necessary easements.



- (10) In order to fully accommodate the "Silver Spring Green Trail," Applicant must provide a Public Improvements Easement (PIE) along the Wayne Avenue frontage of the Property. For the frontage along the north side of Wayne Avenue, west of Fenton Street, the PIE must be at least 16 feet wide. For the frontage along the north side of Wayne Avenue, east of Fenton Street, the PIE will vary in width ranging from 16 feet to 26 feet, as depicted on the site plan. The PIE must be delineated on the record plat(s).
- (11) Development consistent with the Preliminary Plan for Lots 1, 2, 3, 4, 5, 15 and 16, Roeder's First Addition, is subject to the acquisition of these lots by the County for construction of the Town Square Garage (Garage 61). Nothing herein shall preclude the owner of these lots from seeking its own alternative approval for development of the properties, or applying for permits to develop the property under existing plans until such time as the County has acquired them, nor impair the consideration by the Planning Board of any such alternative development.
- (12) This Preliminary Plan will remain valid until April 2, 2002 (37 months from date of mailing, which is March 2, 1999). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded or a request for an extension must be filed.

g:\opinions\1-98107.pbo





DEPARTMENT OF PUBLIC WORKS  
AND TRANSPORTATION

Douglas M. Duncan  
*County Executive*

Arthur Holmes, Jr.  
*Director*

May 26, 2006

Ms. Catherine Conlon, Subdivision Supervisor  
Development Review Division  
The Maryland-National Capital  
Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan # 1-1998107B  
Downtown Silver Spring

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated March 20, 2006 and supplemental information provided by the applicant's consultant. This plan was reviewed by the Development Review Committee at its meeting on February 27, 2006. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to MCDPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. Previous comments contained in our letters of September 1, 1998, July 17, 1998, and July 16, 1999 remain applicable unless modified below.
2. We support approval of the applicant's request to allow them to grant Public Improvements Easements (along the Cedar Street, Pershing Drive, Veteran's Place, and Ellsworth Drive site frontages) as shown on the attached exhibits.
3. The sight distances study has been accepted. A copy of the accepted Sight Distances Evaluation certification form is enclosed for your information and reference.

The driveway on Cedar Street will be designed and constructed with physical channelization to prohibit left turns out of the site (all other movements will be allowed).



Division of Operations

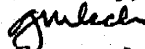
Ms. Catherine Conlon  
Preliminary Plan No. 1-1998107B  
May 26, 2006  
Page 2

We remain concerned about ultimate visibility (looking to the left) from the exit on Cedar Street due to the horizontal and vertical geometries of the road, as well as the proposed street tree placement. Street trees will not be permitted closer than thirty (30) feet apart, in accordance with typical streetscaping design. To further address the ultimate sight distances concern, we have agreed to defer approval of the exact tree locations to the permit stage.

4. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
5. If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Robert Gonzales of our Traffic Management Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at [greg.leck@montgomerycountymd.gov](mailto:greg.leck@montgomerycountymd.gov) or (240) 777-2197.

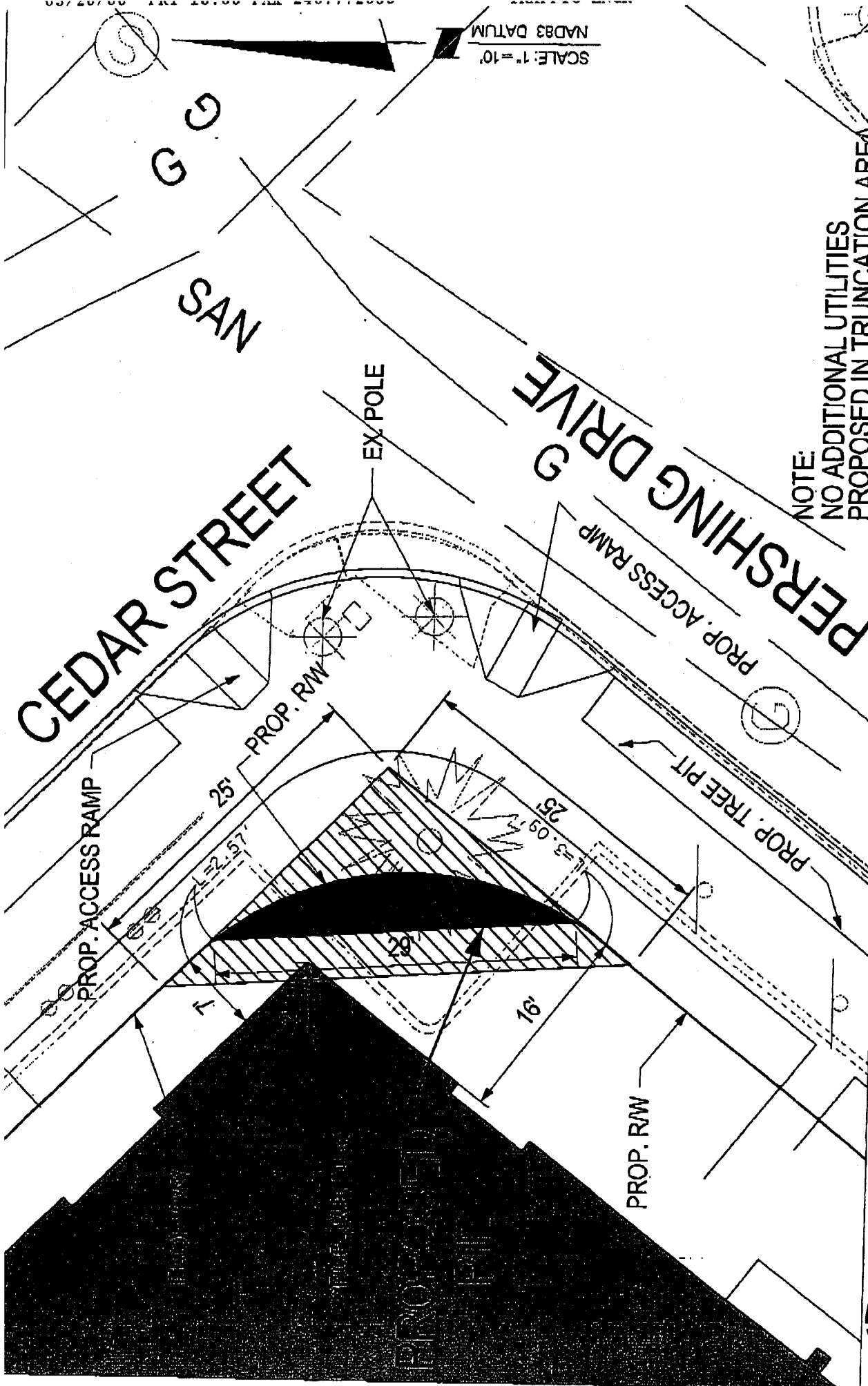
Sincerely,



Gregory M. Leck, Manager  
Development Review Group  
Traffic Engineering and Operations Section

m:/subd/docs/pp/1-1998107B, Downtown Silver Spring  
Enclosures (7)

cc: Jeffrey Resetco; PFA Silver Spring, LC  
Daniel Pino; Loiederman Soltész Associates, Inc.  
Barbara A. Sears; Linowes & Blocher, LLP  
Robert Kronenberg; M-NCPPC DRD  
Richard Weaver; M-NCPPC DRD  
Shabriar Etemadi; M-NCPPC TP  
Joseph Y. Cheung; DPS RWPPR  
Christina Contreras; DPS RWPPR  
Sarah Navid; DPS RWPPR  
Don Scheuerman; DPWT DCD Design




SCALE: 1" = 10'  
 NAD83 DATUM

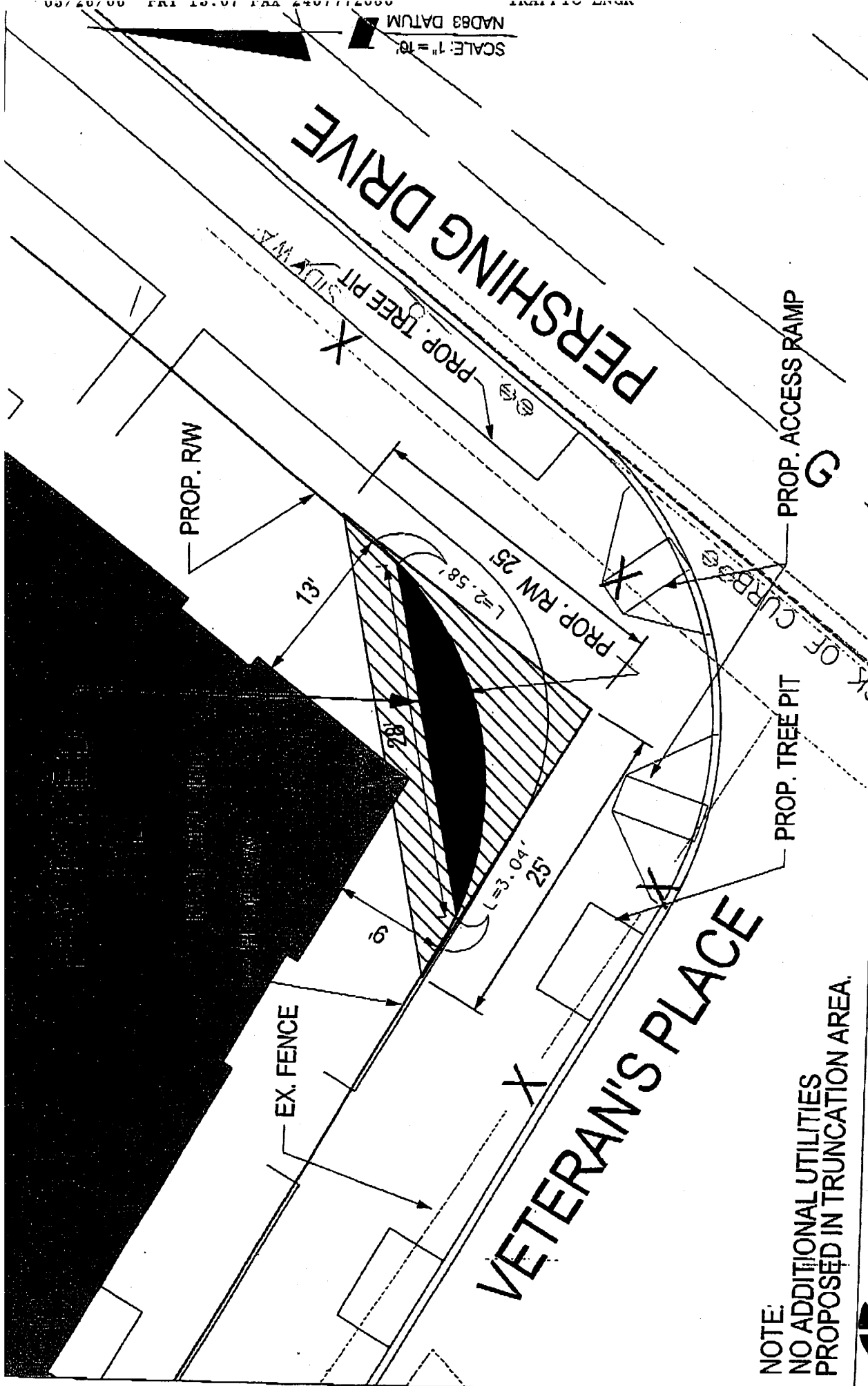
NOTE:  
 NO ADDITIONAL UTILITIES  
 PROPOSED IN TRUNCATION AREA.

# EXHIBIT A

**DOWNTOWN SILVER SPRING**  
**SILVER SPRING, MD**  
 SCALE 1" = 10'



**Lofederman  
 Soltész Associates, Inc.**  
 ROCKVILLE OFFICE  
 1390 PICCARD DRIVE, SUITE 100  
 ROCKVILLE, MD 20850  
 T. 301.948.2750  
[www.LSAssociates.net](http://www.LSAssociates.net)  
 Engineering Planning Surveying Environmental Sciences



# EXHIBIT B

**DOWNTOWN SILVER SPRING**

SILVER SPRING, MD

SCALE 1" = 10'

**NOTE:**  
 NO ADDITIONAL UTILITIES  
 PROPOSED IN TRUNCATION AREA.

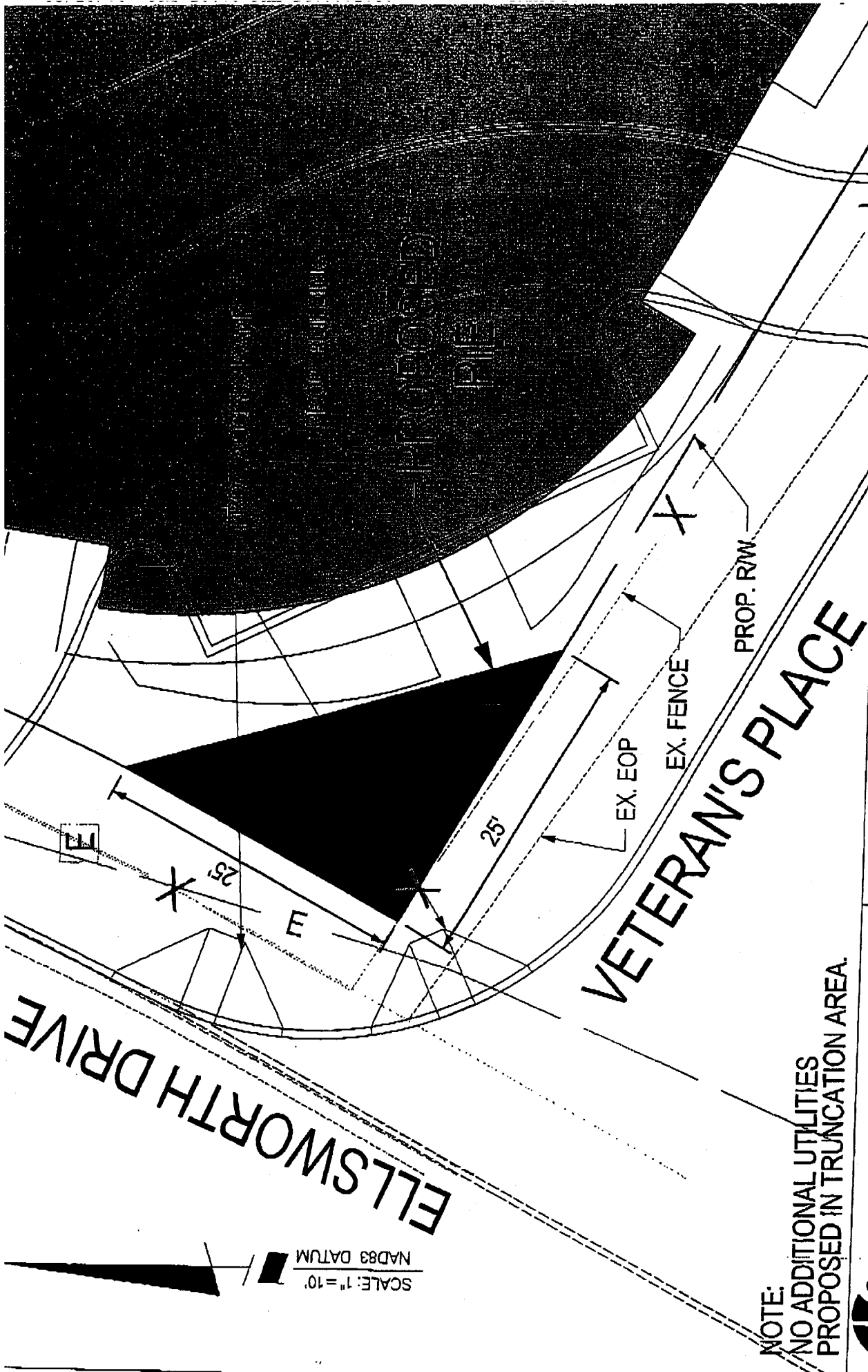


Lofederman  
 Saites Associates, Inc.

ROCKVILLE OFFICE  
 1390 PICCARD DRIVE, SUITE 100  
 ROCKVILLE, MD 20850  
 t. 301.948.2750

[www.LSAssociates.net](http://www.LSAssociates.net)  
 Engineering | Planning | Surveying | Environmental Sciences

SCALE: 1" = 10'  
 NAD83 DATUM  
 000711247 00101 134 00/02/00



ELLSWORTH DRIVE

VETERAN'S PLACE

NOTE:  
NO ADDITIONAL UTILITIES  
PROPOSED IN TRUNCATION AREA.

SCALE: 1" = 10'  
NAD83 DATUM



Loiderman  
Soltész Associates, Inc.

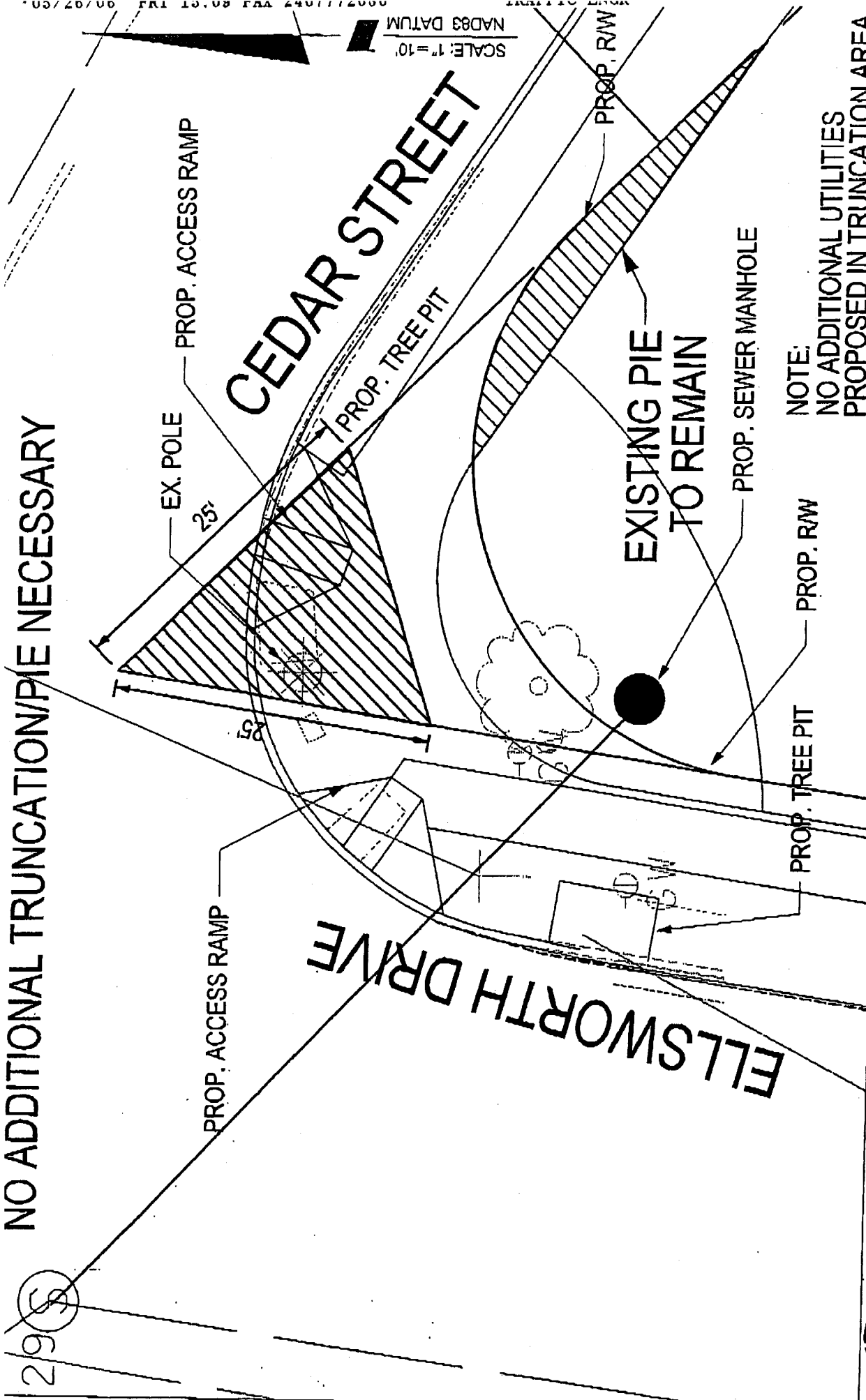
ROCKVILLE OFFICE  
1390 PICCARD DRIVE, SUITE 100  
ROCKVILLE, MD 20850  
T. 301.948.2750  
[www.LSAssociates.net](http://www.LSAssociates.net)  
Engineering | Planning | Surveying | Environmental Sciences

DOWNTOWN SILVER SPRING  
SILVER SPRING, MD  
SCALE 1" = 10'

EXHIBIT C

NO ADDITIONAL TRUNCATION/PIE NECESSARY

29



NOTE:  
NO ADDITIONAL UTILITIES  
PROPOSED IN TRUNCATION AREA.

# EXHIBIT D

**DOWNTOWN SILVER SPRING**

SILVER SPRING, MD

SCALE 1" = 10'



Loleiderman  
Soltesz Associates, Inc.

ROCKVILLE OFFICE  
1390 PICCARD DRIVE, SUITE 100  
ROCKVILLE, MD 20850  
t: 301.948.2750  
www.LSassociates.net  
Engineering | Planning | Surveying | Environmental Sciences



Facility/Subdivision Name: Downtown Silver Spring Preliminary Plan #: 1-1998107A

Street Name: Cedar Street Master Plan Classification: ARTERIAL

Posted Speed Limit: 25

Street/Drwy. 1 ( \_\_\_\_\_ ) Street/Drwy. 2 ( \_\_\_\_\_ )

Sight Distance (feet) OK?  
Right 160' YES NO \*  
Left 271' YES

Sight Distance (feet) OK?  
Right \_\_\_\_\_  
Left \_\_\_\_\_

Comments: \_\_\_\_\_

Comments: \_\_\_\_\_

\* PROVIDE PHYSICAL CHANNELIZATION  
ON DRIVEWAY TO PROHIBIT LEFT TURN EXITS  
FROM THE SITE (ALL EXITING TRAFFIC MUST  
TURN RIGHT FROM THE SITE) *gml*

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance In Each Direction#
Tertiary - 25	150
Secondary - 30	200
Business - 30	200
Primary - 35	250
<u>Arterial - 40</u>	<u>325</u>
(45)	400
Major - 50	475
(55)	550

# Source AASHTO

Sight distance is measured from an eye height of 3.5 feet at a point on the centerline of the driveway (or side street), 6 feet back from the face of curb or edge of traveled way of the intersecting roadway, to the furthest point along the centerline of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing.)

ENGINEER/SURVEYOR CERTIFICATE

I hereby certify that this information is accurate and was collected in accordance with the applicable codes and standards.

Signature: [Handwritten Signature]  
Date: 5/26/06



PLS/P.E. MD Registration No.: 11028

Accepted By: [Handwritten Signature]  
Date: 5/26/06

Facility/Subdivision Name: Downtown Silver Spring

Preliminary Plan #: 1-1998107B

Street Name: Ellsworth Drive

Master Plan  
Classification: BUSINESS

Posted Speed Limit: 30

Street/Drwy. 1 ( \_\_\_\_\_ )

Street/Drwy. 2 ( \_\_\_\_\_ )

Sight Distance (feet)	OK?
Right <u>N/A</u>	<u>yes</u>
Left <u>457'</u>	<u>yes</u>

Sight Distance (feet)	OK?
Right _____	_____
Left _____	_____

Comments: Right-In (Veteran's Place)  
Right-Of drive into main  
entrance of building, thus  
no left turns on Ellsworth Dr.  
thus no right distance given/required.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GUIDELINES

Classification or Posted Speed (use higher value)	Required Sight Distance In Each Direction#
Tertiary - 25	150
Secondary - 30	200
Business - 30	200
Primary - 35	250
Arterial - 40	325
(45)	400
Major - 50	475
(55)	550

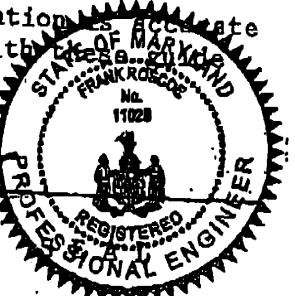
# Source AASHTO

Sight distance is measured from an eye height of 3.5 feet at a point on the centerline of the driveway (or side street), 6 feet back from the face of curb or edge of traveled way of the intersecting roadway, to the furthest point along the centerline of the intersecting roadway where a point 2.75' above the road surface is visible. (See attached drawing.)

ENGINEER/SURVEYOR CERTIFICATE

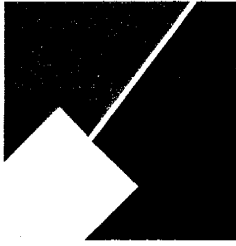
I hereby certify that this information is accurate and was collected in accordance with \_\_\_\_\_ lines.

Signature: [Handwritten Signature]  
Date: 12/1/08



11028  
PLS/P.E. MD Registration No.

Accepted By: [Handwritten Signature]  
Date: 5/26/08



June 20, 2006

**MEMORANDUM**

TO: Robert Kronenberg, Planner/Coordinator  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning

FROM: Scott A. James, Planner/Coordinator *Sj*  
Transportation Planning

SUBJECT: Downtown Silver Spring (Sections B & E)  
Amendments to the Project Plan #9-1998005B  
Site Plan # 8-1999002F and Preliminary Plan #1-1998107B  
Silver Spring Central Business District Sector Plan

---

This memorandum is Transportation Planning staff's Adequate Public Facilities (APF) review of the proposed amendments to the project, preliminary and site plans for the Downtown Silver Spring development, Sections B & E in downtown Silver Spring, Maryland.

**RECOMMENDATION**

Transportation Planning staff recommends approval of the above referenced preliminary and site plans with the following conditions as part of the APF test for transportation requirements related to Local Area Transportation Review (LATR):

All prior conditions made upon preliminary plans #1-98107 and 1-98107R (as stated in the Planning Board Opinion mailed September 1, 1999) remain in effect unless changed by the following comments and conditions.

1. Limit the development to the following elements:
  - a. 222 residential units
  - b. 507,340 square feet of retail
  - c. 228,931 square feet of office
  - d. 48,000 square feet for the Civic Center and
  - e. hotel with 242 rooms.
2. Dedicate and show on the record plat rounded truncations for the corners of Veterans Place and Pershing Drive, Veterans Place and Ellsworth Drive and Cedar Street and Pershing Drive, in accordance with the comment letter from Department of Public Works and Transportation (DPWT) dated May 26, 2006.
3. Provide one bicycle rack each at the entrances located on Veterans Place/Ellsworth Drive and Cedar Street/Ellsworth Drive respectively. Provide ten bicycle lockers in the parking garage.
4. Construct the proposed driveway entrance on Cedar Street to prohibit outbound left turns from the site, per comments from DPWT dated May 26, 2006.

## **DISCUSSION**

### Site Location, Access, Circulation, and Parking

The subject property is located at the intersection of Cedar Street and Ellsworth Drive with frontage on Pershing Drive in downtown Silver Spring. The property will be bounded on three sides by existing public streets: Ellsworth Drive, Cedar Street and Pershing Drive. A fourth public street, Veterans Place will be built between Ellsworth Drive and Pershing Drive. A circular driveway is proposed for the corner of Veterans Place and Ellsworth Drive. Parking for the development will be provided by means of an underground structured parking garage with its entrance on Cedar Street. Pedestrian access to the site will involve connection to the existing sidewalk network.

### Local Area Transportation Review

The approved development proposal estimated 834 AM peak hour trips and 1,595 PM peak hour trips. The amended project proposal estimates 756 AM peak hour trips and 1,517 PM peak hour trips according to the applicant's traffic engineering consultant. Staff has accepted the revised trip generation estimates and concurs that incorporating the proposed changes results in a net reduction of peak hour trips (77 fewer trips for both the AM and PM peak hour periods of study). With this reduction in estimated peak hour trips, the previously accepted LATR study was performed to determine the impact the proposed development would have upon the adjacent transportation infrastructure.

Staff review of the approved preliminary plan (#1-98107) concluded that the project proposal met the requirements of LATR, conditioned upon stated roadway improvements. Staff contend that all previous recommended roadway improvements as stated in the technical staff memorandum dated September 11, 1998 should be held applicable, including determination of traffic impact and proposed mitigation measures. A copy of the staff memorandum is attached for reference.

### Master Plan Roadways and Bikeways

Ellsworth Drive is a Master Planned roadway of recommended 75 feet right-of-way. The approved proposal permits the applicant to dedicate 70 feet of right-of-way. Pershing Drive is a public street of recommended 80 feet right-of-way width. The approved development allows for preservation of 40 feet of pavement width to serve the future development. Cedar Street is a master planned street of recommended 78 feet right-of-way width. Veterans Place is a new public street, proposed in the approved development plan of 60 feet right-of-way width as recommended by DPWT. Staff does not amend or modify previous conditions of approval with respect to right-of-way dedication requirements for this proposed development.

The Silver Spring Central Business District Sector Plan recommends on-road bicycle routes on Cedar Street and the creation of an off-road trail along Pershing Drive and Cedar Street with connection to Ellsworth Drive. Transportation Planning staff recommends an alternate route following the proposed Veterans Place roadway alignment from Pershing Drive to Ellsworth Drive (please see attachment). Staff's recommendation is a more direct route between Wayne Avenue and Ellsworth Drive and would also provide access to the proposed Civic Building. Either alignment meets the intended purpose of providing connection between the Silver Spring Green Trail along Wayne Avenue and Sligo Creek Parkway. Final determination of the need and ultimate alignment of this trail connection is anticipated at a future date.

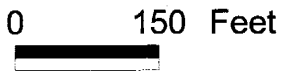
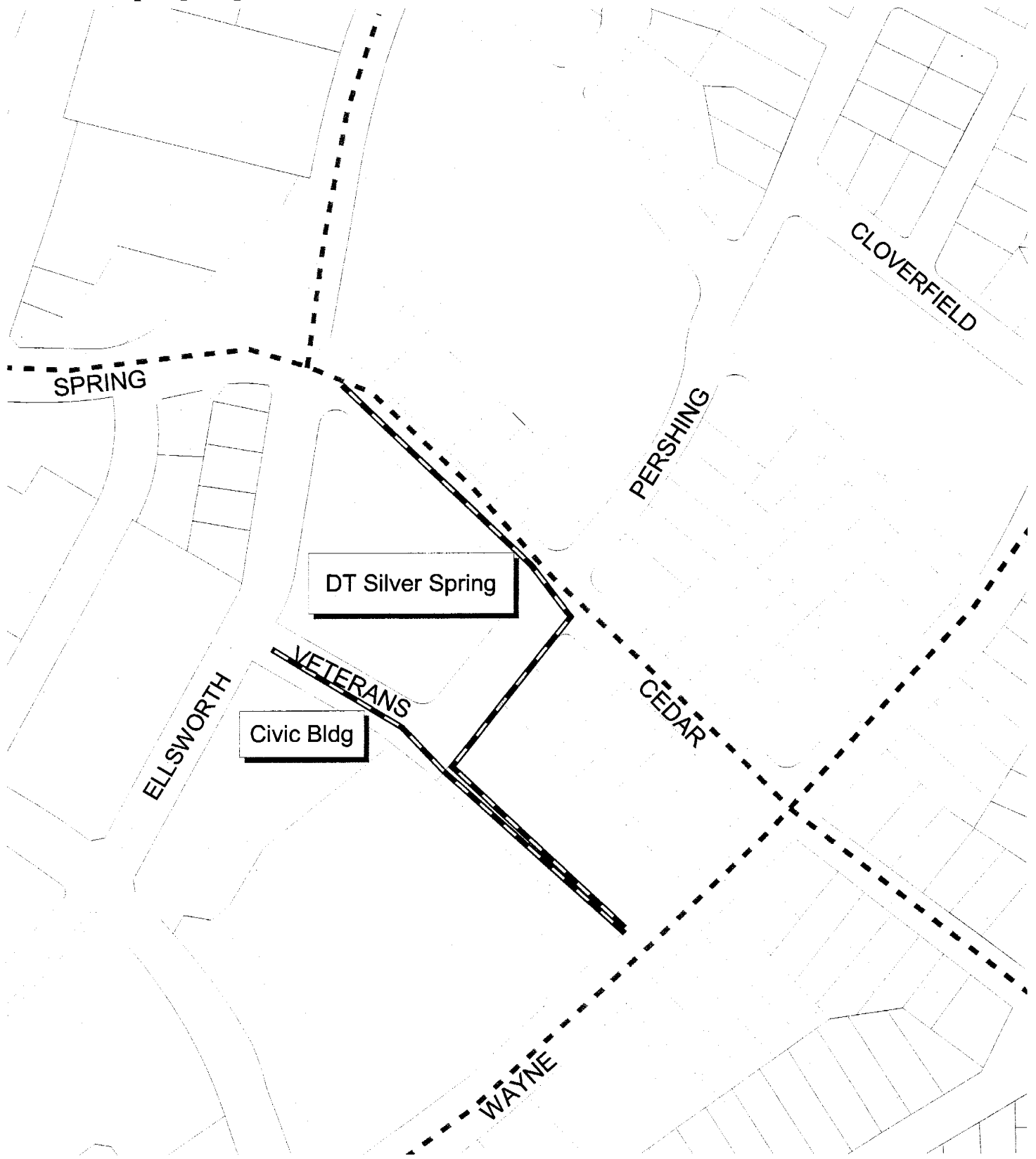
### Pedestrian Access

The amendment proposal plans to tie into the existing network of pedestrian facilities within the approved and partially built Downtown Silver Spring development. The affected roadway intersections, with the exception of the new public street, Veterans Place, offer signalized pedestrian crosswalks on all approaches. Provision is made in the approved proposal for improved pedestrian access, including upgraded pedestrian signal heads and revision of the intersection signal timing and signage. Revising the proposed shared-use trail to parallel the proposed Veteran's Place alignment would improve the pedestrian access to the Civic Building, while still offering connection to the surrounding network.

SAJ:gw  
Attachment

mmo to Kronenberg re DT Silver Spring

# DT Silver Spring Proposed Shared Use Trail Alignment



The Maryland-National Capital Park and Planning Commission  
 Montgomery County Department of Park and Planning  
 Transportation Planning Unit  
 8787 Georgia Avenue | Silver Spring, Maryland 20910  
 301.495.4525 voice | 301.495.1302 fax | <http://www.mc-mncppc.org>



Staff Proposal  
 CBD Sector Plan Proposal  
 Existing Bicycle Facilities



SAJ 06/22/2006



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## FIRE MARSHAL COMMENTS

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**DATE:** 2-27-06  
**TO:** PLANNING BOARD, MONTGOMERY COUNTY  
**VIA:**  
**FROM:** CAPTAIN JOHN FEISSNER 240.777.2436  
**RE:** APPROVAL OF ~ *DOWNTOWN SILVER SPRING (SECTIONS B & E) 91998005, 81999002B, AND 11998107B*

---

**1. PLAN APPROVED.**

- a. Review based only upon information contained on the plan submitted 2-27-06. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
- b. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

cc: Department of Permitting Services

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

8787 Georgia Avenue  
Silver Spring, Maryland 20910-3760  
MONTGOMERY COUNTY PLANNING BOARD

OPINION

DATE MAILED: September 1, 1999  
SITE PLAN REVIEW: #8-99002A  
PROJECT NAME: Downtown Silver Spring

---

*Action: Approval subject to conditions. Motion was made by Commissioner Bryant, seconded by Commissioner Perdue, with a vote of 5 to 0; Commissioners Wellington, Holmes, Hussmann, Bryant and Perdue voting in favor of the Motion.*

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The date of this written opinion is September 1, 1999 (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before October 1, 1999 (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, this site plan shall remain valid for as long as Preliminary Plan #1-98107R is valid, as provided in Section 59-D-3.8. Once the property is recorded, this site plan shall remain valid until the expiration of the project's APFO approval, as provided in Section 59-D-3.8.

On July 22, 1999, the Montgomery County Planning Board ("Board") held a public hearing to consider an amendment to a Combined Urban Renewal Project Plan, Site Plan Review #8-99002A ("Application"), filed by Montgomery County, Maryland and PFA Silver Spring LC pursuant to Division 59-D-5 of the Montgomery County Zoning Ordinance ("Zoning Ordinance"). At the public hearing, the Board heard testimony and received evidence submitted in the record on the Application.

The property which is the subject of the Application encompasses approximately 22.5 acres in the CBD 0.5, CBD-1, CBD-2 and CBD R-2 zones. The proposed development (collectively the "Project") includes 1,240,198 gross square feet of mixed retail, entertainment, office, civic, a 242 room hotel, and 160 multi-family dwelling units, as well as 379,731 gross square feet of public use space, off-site amenities and facilities. The public hearing on the Application (including Site Plan Review #8-99002A and Project Plan Review #9-98005A) was consolidated with a public



hearing on an application for preliminary subdivision plan for the Property designated Preliminary Plan #1-98107R. This opinion covers the Site Plan component of the Application. The Board has issued separate opinions approving Preliminary Plan #1-98107R and the project plan review component of the Application designated Project Plan Review #9-98005A.

Based on the testimony and evidence presented and on the Staff Report dated July 7, 1999 which is made a part hereof, the Montgomery County Planning Board makes the following findings:

**FINDINGS for Site Plan Review:**

1. *The site plan is consistent with an approved development plan or a project plan for the optional method of development, if required.*  
The amended Project Plan has been submitted and reviewed concurrently with the Site Plan.

2. *The site plan meets all of the requirements of the zone in which it is located.*  
The Board finds the Application in compliance with all the requirements of the Zone pursuant to Chapter 59-C-6.2352 of the Code entitled, "Combined Development in an Urban Renewal Project Area" as outlined in the following Project Data Table:

<u>Development Standard</u>	<u>Permitted/ Required</u>	<u>1998 Approval</u>	<u>AMENDED PROPOSAL</u>	<u>CHANGE</u>
LOT AREA (minimum sq. ft.):	20,000	980,100	980,100	
NET LOT AREA		932,591	932,659	+68
GROSS FLOOR AREA (sq. ft.):				
Office		210,800	297,408	+86,608
Retail-Mixed Use		578,635	507,340	-71,295
(Retail, Restaurants, Theaters)				
Hotel (242 Rooms)		123,135	151,130	+27,995
Civic Building		32,000	48,000	+16,000
Residential		234,000	256,320	+2,320
GFA Total		1,178,570	1,240,198	+61,628
FLOOR AREA RATIO (FAR):	2.29	1.20	1.27	+0.07
<b>AMENITIES &amp; FACILITIES:</b>				
Public Use Space (1998 Approval)				
Net Lot Area (sq. ft.)	932,591			
Public Use Space Required/Provided	186,518	261,235		
Percent	20%	28%		
Public Use Space (Amended Proposal)				
Net Lot Area (sq. ft.)	932,659			
Public Use Space Required/Provided	186,532		273,558*	+12,323
Percent	20%		29.3%	
On-Site Outdoor Seating Facilities			10,000	+10,000
Off-Site Improvement Required/Provided (sq. ft.)		92,788	96,173	+3,385
Replacement of Armory	10,890			

Replacement of Kughn Park	<u>69,696</u>			
Total Off-Site Improvements	80,586	92,788	96,173	
Total Amenities & Facilities	267,118	354,023	379,731	+25,708

\*Note: This total includes the AFI/Roundhouse/Silver Theater square footage as Public Use Space. Technically, these facilities do not meet the zoning definition of public use space, even though they are acknowledged to be public use space. In any event, this square footage is above the minimum requirements.

RESIDENTIAL- MULTI-FAMILY (DU):			
One-bedroom		87	87
Two-bedroom		73	73
<u>MPDU's (Exempted by MCDHCA)</u>		<u>N/A</u>	<u>N/A</u>
Total		160	160

MAXIMUM BUILDING HEIGHT (ft.):			
CBD-2 Zone (Section C)	200	200	200
CBD-1 Zone	143 (If Compatible)	143	143
CBD-0.5 Zone	90	90	90
CBD-0.5 Zone	60 (If Compatible)	60	60

SETBACKS (ft.):	0	0	0
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OFF- STREET PARKING:			
Parking Required (Office, Retail, Civic)	3,600	3,600	
<u>Parking Required (Residential)</u>		175	
Total Required		3,775	
Parking Provided:			
Garages [Blocks B(2) & D(1)]			3,153
Structured [Office Block B(1) & Residential]			436
<u>Surface Lots (Block A &amp; C)</u>			314
Total Provided			3,903
			+128

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

The Board finds the proposed buildings located along the street edge help to define the public pedestrian realm and inform the spatial design of the public open spaces. The Project provides more than twenty percent (20%) of its net lot area as public amenity space, including the edge along Ellsworth Drive. As conditioned, the public spaces have appropriately sized, safe and well lighted sidewalks with street trees along the perimeter of the Block B. The Project has a vehicular drop-off along Ellsworth Drive to serve the theaters and a drop-off on Fenton Street for the hotel. The Board finds the proposed site features including the buildings, open spaces, and vehicular systems, to be safe adequate and efficient. The Board further finds that, with the inclusion of the Georgia Avenue pedestrian crosswalk at Ellsworth Drive, a necessary element to the Site Plan, the circulation for the Project would be safe, adequate and efficient.

4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The Board finds the proposed commercial uses compatible with adjacent existing or proposed uses.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The Board finds that the Application meets the Forest Conservation requirements of Chapter 22A of the Code by providing the proposed streets trees.

6. *The Site Plan conforms with applicable requirements for water quality resource protection under Chapter 19.*

The Board finds that the Application meets all applicable requirements of Chapter 19 of the Code regarding water resource protection. This is accomplished by providing on-site water quality controls including CSF stormwater treatment and bioretention system.

The Montgomery County Planning Board APPROVES Site Plan #8-99002A which consists of 1,240,198 gross square feet of retail, office, entertainment, restaurant, hotel and housing uses and 379,731 square feet of public amenities, subject to the following conditions:

#### General

1. Conditions of prior approvals remain in full force and effect except as specifically superseded by this approval.

#### Streets

2. Provide written documentation of all MCDPW&T crosswalk details to staff, in structural section and special paving specifications prior to signature set.
3. Final design of Georgia Avenue between Colesville Road and Wayne Avenue streetscape, crosswalk at Ellsworth Drive and median, is subject to coordinate future Discovery Communications site plan confronting on the west side of Georgia Avenue.

#### Georgia Avenue:

4. Construct a signalized, pedestrian crossing at Ellsworth Drive operable twenty-four hours a day, prior to the occupancy of the Discovery Communications site.
5. Replace office/retail drop-off lane with approved streetscape elements, leaving a non-planted gap approximately sixty feet in length centered on the primary office building entrance.

#### Fenton Street:

6. Relocate the theater drop-off lane to Ellsworth Drive and replace approved streetscape elements on Fenton Street.
7. Set back the ground floor building face of the hotel and adjacent retail four to six feet for the entire length of the full width portion of the hotel drop-off lane.

#### Parking/Loading:

8. Conform internal alley loading areas to MCDPW&T Standards on Signature Set.

#### Landscape & Lighting:

9. Replace the existing Washington Globe street lights north of the intersection with Ellsworth Drive to the intersection with Colesville Road with the proposed Halophane pendant-style street lights.

10. Final street lighting specifications for the site are subject to possible future amendment for the purpose of coordinating this project with any contemplated change to the standard street lighting plan for the CBD as a whole, such amendment to be approved by the Planning Board.

Other:

11. Standard Conditions dated 10-10-95:
- A. Submit a Site Plan Enforcement Agreement and Development Program for review and approval prior to approval of the signature set as follows:
- a. Development Program to include a phasing schedule as follows:
- 1) Street tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets.
  - 2) Community-wide pedestrian pathways and recreation facilities must be completed prior to seventy percent occupancy of each phase of the development.
  - 3) Landscaping associated with each parking lot and building shall be completed as construction of each facility is completed.
  - 4) Pedestrian pathways and seating areas associated with each facility shall be completed as construction of each facility is completed.
  - 5) Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
  - 6) Coordination of each section of the development and roads;
  - 7) Sequencing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, trip mitigation or other features.
- b. Site Plan Enforcement Agreement to delineate transportation management program, park maintenance agreement or other requirement of a condition of approval
- B. Signature set of site, landscape/lighting, forest conservation and sediment and erosion control plans to include for staff review prior to approval by Montgomery County Department of Permitting Services (DPS):
- a. Methods and location of tree protection;
  - b. Conditions of DPS Stormwater Management Concept approval (waiver) letter
  - c. Note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;
  - d. The development program inspection schedule.

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**THE MARYLAND-NATIONAL CAPITAL PARK AND  
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland  
8787 Georgia Avenue, Silver Spring, Maryland 20910

**MEMORANDUM**

TO: Robert Kronenberg, Development Review  
Richard Weaver, Development Review

VIA: Steve Federline, Supervisor, Environmental Planning *DF*

FROM: Amy Lindsey, Environmental Planning *AL*

DATE: June 28, 2006

SUBJECT: Site Plan Amendment 81999002F  
Preliminary Plan Amendment 11998107B  
Downtown Silver Spring

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The Environmental Planning staff has reviewed the site plan referenced above. Staff recommends approval of the site plan with the following condition:

1. A revised Final Forest Conservation Plan must be submitted, approved and all conditions of approval satisfied prior to recording of plat(s) or MCDPS issuance of building permits.

**BACKGROUND**

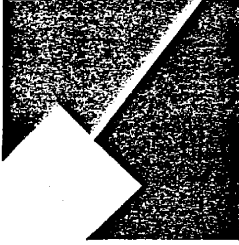
The 22.50-acre property is located in Montgomery County on Block E of Downtown Silver Spring. The project has been before the Planning Board previously and approved as Preliminary Plans 119981070 and 11998107R, Project Plans 919980050 and 91998005A, and Site Plans 81999002A through F.

**Forest Conservation**

This site is subject to Forest Conservation Law and has an approved Final Forest Conservation Plan (8-99002). However, the approved Final FCP covers 20.53 acres, not the 22.50 acres of this Site Plan Amendment. The additional 1.97 acres is due solely to roadway abandonments, not a change in site boundaries. A revised Final FCP must be submitted, approved, and all conditions of approval satisfied before plats can be recorded or MCDPS issuance of building permits.

**Environmental Buffers**

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property.




March 29, 2006

## MEMORANDUM

TO: Kathy Mitchell, Planner  
Development Review Division

Richard Weaver, Subdivision Coordinator  
Development Review Division

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

SUBJECT: Project Plan Review No. 9-1998005B  
Site Plan No. 8-1999002F  
Preliminary Plan No. 1-1998107B  
Downtown Silver Spring, residential phase

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The Community-Based Planning staff has reviewed the above referenced Preliminary, Project and Site Plans for conformance with the Silver Spring Central Business District and Vicinity Sector Plan (Approved February 2000). The subject property is located on Cedar Street between Ellsworth Drive and Pershing Drive. Community-Based Planning recommends the approval of these plans with the following conditions needed to ensure consistency with the approved CBD Sector Plan and Urban Renewal Plan:

1. Modify the design for the public use space at Cedar Street/Ellsworth Drive to remove the impact of the proposed transformers and improve the quality of the space.
2. Provide the Type B streetscaping in accordance with the Silver Spring Streetscape Plan Technical Manual 1992, or as amended. Bring the brick sidewalks across all driveways in flush condition. Request a waiver for any non-standard streetscape improvements and secure a maintenance and liability agreement from the Montgomery County Department of Public Works and Transportation.
3. Enter into an agreement with the Silver Spring Urban District for maintenance of all or some of the streetscape improvements.

## **ZONING AND LAND USE:**

The subject property is zoned CBD-0.5 (Central Business District, Residential 0.5). The approved CBD Sector Plan recommends the CBD-0.5 zoning for this site which was applied through the Sectional Map Amendment (SMA) adopted July 18, 2000, per County Council Resolution 14-600.

The proposed development is a mid-rise residential project to be built under the Optional Method of Development. The proposed residential development is a permitted use that is consistent with the intent of the zone. The building will be 55 feet in height as measured from Pershing Drive, 5 feet less than the maximum permitted by the zone. The project will include 222 dwelling units, an increase from the 160 units previously approved, with the required Moderately Priced Dwelling Units (MPDUs) provided on-site.

The applicant proposes a total of 7,850 square feet of on-site public use space. The adequacy of this public use space must be evaluated in terms of the overall public use space in the entire Downtown Silver Spring project.

## **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 residential downtown; a green downtown; a transit-oriented downtown; and a pedestrian-friendly downtown) apply to this proposed project. Page 113 of the Sector Plan (attached) specifically identifies the proposed project site as a potential housing site. The Sector Plan also encourages housing as an important component to the revitalization efforts.

The proposed project will include new public open space along its street frontages and at the intersection of Cedar Street/Ellsworth Drive. The transformers that are proposed at the Cedar Street/Ellsworth Drive intersection should be located below-grade in order to enhance the proposed public use space.

The project will improve the quality of the pedestrian environment by providing the Silver Spring streetscape treatment required for optional method projects. The proximity to transit facilities and to the downtown employment core will reduce the dependency on the automobile for the residents of the development.

- A. **Sector Plan Bikeways:** The Sector Plan recommends an on-road bike route along Cedar Street. It also recommends an off-road link from the Silver Spring Green Trail (along Wayne Avenue) over to Ellsworth Drive. This Class I off-road trail would go west from Wayne Avenue along a "new street" bordering St. Michael's Church; north along Pershing Drive; west along Cedar Street; and then north on Ellsworth Drive out to Sligo Creek Park. Although the Sector Plan does not specifically say so, this has been perceived as an alternative alignment for the Silver Spring Green Trail if the Wayne Avenue alignment for the Green Trail is infeasible. When site plan #8-

99002 was approved by the Planning Board, the list of conditions included the following: "If the final location of Green Trail continues east from the site on Wayne Avenue rather than Ellsworth, applicant may remove bikeway route on-site from Pershing to Ellsworth." At this time, it appears that the "final" alignment for the Green Trail will indeed follow Wayne Avenue out to Sligo Creek Park. However, Wayne Avenue is also under consideration as an alignment for the proposed Bi-County Transitway (BCT) and this could preclude the Wayne Avenue alignment for the Silver Spring Green Trail, depending upon the design of the BCT. The State has withheld Enhancement Funding to implement the Green Trail due to the potential conflict with the BCT alignment. At best, this conflict will not be resolved until spring 2007.

- B. **Sector Plan Street Rights-of-Way:** Cedar Street is recommended for a 78-foot right-of-way in the CBD Sector Plan. Ellsworth Drive is recommended for a 70-foot right-of-way, although the pending plans show only 69 feet. The recommended right-of-way on Pershing Drive is 40 feet from centerline.
- C. **Streetscape:** The applicant proposes to improve the pedestrian environment by implementing the Type B Silver Spring streetscape standard. The staff recommends that the applicant enter into an agreement with the Silver Spring Urban District for maintenance of all or some of the streetscape improvements.

#### **URBAN RENEWAL PLAN:**

The Silver Spring Urban Renewal Plan approved by the County Council in 1997 and amended in 1999 espouses many of the same goals as the February 2000 CBD Sector Plan, including the provision of housing opportunities. The Urban Renewal Plan encourages the inclusion of MPDUs in new residential development. It also calls for development within the Urban Renewal area to conform to the Silver Spring streetscape standards, thereby enhancing pedestrian circulation and encouraging activity along the streets.

The Urban Renewal Plan addresses the need for development within the urban renewal area to be compatible with the surrounding neighborhood in terms of location, size, intensity, design, operational characteristics, and staging. To achieve such compatibility, the Urban Renewal Plan states that "buildings adjacent to Cedar Street in the CBD-0.5 Zone may be reduced in height from the 60 feet maximum permitted by the zone if the Planning Board finds at Project Plan that lower heights are needed to ensure compatibility with the single-family residential neighborhood across Cedar Street from the Urban Renewal Area."

The proposed plans for Downtown Silver Spring satisfy several important criteria in the Urban Renewal Plan, including the provision of MPDUs on site and streetscaping in accordance with the Silver Spring Streetscape Technical Manual. The design of the building and the proposed reduction in building height to 55 feet will ensure compatibility with surrounding development. At the same time, we believe that the inclusion of large