

September 7, 2004

MEMORANDUM

TO: Wynn Witthans, Coordinator
Community-Based Planning Division

VIA: Ronald C. Welke, Supervisor
Transportation Planning

FROM: Shahriar Etemadi, Coordinator
Transportation Planning

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

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

RECOMMENDATION

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

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

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

DISCUSSION

Local Area Transportation Review

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

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

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

Vehicular and Pedestrian Access and Circulation

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

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

Traffic Mitigation

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

Policy Area Review/Staging Ceiling Analysis

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

SE/gw

mmo to Witthans re SSgateway.DOC



September 3, 2004

MEMORANDUM

TO: ✓ Wynn Withhans, Planner Coordinator
Development Review Division

Delores Kinney, Senior Planner
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: Preliminary Plan Review No. 1-04039A
Project Plan Review No. 9-04002A
Site Plan Review No. 8-05001
Silver Spring Gateway

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

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

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

ZONING AND LAND USE:

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

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

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

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

SECTOR PLAN CONFORMANCE:

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

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

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

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

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

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

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

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

COMMUNITY OUTREACH:

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

BLAIR MILL ROAD ABANDONMENT:

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

RELATIONSHIP TO THE SOUTH SILVER SPRING PATHWAYS PLAN:

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

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

Resolution: 15-115
 Introduced: April 8, 2013
 Adopted: April 8, 2013

**COUNTY COUNCIL
 FOR MONTGOMERY COUNTY, MARYLAND**

By County Council

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

BACKGROUND

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



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

Resolution No. 15-115

- 11. The County Executive recommends approval of the proposed abandonment subject to the following:
 - a. Petitioner shall grant easements for all existing and relocated utilities and access easements for vehicular and pedestrian traffic.
 - b. the abandonment not be effective until the Montgomery County Planning Board approves preliminary plan(s) of subdivision and site plan(s) for parcels affected by the abandonment, and a final plat reflecting the approved plans is recorded in the land records.

ACTION

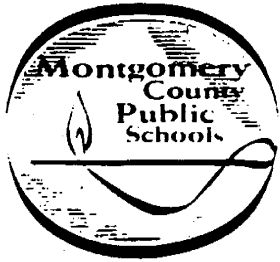
The County Council for Montgomery County, Maryland, finds that the portion of Blair Mill Road, proposed for abandonment is no longer necessary for public use, pursuant to Section 49-63 of the Montgomery County Code, and approves the abandonment, subject to the following conditions:

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

This is a correct copy of Council Action.

Mary Edgar
Mary Edgar
Clerk of the Council





S.501 HUNTINGTON DRIVE ROCKVILLE, MARYLAND 20850-1747

279-3333

January 9, 2004

Ms. Wynn E. Witthans
Development Review Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Dear Ms. Witthans:

This letter is sent in response to Project Plan Number 9-04002, known as Silver Spring Gateway. This property is located west of Georgia Avenue, between East West Highway and Blair Mill Road, in Silver Spring, Maryland. The applicant's requested plan includes 471 multi-family units in a high rise building. Based on average yield factors for comparable housing units, the impact of this project is estimated to be approximately 32 elementary, 11 middle, and 8 high school students.

This property is located within the East Silver Spring Elementary School (Grades K-2), Piney Branch Elementary School (Grades 3-6), and Takoma Park Middle School service areas. At the high school level the property is within the base area for Montgomery Blair High School, and part of the Downcounty High Schools Consortium area. Enrollment at East Silver Spring and Piney Branch elementary schools is projected to be within capacity throughout the six year forecast period. Enrollment at Takoma Park Middle School is projected to exceed capacity for the next two years, and then be within capacity for the last four years of the forecast period. Enrollment at Montgomery Blair High School is currently over capacity and is projected to exceed capacity through 2006-07. Thereafter enrollment at Montgomery Blair High School is projected to be within capacity.

Choice patterns among high schools in the Downcounty High Schools Consortium may affect enrollment trends at Montgomery Blair High School in the future. Please see the enclosed information from the Requested FY 2005 Capital Budget and the FY 2005-2010 Capital Improvements Program.

The current Annual Growth Policy (AGP) schools test finds capacity adequate in the Montgomery Blair cluster. In addition, a new AGP schools test takes affect in July, 2004. A determination of school capacity adequacy under the new AGP schools test will be made after the Requested FY 2005-2010 CIP is funded.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph J. Lavorgna".

Joseph J. Lavorgna, Director
Department of Planning and Capital Programming

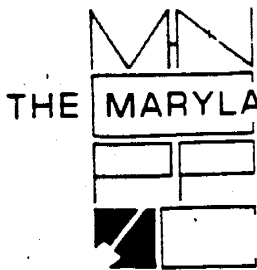
JJL:bc

Enclosure

Copy to:

Mr. Bowers.
Mr. Crispell
Ms. Turpin

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

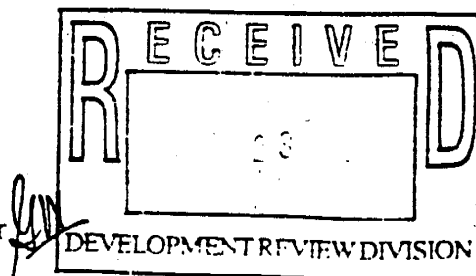
January 22, 2004

MEMORANDUM

TO: Wynn Witthans, Urban Designer
Development Review Division

FROM: Gwen Wright, Historic Preservation Supervisor
Countywide Planning Division

SUBJECT: Gateway Project – Historic Preservation Issues



There are several historic preservation issues associated with this project. First, the project requires the demolition of the existing Southbound Waitingroom Building. This structure is not part of the county historic designation of the Silver Spring Train Station; however, it is part of the National Register designation of the site. As a way of commemorating and recalling the building which is to be demolished, historic preservation staff supports the applicant's current proposal to commission and install a piece of public art on the wall of the new parking garage that will face the CSX tracks. The art is intended to be a trompe l'oeil mural that will represent the demolished building and its function in the context of the train station. In addition, the applicant has agreed to provide a financial donation to Montgomery Preservation, Inc. to assist in the long-term maintenance of the recently-restored Silver Spring Train Station. The amount of that donation is being negotiated and additional information on it will be presented at the Project Plan public hearing.

A second historic preservation issue involves the tunnel underneath the CSX tracks which connects the Silver Spring Train Station to the project site. This tunnel is included in the county historic designation of the Silver Spring Train Station and in the National Register designation of the entire site. The tunnel had provided a pedestrian connection from the Train Station to the Southbound tracks but since the train station has functionally moved, the tunnel is no longer needed.

Staff held a series of meetings to establish the position of Historic Preservation staff, the Urban District, The M-NCPPC Park Police, the developer and other Planning Staff. There was a great concern about the safety of pedestrians in such an out-of-the-way place – which would be even more isolated given the location of the parking garage. There was a desire by historic preservation staff to maintain the tunnel as part of the historic site and to keep the option open to utilize it for potential occasional historic/cultural events. The Urban District was concerned about issues of pedestrian safety if anyone used the tunnel for unintended purposes. They wanted the tunnel closed permanently.

The issue was resolved with the proposal to have the applicant install new gates at each end of the tunnel opening that were open bars but stronger than the currently installed chain link fence. It was felt this would not require Historic Preservation Commission approval under the Historic Area Work Permit process for this alteration. As part of this project, there will a small landing at the tunnel opening on the west side of the tracks, but no path or access to the public streets.



September 15, 2004

MEMORANDUM

TO: Wynn Witthans, Development Review Division
FROM: Marilyn Clemens, Community-Based Planning Division
SUBJECT: Silver Spring Gateway Art

The Planning Board's Art Review Panel met on September 10, 2004.

Panelists present: Professor Ralph Bennett, new panelists *Angela Adams, Helen Frederick and Foon Sham.

Staff present: Marilyn Clemens, Miguel Iraola, Michael Ma, and Wynn Witthans

The panelists were enthusiastic about artist Carolyn Braaksma's concrete sculptural furniture and approved the art in concept. They debated two questions: The scale of the furniture and its placement.

If the chairs are life-size, they may be too small to have an impact in a large plaza. Functionally, since they are concrete and not comfortable for long-term seating, as art, they could be larger than life-size for more visual impact.

Another interesting question was the functionality of the spaces, particularly the central space. If immovable chairs are placed in the middle of the central space, it still needs to be a versatile space for pedestrians or small gatherings. On the other hand, the size of central space may be big enough to need a central focal point. In the end, the panelists agreed to leave these decisions to the applicant's consultants, the artist and the staff.

*The Planning Board has three new panelists. Angela Adams is Director of Community and Public Art for Arlington County, replacing Bert Kubli; Helen Frederick is an artist and Executive Artistic Director of Pyramid Atlantic in Silver Spring, replacing Phyllis Knight; Foon Sham is an artist and professor of art at the University of Maryland, replacing Larry Kirkland. All three have extensive experience in the creation or review of public art.

MC:tv: G: mc/artpanelsept04.doc

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Witthans, Wynn

From: Wayne Goldstein [waynmgoldstein@hotmail.com]
Sent: Friday, September 10, 2004 4:38 PM
To: Witthans, Wynn
Cc: cmoy@jbg.com
Subject: MPI Letter of Understanding for Silver Spring Gateway Project

September 10, 2004

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

Dear Ms. Wtthans:

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

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

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

Thank you,

Wayne Goldstein
President
Montgomery Preservation, Inc.

Cc: Cathy Moy, JBG

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9

Blair Mill LLC
1100 Blair Mill Road
Silver Spring, MD 20910
301-495-5800

September 3, 2004

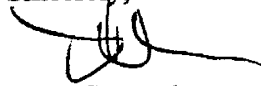
Wynn Witthans
Development Review Coordinator
Maryland-National Capital Park and Planning
8787 Georgia Avenue
Silver Spring, MD 20810

Re: Silver Spring Gateway

Dear Wynn:

Per your request, this letter is to confirm my intent to sign a temporary construction and access easement with the developer of the Silver Spring Gateway project, Silver Spring Gateway Residential, L.L.C., to construct sidewalk, roadway, streetscape and utility improvements as shown on the Site Plan, Project Plan, and Preliminary Plans for this project. The impacted area includes 1100 Blair Mill Road, 1117-1119 East-West Highway, and the Arts Alley (tax account # 976305) which are properties immediately adjacent to the east of the proposed Silver Spring Gateway project.

Sincerely,


Barry Soorenko
Managing Member
Blair Mill, L.L.C.

Blair Mill LLC
1100 Blair Mill Road
Silver Spring, MD 20910
301-495-5800

September 3, 2004

Wynn Witthans
Development Review Coordinator
Maryland-National Capital Park and Planning
8787 Georgia Avenue
Silver Spring, MD 20810

Re: Silver Spring Gateway

Dear Wynn:

Per your request, this letter is to confirm my intent to sign a temporary construction and access easement with the developer of the Silver Spring Gateway project, Silver Spring Gateway Residential, L.L.C., to construct sidewalk, roadway, streetscape and utility improvements as shown on the Site Plan, Project Plan, and Preliminary Plans for this project. The impacted area includes 1100 Blair Mill Road, 1117-1119 East-West Highway, and the Arts Alley (tax account # 976305) which are properties immediately adjacent to the east of the proposed Silver Spring Gateway project.

Sincerely,



Barry Soorenko
Managing Member
Blair Mill, L.L.C.

THE JBG COMPANIES

September 13, 2004

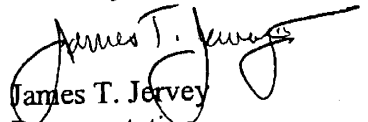
Wynn Withans
Development Review Coordinator
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20810

Re: Silver Spring Gateway & Abandonment of Blair Mill Road at East-West Highway

Wynn:

This letter confirms the intent of Silver Spring Square, L.L.C., to record access and temporary construction easements with the Silver Spring Gateway Residential, L.L.C. to construct improvements as shown on the Site Plan, Project Plan, and Preliminary Plan on Silver Spring Square's reversionary interest in the land consisting of the Blair Mill Road right-of-way adjacent to the parcel owned by Silver Spring Square, L.L.C. at 1201 East-West Highway, Silver Spring, MD (Tax Identification Number P815), upon the abandonment of a portion of Blair Mill Road. Such abandonment was approved by the Montgomery County Council via Resolution 15-115, dated April 8, 2003 (see attached).

Sincerely,


James T. Jervy
Representative
Silver Spring Square, L.L.C.

THE JBG COMPANIES

September 14, 2004

Wynn Witthans
Development Review Coordinator
Maryland-National Capital Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20810

Re: Silver Spring Gateway Site Plan - Maintenance

Wynn:

This letter confirms the intent of Silver Spring Gateway Residential, L.L.C. to maintain the site improvements excluding the right-of-way, such as landscaping and paving, as shown on the approved Site Plan, Project Plan, and Preliminary Plan for the Silver Spring Gateway project.

Sincerely,



James T. Jervey
Representative
Silver Spring Gateway Residential, L.L.C.

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