

July 10, 2003

MEMORANDUM

TO: Robert Kronenberg, RLA  
Development Review Division

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

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

SUBJECT: Site Plan Review No. 8-03037  
8045 Newell Street

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The Community-Based Planning staff has reviewed the above referenced Site Plan for conformance with the *Silver Spring Central Business District and Vicinity Sector Plan* (approved February 2000). Community-Based Planning recommends the approval of this Site Plan with the following comments:

1. Provide streetscape improvements in accordance with the Silver Spring Streetscape (April 1992) technical manual or as amended.
2. Coordinate with the Silver Spring Regional Service Center on the placement of any proposed wayfinding signs in accordance with the Silver Spring Wayfinding Plan or as amended.

**ZONING AND LAND USE:**

The 1.4-acre subject property is located at the southwest quadrant of the intersection of Newell Street and Kennett Street in South Silver Spring. The property is zoned CBD-1 (Central Business District, 1.0). The approved CBD Sector Plan recommends the CBD-1 zoning for this site and was executed through the Sectional Map Amendment (SMA) adopted July 18, 2000 per County Council Resolution 14-600. The property is located within the Ripley/South Silver Spring Overlay Zone area. The Overlay Zone provides special development flexibility in order to encourage redevelopment. In order to ensure compatibility, the Overlay Zone specifically limits building heights to 45 feet for

properties along Newell Street. The building height may be increased to a maximum of 90 feet provided the building is set back at least 60 feet from the street.

The proposed site plan conforms to the standards for optional method projects in the CBD-1 zone. The project proposes 120 residential units (85.3 du/ac), which is under the permitted maximum of 176 units (125 du/ac) for optional method projects under the CBD-1 zone. The minimum required public use space for this project is 12,260 sf (20% of the net lot). The project proposes 12,640 sf or 20.6% of the net lot in public use space in addition to 9,500 sf of off-site improvements. The building height is 78 feet and is set back 60 feet from Newell Street.

### **SECTOR PLAN CONFORMANCE:**

The *Silver Spring Central Business District and Vicinity Sector Plan* outlines six themes, which articulate the goals and vision for a revitalized Silver Spring. Four of these themes (i.e. a transit-oriented downtown; a residential downtown; a green downtown; and a pedestrian-friendly downtown) apply to this proposed project.

This project is transit-oriented given its location within a 5-10 minute walk from the Silver Spring Metro station and proximity to a VanGo shuttle bus stop. The site is specifically identified in the Sector Plan as a potential housing site. This project is being developed under the optional method, which provides opportunities for landscaped public open spaces and streetscapes. This project encourages the development of active urban streets and improves the quality of the pedestrian environment by providing the optional method streetscape treatment mandated by the *Silver Spring Streetscape* (April 1992) technical manual.

- A. **Compatibility:** The Sector Plan encourages residential uses throughout the CBD and specifically recommends residential for this site (see **Attachment A-Map 35 Residential Downtown**). Low-rise multifamily development already exists to the west of the property across Newell Street. Community-Based Planning feels that the proposed development meets the building height and setback requirements of the Overlay Zone, thereby ensuring compatibility with adjacent residential uses.
- B. **Silver Spring Wayfinding System:** The Applicant should coordinate with the Silver Spring Regional Service Center regarding the placement of any wayfinding signs as described by the Silver Spring Wayfinding System plan or as amended.
- C. **Public Art:** The M-NCPPC has formed an Art Review Panel for Silver Spring composed of representatives from the development, academic and arts community. The Art Review Panel gives input on the location, type, and the community context for all public art proposed for Optional Method projects. The Applicant met and presented their art proposal to the Panel on May 30, 2003. The Panel made specific technical and aesthetic comments. The Panel will meet

again with the Applicant on July 11, 2003 to review their response to the Panel's initial comments.

### **COMMUNITY OUTREACH:**

During Project Plan review, the Applicant presented the development proposal various civic and advocacy groups for comment. Since the development proposal has not substantially changed in terms of the site design, the Applicant has instead mailed letters with copies of the proposed site plan to each group they met with during the Project Plan review process.

### **RELATIONSHIP TO THE SOUTH SILVER SPRING PATHWAYS PLAN:**

The Montgomery County Department of Housing and Community Affairs (DHCA) has prepared a conceptual Pedestrian Pathways Plan for South Silver Spring. The Pedestrian Pathways Plan consists of series of pedestrian-oriented linkages routed primarily through the larger blocks typical of South Silver Spring. The pathways most affected by this development proposal are identified as III-B and III-C in Phase 3 of the plan. A briefing was held on May 15, 2003 to the Planning Board on the DHCA Pedestrian Pathways Plan.

The Applicant, in coordination with DHCA, DPWT, Discovery Communications and the planning staff, has agreed to design, construct and provide an easement for pathway III-B located in the public space between the proposed development and the County Garage 9 to the south. The improvements include a concrete path, lighting and landscape plantings. The Applicant has also agreed to provide an easement for the potential future implementation of pathway III-C located between the proposed development and the Robbins Building to the west.

MI: G:\Iraola\regulatory\site\8-03037\_8045Newell\_CBPcomments

Attachment

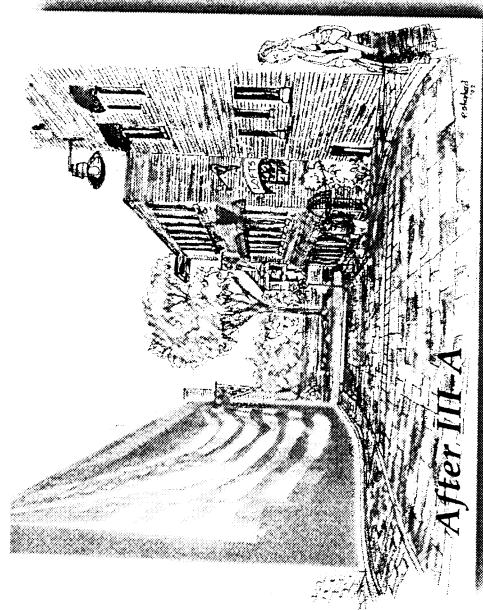
# Phase III : Kennett Links

Impersonal driveways can become artistic attractions.

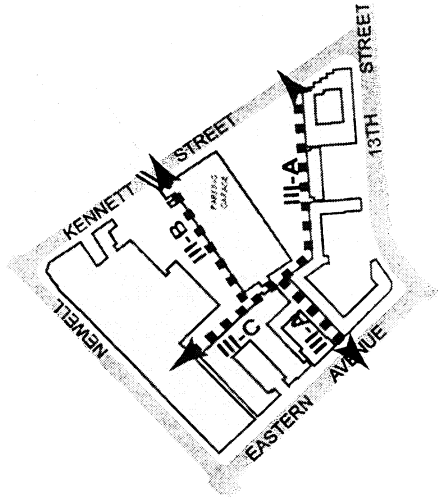


**Before III-A**

*This driveway from the public parking garage is not currently accessible.*



*This future driveway can provide residents and employees a pleasant and safe shortcut to services along Eastern Ave.*



## Add Streetscape Design Elements:

- Pavers
- Decorative Lighting
- Canopies
- Banners
- Planters and Landscaping
- Window Boxes
- New Signage
- Wall Mural

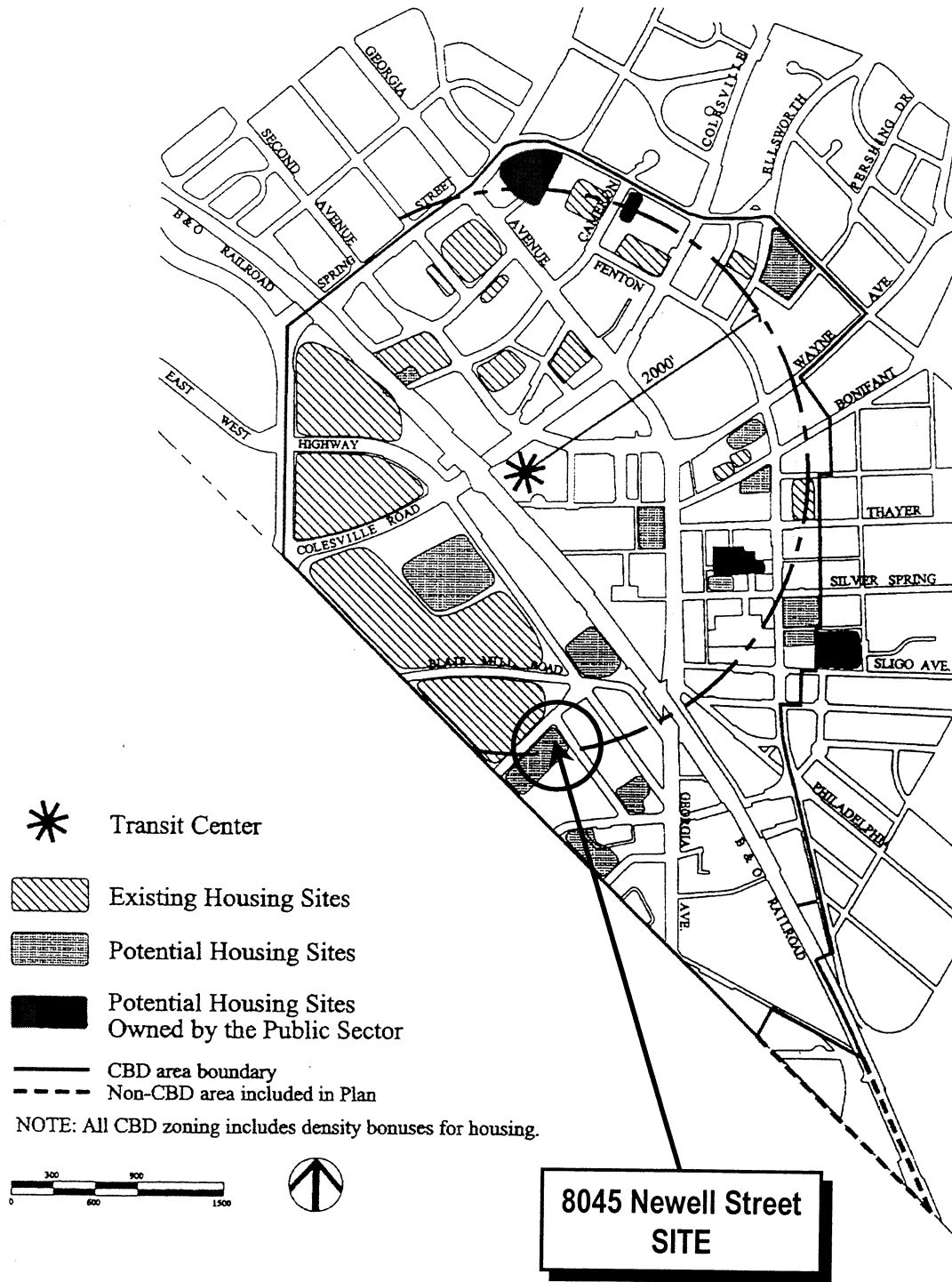
Photo of flag mural by Jack Kamsdale used with permission for DHCA sketch. Original mural by Meg Saligman.



Linking Businesses, Connecting Communities

# Attachment A- Map 35 Residential Downtown

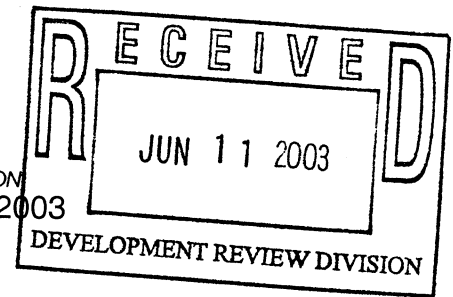
Map 35 Residential Downtown





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

June 10, 2003



**MEMORANDUM**

**TO:** Robert Kronenberg, Development Review

**FROM:** Marilyn Clemens, Planner/Coordinator, Bethesda-Chevy Chase Team  
Community-Based Planning Division

**SUBJECT:** Public Art Proposed for Newell Street Condominiums –  
Glass Wall by Heidi Lippmann

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**ART REVIEW PANELISTS PRESENT:**

Ralph Bennett, Architect; Linda DePalma, Artist; Larry Kirkland, Artist; Phyllis Knight, Silver Spring resident; Bert Kubli, Arts Consultant, former NEA; Gene Smith, Developer

The Newell Street condominiums are located west of the Discovery Communications building and Acorn Park at the site of the old Silver Spring Post Office building. The developer and project architect described the project followed by the landscape architect who explained the concept for the public spaces including the corner plaza.

Artist Heidi Lippmann described her proposal: The proposed art is essentially an eight-foot high, three-foot wide by 20-foot long wall of multi-colored glass to be located near the corner of Newell and Kennett Streets. The wall is composed of seven, 7/16-inch thick framed panels made of tempered fused glass. It will be possible to see motion behind the wall as it is semi-transparent.

While the wall in itself was considered very beautiful, there were many questions from the panelists about the integration of the art into the project, about elements of the plaza, such as several metal spheres placed about the plaza, and about the structural durability of the wall. The thermal characteristics, the wind load, and lighting will be key to the success of the art wall. The Art Review Panel would like the artist and the design team to address the following before the Planning Board date:

1. The panelists want to be assured of the structural integrity of the wall,
2. Is the wall really transparent – it appears opaque – visibility is important for safety;
3. Lighting, especially at night, will be an essential element. The developer should hire a lighting expert,
4. Show in a more convincing way how the trees placed at the wall shape, screen or complement the wall,
5. A maintenance agreement should be drawn up between the developer and the artist; and
6. Wind load must be checked to assure the permanence of the wall.

MC:tv: G:/Clemens/newellart



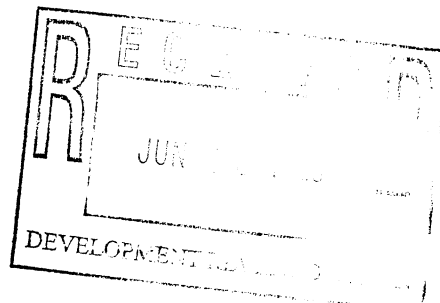
DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Douglas M. Duncan  
County Executive

June 26, 2003

Elizabeth B. Davison  
Director

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



Dear Mr. Kronenberg:

The purpose of this letter is to confirm that the Department of Housing and Community Affairs ("DHCA") has reached an agreement with 8045 Newell Street, LLC ("8045 Newell"), owners of the property located at 8045 Newell Street, whereby 8045 Newell will construct, at its cost, an alley pathway between its project and the adjacent public parking garage<sup>1</sup>. While the specifics of the construction still need to be finalized, pursuant to our agreement 8045 Newell will construct a concrete pathway, primarily on County property with an easement as deemed appropriate from the 8045 Newell Street property, that will include lighting, seating, and shrubbery. The construction of this pathway will occur in conjunction with 8045 Newell's construction of its proposed condominium building.

Department of Housing and Community Affairs does not wish to hold up the site plan review of 8045 Newell's project. Therefore, we recommend that an agreement with DHCA setting forth the specifics of a pathway construction agreement and its construction be made a condition of the final site plan approval.

If you have any questions with respect to the foregoing, please do not hesitate to contact Timothy Miner, Chief, Division of Community Development, DHCA, at 240-777-3640.

Sincerely,

Elizabeth Davison  
Director

EBD:sns

cc: Derick Berlage, Chair, Montgomery County Planning Board  
Stephen Kaufman, Esq., Linowes & Blocher  
Leith Wain, Patriot Group LLC

<sup>1</sup> We note that as a condition of the project plan approval for 8045 Newell Street, Project Plan No. 9-03000, 8045 Newell was required to "Coordinate and participate financially with the Department of Housing and Community Affairs (DHCA) for the study and construction of an integrated path system on the County property adjacent to the parking garage connecting Kennett Street and Eastern Avenue." See April 22, 2003 Opinion.



Office of the Director



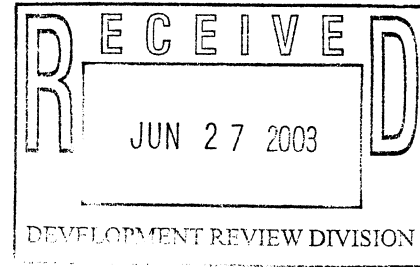
DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Douglas M. Duncan  
County Executive

Elizabeth B. Davison  
Director

June 27, 2003

Robert Kronenberg, RLA, Planner Coordinator  
Planning Department Staff  
Maryland National Capital Park and Planning Commission  
8787 Georgia Avenue  
Silver Spring, MD 20910



Dear Mr. Kronenberg:

This letter is to confirm that the Director of the Department of Housing and Community Affairs has approved an alternative agreement for five moderately priced dwelling units for the 8045 Newell Street development

The Department is in the process of completing the agreement and determining the amount to be paid to the Housing Initiative Fund (HIF) in lieu of providing five of the units on site. The payment will be used to provide a portion of the funding for the rehabilitation of Montgomery Arms in Silver Spring. There are 130 units in this building of which 80% are affordable units. Two million dollars is being provided to this apartment project from the HIF. The remaining ten mpdus will be provided in the building.

Sincerely,

Eric B. Larsen  
Program Administrator

EBL/tl  
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Division of Housing and Code Enforcement  
Moderately Priced Dwelling Unit 240/777-3709  
Housing Development and Loan Programs 240/777-3691

Landlord-Tenant Affairs  
240/777-3691

Code Enforcement  
FAX 240/777-3701





DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan  
County Executive

Robert C. Hubbard  
Director

February 24, 2003

Charles T. Grimsley, P.E.  
Landmark Engineering, Inc.  
1751 Elton Road, Suite 202  
Silver Spring, MD 20903

Re: Stormwater Management **CONCEPT** Request  
for Newell Street Lofts (GREEN TAPE)  
Preliminary Plan #: 1-03021  
SM File #: 206690  
Tract Size/Zone: 1.41 Ac./CBD-1  
Total Concept Area: 1.41 Ac.  
Lots/Block:  
Parcel(s): 25-C, B/B  
Watershed: Lower Rock Creek

Dear Mr. Grimsley:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **acceptable**. The stormwater management concept consists of on-site channel protection measures through the use of an underground vault and on-site water quality control using a "StormFilter".

The following **conditions** will need to be addressed **during** the detailed sediment control/stormwater management plan stage:

1. Prior to permanent vegetative stabilization, all disturbed areas must be topsoiled per the latest Montgomery County Standards and Specifications for Topsoiling.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. Since this is a redevelopment site, the Channel Protection Volume and the Water Quality Volume may be combined and not stacked.
5. Please design the Stormfilter in accordance with the manufacturers' suggested design guidelines. We note that the full volume of runoff is proposed to pass through the facility.

This list may not be all-inclusive and may change based on available information at the time.

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is not required.

3- 654 2801



This letter must appear on the sediment control/stormwater management plan at its initial submittal. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

If you have any questions regarding these actions, please feel free to contact David Kuykendall at 240-777-6332.

Sincerely,



Richard R. Brush, Manager  
Water Resources Section  
Division of Land Development Services

RRB:enm CN206690.DWK

cc: M. Shaneman  
S. Federline  
SM File # 206690

QN - On Site; Acres: 1.41  
QL - On Site; Acres: 1.41  
Recharge is not required

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

June 26, 2003

**Stephen Z. Kaufman**  
301.961.5156  
[skaufman@linowes-law.com](mailto:skaufman@linowes-law.com)  
**Erin E. Girard**  
301.961.5153  
[egirard@linowes-law.com](mailto:egirard@linowes-law.com)

Mr. Daniel Miejer, Co-President  
Gateway Coalition  
929 61st Avenue  
Silver Spring, Maryland 20910

Re: 8045 Newell Street Site Plan Application

Dear Mr. Miejer and Members of the Gateway Coalition:

On behalf of 8045 Newell Street, LLC ("8045 Newell Street"), the purpose of this letter is to inform you that a site plan application has been filed for the property located at the southwest quadrant of the intersection of Newell and Kennet Streets in Silver Spring (the "Property"). As you may recall, we contacted you in the later part of last year and the early part of this year regarding the project plan for the Property. The project plan for the Property, Project Plan #9-03000, was unanimously approved by the Planning Board on February 27, 2003. Also on February 27, 2003, the Planning Board unanimously approved the preliminary plan for the Property, Preliminary Plan #1-03021.

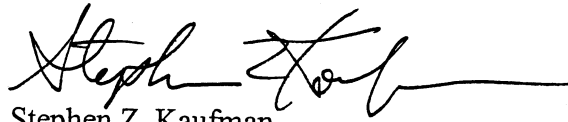
The site plan application, which is consistent with the approved project and preliminary plans, proposes the development and construction of a single residential building 120 residential units. The project also includes significant on-site public use spaces and other significant amenities that are provided on-site and within the adjacent public rights-of-way. Attached for your review is a copy of the site plan that has been filed for the Property. As you will notice, very little has changed from the project plan previously presented to you.

Although no formal date has yet been set, we anticipate a hearing on this application before the Planning Board sometime in mid to late July. You will receive a notice of the exact date and time once it has been established. In the meantime, if you have any questions or concerns regarding the attached plan, please feel free to contact us at the numbers listed above.

**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW  
Mr. Daniel Miejer, Co-President  
June 26, 2003  
Page 2

Sincerely,

**LINOWES AND BLOCHER LLP**



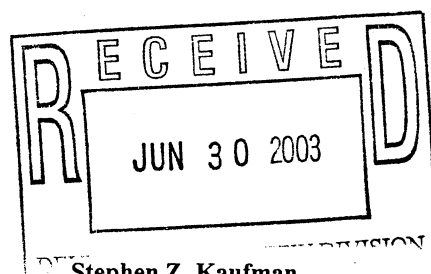
Stephen Z. Kaufman



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cc: Robert Kronenberg (w/o encl.)  
Miguel Iraola (w/o encl.)  
Leith Wain (w/o encl.)  
Stephen Jones (w/o encl.)

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June 26, 2003

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**Erin E. Girard**  
301.961.5153  
[egirard@linowes-law.com](mailto:egirard@linowes-law.com)

Peter B. Esker, Chair  
Silver Spring Citizens Advisory Board  
8435 Georgia Avenue  
Silver Spring, Maryland 20910

Re: 8045 Newell Street Site Plan Application

Dear Mr. Esker and Members of the Citizens Advisory Board:

On behalf of 8045 Newell Street, LLC ("8045 Newell Street"), the purpose of this letter is to inform you that a site plan application has been filed for the property located at the southwest quadrant of the intersection of Newell and Kennet Streets in Silver Spring (the "Property"). As you may recall, we contacted you in the later part of last year and the early part of this year regarding the project plan for the Property. The project plan for the Property, Project Plan #9-03000, was unanimously approved by the Planning Board on February 27, 2003. Also on February 27, 2003, the Planning Board unanimously approved the preliminary plan for the Property, Preliminary Plan #1-03021.

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June 26, 2003

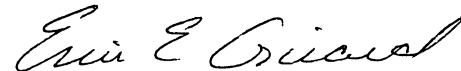
Page 2

Sincerely,

**LINOWES AND BLOCHER LLP**



Stephen Z. Kaufman



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June 26, 2003

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**Erin E. Girard**  
301.961.5153  
[egirard@linowes-law.com](mailto:egirard@linowes-law.com)

Ms. Gracie Baten  
Shepherd Park Citizens Association  
7624 13th Street, NW  
Washington, DC 20012

Re: 8045 Newell Street Site Plan Application

Dear Ms. Baten and Members of the Shepherd Park Citizens Association:

On behalf of 8045 Newell Street, LLC ("8045 Newell Street"), the purpose of this letter is to inform you that a site plan application has been filed for the property located at the southwest quadrant of the intersection of Newell and Kennet Streets in Silver Spring (the "Property"). As you may recall, we contacted you in the later part of last year and the early part of this year regarding the project plan for the Property. The project plan for the Property, Project Plan #9-03000, was unanimously approved by the Planning Board on February 27, 2003. Also on February 27, 2003, the Planning Board unanimously approved the preliminary plan for the Property, Preliminary Plan #1-03021.

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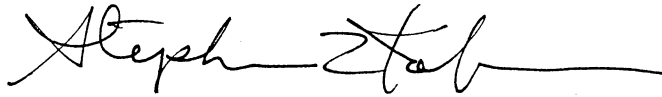
Ms. Gracie Baten

June 26, 2003

Page 2

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Stephen Z. Kaufman



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