

The Honorable Derick P. Berlage  
January 9, 2006  
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- a. *Comply with All the Intents and Requirements of the Zone, Section 59-D-5.42(a)* – The Project is comprised of properties zoned CBD-1, CBD-2, and CBD-0.5, and is being developed as a combined urban renewal project. As such, the Project complies with all applicable development standards and requirements. The Amendment does not alter the basic mix of uses previously approved by the Planning Board for the Project and continues to comply, as amended, with the requirements of the CBD Zones for the same reasons set forth above and in the prior submissions.
- b. *Consistency with the Urban Renewal Plan and CBD Sector Plan, Section 59-D-5.42 (b)* – The Project, as amended, is consistent with the Urban Renewal Plan and CBD Sector Plan for the same reasons as fully detailed in the Prior Submissions. As discussed below, the design of the residential portion of the Project is compatible with the surrounding uses and creates an attractive place for residents to live within Downtown Silver Spring.
- c. *Compatible with Existing or Potential Development, Section 59-D-5.42 (c)* – In prior approvals, the Planning Board found that the Project is compatible with the existing and proposed development. For these reasons and those detailed in the Prior Submissions and below, this Amendment does not alter these prior findings.
- d. *Existing Public Facilities and Traffic Mitigation Agreement, Section 59-D-5.42 (d)* – This Amendment does not overburden existing public facilities, as discussed above and in the attached report from Wells & Associates. A Traffic Mitigation Agreement was entered into during previous approvals. Exhibit “I”.
- e. *Greater Efficiency, Section 59-D-5.42(e)* – The proposed development is more efficient and desirable than what could be achieved under the standard method of development, as fully explained in the Prior Submissions.
- f. *Inclusion of Moderately Priced Dwelling Units, Section 59-D-5.42(f)* – The residential portion of the Project complies with Chapter 25A of the Montgomery County Code by providing 31 MPDU units, which is 13.9% of the total units.
- g. *Implement Urban Renewal Plan and Results in Superior Land Use Configuration, Section 59-D-5.42 (g)* – The Project, as amended, effectively and positively implements the Urban Renewal Plan as described above. Further, by transferring density among the properties comprising the Project, the Project achieves the flexibility of design, residential neighborhood preservation and historic preservation goals and objectives

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January 9, 2006

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established by the Urban Renewal Plan. This is particularly evident in the siting of the Project's more intensive uses, including the multiplex cinemas, hotel and office uses west of Fenton Street and the creation of the Town Square and Civic Building near the residential component and existing residential uses east of Fenton Street. This land use configuration is superior to the configuration that would result if each component of the Project was developed in accordance with the limitations and development standards of the underlying CBD Zones.

- h. *Forest Conservation*, Section 59-D-5.42 (h) – A copy of the Final Forest Conservation Plan has been submitted.
- i. *Water Quality*, Section 59D-5.42(i) – A copy of the Storm Water Management Concept Plan has been submitted in accordance with the requirements of Chapter 19 of the Montgomery County Code.
- j. *Site Plan Review*, Section 59-D-5.42 (j) – An amendment to the Site Plan consistent with the Project Plan Amendment has been submitted for combined review and is more fully discussed below.

### **C. Amendment to Site Plan**

This Amendment to the Site Plan is submitted pursuant to the section of the Planning Board's Opinion for Site Plan 8-99002 concerning the Housing Site. In that Opinion, the Planning Board imposed three conditions on approval of the Housing Site:

#### *Condition 1.*

*"Submit Site Plan Amendment for housing, addressing lack of resolution of Cedar elevation compatibility, interior court design at 1/8"=1'0", landscape/lighting details, Ellsworth entrance details, tot lot details, corner public use space site plan/landscape plan, Executive Regulations for pool, parking, unit mix, retaining wall details.*

*Applicant to consider compatibility enhancements such as, but not limited to, visually dividing the Cedar elevation into two 'parts' and lowering the cornice/eave line one floor using dormers."*

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The residential building has been carefully designed to employ the use of a step-down variable height flat roof to ameliorate any potential compatibility concerns, which might arise from a static or higher roofline. Further, the Cedar Street façade has been designed to contain a mix of materials in a staggered relief as to visually divide the building mass and provide a transition from the more urban designs in the Downtown Area to the single-family residences located to the east, across Cedar Street.

The attached site plan addresses the remaining items in this condition by including the interior court design at 1/8"=1'0", the landscape/lighting details, the Ellsworth entrance details, corner public use space, landscape plan, parking, unit mix, and retaining wall details.

*Condition 2.*

*"Provide documentation of MCDHCA's release of MPDU obligation."*

This Project complies with Chapter 25A of the Montgomery County Code by providing 31 on-site MPDU units, 13.9% of the total units. By providing these MPDUs, the Project receives a 12.1% density bonus over the permitted 198 units, for a total of 222 units.

*Condition 3.*

*"Provide revised Recreation Calculations to address shortfall of supply points."*

The site plan includes the Recreation Calculations.

In summary, the above Applications for Preliminary Plan, Project Plan and Site Plan Amendments meet all the applicable requirements of the Zoning Ordinance. Attached please find (1) the Applications for preliminary plan, project plan, and site plan amendments, (2) all required attachments for each Application, and (3) the required fees.

The Honorable Derick P. Berlage

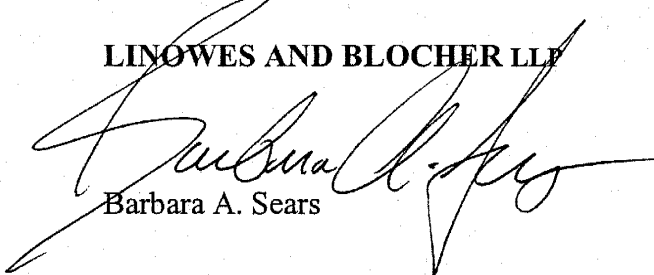
January 9, 2006

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Thank you for your consideration of these Applications. If you have any questions or require any additional information, please feel free to contact me.

Very truly yours,

**LINOWES AND BLOCHER LLP**

  
Barbara A. Sears

Attachments

cc: Ms. Rose Krasnow  
Mr. John Carter  
Mr. Miguel Iraola  
Mr. Glenn Kreger  
Ms. Cathy Conlon  
Mr. Robert Kronenberg  
Mr. Bryant Foulger  
Ms. Lynne E. Hansen  
Mr. Richard Perlmutter  
Mr. Frank Roscoe  
Mr. Sami Kirkdil



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

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.

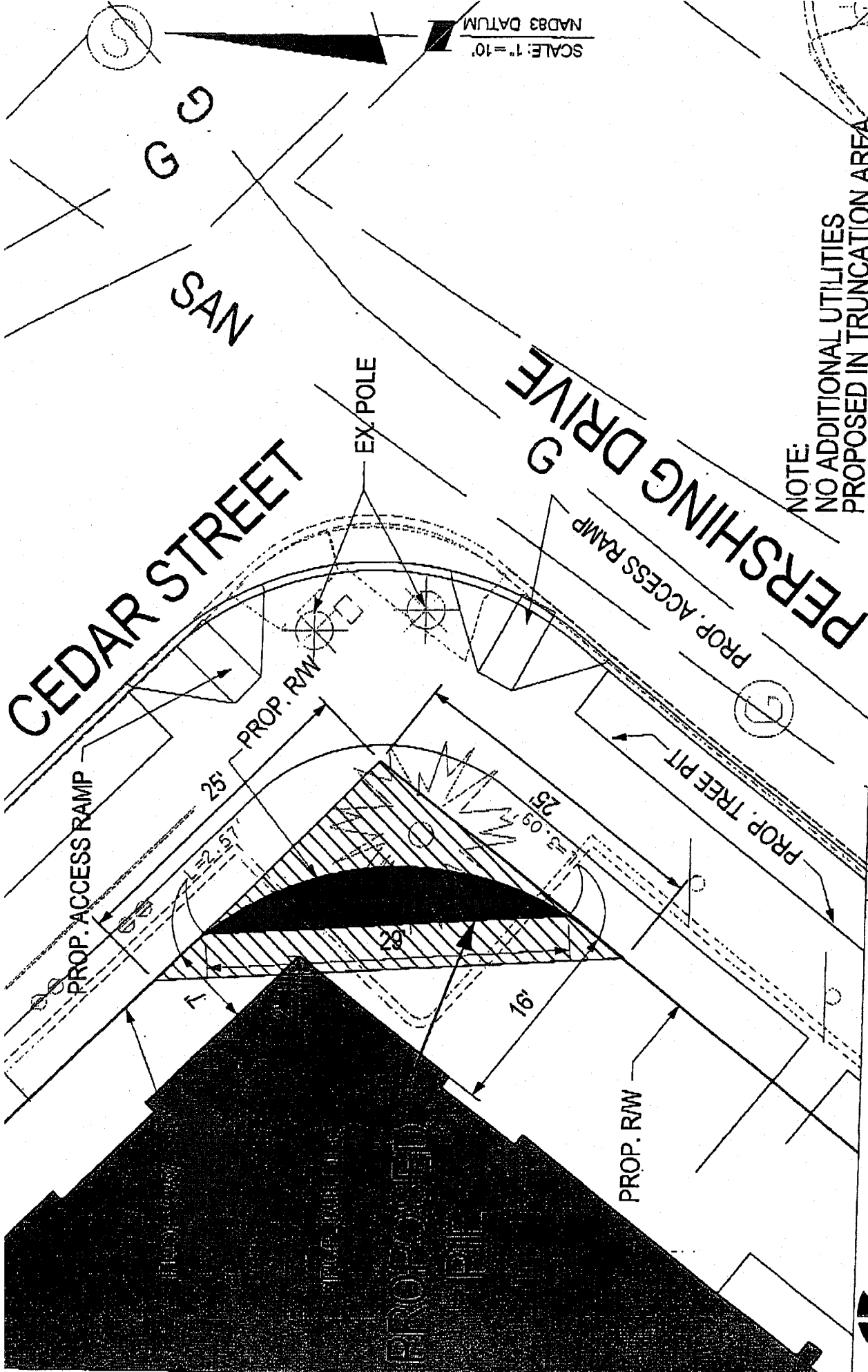
Sincerely,



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 Soltesz 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.

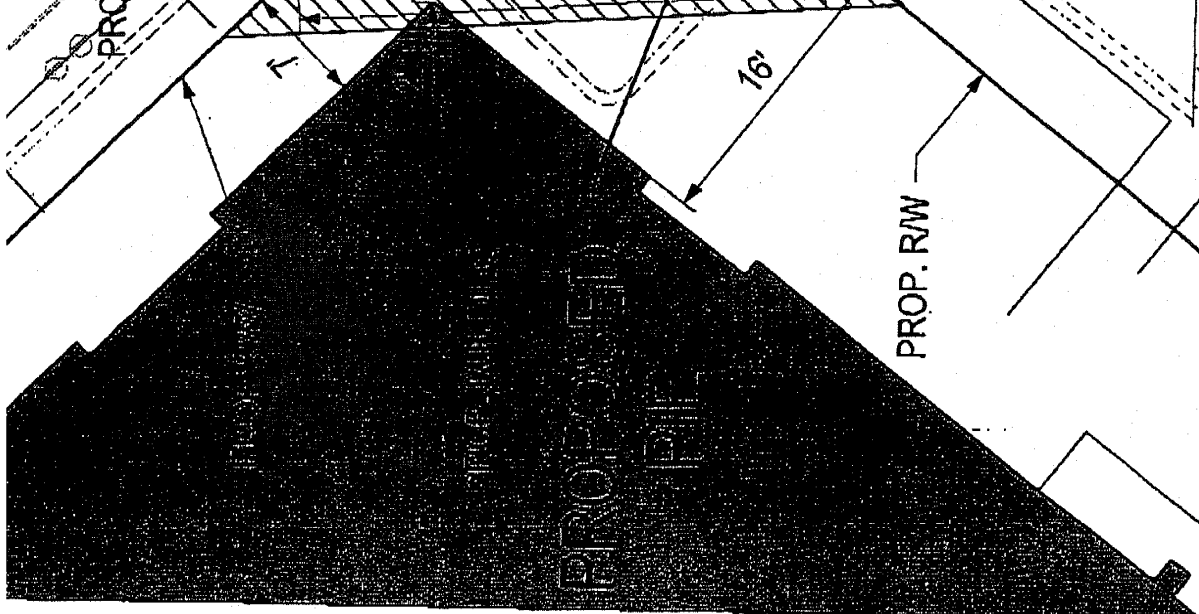
**DOWNTOWN SILVER SPRING**  
**SILVER SPRING, MD**  
 SCALE 1" = 10'

# EXHIBIT A



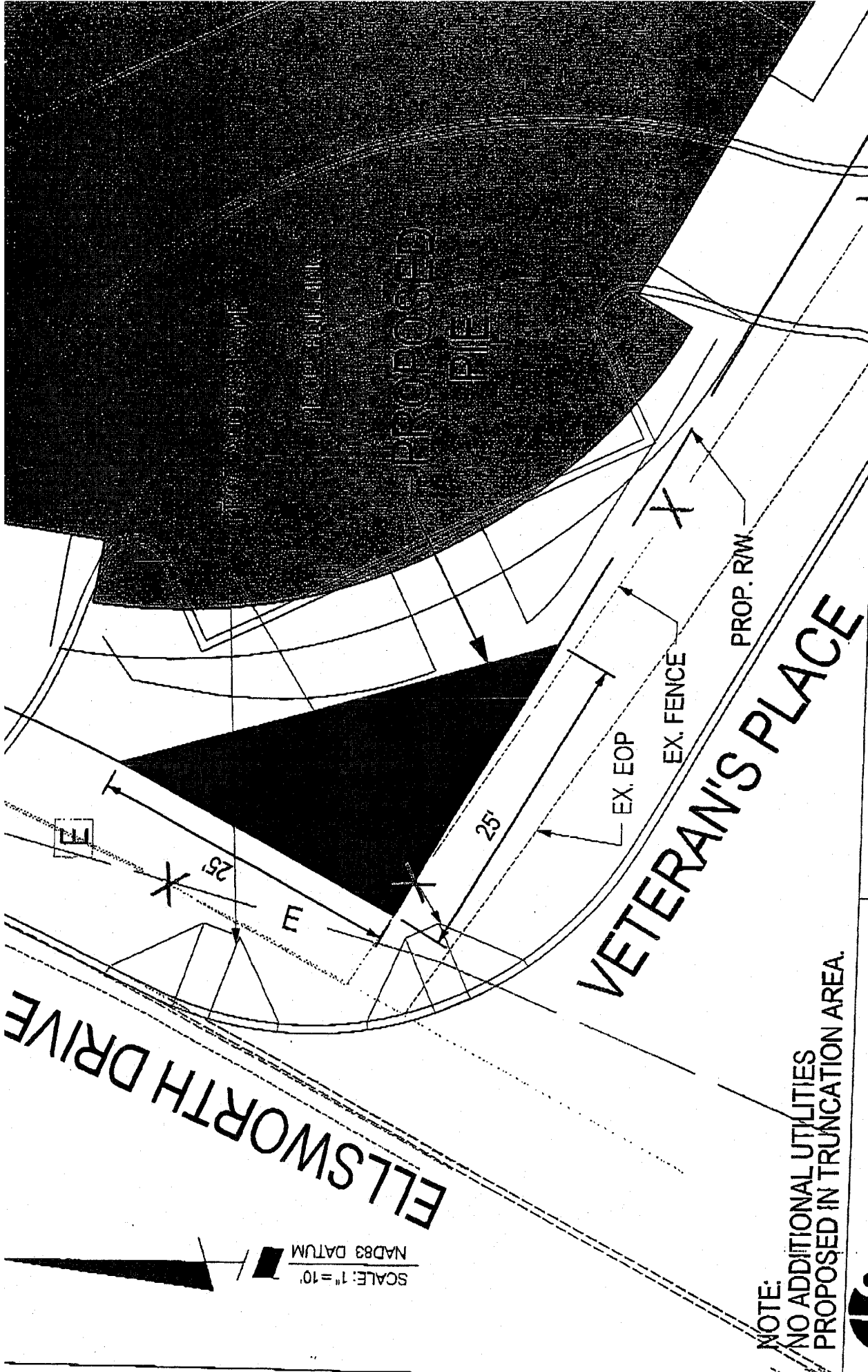
**Soltesz Associates, Inc.**

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 C

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

## VETERAN'S PLACE

## ELSWORTH DRIVE

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

SCALE: 1" = 10'  
 NAD83 DATUM

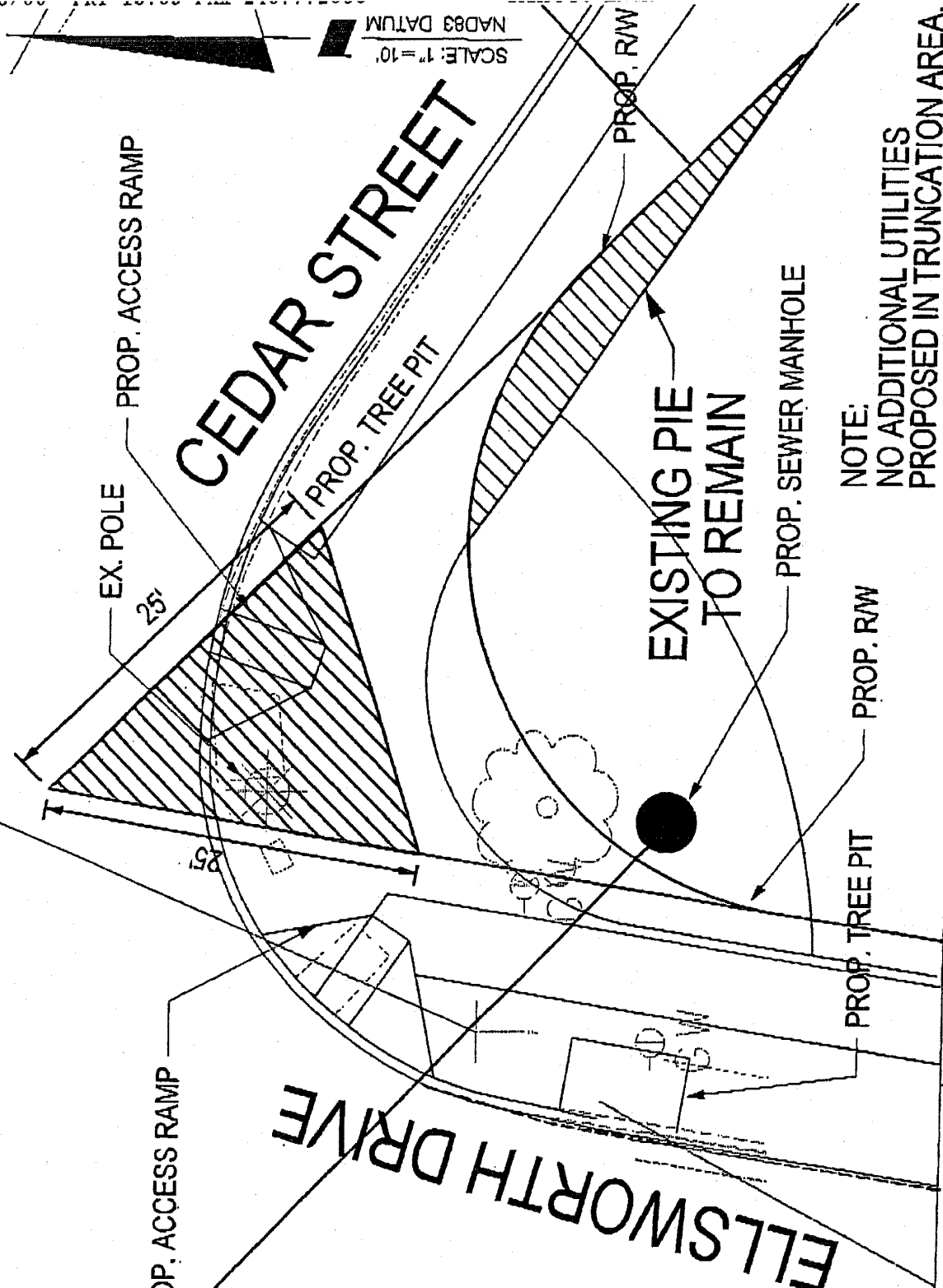


Liedererman  
 Soltesz Associates, Inc.

ROCKVILLE OFFICE  
 1390 PICCARD DRIVE SUITE 100  
 ROCKVILLE, MD 20850  
 T. 301.946.2750  
 www.LSassociates.net  
 Engineering | Planning | Surveying | Environmental Sciences

NO ADDITIONAL TRUNCATION/PIE NECESSARY

290



SCALE: 1" = 10'  
NAD83 DATUM

NOTE:  
NO ADDITIONAL UTILITIES  
PROPOSED IN TRUNCATION AREA.

DOWNTOWN SILVER SPRING

SILVER SPRING, MD

SCALE 1" = 10'

EXHIBIT D



Loflerman  
Soltesz Associates, Inc.

ROCKVILLE OFFICE  
1380 PICCARD DRIVE, SUITE 100  
ROCKVILLE, MD 20860  
1.301.948.2750

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) *gull*

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 the following lines.

Signature: [Signature]  
Date: 12/1/07  
11028



LS/P.E. MD Registration No: \_\_\_\_\_

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

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 N/A                      yes  
Left 457'                        yes

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

Comments: Right-In (Veteran's Place)

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

Right-Out drive into main  
entrance of building, thus  
no left turns on Ellsworth Dr.  
thus no right distance given/required.

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

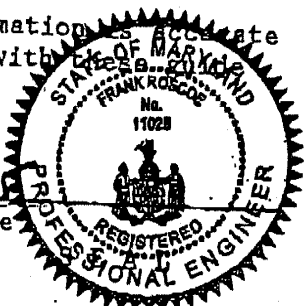
# Source AASHTO

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

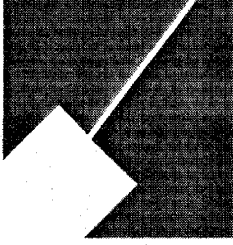
I hereby certify that this information is accurate and was collected in accordance with \_\_\_\_\_ lines.

Signature: Frank Roswell  
Date: 12/1/06



11028  
PLS/P.E. MD Registration No.

Accepted By: guleich  
Date: 5/26/06



June 20, 2006

**MEMORANDUM**

TO: Robert Kronenberg, Planner/Coordinator  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning

FROM: Scott A. James, Planner/Coordinator *Sg*  
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

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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.

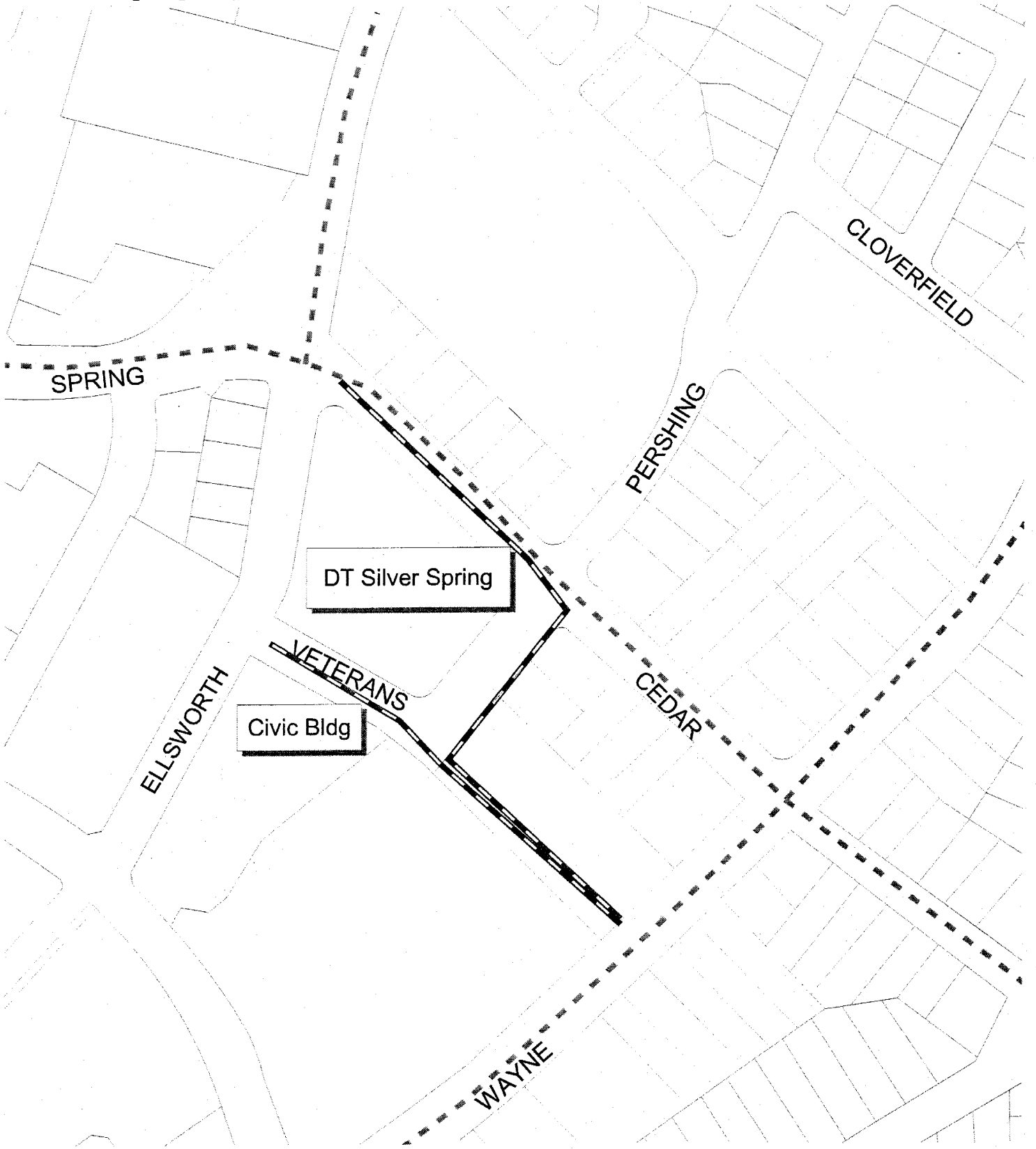
#### Pedestrian Access

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

mno to Kronenberg re DT Silver Spring

# DT Silver Spring Proposed Shared Use Trail Alignment



0 150 Feet



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





## MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION8787 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

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*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 (Retail, Restaurants, Theaters)		578,635	507,340	-71,295
Hotel (242 Rooms)		123,135	151,130	+27,995
Civic Building		32,000	48,000	+16,000
Residential		234,000	236,320	+2,320
<u>GFA Total</u>		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		273,558*	+12,323
Public Use Space Required/Provided	186,532		29.3%	
Percent	20%		10,000	+10,000
On-Site Outdoor Seating Facilities			96,173	+3,385
Off-Site Improvement Required/Provided (sq. ft.)		92,788		
Replacement of Armory	10,890			

Replacement of Kughn Park	69,696			
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>			<u>314</u>
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:

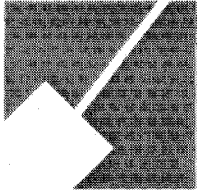
9. Replace the existing Washington Globe street lights north of the intersection with Ellsworth Drive to the intersection with Colesville Road with the proposed Halophane pendant-style street lights.

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 *ML*

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**

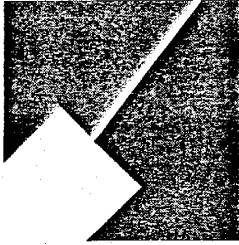
The 22.50-acre property is located in Montgomery County on Block E of Downtown Silver Spring. The project has been before the Planning Board previously and approved as Preliminary Plans 119981070 and 11998107R, Project Plans 919980050 and 91998005A, and Site Plans 81999002A through F.

**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

transformers in the proposed public use space at Cedar Street/Ellsworth Drive reduce the usefulness of this space. The design for this space should be modified in order to create an inviting and active space that is consistent with the design guidance in the Urban Renewal Plan and the Sector Plan.

**COMMUNITY OUTREACH:**

The applicant met with the Urban District Advisory Board on February 16, 2006 and the Silver Spring Citizens Advisory Board's Commercial and Economic Development Committee on February 15, 2006. They also plan to meet with the Seven Oaks/Evanswood Civic Association.

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Attachment

