

ATTACHMENT A

Project Plan Approval

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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

OPINION

DATE MAILED: September 1, 1999
PROJECT PLAN REVIEW: #9-98005A
PROJECT NAME: Downtown Silver Spring

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

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, then this Project Plan shall remain valid as provided in Section 59-D-2.7.

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, Project Plan Review #9-98005A ("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 Project Plan Review #9-98005A and Site Plan Review #8-99002A) 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 Project Plan component of the Application. The Board has issued separate opinions approving Preliminary Plan #1-98107R and

the site plan review component of the Application designated Site Plan Review #8-99002A.

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 Project Plan Review:

(a) *It would comply, with all of the intents and requirements of the zone.*
 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		<u>234,000</u>	<u>236,320</u>	<u>+2,320</u>
GFA Total		1,178,570	1,240,198	+61,628
FLOOR AREA RATIO (FAR):	2.29	1.20	1.27	+0.07
AMENITIES & FACILITIES:				
Public Use Space (1998 Approval)				
Net Lot Area (sq. ft.)	932,591			
Public Use Space Required/Provided	186,518	261,235		
Percent	20%	28%		
Public Use Space (Amended Proposal)				
Net Lot Area (sq. ft.)	932,659			
Public Use Space Required/Provided	186,532		273,558*	+12,323
Percent	20%		29.3%	
On-Site Outdoor Seating Facilities			10,000	+10,000
Off-Site Improvement Required/Provided (sq. ft.)		92,788	96,173	+3,385
Replacement of Armory	10,890			
Replacement of Kughn Park	<u>69,696</u>			
Total Off-Site Improvements	80,586	92,788	96,173	
Total Amenities & Facilities	267,118	354,023	379,731	+25,708

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

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

MAXIMUM BUILDING HEIGHT (ft.):				
CBD-2 Zone (Section C)	200	200	200	
CBD-1 Zone	143 (If Compatible)	143	143	
CBD-0.5 Zone	90	90	90	
CBD-0.5 Zone	60 (If Compatible)	60	60	
SETBACKS (ft.):	0	0	0	
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 & C)</u>			314	
Total Provided			3,903	+128

(b) *It would conform to the approved and adopted sector plan or an urban renewal plan approved under Chapter 56.*

For the reasons set forth in the Staff Report, the Board finds the Application is consistent with the Urban Renewal Plan.

(c) *Because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

The Board further finds that the Application will be compatible with and not detrimental to existing or potential development in the general neighborhood.

(d) *It would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

The Board further finds that the Project will not overburden existing public services nor those programmed for availability concurrently with each stage of development and that the Project is subject to a traffic mitigation agreement meeting the requirements of Chapter 42A of the Code.

(e) *It would be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The Board finds the development will be more efficient and desirable than could otherwise be accomplished by use of the standard method of development.

(f) *It would include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.*

The Board finds that the Montgomery County Department of Housing and Community Affairs, which administers the Moderately Priced Dwelling Unit Program pursuant to Chapter 25A of the

Code, has determined the Project may be exempt from its requirement to provide on-site MPDUs. In the event the Project is so exempt, the Applicant shall be required to pay a fee in lieu of actual construction that will be directly applied to the renovation of existing housing within the Silver Spring Planning Area. The Board finds the required payment in lieu satisfies the applicable requirements of the Code.

(g) *When a project plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from one lot to another or transfer densities within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C-6.2351 or 59-C-6.2352 (whichever is applicable), the project plan may be approved by the Planning Board based on the following findings:*

(1) *The project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or*

The Board further finds the project will preserve the historic Silver Theater and the Silver Spring Shopping Center facade as integral project components.

(2) *The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*

The Board further finds the Project will effectively implement the Urban Renewal Plan for the reasons stated in the Staff Report.

(3) *The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*

The Board further finds the Project will result in an overall land use configuration that is superior to the configuration that would result if each underlying zone within the Property was developed in accordance with the limitations and development standards for such zone as set forth in the Zoning Ordinance.

(h) *Conformance with any applicable requirements for forest conservation under Chapter 22A.*

The Board further finds the Project complies with applicable requirements for forest conservation under Chapter 22A of the Code by providing street trees.

(i) *Conformance with any applicable requirements for water quality resource protection under Chapter 19.*

Lastly, the Board further finds the Project complies with the applicable requirements for water quality resource protection under Chapter 19 of the Code.

The Montgomery County Planning Board APPROVES Project Plan Review #9-98005A 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.

Staging of Amenities

2. Detailed design of the Silver Circle to be subject to a future Site Plan Amendment for Block C, Parcel A.

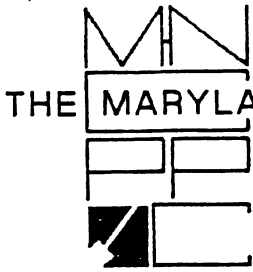
Streetscape

3. Final design of Georgia Avenue between Colesville Road and Wayne Avenue, including streetscape, crosswalk at Ellsworth Drive and median, is subject to coordination with the 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.

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

**MONTGOMERY COUNTY PLANNING BOARD
OPINION**

Combined Urban Renewal Project Plan: Site Plan Review No. 8-99002
Project: Downtown Silver Spring
Date of Hearing: September 17, 1998

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

INTRODUCTION:

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

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

At the hearing, the Board heard testimony and received evidence submitted in the record, both supporting and opposing the Application. The testimony and evidence presented included, without limitation, the Application materials; copies of resolutions and actions taken by civic groups and organizations supporting the Application; the Amended Silver Spring Urban Renewal Plan dated March 11, 1997; Montgomery County Council Resolution No. 13-1281 adopted May 28, 1998, approving the FY1999-2004 Montgomery County Capital Improvements Program, FY99 Capital Budget and individual Project Description Forms (PDF's) for the public infrastructure requirements of the development; the M-NCPPC Transportation Planning Division Memorandum dated September 2, 1998, Revised September 11, 1998; the M-NCPPC Development Review Division Memorandum dated September 2, 1998; Errata Sheet dated September 17, 1998; the General Development Agreement for the Redevelopment of Silver Spring dated April 20, 1998, between PFA Silver Spring LC and Montgomery County; and the recommendations of the Montgomery County Department of Public Works and Transportation and the Montgomery County Department of Permitting Services. Based on the testimony and evidence, including the September 2, 1998 M-NCPPC Staff Memorandum and Errata Sheet (collectively, "Staff Report"), made a part hereof.

Having considered all the evidence presented and testimony taken, and for the reasons detailed below, the Montgomery County Planning Board **APPROVES** the Combined Urban Renewal Project Plan for Downtown Silver Spring: Site Plan #8-99002 which consists of 1,175,935 gross square feet of retail, office, entertainment, restaurant, hotel and housing uses and 354,023 square feet of public amenities, subject to the following conditions:

1. Standard conditions dated 10-10-95, Appendix A (attached hereto and incorporated herein).

Compatibility

1. Provide additional plantings atop retaining wall along Cedar Avenue elevation.

Housing Site

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 entry 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.

2. Provide documentation of MCDHCA's release of MPDU obligation.
3. Provide revised Recreation Calculations to address shortfall of supply points.

Streets

1. Conditions of approval in DPS letter of August 10, 1998 as may be modified.
2. Conditions of approval stated in MCDPW&T letter of July 17, 1998 to Applicant's engineer.
3. Access and improvements as required by MCDPWT and MD SHA.
4. For quality control Stormwater Management structures in pedestrian surfaces, provide detailed description of pedestrian walking surface of structure for staff approval prior to signature set.
5. All crosswalks shown on plans to be special paving, subject to MCDPWT approval.
6. Provide written documentation of MCDPWT approval of typical crosswalk details to staff, including special paving specs and mid-block crossing operational parameters, prior to signature set for the final confronting development at each crosswalk.
7. Provide written permission from St. Michael's Church for realignment of their turnaround/drop-off, prior to signature set for Section A.

Streetscape

1. Provide streetscape paving across all curb cuts, changing color of pavers.
2. Provide details of special safety bollard design at Wayne Avenue parking

garage and alley curb cuts, on signature set for staff review.

3. Finalize crosswalk location for school, subject to staff and MCDPWT approval, on signature set.

New Street:

1. Replace Gingkos with shade trees placed 30-35 feet off center.
2. Provide a "neck down" at Pershing end of the new street.

Roeder:

1. Provide standard Streetscape Plan treatment with a 30-35 foot tree spacing for full length of new garage, with landscaped panel behind, along garage.

Colesville:

1. Provide planted strips and 30-35 foot tree spacing using Honey Locusts, except that trees may be left out to expose the theater marquees, leaving two trees to either side of the main marquee.

Georgia:

1. Provide planted strips and 30-35 foot tree spacing using Willow Oaks wherever possible in both blocks.

Ellsworth:

1. Use 30-35 foot tree spacing, using American Elms in both blocks between Fenton and Cedar.

Fenton:

1. Tree spacing of 35 feet between Wayne and Ellsworth, per Silver Spring Streetscape Plan.

Cedar:

1. Provide 30-35 foot tree spacing.

Pershing:

1. Provide 30-35 foot tree spacing.

Gateway Plaza:

1. Proposed new parking surface paving subject to HPC approval and M-NCPPC staff approval.
2. Detailed design of planting/wall/fountain/sign area subject to HPC approval, per Project Plan Condition Number 6.

Town Square:

1. Reposition crosswalks at Fenton and Ellsworth to align with sidewalk alignment, adjust circle diameter/location.
2. Replace river birch with a more urban tree.
3. Consider more trees for shade, for non-pavilion alternative.

Parking/Loading

1. Remove short-term off-street parking from site of Civic Building; redesign this area as landscaped bike stop/parking for Town Square.
2. Conform Site Plan loading areas to those shown on Truck Access Plan.
3. If 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.
4. Applicant to secure reprieve of the mid-block crosswalk at Georgia and Ellsworth which was part of the now-lapsed approved Silver Triangle Project Plan.
5. Applicant to submit to staff at Signature Set a plan for special protection of

- street trees on the north side of Wayne Avenue and east of Fenton and along the east side of the surface parking lot.
6. Submit detailed designs for Green Trail crossings of parking garage access/egress and alleys to staff at signature set.
 7. Provide 30 foot tree spacing in front of Wayne Avenue parking garage, in lieu of second row of trees.
 8. Development consistent with the Preliminary Plan for Lots 1, 2, 3, 4, 5, 15 and 16, Roeder's First Addition, is subject to the acquisition of these lots by the County for construction of the Town Square Garage (Garage 61). Nothing herein shall preclude the owner of these lots from seeking its own alternative approval for development of the properties, or applying for permits to develop the property under existing plans until such time as the County has acquired them, nor impair the consideration by the Planning Board of any such alternative development.

DISCUSSION:

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

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

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

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

The Applicants propose to construct 1,175,935 gross square feet of office, retail, entertainment, restaurant, hotel and housing uses and 354,023 square feet of public amenities. Two large parking garages will also be constructed as a part of the Project, in addition to surface parking facilities.

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

A second place, Silver Circle, will round out the downtown concept. Silver Circle, centered on Ellsworth Drive, will create a vibrant night life area featuring restaurants and

outdoor cafes, along with bookstore, hotel and retail uses. A third place, Gateway Plaza, at the historic art deco shopping center at Georgia Avenue and Colesville Road, will function to tie the Ellsworth Drive area uses to the proposed theater uses along Colesville Road, housing the American Film Institute and Roundhouse Theater complex. These uses will be served by a new parking garage on Wayne Avenue with civic service office uses facing the street.

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

Except for the abandonment of Pershing Drive, Fenton Place, Baltimore Road (a paper street not in use) and two alleys (as described in the Preliminary Plan opinion), most of the streets will remain unchanged. Wayne Avenue will be widened from four to five lanes and Ellsworth Drive between Georgia Avenue and Fenton Street will become private. Significant improvements will be made in streetscape on all streets. In addition, the Green Trail, a major link in the regional bikeway network, will be installed along Wayne Avenue to ultimately connect the Capital Crescent Trail to the Sligo/Northwest Branch trails and Prince George's County.

FINDINGS for Site Plan Review pursuant to Sections 59-D-3.1 and 59-D-3.4 of the Zoning Ordinance:

The Planning Board finds the Application is consistent with approved Project Plan No. 9-98005 approved by the Board by its opinion dated March 2, 1999. The Application proposes development of the Property with a mix of uses at densities and locations which are consistent with the mix of uses and densities approved by the Planning Board as a part of Project Plan No. 9-98005.

* Based on the project data table that appears on Page 26 of the September 2, 1998 M-NCPPC Memorandum, as modified by the Errata Sheet dated September 17, 1998 (all incorporated herein by reference), and the Board's review of the Site Plan application materials, the Board finds that the Site Plan meets all development standards for combined

development in an urban renewal area pursuant to Section 59-C-6.2352 of the Zoning Ordinance. The Planning Board also finds that parking requirements of the Project based on the mixed-use nature of the development and the parking analysis provided by the Applicant meets the requirements of the Project set forth in Division 59-E of the Zoning Ordinance.

The Planning Board further finds the locations of the buildings and structures, the open spaces, the landscaping, recreational facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.

Location of Buildings

The Board finds the buildings are arranged to provide for the traditional downtown configuration typical of older suburban Central Business Districts. The buildings front on the streets and help to define the public pedestrian realm. The buildings also define public space in the streets and several significant public use spaces and plazas. The buildings conform to the height limits set by the zones which step down from more intense areas to less intense peripheral housing areas.

Open Spaces

The Board finds the open space system consists of streets and public spaces typical of the kind found in urban settings. Based on the Board's review of the Application materials and the Staff Report, the Board finds these spaces to be adequate, safe and sufficient. The Application provides at least 20% of its net lot area as public amenity space, including Gateway Plaza, Silver Circle and the Town Center, a major civic building and a town square, in addition to public streets. Further, a green trail bikeway will traverse the south edge of the Property to connect parts of the regional bikeway system. Two existing open spaces on the site which are to be demolished will be replaced on-site in new configurations. The Board further finds that the demolition and use of the land currently occupied by Kughn Park is necessary for the Project and redevelopment of the Urban Renewal Area to proceed and that the provision of the new Town Square will replace, expand and substantially improve upon the uses currently being served by Kughn Park. The Board's approval in this respect supersedes all existing development approvals and agreements with the Planning Board and/or M-NCPPC affecting the use and development of Kughn Park. Finally, extra off-site streetscape improvements will be made to perimeter and interior streets. The stormwater management concept for the Project was approved with conditions by the Montgomery County Department of Permitting Services. The concept consists of on-site water quality control by surface and underground filters, oil/grit

separators bioretention and a waiver of on-site quantity control requirements. The Applicants will be required to pay a stormwater management contribution waiver fee in accordance with Section 2 of the Stormwater Management Regulation 4-90.

Landscaping and Lighting

The Board finds the landscaping on the Property consists of existing trees being preserved, new street trees and a wide variety of landscape/streetscape features. The landscape and lighting features proposed in the Application, as conditioned by this Opinion, are consistent with the Silver Spring Streetscape Plan. Within the Property's interior streets, the Board finds the requested departure from strict conformance with the Streetscape Plan will establish a unique and desirable identity for the Project. Landscape, streetscape and lighting elements are provided around the perimeter of the Project and within its interior spaces. The Board finds the landscaping materials to be attractive and appropriate for this urban setting. The Board also finds the extensive streetscaping will help create an attractive, comfortable environment for pedestrians as envisioned in the Urban Renewal Plan.

Recreation

The Application proposes on-site recreational facilities for the residential component, including a swimming pool, wading pool, seating areas, indoor fitness facility and a community garden. Off-site facilities include an extensive pedestrian and bike system and tot lot. The total recreational facilities fall short of the demand created by the residential component. The Board therefore shall condition its approval of the Application on the Applicants submitting a Site Plan Amendment for the housing component.

Vehicular and Pedestrian Circulation

The Board finds the street connections to the Property are in accordance with approved Preliminary Plan No. 1-98107. The Board further finds the proposed abandonment of segments of streets within and adjacent to the Property will facilitate safe and efficient pedestrian and vehicular circulation by eliminating conflicting vehicular and pedestrian movements. With the required modifications to pavement width, right-of-way width and public improvement easements where the required width exceeds the Sector Plan right-of-way, the Board finds the circulation system will function adequately as further discussed in the Board's Opinion Approving Preliminary Plan No. 1-98107 and the September 2, 1998, Revised September 11, 1998 M-NCPPC Transportation Planning Division Memorandum.

The Board further finds the level of design and materials proposed as a part of the Application will create desirable and attractive spaces that are adequate, safe and efficient. The provision of a public improvement easement for the Green Trail connecting downtown Silver Spring to the Sligo Creek/Northwest Branch bikeway system will further promote the effective use of the circulation system proposed in the Application. The Applicants will also be required to enter into a traffic mitigation agreement which will help reduce single-occupant vehicle trips by employees to and from the Project, thereby promoting the safe and efficient use of the circulation system.

The Board further finds each structure and use proposed as a part of the Application is compatible with other uses and other site plans and with existing and proposed adjacent development. The Board finds that by conforming with the building height limitations set forth in the underlying zones, the Project ensures compatibility with the adjacent properties. Nearly all of the Project is surrounded by existing commercial development or vacant land. The Board finds that none of the commercial uses are incompatible with any adjacent commercial use, and the proposed uses are not incompatible with one another. The Planning Board will review refinements to the Cedar Street elevation of the residential component when a site plan amendment for the residential component is filed prior to development of the residential units.

The Board also finds that the Application meets all applicable requirements of Chapter 22A of the Code regarding forest conservation and Chapter 19 of the Code regarding water resource protection. Forest conservation requirements will be met by, among other things, the proposed new street trees throughout the Project and by conserving the existing mature trees along Wayne Avenue and next to St. Michael's Church. The protection of water resources is accomplished through the provision of on-site water quality controls via various Best Management Practices, including bioretention, CSF Stormwater Treatment System, surface and structural filters and enhanced street sweeping. The Project also provides erosion and sediment control measures to contain all excavated material on-site and to prevent runoff into the public rights-of-way and storm drain system during construction in accordance with the requirements of Chapter 19 of the Code.

The Board further expressly finds:

1. The Site Plan is consistent with approved Project Plan No. 9-98005 for the optional method of development.
2. The Site Plan meets all of the requirements of the zone in which it is located.

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.
4. Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.
5. The Site Plan meets all applicable requirements of Chapter 22A of the Code regarding forest conservation.
6. The Site Plan conforms with applicable requirements for water quality resource protection under Chapter 19 of the Code.

APPENDIX A

STANDARD CONDITIONS DATED 10-10-95 (as applicable):

- 1. Submit a Site Plan Enforcement Agreement, Development Program, and Homeowners Association Documents 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.**

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

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

OPINION

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

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

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		<u>234,000</u>	<u>236,320</u>	<u>+2,320</u>
GFA Total		1,178,570	1,240,198	+61,628
FLOOR AREA RATIO (FAR):	2.29	1.20	1.27	+0.07
AMENITIES & FACILITIES:				
Public Use Space (1998 Approval)				
Net Lot Area (sq. ft.)	932,591			
Public Use Space Required/Provided	186,518	261,235		
Percent	20%	28%		
Public Use Space (Amended Proposal)				
Net Lot Area (sq. ft.)	932,659			
Public Use Space Required/Provided	186,532		273,558*	+12,323
Percent	20%		29.3%	
On-Site Outdoor Seating Facilities			10,000	+10,000
Off-Site Improvement Required/Provided (sq. ft.)		92,788	96,173	+3,385
Replacement of Armory	10,890			

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

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

RESIDENTIAL- MULTI-FAMILY (DU):

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

MAXIMUM BUILDING HEIGHT (ft.):

CBD-2 Zone (Section C)	200	200	200
CBD-1 Zone	143 (If Compatible)	143	143
CBD-0.5 Zone	90	90	90
CBD-0.5 Zone	60 (If Compatible)	60	60

SETBACKS (ft.):

0	0	0
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OFF-STREET PARKING:

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

- 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.

- 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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ATTACHMENT B

Preliminary Plan Approval

M-NCPPC



MONTGOMERY COUNTY DEPARTMENT OF PARK AND PLANNING

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

Date Mailed: September 1, 1999

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

MONTGOMERY COUNTY PLANNING BOARD

OPINION

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

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

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

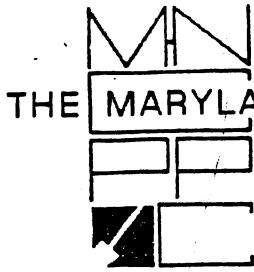
- (1) Applicant to submit an amended Adequate Public Facilities (APF) agreement with the Planning Board to limit development to the following uses and not to exceed the identified floor areas :

- 507,340 square feet of Retail
- 297,408 square feet of Office
- 48,000 square feet of Civic Center
- 242 room Hotel
- 160 residential dwelling units

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

Preliminary Plan 1-98107R
Page 2 of 2

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



8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

**MONTGOMERY COUNTY PLANNING BOARD
OPINION**

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

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

INTRODUCTION

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

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

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

DISCUSSION and FINDINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Prior to recording of any plat(s), Applicant to join the Silver Spring CBD Transportation Management District and enter into a trip mitigation program in accordance with the requirements of the FY99 Annual Growth Policy (AGP).
- (2) Applicant must provide dedication for the following streets as follows:
 - * Georgia Avenue: 120 feet as measured from the opposite property
 - * Colesville Road: 100 feet as measured from the opposite properties
 - * Wayne Avenue: 40 feet as measured from the center line of the existing pavement
 - * Fenton Street: 76 feet based on 38 feet on each side of the center line of the existing pavement
 - * Ellsworth Ave.: 70 feet based on 35 feet on each side of the center line of the existing pavement
 - * Cedar Street: 78 feet as measured from the opposite properties
 - * Pershing Drive: 40 feet as measured from the center line of the existing pavement

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

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

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

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ATTACHMENT C

Agency Comments



DEPARTMENT OF PERMITTING SERVICES

Douglas M. Duncan
County Executive

Robert C. Hubbard
Director

July 21, 1998

Mr. Dan Pino
Loiederman Associates, Inc.
1390 Piccard Drive
Rockville, Maryland 20850

Re: Stormwater Management **CONCEPT** Request
for Silver Spring Downtown Redevelopment
Preliminary Plan #: 1-98107
SM File #: 1-98107
Tract Size/Zone: 25.2 ac. / CBD
Total Concept Area: 25.2 ac.
Tax Plate: JN343
Montg. Co. Grd: 39;J-3
Watershed: Sligo Creek & Lower Rock Creek

Dear Mr. Pino:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is **conditionally acceptable**. The stormwater management concept consists of on-site water quality control via various BMP's (to include but not limited to bioretention, CSF Stormwater Treatment System, surface and structural sandfilters, enhanced street sweeping, etc.) and a waiver request for water quantity control.

Based upon the increase of green space, a reduction of the 2 year runoff for the redeveloped site and the attenuating characteristics of the quality BMP's, and Sections 2.A.2.a.c. & d. of Executive Regulation 5-90, a waiver of on-site water quantity is hereby granted.

The following items will need to be addressed concurrently with site plan review:

- 1- You may need to adjust the type or location of some of the quality structures as the project progresses through the development process.
- 2- We will need schematic plans, profiles, initial sizing computations, dimensions, and elevations of the facilities as they become available.

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 required. Stormwater management fee computations are to be submitted for verification during the sediment control/stormwater management review process.

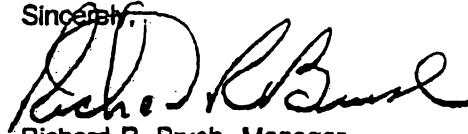
Mr. Dan Pino

Mr. Dan Pino
July 21, 1998
Page Two

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 (301)217-6311.

Sincerely,



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

RRB:enm:CN198107.DWK

cc: J. Davis
S. Federline
SM File # 1-98107
SM Log # 98-207

QN - waived ; Acres: 25.2
QL - on-site ; Acres: 25.2



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

May 31, 2007

MEMORANDUM

TO: Robert Kronenberg, Site Plan Supervisor
Development Review Division

VIA: John Carter, Chief *JC*
Community-Based Planning Division

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

SUBJECT: Site Plan #81999002G

Recommendation: Community-Based Planning recommends denial of the proposed site plan. After reviewing the application, staff has concluded that the proposed civic building and veterans memorial are consistent with the approved project plan for Downtown Silver Spring and with the goals of the *Approved and Adopted Silver Spring CBD Sector Plan*; however, we cannot make the same findings with regard to the design for the town square.

Proposed Development

The Downtown Silver Spring Urban project is a public/private partnership on a 22.5-acre site in the eastern portion of the Silver Spring Urban Renewal Area. The 1,167,040 s.f. Optional Method project includes:

- 507,340 s.f. of retail space- complete
- 228,931 s.f. of office space- complete
- 151,130 s.f. of hotel (242 rooms)- complete
- 237,653 s.f. of residential (222 units including MPDUs)- approved in July 2006
- 41,986 s.f. Civic building, town square and veterans memorial

The civic building and associated town square are the last phases of this project. The proposed town square will include an ice skating rink, pavilion and veterans memorial. The pavilion at the skating rink will double as a concert venue in non-winter months.

Together, the civic building and town square constitute the bulk of the Public Use Space for the Downtown Silver Spring Optional Method project. The civic building will replace the function of the Silver Spring Armory, which was demolished to make way for the Downtown Silver Spring project. The town square is intended in part to replace the public use space at Kughn Park, which was also taken to facilitate the Downtown Silver Spring Optional Method project. Kughn Park was the Public Use Space for the City

Place Optional Method project. It had a raised stage with a lawn panel/seating area in front of it, ringed by planters.

The proposed civic building and town square will be located immediately east of Fenton Street and south of Ellsworth Drive in the area formerly occupied by a public parking garage. The County demolished the garage and covered the area with artificial turf to stabilize it and facilitate its use (e.g., for festivals) until the civic building and town square are constructed. The artificial turf has proven to be very popular among families and teens as a place for casual social interaction. (Attachment 1) in addition to programmed events like the Silver Spring jazz festival. Some people in the community believe that the area in front of the future civic building should be retained as greenspace (either natural or artificial). They value having a large greenspace within the urban landscape and like the way it is functioning naturally. If retained as greenspace, the town square would be one of the largest public greenspaces in the CBD. (Jesup Blair Park at the southern end of the CBD would be the largest.)

Relevant Planning Documents

The February 2000 Silver Spring CBD Sector Plan recommended CBD-2 and CBD-0.5 zoning for the civic building/town square area. The proposed zones were implemented through Sectional Map Amendment. An open space was recommended in the northeast corner of Fenton Street/Ellsworth Drive. The Core Illustrative in the Sector Plan (Attachment 2) shows the town square as a green space ringed with trees and a water feature. The six major goals of the Sector Plan included the creation of a **civic** downtown and creation of a **green** downtown. The "Environmental Resources" section of the Sector Plan also recommended that the quality of the CBD be enhanced by creating green space.

The *Silver Spring Urban Renewal Plan*, as amended in November 1999, provides seven performance criteria to be used in evaluating projects within the Urban Renewal Area. The Public Space criterion includes a sample list of mechanisms that could be used to satisfy the Public Use Space requirement under the Zoning Ordinance, including green areas and parks, gardens and plazas. It states that redevelopment must replace the function of Armory Place should it be demolished, which it was. The design guidelines for the Public Space criterion emphasize the need to activate such spaces.

Relevant Project History

The April 1998 General Development Agreement for the Redevelopment of Downtown Silver Spring between Montgomery County and PFA Silver Spring LC stated that Section D of the project would include a Civic Building and Town Square. The Civic Building, Town Square and Town Square Skating Rink were identified in the Development Budget for Public Improvements. The Montgomery County Council subsequently programmed the project in the CIP. Although no demand analysis was performed to demonstrate that there would be sufficient demand to support an ice rink, the applicants have recently asserted that there will be sufficient demand for the ice rink

to be economically viable. At the same time, they have asserted that the ice rink is needed to help draw people to Downtown Silver Spring during the winter months.

The Planning Board approved the original project and site plans for the Downtown Silver Spring Urban Renewal project on September 17, 1998. The plans included a 53,000 s.f. Town Square at Ellsworth Drive/Fenton Street in Section D and clearly identified this space as a portion of the project's Public Use Space requirement. The "Town Square Site Plan [was] approved in concept only" and that the applicants were obligated to seek a site plan amendment for this area "upon completion of the Civic building design and incorporation of the Veterans Memorial design into the Town Square Site Plan."

The pending site plan application identifies the Town Square as a public plaza—referred to as "Veterans Plaza"—even though the approved project plan did not describe the central public space as a Veterans Plaza or a plaza of any kind. (Page 130 of the Sector Plan also identified this site as a future civic plaza.) The approved project plan for Downtown Silver Spring indicated that the Town Square would include a veterans memorial but left the specific design approach to be decided at site plan.

In July 1999, the project plan and site plans for Downtown Silver Spring (DSS) were amended. A 63,620 s.f. Town Square was shown on the amendments. It was clearly labeled as Public Use Space and the approval retained the notation that the Town Square would include a veteran's memorial. Subsequent amendments to the plan for Downtown Silver Spring continued this concept of the Public Use Space, without any reference to the inclusion of an ice skating rink and pavilion or indication that the town square would be either hardscape or turf.

Montgomery County and the community held a design competition to select the best firm to design the civic building and town square. In 2003 Montgomery County hired Machado and Silvetti Associates of Boston. Design and budget challenges led to controversy over potential changes to the facility, including the proposed elimination of the ice skating rink as a component of the facility. Pressure from interested citizens led to the restoration of the skating rink to the project budget.

The project and site plan amendments approved in 2006 to increase the residential component of the DSS project (and effect other changes) continued to describe the major public use space as a Town Square that would incorporate a veterans' memorial. The subject site plan (#81999002G) constitutes the first opportunity that the Planning Board will have to address the specific design of the civic building and town square, including the proposed ice skating rink and pavilion.

Analysis

Although the proposed site plan provides for uses consistent with the "civic downtown" goal in the Silver Spring CBD Sector Plan, it does an inadequate job of accomplishing the "green downtown" goal in the Sector Plan. According to the Sector Plan, "every

opportunity should be used to add landscaping and green respites to the CBD's hardscape environment" (p. 22). Green parks, landscaped plazas and green parking lots are cited as examples of techniques to accomplish this goal.

Between the civic building, ice-skating rink (i.e., a large concrete pad and 130' long pavilion roof with large structural supports) and paved plaza, the subject property will be predominantly hardscape. The limited green space and trees along the perimeter do not achieve the concentration of green space that could be achieved on this site pursuant to the Green Downtown theme in the Sector Plan. Given the hardscape approach to the other significant public use space within the Optional Method project, Silver Plaza, we find that the Downtown Silver Spring project as a whole will not be consistent with the goals of the Sector Plan if the Town Square is constructed as proposed.

Given the concern expressed by many Silver Spring residents about the lack of green space in the CBD and the relatively small green islands provided by many Optional Method projects, staff is disappointed that the applicants have missed a golden opportunity to provide a large central green space. With this missed opportunity, the portion of the overall Downtown Silver Spring Optional Method project devoted to green space will be insignificant despite public acquisition and ownership of the 22.5-acre assemblage (Attachment 3). The small elements of green space within the project are essentially remnants in a very large development that is overwhelmingly hardscape.

In early 2006, Community-Based Planning and Development Review staff expressed our concerns to the applicants regarding their plan to hardscape the proposed town square. We were particularly concerned that a paved town square would appear barren and windswept. We encouraged the applicant to do more to implement the Sector Plan goal of creating a green CBD. We noted the popularity of the artificial turf that had been installed by the County on a temporary basis and suggested that the applicants reconsider their decision to hardscape the plaza. (Staff reiterated these concerns when the pending site plan application was reviewed by the Development Review Committee.) A compromise suggested by the staff last summer—but rejected by the applicants—involved a town square with turf (natural or artificial) and a concrete pad for an ice rink that would be covered with artificial turf during the non-skating season.

In response to our concerns, the applicants have added a few trees to their earlier design without making any changes to the overall design concept. They continue to assert that neither natural turf nor artificial turf is feasible on the town square due to the heavy usage anticipated. Facilities ranging from the national mall to playing fields in our own jurisdiction continue to use natural turf despite heavy usage.

Artificial turf has also been used successfully in venues ranging from professional sports facilities to parks in northern Virginia. The applicants have pointed to the condition of the existing turf as evidence that this approach is not viable. The existing turf is a low quality product that was never intended to be in place for very long. The existing turf has deteriorated in part because the County has done nothing to maintain it (see Attachment 4, letter from the artificial turf vendor regarding necessary maintenance).

Artificial turf can be viable if a high quality product is used; it is installed properly with a drainage system; and it is maintained (i.e., brushed and wet down during the hot summer months). Artificial turf does not require fertilization (which is detrimental to the Chesapeake Bay) or mowing. Artificial turf does have a limited life span even with appropriate installation and maintenance.

DPWT staff has indicated that funds for replacing artificial turf in 6-8 years would need to come from the County's operating budget rather than the CIP. Unfortunately, there has been no analysis of the cost of installing and maintaining turf compared to the cost of installing, maintaining and operating the proposed ice rink/pavilion/hardscape plaza due to the applicant's lack of interest in alternative approaches. In our view, the money saved by not building, maintaining and operating the proposed ice rink/pavilion/hardscaped plaza would be better spent on maintaining a town square comprised primarily of natural grass or on the periodic replacement of artificial turf.

The applicants have raised the fact that the County Council included the proposed project in the CIP, thereby implying that the project has essentially been approved already. The Council included funding for an ice rink and pavilion in the CIP with no usage study to demonstrate the economic feasibility of the project. Nevertheless, the inclusion of the proposed facility in the CIP does not constitute a de facto approval of the site plan. Only the Planning Board has the authority to grant such regulatory approvals. Including a project in the CIP does not mean that other required regulatory approvals are foregone. The County Council was most likely not even aware that site plan approval was needed before this project could proceed.

When planning began for the proposed ice-skating rink, the rationale cited by the applicants and the business community was the need to draw people to downtown Silver Spring. The success of the Silver Spring redevelopment program has already achieved this mission without the expensive construction of the proposed ice rink and pavilion.

One of the stated objectives in the approved *Silver Spring Urban Renewal Plan* is to "minimize public risks and costs in the implementation of the Urban Renewal Plan." Aside from the overall cost of the proposed project, the potential failure of an expensive public facility in the heart of Downtown Silver Spring (i.e., the proposed ice rink) should be a particular concern. The inclusion of an ice skating rink in the town square conjures up a romantic "Rockefeller Square" image, but we do not have independent evidence that there is sufficient demand to support an ice rink over the long haul. Many ice rinks, including the ones at the EOB in Rockville and at Bethesda Metro Center, have failed over the years. (Another ice rink in Rockville has filed for bankruptcy and is now largely a hockey rink.) Maintaining a facility that cannot be supported economically by casual skaters could require long-term public subsidies.

The existing ice rinks in Cabin John and Wheaton succeed in no small part because of the demand from ice hockey teams as well as from their extensive lesson programs.

The proposed ice rink in Silver Spring will not be sized or programmed for ice hockey and will not offer lesson programs.

Although the provision of natural or artificial grass in the town square presents maintenance problems, these problems would result from the success of the design, i.e., the turf would wear out due to its own popularity. Many places would consider this a sign of success rather than failure and provide adequately for the necessary upkeep. The space might succeed as a hardscaped plaza. From our experience over the past year, the existing turf does succeed as greenspace. In our view, there is no need to find a "solution" for something that is not broken. Silver Spring needs only the elegant simplicity of a green Town Square, not an overly designed plaza that adds to the overall hardness of Downtown Silver Spring.

Finally, staff notes that one of the findings required for the Planning Board to approve a site plan is that the proposed plan must be consistent with the approved Project Plan (Section 59-D-3.12(c) of the Zoning Ordinance and page III-13 of the Urban Renewal Plan). As noted above, the approved Project Plan did not provide for an ice skating rink or pavilion even though Section 59-D-2.12 clearly states that a Project Plan must include the locations and uses of all buildings and structures. Staff believes that a Project Plan amendment is required prior to the approval of a Site Plan, which provides for new buildings or structures not shown on the currently approved project plan.

Community Outreach

Prior to submitting the subject site plan application, the applicants and their project team made several presentations to the community and standing groups like the Silver Spring Citizens Advisory Board. Those briefings attended by members of the planning staff focused primarily on the civic building rather than the town square. On May 5, 2007, the applicants and several community organizations sponsored a community meeting during which the project team presented the proposed project and responded to questions from the community. There was no opportunity at this meeting for the presentation of an alternative approach to the site layout. The M-NCPPC staff were invited to participate in the event and subsequently uninvited.

G:\kreger\civic building referral

Attachment 1

garage. Fans can watch practices, skate, or take hockey or figure-skating lessons. Washington-Lee High is being completely rebuilt and will be a showcase facility.

On the Web: Ballston-Virginia Square Partnership (ballstonvasquare.org); Clarendon Alliance (clarendon.org); Lyon Park Citizens Association (lyonpark.org); Lyon Village Citizen Association (lyonvillage.org); Waverly Hills Civic Association (waverlyhills.com).

Silver Spring >>

Who lives here: Singles and twentysomething couples, many who work at Discovery Channel headquarters. Young families and older residents fill the surrounding neighborhoods.

Homefront: Trendy condos have popped up in renovated apartment and office buildings near the Metro. Downtown empties effortlessly into streets lined with Colonials, Cape Cods, and cottage-style houses.

What houses cost: At \$370,000, the 2006 median price for Silver Spring (Zip 20910) sales was among the lowest in Montgomery County, but that's deceiving. A six-bedroom Colonial in North Woodside subdivision recently sold for \$875,000.

Local favorites: The synthetic-grass field downtown is a favorite of picnickers and Frisbee players. Caramel lattes go great with free wi-fi at Mayorga Coffee Factory.

Popular neighborhoods: Indian Spring includes the popular YMCA; Woodmore, Woodside, and Woodside Park are older areas shaded by mature trees.

What's new: The Birchmere, Alexandria's popular music club, will open a Silver Spring venue in 2010. Hook & Ladder Brewing Company opened in 2005.

Biggest draw: Entertainment variety packed into downtown. Residents can have a steak at Ray's the Classics before walking to see an indie film at the AFI Silver Theatre, a play at Round House Theatre,

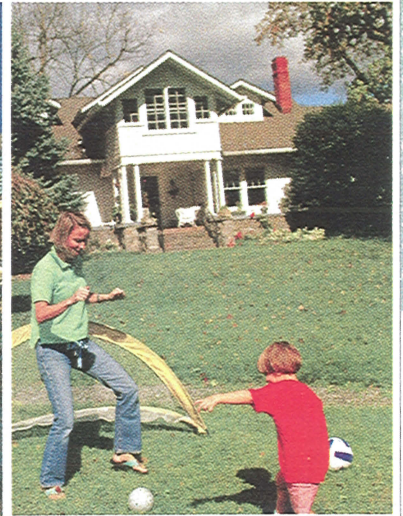
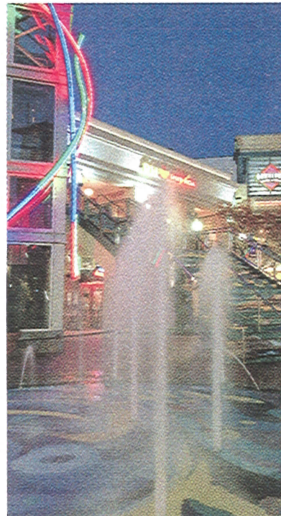
or a performance at the Maryland Youth Ballet. Other night-out treats include curry at Mandalay, a Burmese restaurant; South American fare at Ceviche, a Latin-style lounge; and Elvis burgers at Jackie's Restaurant, a kitschy, '60s-style restaurant with shag carpets. Downtown is also home to Ann Taylor Loft, Pier 1, Whole Foods, Borders, and two gyms.

Drawback: On weekends, teenagers flow in via Metro and can overrun City Place Mall and the movie theaters.

Why it beats Clarendon: Downtown is more family-friendly. "If I were 21, I wouldn't want to live here, but now that I'm in my thirties with kids, it's great," says Heather Satrom, who lived in Adams Morgan with her husband before they had children.

On the Web: Silver Spring Penguin blog (silverspringpenguin.com); Silver Spring Voice online news (silverspringvoice.com); Silver Spring Downtown (silverspringdowntown.com); Silver Spring Scene blog (silverspringscene.com).

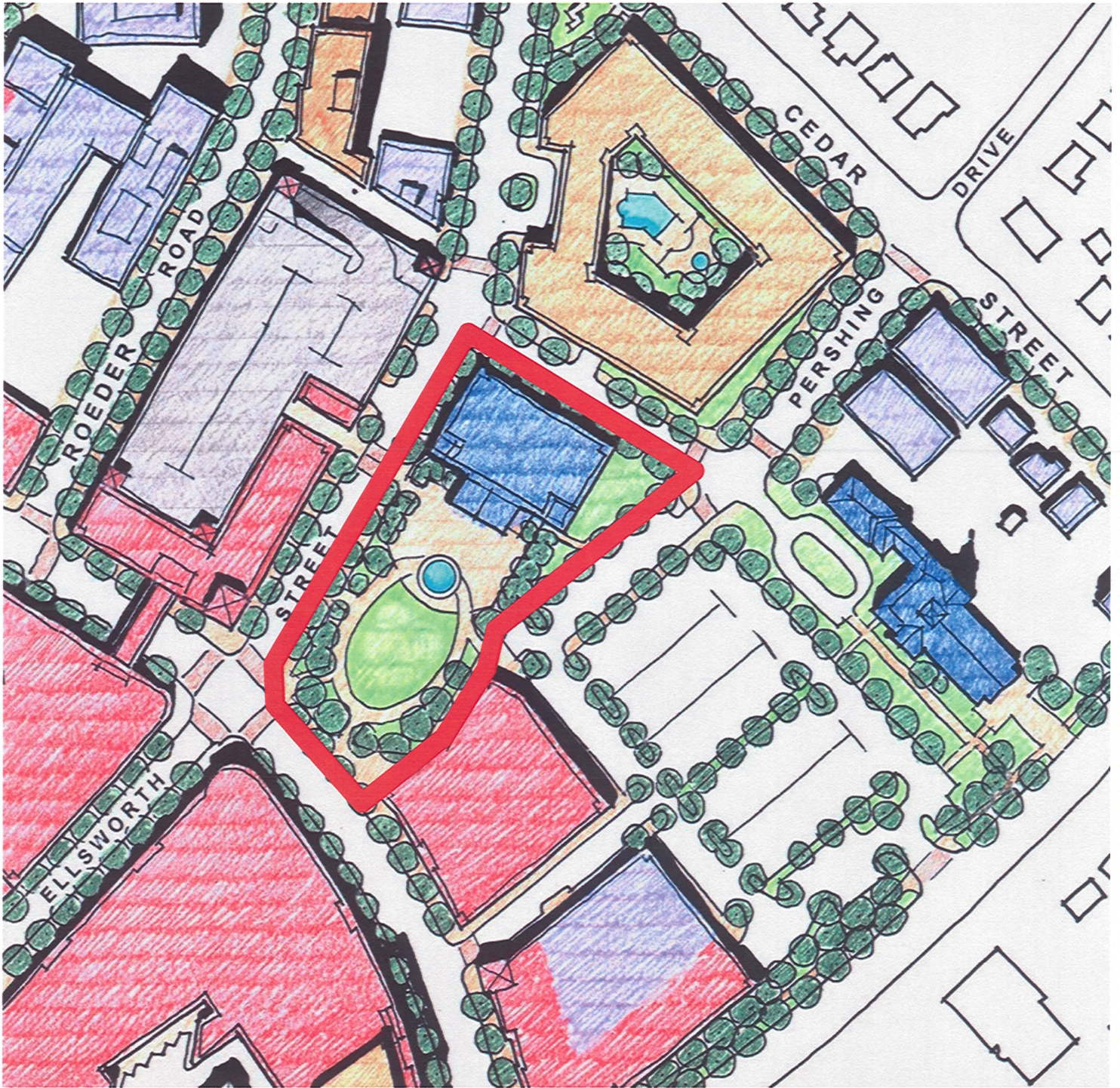
—DREW BRATCHER



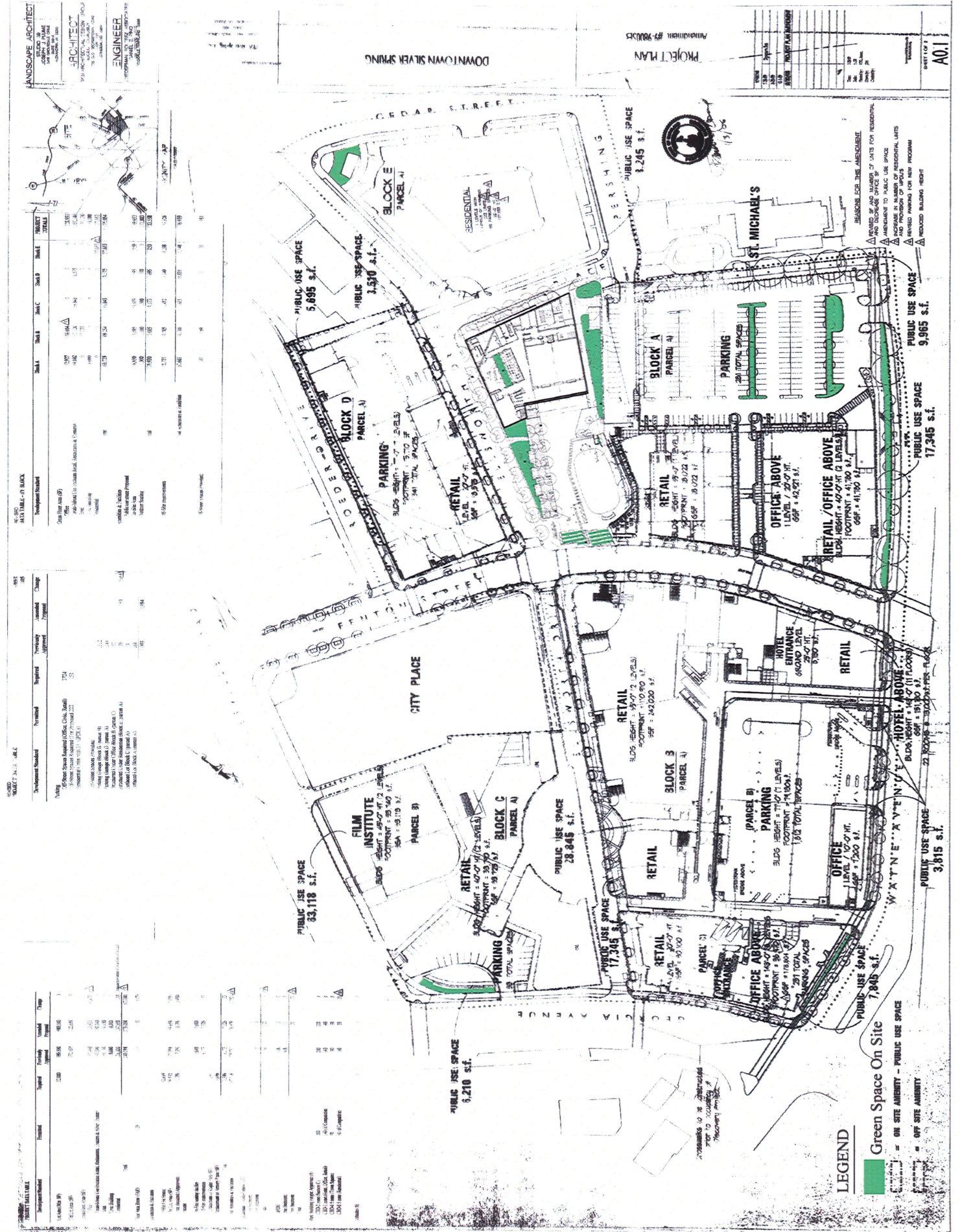
best places to live

Silver Spring CBD Sector Plan

Core Illustrative: Civic Building and Town Square



Attachment 3



Silver Spring Scene

Clarity on the Turf

Writing by Silver Springer on Monday, 14 of May , 2007 at 10:45 am

Here is a letter that was to the Silver Spring Scene by Rob Farley of Synthetic Turf International (makers of the turf). This should clear things up about what you read and heard previously.

...I actually sold the county the current turf out of our office here in South Florida . Our company then sent a crew up to Silver Spring to perform the installation.

Just a point of clarification, I never said that the county chose the “cheapest stuff on earth.” It is actually a very high quality surface, but it isn’t meant to withstand the traffic it has had. The current turf is actually a putting green surface, not filled all the way with sand. If we had kept filling it, Silver Spring would have the world’s largest putting green. They had a budget and that particular variety of turf was what made sense for all concerned. I never imagined it would still be here 21 months later. That wasn’t the plan.

The “black pellets” you refer to in the sample is actually granulated rubber (ground up car tires). Rubber granules are used to darken up the turf and to provide cushion. The NFL (or any football or soccer organization) prefers ALL rubber and NO sand because it provides even MORE cushion, making it a safer playing field. Rubber granules were left out intentionally (by us) in the installation of the current turf because of cigarette concerns. While a cigarette won’t start a fire on a field even filled with rubber, the rubber will slightly melt until the cigarette burns itself out. We felt a sand only installation made more sense at the time.

As to cleaning, the turf needs to be brushed – regularly. The county has a proposal on their table for us to come brush it and repair any damaged seams, but I am starting to get the feeling that they don’t want it to look good – for obvious reasons. I realize this turf will be gone in September, but I’d like it to be cleaned up for the summer months.

As I told Evan, the county office has been very good to us (actually the engineers, namely Don Scheureman). I’m sorry I had to “step on their toes” by even sending that sample, but increasingly I’ve seen our products and our business misrepresented by people that don’t do their research or don’t understand what we do. Is the turf dirty? Yes. It needs to be cleaned regularly and brushed. But it isn’t “cheap.” If it was cheap, it never would have survived all it has survived. It was simply an inexpensive, TEMPORARY solution.

Rob Farley

Synthetic Turf International

Jupiter, FL

Comments (2)

Category: Other Economic Developments, Exclusives

ATTACHMENT D

Letters of Support for
Application

MCP-Chairman

From: Alan Bowser [abowser@starpower.net]
Sent: April 13, 2007 5:16 PM
To: MCP-Chairman; Hanson, Royce
Subject: Civic Building & Veterans Plaza - Silver Spring Town Center Inc. - April 2007



Civic Building &
Veterans Plaz...

April 11, 2007

RECEIVED
APR 16 2007

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dr. Royce Hanson, Chair
Montgomery County Planning Board
The Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Georgia Avenue
Silver Spring, MD 20910

Dear Dr. Hanson:

The Silver Spring Town Center Inc. Board of Directors strongly supports the timely construction of a new Silver Spring Civic Building and Veterans Plaza. We view this important public project as our community's principal amenity of the downtown Silver Spring development, and we have worked diligently with the community, and private and public stakeholders to move this project forward. We believe that the Civic Building, along with a Pavilion and multi-purpose skating rink element, will be the exciting and dynamic centerpiece of our Silver Spring community.

We therefore view with deep concern reports that the Montgomery County Planning Board staff has recommended that the Silver Spring Civic Building and Veterans Plaza should not include a Pavilion and multi-purpose skating rink. We believe that the Pavilion and the skating rink are integral parts of the Veterans Plaza design concept that has resulted from an open process of community dialogue, participation and decision that has spanned more than 10 years. We do not believe that this long effort of community involvement and pro-active community process should be ignored.

Our non-profit organization, itself one of the results of this extended process of community engagement and dialogue, was formed to assist Montgomery County officials and Silver Spring residents provide community-based programming of the new Civic Building and Veterans Plaza. We believe that, because of its innovative design and choice of materials, the proposed Pavilion and convertible skating rink will provide substantially more-and a broader array of year-round-opportunities for community programs and events than other alternatives. With the planned trees and landscaping, the space will remain a versatile venue for Silver Spring's residents and visitors to meet and socialize throughout the year.

We all share the goal of a wonderful, dynamic city center for Silver Spring

and want the proposed project to be timely completed. The Silver Spring Town Center, Inc. is committed to helping Silver Spring residents develop exciting community-based programs for the benefit of all our neighbors.

Sincerely,

Alan S. Bowser, Theresa Cameron, Sheryl Brissett Chapman, Bryant Foulger,
Graciela Jaschek, Mark Kozaki, Jon Lourie, Aurelia Martin, Helen Freeman
Riggs, Laura Steinberg, Mary Ann Zimmerman



June 7, 2007

Mr. Royce Hanson
Chairman
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Site Plan Amendment
One Veterans Plaza
Downtown Silver Spring
Silver Spring, Maryland

Dear Mr. Hanson:

I am writing on behalf of the Foulger-Pratt Companies, The Peterson Companies, and Argo Investment Company regarding the above-referenced proposed amendment to the Downtown Silver Spring site plan. These three companies are the partners in PFA Silver Spring LLC, the development entity that partnered with Montgomery County in the Downtown Silver Spring redevelopment project. I am writing this letter to express our collective and strong support for the proposed site plan amendment.

Our companies have been fully engaged in the Silver Spring redevelopment efforts for the past ten years, and my company and I have been actively developing quality real estate projects in Silver Spring for over twenty years. In my time in Silver Spring I have been a witness to great change and improvement, and I am proud that our company has played a role in that change and improvement. For many years Silver Spring had a local reputation as a place known for its failures. It is now recognized both locally and nationally as a planning, development, and community-building success.

From its inception, the planning for Downtown Silver Spring was led by experienced planners, developers, and architects, and throughout the process public opinion and comment was sought and received. The Silver Spring Steering Committee of approximately 30 community and business representatives was formed to work collaboratively with the development team to determine the appropriate uses for the project, and how those uses should be organized into a cohesive, attractive, functional design. The development team and the committee together determined that retail, office, residential, entertainment, and hotel uses (with its required parking) were important, synergistic uses that should be incorporated into the project. It was also determined that public spaces and amenities were also an important component in truly creating a new town center for Silver Spring. The project's design included three primary open spaces: Gateway Plaza (at the intersection of Colesville Road and Georgia Avenue), Silver Plaza (on Ellsworth Drive between Georgia and Fenton), and the Veterans Plaza (at Fenton and

Mr. Royce Hanson
June 7, 2007
Page Two

Ellsworth). The earliest designs and concepts for Veterans Plaza included a civic building, a pavilion, and an ice skating rink.

The plan received unanimous approval from the Steering Committee (with one abstention). It was presented to nearly every civic association in the Silver Spring area, as well as to the Silver Spring business community, and the plan was strongly and widely supported. The Planning Board approved the project unanimously.

As the Veterans Plaza and related Civic Building were to be public spaces and facilities, the Silver Spring Regional Center of the Montgomery County government created several committees over time to determine the appropriate uses to be incorporated into the Plaza and civic building. Each committee concluded that the plaza should feature the proposed pavilion and ice skating rink.

Another committee was created to select the architect for the civic building and Veterans Plaza. Through a rigorous process, the acclaimed Boston-based architectural firm of Machado & Silvetti was selected. The plan they submitted featured a Veterans Plaza that featured hardscape, green areas, a pavilion, and an ice skating rink.

Later, yet another committee was created to supervise the design of the Plaza and civic building. Early in the process, it became clear that due to unusual market-wide increases in construction costs that the project was over budget. County officials first suggested that the pavilion and ice rink be delayed beyond the initial construction, or even deleted, in order to bring the project within budget. The community reacted strongly, and demanded that funding for the project be increased to allow the construction of the pavilion and rink. The County Executive and County Council agreed with the community, and increased funding accordingly.

Following demolition of the garage that sat on the Plaza and civic building site, and as a temporary measure, synthetic grass was placed on the site in order to provide a stable surface that would be moderately attractive, easily maintained, weather proof, and cost effective. At first people roundly criticized the surface. It was referred to as "Scheuerman's Folly," named after the County official who came up with the idea of synthetic turf as a temporary solution. But as time has gone on, the "turf" has become very popular. And now there are critics of the long-studied Plaza design who now are clamoring for "turf" or grass.

The success of the "turf" is not so much a tribute to synthetic grass as a great surface for public spaces so much as it is a testament to the original and continued thinking and planning that led to a large public space located at the heart of the project. **The plan works as initially conceived.** The plan, with hard and soft surfaces, a pavilion, and a

Mr. Royce Hanson
June 7, 2007
Page Three

rink will do exactly what was originally proposed it would do: provide active public spaces that will be used and programmed all year round. The pavilion will allow weather-proof events such as concerts, outdoor movies, and other community-related events. The rink will encourage public use of the space during those months in which the use of outdoor spaces is low. The Plaza will continue to function as it does now, with people sitting, talking, gathering, and enjoying.

Regarding the choice of surface, I offer the following our direct experience with the Downtown Silver Spring project. The pedestrian traffic it has generated is far greater than expected, and with it we have experienced far greater maintenance costs than originally anticipated, even more than other well-known and successful town center projects such as Fair Lakes, Fairfax Corner, and Washingtonian Center. The County's ability to maintain significant grass surfaces in an area with such tremendous traffic will be severely challenged, and the cost to do so properly will be very high. The chosen surface in such an area must be able to hold up under the tremendous traffic it will experience, while still appearing attractive. We are convinced, as are many other professional planners, architects, and maintenance professionals, that the appropriate surface for much of the Plaza should not be grass.

We are proud of the collective achievement that is Downtown Silver Spring. It has been a wonderful and satisfying success. Please allow the vision for this important element of this project to move forward as originally conceived. We strongly support the site plan amendment as submitted by Montgomery County for the civic building and Veterans Plaza.

Sincerely,

FOULGER-PRATT COMPANIES, and
PFA SILVER SPRING LLC



Bryant E. Foulger
Principal

MCP-Chairman

From: THOMAS CARROLL [tomc61@verizon.net]
Sent: June 08, 2007 8:44 AM
To: MCP-Chairman
Subject: open space.

RECEIVED
JUN 08 2007

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Please consider adopting at least a partial open space at Veteran's Plaza. It is such a relief to have a spot to watch people walk by, and to enjoy some of the many food offerings from the neighboring restaurants. With all of the concrete and buildings there is a need for open park space now where people can congregate and enjoy our new down town area. A place to take it all in.

Please consider the need in the county for more arable land where rain water can trickle down underground to feed the water table. An open grass area would provide for this need. There could be a few benches or even picnic tables as well. I'd like to even see some play equipment for children to enjoy. We need an informal family space now.

Thank you.

Laura Carroll
Children's Librarian
Montgomery County Public Library

06/08/2007



SILVER SPRING CITIZENS ADVISORY BOARD

May 16, 2007

RECEIVED
0593
MAY 21 2007

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dr. Royce Hanson, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, MD, 20910

Dear Dr. Hanson:

The Silver Spring Citizens Advisory Board strongly supports the timely construction of a new Silver Spring Civic Building and Veterans Plaza with the proposed pavilion and ice rink. We believe that the Civic Building and its Plaza will become an exciting "living room" for Silver Spring and will become the focal point of the community's civic life.

We have written two letters regarding this issue in the last year. The first letter (2006) strongly urged that funding be preserved for the pavilion and rink because we were, and remain, convinced that these are necessary and welcome parts of Silver Spring's revitalization. The second letter (2007) urged that more grassy areas be included along with the pavilion/rink because the community favors more grass as part of downtown Silver Spring.

The Citizens Advisory Board, therefore, views with concern reports that the Planning Board staff might recommend that the Silver Spring Civic Building and Veterans Plaza not include the pavilion and multi-purpose ice rink. While we have asked that the Planning Board consider ways that might increase the amount of grass on the Civic Building and Veterans Plaza site, we certainly would not favor a recommendation that the pavilion and a multi-purpose ice rink, which we consider as integral parts of the Veterans Plaza design, be entirely removed from the Civic Building project.

As representatives of Silver Spring residents, we recently initiated a large community meeting to inform and educate neighbors about the proposed Veterans Plaza design. It also provided us with an opportunity to hear from a wide range of community voices about this project. About 100 people attended the community forum on May 5, 2007 on the site of the proposed Veterans Plaza. Participants were able view site plans and renderings, observe the actual site lines and locations of the proposed structures, make comments, and ask questions of designers, county officials, and community leaders. In listening to the community before and during the meeting, it became clear that most residents have two major priorities for the downtown area: 1) the inclusion of the

Regional Services/ Redevelopment Program

8435 Georgia Avenue • Silver Spring, Maryland 20910 • 301/565-7300, FAX 301/565-7365

Dr. Hanson
Page 2
May 16, 2007


pavilion and ice rink to serve as the heart of Silver Spring, and 2) the inclusion of grassy areas for non-programmed use.

Our community's desire for both grassy areas and the pavilion/rink should not be mutually exclusive; one should not come at the expense of the other. We have found broad support in our community for the pavilion and rink, and are concerned by suggestions that it be removed.

We note that the Montgomery County Council endorsed the proposed Civic Building and Veterans Plaza, with the pavilion and a multi-purpose community ice rink when it approved additional funding for the project in 2006. We also recall the strong endorsement of the project by the County Executive at a meeting of our Board as a promise that needed to be kept by Montgomery County for the residents of Silver Spring, following the razing of the Silver Spring Armory.

We look forward to the construction and completion of the Civic Building and Veterans Plaza, and urge your support for the pavilion and rink as part of the design. Thank you in advance for considering this manner as soon as possible.

Sincerely,


Debbie Spielberg
Chair

cc:

Mr. Isiah Leggett, County Executive, Montgomery County Government
Ms. Marilyn J. Praisner, President, Montgomery County Council
Mr. Mike Knapp, Vice-President, Montgomery County Council
Mr. George L. Leventhal, Councilmember, Montgomery County Council
Mr. Phil Andrews, Councilmember, Montgomery County Council.
Mr. Marc Elrich, Councilmember, Montgomery County Council
Ms. Valerie Ervin, Councilmember, Montgomery County Council
Mr. Roger Berliner, Councilmember, Montgomery County Council
Mr. Duchy Trachtenberg, Councilmember, Montgomery County Council
Ms. Nancy Floreen, Councilmember, Montgomery County Council
Ms. Genny Hardesty, Chair, Silver Spring Urban District Advisory Board
Ms. Pandit Wright, Silver Spring Town Center, Inc.
Mr. Pete Esker, Silver Spring Veterans Committee
Ms. Jane Redicker, Greater Silver Spring Chamber of Commerce
Ms. Frankie Blackburn, IMPACT Silver Spring
Mr. Tony Hausner, President's Council of Downtown Silver Spring Civic Associations

ATTACHMENT E

Letters of Opposition for
Application

Joseph Rosen
7013 Poplar Ave
Takoma Park, MD 20912

Chairman Royce Hanson
Planning Board
MNCPPC
8787 Georgia Ave.
Silver Spring, MD 20910

Dear Mr. Hanson,

We are concerned citizens that wish to discuss the plans for Veterans field in Down Town Silver Spring. We are aware of the current plan to build an ice skating rink over the Softlawn. We believe that the building of this ice skating rink is both costly and detrimental to the community. We propose to keep the open space but convert it to a real field with trees and grass.

Our proposal has several advantages over the plans involving the ice rink. First and foremost the cost of building and maintaining the ice skating rink will place an undue burden upon the public. Our proposed plan will cost a fraction of the current plan and maintenance is far less costly. Furthermore the ice skating rink will have to charge people for entrance to be able to maintain itself, while the green space is free to use. The current open space in Down Town Silver Spring has become just as important as the shops around it. By taking away this field, the last open space, the down town area will become completely enclosed. Also placing a field in that space creates an area for rain water to siphon into and creates a place for people to relax.

We would like to meet with you to discuss our proposal further. We will be contacting you within the next week to schedule a meeting. At this meeting we hope to discuss in depth the proposals for the Veterans Field space.

Sincerely,

Joseph Rosen

Russell Ottalini

Testimony of Khalid Afzal in opposition to Site Plan # 8-1999002G

Chairman Hanson and members of the Planning Board:

My name is Khalid Afzal and I reside with my wife and daughter at 610 Pershing Drive in Silver Spring, Maryland. I am writing in opposition to the proposed design of the open space at the corner of Fenton Street and Ellsworth Drive. I believe that the proposed design is based on an ill-conceived program of requirements and a design approach that is not a good fit for this site.

Before we discuss the merits of the various parts of the current proposal we should ask the following questions:

Is this the right approach for this location? Does Silver Spring need another hard surface plaza in downtown just a block away from the existing hard surface plaza/fountain on Ellsworth Drive between Fenton Street and Georgia Avenue?

What is the purpose of this space and what type of activities should it be designed for? Should it encourage the kind of people gathering that takes place there now or should it be a more formal place where activities are more controlled and dictated by design?

Should a major part of the public open space be devoted to a use open only to people who can afford to pay for it? Is that an appropriate use of public space when the area available for public space is limited?

The existing space is just great. We have stumbled upon something wonderful-- a truly people oriented space. What the current space tells us is that when you have the right ingredients, you don't need a complicated design to make a public open space work well. When the fundamentals are right, everything else seems to fall in place. Here is a model that works perfectly. The current space has the right size and proportions for its context. There is enough room for people to feel comfortable and do different things-- just hang out, sit, recline, read, have food, run around, throw ball, etc. Yet it is not so big that it feels empty and cavernous when nobody is there.

The activities that are currently taking place there, and the way people are using this space now, is just the right mix and level of activity. It has a very open, informal, and inviting feel to it. The diversity of people using this place is wonderful. It is a delight to see people of all ages and ethnicities enjoying the space in many different ways. The attached photos of the current space show how it is being used now. Will the proposed design encourage, or even accommodate, the same activities in a similarly relaxed and democratic environment? If not, then this is not the right approach.

The problem with the proposed design is not that the individual pieces are not well designed, but that the overall ensemble is not the right one for this place. A

beautiful tie does not necessarily go well with every color shirt or jacket; we have to look at how the individual pieces work with each other and with the overall ensemble. And, more importantly, whether the overall ensemble is the right one for the occasion—Kennedy Center or a neighborhood jazz festival?

All the design conflicts about this space seem to stem from an ill conceived design approach that creates more conflicts as the design gets more detailed. It should be the other way around: the overall concept should define the form of individual elements instead of designing each element separately first and then trying to fit them into this space. For example, does the veteran's memorial have to be a ceremonial walkway or can it be another form—a garden, a wall, a fountain, a series of benches on a green surface, or another sculptural element—that can be just as good a memorial as a tree lined walkway? Can it be something that would fit in with a less formal design concept for this space?

Similar questions should be asked of the proposed Ice rink. Is a Reston like ice rink the appropriate model for Silver Spring? How does it compare with the experience of this space as an artificial green in the past few months? Why not build on our own very successful model—the green turf that has gotten more use and press coverage in a short time than all the years that the Reston ice rink has been in place? Is it cost effective and sustainable over the long term?

In terms of specific aspects of the proposed design, the two intentional features of the proposal are the memorial walkway, and the ice skating rink. The remaining leftover space between the two is paved over as a plaza. The green triangle between the Ellsworth sidewalk and the memorial walkway is the only patch of green. The proposal devotes the best possible space for a soft green surface to hard surface. The approximately two-story high ice rink pavilion, a new physical object in this space, also seems forced and at odds with its surroundings.

I believe that a less structured environment with a simple town green where people feel free to engage in different types of activities is a better approach in this location. We should build upon what we have and not start with a totally differently concept; we don't need to. All we have to do is work with the current space and let it evolve slowly and carefully through incremental changes over time. We should start with an appropriate enclosure to this space to make it complete. The proposed civic building will do that. The artificial turf could be replaced with grass. And there should be trees and benches along the edges of the green space. The veteran's memorial should be redesigned to fit in with a refined overall concept. And the Ice rink should not be built at all.

Thank you for the opportunity to provide this input.

Attachment: Testimony of Khalid Afzal in opposition to Site Plan #8-1999002G

This is how the current green sapce is used--
Will the new design create such relaxed environment?



F41
Glenn

April 10, 2007

Montgomery County Executive
Ike Leggett
Executive Office Building
101 Monroe Street, 2nd Floor
Rockville, MD 20850

Dear County Executive Leggett:

We are strong supporters of the redevelopment efforts that have succeeded so well in downtown Silver Spring over the past decade, and we look forward to the completion of the new Civic Building and Veterans Plaza. However, given recent evidence from both a local survey and actual use of the temporary "green" in Silver Spring, the current plaza design will most likely fail to meet the community's expectations for a civic plaza. The 7,000 square foot roofed pavilion intrudes nearly half way across the available space and reduces the unroofed plaza/green space to an area much smaller than is currently used by the public.

The roofed ice rink has been maintained as part of the scheme despite its negative impact on open space based on an assumption that ice-skating is one of the community's highest priority activities. No substantive survey has been conducted to determine the truth of this assumption. In fact, the vast majority of area residents have no idea what is actually planned for the site. Adequate due diligence on the issue of demand for an ice rink has not been performed and this failure of outreach contributed to the MNCPPC staff's recent rejection of the current scheme. Montgomery County cannot afford to move forward with spending millions of dollars on the rink and roof without an independent professional outreach and survey effort to determine community preferences on this matter.

We recently issued a simple two-question online survey utilizing SurveyMonkey.com, and distributed it via multiple Silver Spring community list-serves, including those of Prezco, the Seven Oaks Evanswood Civic Association, the East Silver Spring Civic Association, the Indian Springs Civic Association, and Sligo Creek Elementary School. The survey has since been spread to other list-serves. A copy of the survey and the survey results are attached for your review. Our goals for the survey were to gather baseline information on how the community would like to use the proposed Plaza and to get a quick reaction to the design for the Plaza, with and without the ice rink/pavilion.

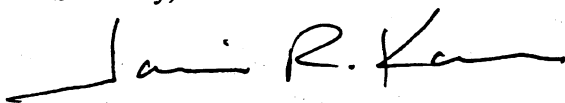
To date, more than 700 surveys have been filled out. On the first question of the survey, which dealt with possible activities for the Plaza, only 14% of respondents list "fee-based ice-skating" as a high priority activity for the space. In fact all six other activities listed in the survey received significantly more high priority ratings than did ice-skating. In the second question, 81% of respondents indicated a preference for an option that includes more open green space in lieu of the roofed ice rink proposed in the current scheme.

While this survey is by no means conclusive, the data suggest that the assumed strong demand for the ice rink may not exist. It illustrates the fact that community preferences are

not known and that an independent professionally executed outreach and survey effort is needed to collect thorough and accurate information on what the community wants in this matter. The information can be gathered quickly and forwarded to the plaza design team, who could then make any necessary adjustments to the plan to incorporate the community's preferences with delaying plaza construction.

As residents of Silver Spring, we request that the appropriate County agency be tasked to hire professional consultants experienced in surveying communities regarding public space preferences and to coordinate the consultants' work with community representatives to ensure that the Plaza design accommodates those preferences. One example of an organization that performs this kind of survey work is Project for Public Spaces (<http://www.pps.org/>). Only through fast and accurate outreach can the County ensure that Veterans Plaza will complement the successful commercial components in our downtown and strengthen our community.

Sincerely,



Jamie Karn and Dolores McDonagh
726 Dartmouth Avenue
Silver Spring, MD 20910

cc: Montgomery County Council
Montgomery County Planning Board



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because knowledge is everything

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Monday, April 09, 2007

Results Summary

Show All Pages and Questions

[Export...](#)

[View Detail >>](#)

Filter Results

To analyze a subset of your data, you can create one or more filters.

[Add Filter...](#) **Total:** 711
Visible: 711

Share Results

Your results can be shared with others, without giving access to your account.

[Configure...](#) **Status:** Enabled
Reports: Summary and Detail

1. Introduction

1. What priority would you assign to providing room in this public space for each of the activities listed below?

	High	Medium	Low	Response Average
People-watching/socializing	71% (498)	20% (143)	8% (59)	1.37
Active recreation (throwing a Frisbee or ball)	49% (343)	32% (225)	18% (127)	1.69
Passive recreation (lounging, reading, eating)	75% (525)	19% (130)	6% (44)	1.31
Fee-based Ice skating	14% (94)	18% (121)	69% (472)	2.55
Free Concerts	70% (489)	26% (181)	4% (31)	1.35
Festivals	68% (476)	28% (194)	5% (33)	1.37
Open air markets	60% (422)	30% (211)	9% (66)	1.49
Total Respondents				707
			(skipped this question)	4

2. Look at the two diagrams below. Option A is the Civic Building with Plaza and Ice Rink/Pavilion. Option B is the Civic Building with Plaza and Green. Which option for the public space do you prefer?

	Response Percent	Response Total
Option A: Ice Rink/Pavilion	18.8%	134
Option B: Green	81.2%	577
Total Respondents		711
(skipped this question)		0

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Takoma • Silver Spring Voice

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Features: Speaking of Silver Spring

Turf's up: New civic building & plaza are on the way Construction of Silver Spring's "town hall" slated to begin in late summer

BY TAMRA TOMLINSON

Long delayed by budget constraints and the wait for other nearby redevelopment projects to be completed, construction of the new Silver Spring civic building is set to begin as soon as late summer.

For Gary Stith, Director of the Silver Spring Regional Center, it can't begin soon enough. "The sooner the better," he said. Once completed, the civic building will become the new home of the Regional Center as well as the Roundhouse Theater School. He's anxious to see the most community-oriented component of downtown's renewal finally arrive and envisions it as a place that will "be responsive to the community...and its diversity."

[Click here to get involved](#)

COURTESY MACHADO & SILVETTI ASSOCIATES, LLC



Architects' rendering of the civic building and Veterans' Plaza as seen from Fenton Street.

The project's design is the product of the first design competition undertaken by Montgomery County. The selection process began with the creation of a program of requirements by the Civic Building Steering Committee. This document detailed the building's desired functions and what it would have to accommodate. An initial field of seven architecture

firms was first narrowed to three through an interview process. The three short-listed firms then submitted concept plans to a final selection committee. Architecture and urban design firm Machado and Silveti Associates emerged as the winner in 2003.

By the time the firm was awarded the project, partner in charge, Rodolfo Machado and project director, Matthew Oudens were confronted with a program of requirements that ran to about 90 pages. Because it was so well-developed, the architects were able to use it as a reference during the design process. In most cases, this process is reversed, with the designers and client developing the program during the design process. Oudens recalled that both the requirements for the facility and the demands of the site offered "opportunities and constraints." "The deliverables were quite extensive and had to be executed on a modest budget. The county was trying to provide a lot...and that required a certain amount of flexibility."

To make the pavilion adaptable to a range of uses, it was designed with a freestanding, translucent roof. A cantilevered steel frame between two layers of translucent acrylic creates the structure's undulating shape. It's supported by two curved concrete columns at one end and a cluster of thin steel columns at the other. The 7,000 square feet of space below will be furnished with moveable tables and chairs to allow for what Oudens calls "social micromanagement" -reconfiguration of the pieces to suit whatever uses visitors want. At night, the roof will be lit from above, producing a soft glow. Also built into the roof will be a system of hoist points that will allow rigging for speakers and lighting to be hung for outdoor events.

In the colder months, the pavilion will become an ice skating rink. The roof will then serve to prevent the ice becoming pitted or uneven from winter precipitation. Cooling lines laid underneath the surface of the pavilion's floor will maintain a temperature low enough to keep the ice from melting. The goal, Oudens said, was to "bring some vitality to that space" during a time of year in which it might otherwise see little use.

The ice rink's inclusion in the plans for the plaza has been a matter of some contention for several years. Two years ago, efforts to keep costs down briefly pushed the rink out of the picture. That move prompted enough objection that then-County Executive Doug Duncan allocated additional funds to keep it in the plan. Now, it's not money, but the use of the space itself that's become the focus of the discussion. From Silver Spring blogs to The Washington Post's opinion pages, residents are again registering opinions about what Veterans' Plaza should be.

The carpet of turf that currently covers part of the lot at Fenton and Ellsworth - originally a stop-gap measure - has taken on a life of its own. It's become a sort of communal backyard that provokes the kind of spontaneous activity that planners often try unsuccessfully to generate. The fear among some residents is that the planned plaza won't be as inviting for the "just hanging out" purpose that the turf often serves. Gary Stith believes that the appeal of the turf lies at least as much in where it is as what it is. He said that "we haven't gotten the word out" about the variety of elements that will be present in Veterans' Plaza. He wondered whether much of the opposition to the hardscaped pavilion might be the result of a lack of communication between the planners and the community. To give Silver Spring residents a more complete picture of what the project will look like and the ways in which it can be used, the Regional Center has posted links to site plans, renderings and event diagrams on its website.

Glenn Kreger, leader of the Silver Spring/Takoma Park team on the Montgomery County Planning Board, predicted "a very lively public hearing" when the project plans and the planning staff's report come before the board in about six weeks. "Everybody has their own perspective" regarding the use of the space, Kreger said. He summed up his own perspective as "If it ain't broke, don't fix it." The turf, he said, does have its advantages. "It can work", he thinks, "if it's installed correctly", but drainage would have to be addressed effectively. Whether it's turf or natural grass, Kreger has observed that support for "greening up" the Central Business District is strong.

Richard Jaeggi, of Howard University's Center for Urban Progress, a longtime resident of Silver Spring, said that the skating rink and pavilion are "a fantastic idea, but not there." "The turf shows how people want to use the space." For Jaeggi, a more important matter is that the people who are most vocal about the use of the space are not the ones most likely to use it. However, nine years after the demolition of the armory, he's less concerned about what gets built than how soon it can happen. He's observed that

A PLAZA FOR EVERYONE, EVERYDAY

A Modest Proposal for Adjustments to the Silver Spring Veterans Plaza

The temporary "green" in downtown Silver Spring has succeeded very well in attracting a cross section of Silver Spring residents for a dynamic mix of activities on most days of the year. The flexibility of the open space and the comfortable surface are very conducive to spontaneous rest, play and interaction. Lessons should be learned from this experience and put into place in the design of the new plaza.

Successful town plazas and greens result from a shared community vision developed through broad and deep community engagement in the concept and design. This process ensures buy-in and long term use by the community. Community engagement and visioning for our plaza were short-circuited by a preemptive decision by the County to include a large roofed ice rink. Consequently there is little evidence of buy-in by the community (particularly in the roofed rink), and a greater risk that the plaza will fail to improve upon the success of the temporary green.

The current plaza design will work well for ice-skating, concerts and other special events. Most of the design is strong and should remain as it is currently drawn, particularly the green slope, the Veteran's Memorial art, and the linear walkway near Ellsworth Avenue. The design will not work as well, however, for day-to-day gathering, play, interaction and community-building. The success of these activities depends on the availability of flexible open space that accommodates fast changing uses, and strong management. The large rink/pavilion roof, unfortunately, compromises the flexibility of the plaza for daily use.

Dramatic improvement can be achieved by a few careful modifications to the current design: First, reduce the size of the main roof, make it retractable or removable, and use additional smaller roofs for shade in the summer. Second, move the ice rink to the proposed open area at the future library site at the intersection of Fenton Street and Wayne Avenue, or make the rink smaller. These changes will allow an increase in the amount of unroofed open/green area, creation of an open center for the plaza and improved flexibility for daily use. Furthermore, if we move quickly, and the County government agrees to submit an application in the near future for a Site Plan Amendment, the construction of the civic building could be allowed to proceed without delay and the changes to the plaza design could be made in time for it to open with the civic building.

A more detailed analysis of the positives, negatives and possible solutions for the roof, ice rink and plaza surface options is as follows. For more information on flexible space and other criteria for public space success take a moment to explore the website of Project for Public Space at www.pps.org, and particularly to view the article at the following link:

http://www.pps.org/parks_plazas_squares/info/parks_plazas_squares_articles/squares_principles.

ROOF:

Positives: The 7000 square foot roof will protect the ice rink in the winter, allowing it to stay open more days. It will protect the band and a sizable audience from rain for concerts and other special events. It will provide shade from the sun in the summer.

Negatives: The roof will divide our long awaited civic plaza down the middle, and while it is to be translucent, it is not at all transparent and will turn about 1/3 of our precious public open space into less energizing sky-less space. Recall that the vast majority of people prefer to be outdoors when at a park, and only use the shelter as needed to keep off rain or intense sun. The current scheme in effect sacrifices the park space every day for occasionally used shelter space. This will cause the plaza to be attractive for lounging and playing in good weather and will reduce the use of the plaza. Furthermore, the roof is to be placed along the south side of the plaza and in the winter will cast a shadow over more than half of the plaza for long parts of the day, making the plaza colder and much less attractive to anyone other than ice-skaters. Overall, the roof will reduce the day-to-day spontaneous relaxing, playing and interacting on the plaza.

Solution: A smaller roof and/or demountable roofs. Thousands of plazas in this country and around the world solve the rain and sun problem with smaller roofs and shading devices, and they often use retractable or removable roofs that won't cast a shadow in the winter. Additionally, unroofed ice rinks are far more attractive to users than roofed rinks. The ice rink near Pentagon City does not have a roof and is surviving well. If we reduce the size of the roof from the current 7000 square feet to 2500 sq. feet we would still have a more than adequate shelter for bands and some spectators. This reduction would save money that could then be used for artificial turf to cover the rink area in the warm weather.

ICE RINK:

Positives: The rink may attract lots of skaters in the winter (though no due diligence has been published to demonstrate this). It can be used for other activities during the warm weather and may be "convertible" to soft space in the warmer weather if artificial turf is installed over the concrete rink base.

Negatives: The rink is expensive to build and maintain, consumes a lot of non-renewable energy. It consumes a lot of space in the winter for an activity that has not been shown to be a high priority for the residential community. Because the plaza site is sloped and the rink has to be flat and is to be accessible from the rooms below Adegas, the rink is placed three steps down from the rest of the plaza and a lot of space and money are used to provide access to the rink. Skaters will be charged to skate and to rent skates, thus taking what should be a free public space and making it a fee required space in the winter (the charge at the Pentagon Row rink is \$8). Furthermore, the nearby Wheaton Ice Arena currently operates at a loss. If the proposed rink reduces the number of users at that rink, the County will lose more money.

Solution: My preference is to move the ice rink to the proposed open space at the upcoming library site at the intersection of Fenton Street and Wayne Avenue. This is a flat site that will easily accommodate the large rink and roof, and at that location it will serve to draw young people to the library. Alternatively, make the rink smaller. The proposed rink is nearly 7000 square feet in size. The new rink near Pentagon City is only about 4000 square feet and has so far been financially successful. A smaller rink would allow for far more open green space and would allow for the public space to be used as public plazas have been traditionally used, for community-building. Other amenities and events to activate the plaza in the winter should be included in the design and programming (fire pit, heated seating, hot food kiosks, ice carving festival, etc.).

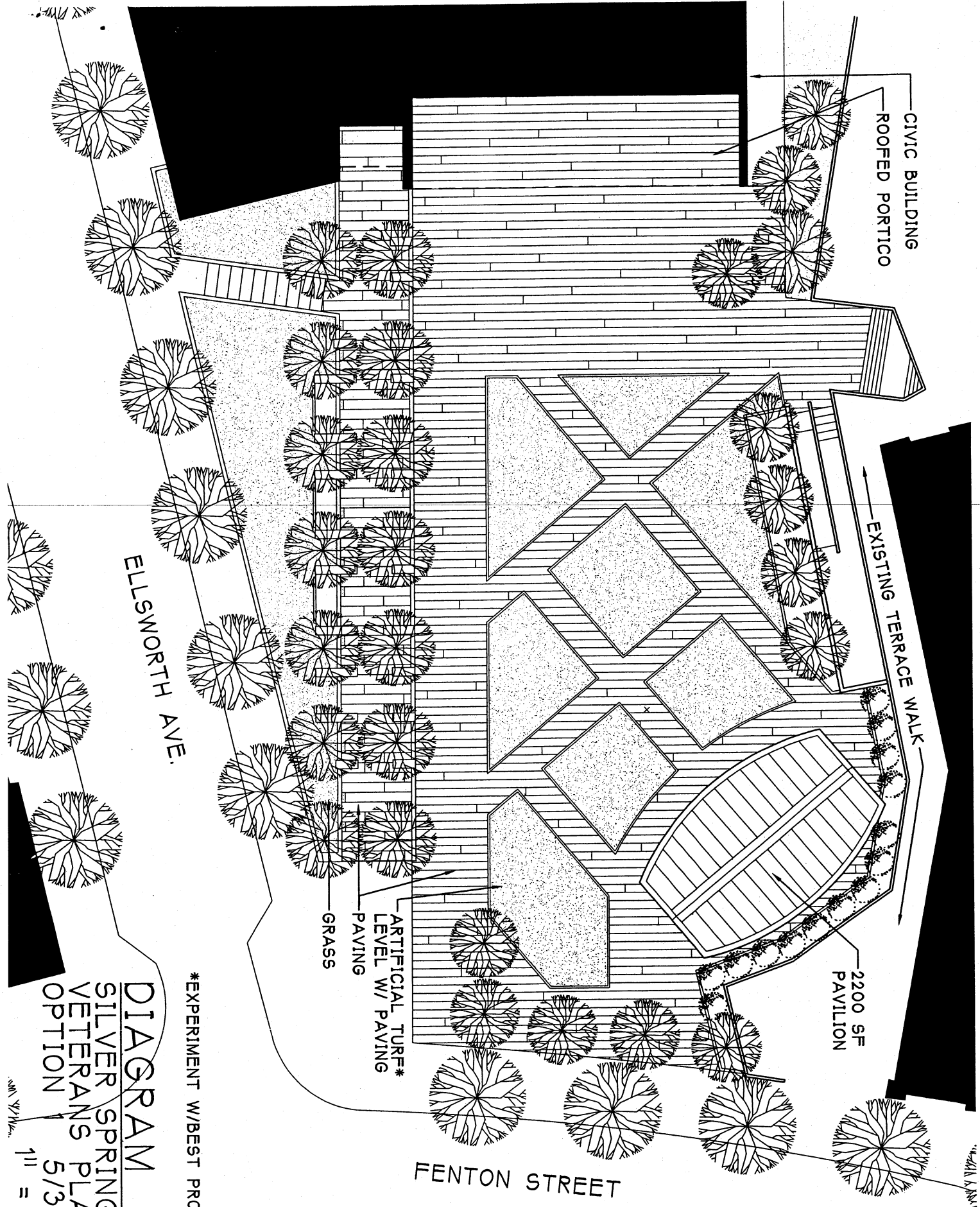
OPTIONS FOR SURFACE OF OPEN SPACE:

Grass is more aesthetically preferable than artificial turf, but is not durable enough for high traffic areas. It can be used successfully with other planting in low-traffic areas. Artificial turf is not as nice as grass or other planting but is far more durable, though it is susceptible to getting dirty and burned and looking bad after a short time (though better products will hold up better). It can be replaced periodically. Pavers are more durable, but not as soft and inviting for lounging and sitting.

Solution: The options needs fast investigation so that the possible solutions can be rated on the criteria of first cost, durability, maintenance cost and attractiveness for various activities. There are a number of solutions and though none of them are perfect, many other communities have addressed this issue and found solutions. My preference is pavers in the high traffic areas and natural planting in low traffic peripheral areas, but artificial turf is worth further investigation.

If we move quickly, we can collect community input, assess the demand for various activities, make the adjustments that will allow our plaza to truly be a plaza for everyone, everyday, and build a plaza that will be sure to succeed. Thank you.

Jamie R. Karn, AIA, LEED AP
725 Dartmouth Avenue
Silver Spring, MD 20916
301.585.7966
jkarn@starpower.net



CIVIC BUILDING

ROOFED PORTICO

EXISTING TERRACE WALK

2200 SF PAVILION

FENTON STREET

ELLSWORTH AVE.

ARTIFICIAL TURF*
LEVEL W/ PAVING

GRASS

*EXPERIMENT W/BEST PRODUCTS

DIAGRAM
SILVER SPRING
VETERANS PLAZA
OPTION 1
5/3/07
1" = 30'

MCP-Chairman

From: DEAN COOPER [coolcoops@verizon.net]
Sent: March 26, 2007 10:44 AM
To: oemail@montgomerycountymd.gov
Cc: councilmember.ervin@motgomertycountymd.gov; MCP-Chairman
Subject: Save the green space in Downtown Silver Spring

RECEIVED
0365
MAR 29 2007

OFFICE OF THE CHAIRMAN
THE MARYLAND NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

Dear Mr. Leggett,

We live within walking distance of downtown Silver Spring and have been in the area for over twenty four years. We enjoy the new restaurants and theatres. We also appreciate the open green space of the astro turf . People from every age group use the fee free area to play and relax. We oppose placing an ice rink there and encourage you to keep the open space.

Sincerely,

Karen and Dean Cooper

03/29/2007

9925 Woodburn Rd.
Silver Spring, MD 20901-2730
March 8, 2007



M-NCPPC
Development Review Division
8787 Georgia Ave.
Silver Spring, MD 20910-3760

Dear Review Division,

It has come to my attention that this Department is who I need to write to about the fake turf green at the new Downtown Silver Spring. Did you know that you have created a Village Green with that thatch of AstroTurf?

I am the mother of two teenaged daughters who have loved to go to downtown Silver Spring. There are restaurants to go to, the bookstore to browse through, the movie houses, (Majestic and AFI), and ice cream shops to go to. I have grouped the above activities in a lump because they all require one thing, money. As we are teaching our teens to earn their fun money (babysitting), they are beginning to spend more and more time at friends' homes because they can still have fun there and it doesn't cost a lot of extra money.

Back to the AstroTurf. Many evenings, I have spent picking up my daughters and their friends there. As I wait the few minutes, I see groups of people from all walks of life sitting together to talk with each other. I see kids (all ages) running with abandon (space invites that you know, those gross motor movements need an outlet) as they play chase, tag, hackey-sack, etc. One summer evening, a Harry Potter film was shown. There was hardly a spare inch to be found to sit down, there were so many people there. And you know, many of these movie-goers went to the ice cream shop or to one of the local restaurants to have a quick bite to eat before, during and after the movie.

I hear there will soon be an ice skating rink of some sort on this 'Village Green'. It sounds like another place to put your money down to enter. I know I haven't seen the plans, I don't know if it will be like the one Laurie Olin did on the Mall or will be a big box like the Wheaton Ice Skating Rink (great in its place, don't get me wrong....).

I just wanted to know if you knew you had created a successful space already with your AstroTurf? Imagine, a place for concerts, (yes, I have seen the ones on Thursday evenings and they are fun – not enough spaces to sit down though). I had to let you know that people really are enjoying this green space, fake as it is. The plastic grass does bring smiles of disbelief when people see it the first time, and then go to sit down on it as they finish their ice cream or whatever. They linger there, they greet the unexpected sight of other friends there, it has become a successful village green.

I don't know if anything can be done, but I felt I had to send you my observations. It's nice to be able to go somewhere and not have to drop \$20-\$30 a person because you have arrived there. (That's another comment from my daughters and their friends). It is probably too late to do anything, but if there is a chance to keep an open space where people can gather on a warm evening, it sure would be nice to have it. After all, downtown Silver Spring needs to be a welcoming place, not just another gussied up 'mall'. And yes, maybe I am thinking a little of Bryant Park in New York City – that's another space where people gather together to have fun. Would you consider this open space before it is no longer open?

Thank you for listening.

Sincerely,

Nelly O. Branson

Nelly O. Branson

Kreger, Glenn

From: Jamie Karn [jkarn@starpower.net]
Sent: Thursday, March 29, 2007 10:09 PM
To: Kreger, Glenn
Subject: Fw: Comment from Resident regarding the Silver Spring Veterans' Plaza

Glenn,

This letter may be too long, but I this is a difficult issue to explain real briefly. The diagrams are what we are using in our survey.

Thanks.

----- Original Message -----

From: Jamie Karn
To: ocemail@montgomerycountymd.gov
Sent: Thursday, March 29, 2007 10:07 PM
Subject: Comment from Resident regarding the Silver Spring Veterans' Plaza

Dear County Executive Leggett:

There is an opportunity at hand to dramatically improve the proposed plan for the Silver Spring civic plaza to provide much more open space. The current plan, as submitted to MNCPPC includes a very large ice rink/pavilion with a 7000 square foot roof. Though the ice rink could be a nice amenity, we unfortunately don't have room for it in the plaza. The pavilion is so large that the space left over for plaza is small and poorly arranged for public gathering. Furthermore, the roofed area is recessed two or more steps below the rest of the plaza, which further reduces the flexibility and flow of the public space. Veterans' Plaza, as configured, will fail as a day-to-day public gathering space.

Silver Spring residents have been quite happy with the success of the temporary plaza/town green that has been in place for the past 18 months. To almost everyone's surprise, the un-structured "organic" nature of the current turf space, it's uninterrupted openness and it's non-transactional (non-retail) nature have resulted in a highly flexible and democratic community "green." This is the one place in town where everyone comes together spontaneously to rendezvous, see and be seen, and most importantly, play together as a community. This accidental place generates spontaneous inter-class, inter-racial and inter-generational gathering and community-building, which is the fundamental purpose of a civic plaza. While we want to improve the "green" into a more durable and finished space with a greater variety of amenities, we need to build upon what is working so well, not displace it with a roofed structure.

When asked, most of the residents we've surveyed have indicated that they had no idea that the roofed rink/pavilion is to be so large and the remaining plaza area so small. As they have learned about the current plan, most have indicated that they prefer more open space rather than the roofed rink/pavilion. As you know, the MNCPPC planning staff have also spoken up and suggested that the ice rink be deleted from the scope in favor of more open space. This creates an opportunity for the community to reconsider and build a better public space.

I have attached two diagrams. One shows the currently proposed scheme, with the pavilion roof shown in orange. The second diagram shows most of the plaza unchanged, but indicates a civic green in the area of the plaza that would be available if the pavilion is not built. The civic green could easily be made of a high quality artificial turf that would be more durable than grass or the existing temporary astroturf. Please take a moment to review these options.

A number of residents are working hard to gather accurate survey information that reflects the preferences of our community. We will forward that information, unedited, as soon as it is available.

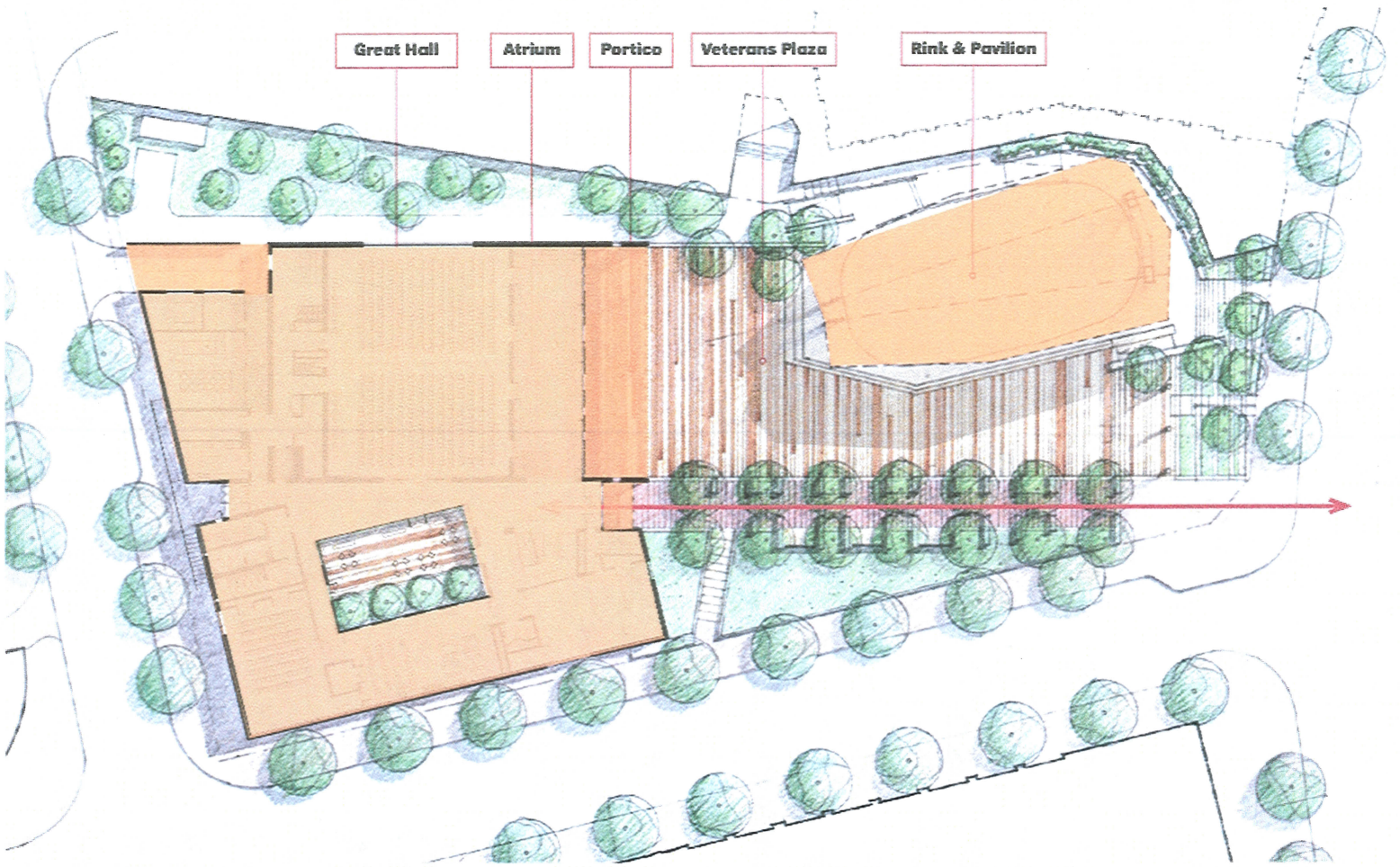
Please resist the efforts by a few residents to push the currently proposed scheme through the MNCPPC

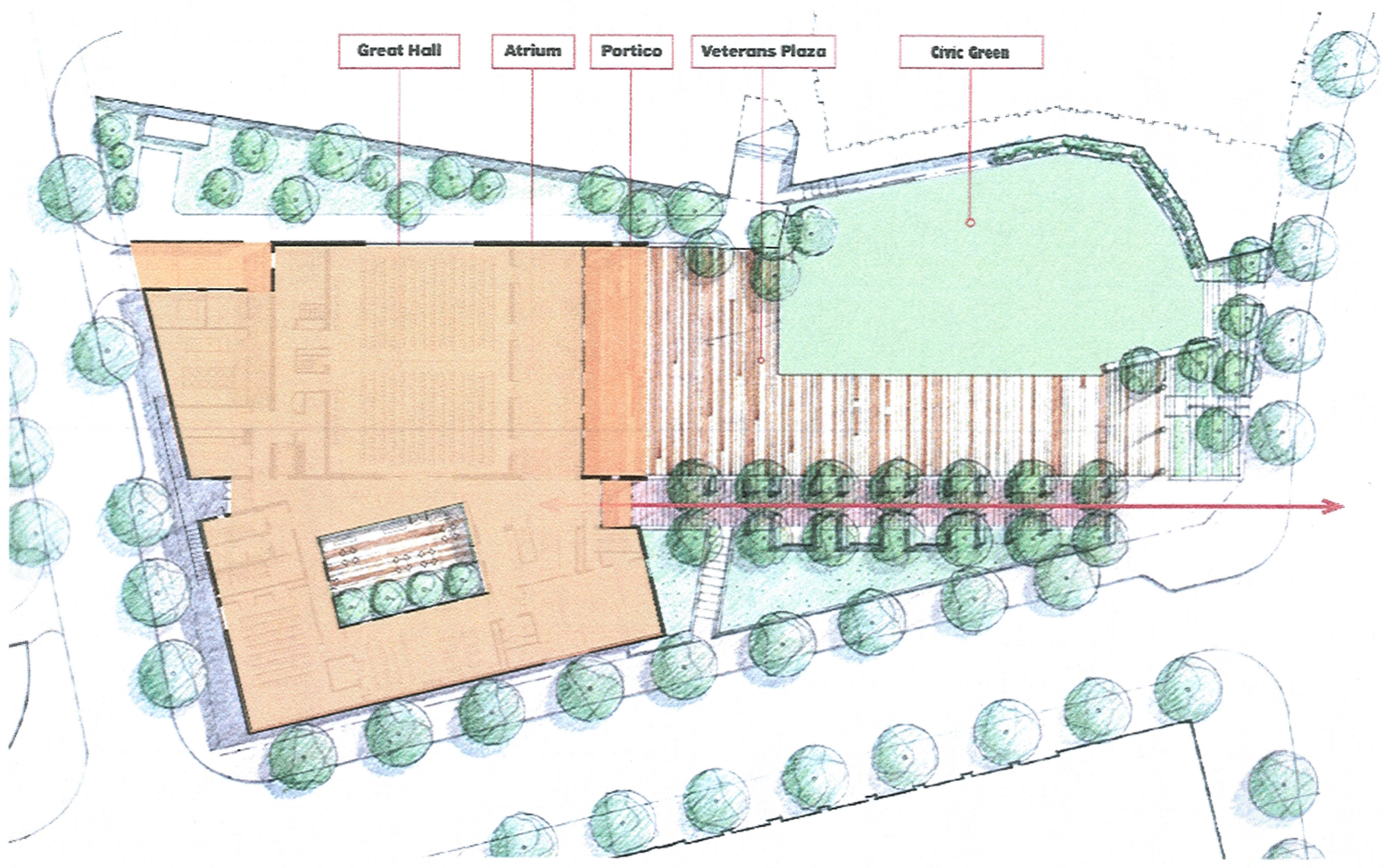
3/30/2007

Planning Board review. Give our community just a few weeks to quickly study the options and make a well informed and fully transparent decision that truly reflects the will of our community. With a little judicious work, we can improve our future plaza and save millions of dollars in capital and long term operating costs.

Thank you.

Jamie R. Karn, AIA LEED AP
726 Dartmouth Avenue
Silver Spring, MD 20910
240.351.4027





Site Plan

14 September 2006 One Veterans' Plaza

Turf battle still budding in downtown Silver Spring

Gazette 1-10-07

■ Proposal for grass at civic center is growing on some residents

BY MEREDITH HOOKER
STAFF WRITER

Though many residents fought to save portions of a planned Silver Spring civic building, plaza and ice rink, people have become fond of the artificial turf temporarily in place and now say the AstroTurf is greener on the other side of the proverbial fence.

There is little open space in downtown Silver Spring, said Jaime Henriquez, a 14-year Silver Spring resident. But what is there — the artificial turf — is actively used and he would like to see something similar in place. He didn't expect artificial turf to be so attractive to people, but it is, Henriquez said at Monday night's Silver Spring Citizens Advisory Board meeting.

"That artificial grass, as tacky as it is, is attracting people," he said.

Talk about it

Have downtown Silver Spring have more open space? If so, where should it go? E-mail: talkaboutit@...

But the space where people currently congregate and play will take a new form. The civic building and veterans plaza is expected to open in 2008. Plans have been in the works since 1998.

"It's a sad thing. Every time there's a little green space, it's taken over by a building," Henriquez said. "Now there's no green space and I think we need it and we have to conserve it. ... Do we really need an ice rink? It's going to cover up space people are using. You have to see what people

want. Residents have suggested that a portion of the paved space in front be made into a grassy area, but officials say they've done as much landscaping as feasibly possible.

They said small grassy areas on the sides of the building have been accounted for in design plans, said Gary Stith, director of the Silver Spring Regional Services Center. The veterans plaza includes paving, he said, and there is not much space in front of the building for grass.

"A year ago, the community rose up in righteous indignation when budget cuts threatened to scale back plans for the civic building, including eliminating the outdoor ice rink, Stith said. Residents said they wanted the public space promised when officials tore down the Silver Spring Armory, a public meeting space, in 1998 to make room for redevelopment.

Landscape architects say it will be difficult to maintain grass

in front of the building, Stith said. "It's going to be impossible to keep the grass alive."

The space in front will be programmed, allowing for concerts, a farmers market and other activities, Stith said.

"And even if we don't do any programming, the people you see out there at night and every weekend will make the grass on this site impossible to maintain. We'll have to keep people off it. If you use it all the time, it's going to kill it," Stith said, adding it also will become muddy.

"I think what Gary said is true. They have first-rate, nationally-known architects [working on the project]," said Silver Spring resident and architect Jon Lourie, who has worked on a citizen committee that helped plan the civic building. Lourie also believes the downtown could benefit from green space, but said surfaces at the civic building were selected because they could support different uses.

"I'd love to put grass out there

— I don't know how we do it," Lourie said. "As an architect, I think the architects have done a good job. They're not just out there to pave everything."

Dorian Unger, a Silver Spring resident and member of the Silver Spring Citizens Advisory Board, said he realizes grass in front of the civic building will require some maintenance.

"Carried to a logical conclusion, we wouldn't have parks. You wouldn't be able to play soccer," he said, adding he believes grass is do-able.

Stith agreed the downtown needs more green space, but said there are more appropriate places. Stith previously said officials are considering creating a larger grassy area in front of the future Silver Spring Library at Wayne Avenue and Reinton Street.

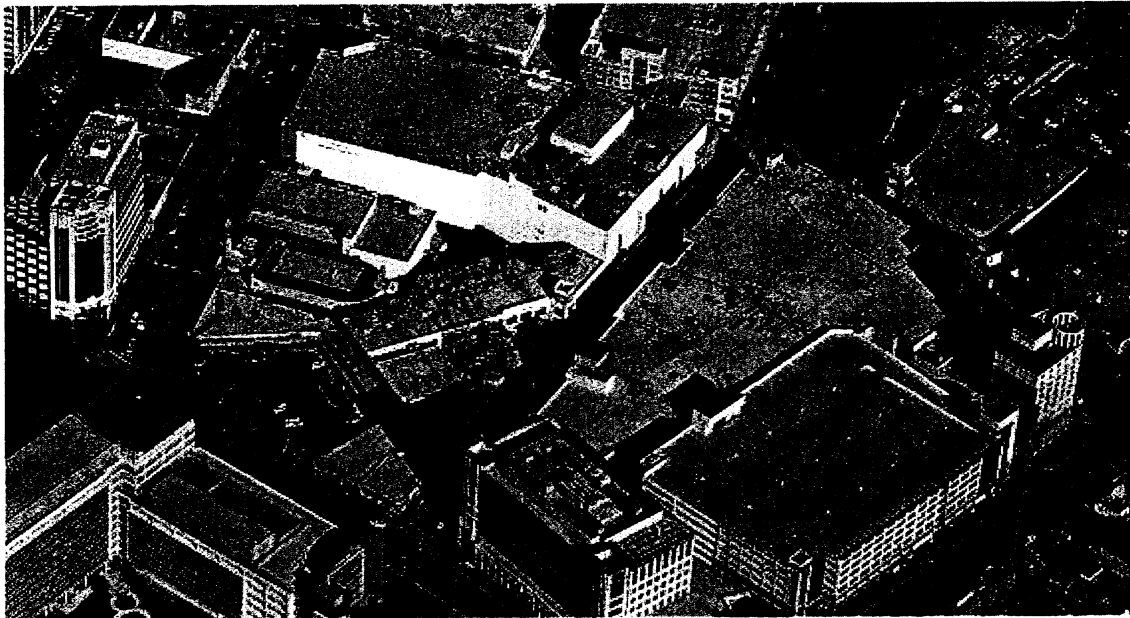
There will be an opportunity for public comment on design for the civic building within the next few months. Plans for the project are being submitted to Park and Planning Jan. 23 and will be reviewed about six weeks later.

Wow, you're fast.
Glen

Silver Spring Scene

Village Green: If Not There Then Where?

Writing by Silver Springer on Friday, 16 of March , 2007 at 2:39 pm



By way of the previous post, Glenn Kreger, head of Park and Planning's Silver Spring dept, discloses that some staff members have recommended removing the ice skating rink and pavilion of the planned civic center and replacing them with what has been dubbed a Village Green; providing a highly requested large swath of green space.

Different sides want different amenities; the Silver Spring Citizens Advisory board along with proponents' support having the ice skating rink. Opponents of the rink could care less and prefer things the way they are now with the turf space that currently exists there.

I'm being impartial but I have to ask, if the skating rink and pavilion win out just where in all of downtown Silver Spring could we find a comparable alternative? Some have suggested the future Silver Spring Library space on an east parcel bounded by Wayne Ave, Bonifant and Fenton Streets. But does that lend itself well to a usable configuration or will it end up being an unusable irregular shaped space? Since Silver Spring is a heavily populated area, I suspect the building would be slightly smaller than the new Rockville library with a semi-regional role. It would have to be about 90-100'feet to reduce the building's foot print and lend enough space for a village green, this would also mess with the floor plate size. And are we ready for that kind of building height or will residents east of Fenton Street complain once again?

For a village green to work, the space would have to be centralized, close to the core as possible, the proper configuration and about the same size as the turf. We already have the 14 acre Jessup Blair Park but that's hasn't fulfilled the communities desires. Is there any space left in the CBD that's not spoken for in the name of condos and apartments?

MCP-Chairman

From: Jamie Karn [jkarn@starpower.net]
Sent: Wednesday, May 16, 2007 11:12 PM
To: MCP-Chairman
Subject: Veterans Plaza: The math about areas of use

RECEIVED
 0375
 MAY 17 2007

OFFICE OF THE CHAIRMAN
 THE MARYLAND NATIONAL CAPITAL
 PARK AND PLANNING COMMISSION

Dear Mr. Chairman:

The following observations have been drawn from the design documents for Silver Spring Veterans Plaza that have been submitted for MNCPPC review:

The existing "green" artificial turf space is approximately 31,000 square feet of unfettered, highly flexible open space that varies from 100 to 150 feet wide and averages about 210 feet in length. The proposed plaza with its large roof and rows of trees leaves only about 10,050 square feet of open, unroofed, and un-stepped surface for its main plaza. This main area averages only 40 foot wide (about the length of three small cars) for most of its length.

On May 5th, the county officials marked out on the existing turf the outline of the civic building and the footprint of the proposed pavilion roof. The officials did not chalk out the line between what will be open plaza and the area that is to be the Veterans Memorial, which will be comprised of paired rows of trees, planters and benches on either side of the main walkway to the civic building. They also did not mark out the line at which the entire plaza surface is to step four steps down to the rink level. These omissions left the impression that the area between the pavilion roof and Ellsworth Avenue was going to be open plaza. In fact, the open plaza area between the step-down in the plaza and the tree planters is quite narrow, and the open sky space between the proposed roof and the proposed tree canopy averages only about 40 feet.

The overall area in front of the civic building is approximately 31,200 square feet in size (excluding the 1600 square feet that is under roof at the building portico). This overall square footage is divided for use as follows:

- the planted bank and steps that slope down to Ellsworth Avenue are approximately 3,500 square feet in area.
- the Veterans Memorial area, with its paired rows of trees, planters and benches and the walkway to the civic building adds up to another 3,500 square feet.
- approximately 2,450 square feet of area is devoted to planting, steps and transitions in the surface to allow access from the Fenton Street sidewalk.
- the ice rink itself appears to be only 5,250 square feet, but the total area of steps, ramps and circulation path around the rink comes to approximately 6000 more square feet. In other words, approximately 11,200 square feet of area is recessed down 20 inches from the main plaza level to accommodate the 5,250 square foot rink. This division of the plaza in half, into two levels, is all due to the purported need for access to a skate rental and equipment space below Adegas.
- the amount of square footage that remains open, without trees or roof, for the main plaza level is only approximately 10,050 square feet out of the overall 31,200 square feet. This main level is wrapped around the rink and is only 30 feet wide at its narrow point between the row of tree planters and the steps down to the rink level. This main open plaza is 1150 square feet less than the area used for the rink and access to the rink and skate rental space.
- There are approximately 600 more square feet of planted areas around the plaza.

The pavilion roof, over the ice rink is approximately 6,920 square feet. As was clearly demonstrated on the projection screen at the May 5 hearing, the glazing material does cast solid shadows. Despite claims to the contrary, during the winter, when the sun is low and rises and sets further to the south, the pavilion roof will cast shadow over substantial portions of the open plaza until approximately 3:00 in the afternoon. If this assessment is not accurate, the applicant for the project can easily dispel it by sharing with the community the sun/shadow studies for the winter months. Thus far the studies have not been made public.

MCP-Chairman

From: Jamie Karn [jkarn@starpower.net]
Sent: Wednesday, May 16, 2007 10:57 PM
To: MCP-Chairman
Subject: Let's make Veterans Plaza a place that unifies

RECEIVED
 0875
 MAY 17 2007

OFFICE OF THE CHAIRMAN
 THE MARYLAND NATIONAL CAPITAL
 PARK AND PLANNING COMMISSION

Dear Mr. Chairman:

There are many strong reasons to remove the ice rink from the Veterans Plaza and build a smaller pavilion. These include:

- Strong evidence that most community members place a higher value on open space than on the rink, but public outreach has been too limited to provide an accurate assessment.
- The high cost for construction and maintenance of the rink.
- The very high amount of energy consumed to keep the rink frozen.
- The severe division of the plaza caused by lowering 11,000 square feet of its surface for the rink, stairs, ramps and paths just to get people down to the skate office located below Atega.
- The great loss of open-sky space due to the rink-required 7,000 foot roof, which squeezes much of the open sky view down to 40 feet over much of the plaza.

The most compelling reason, however, is that Veterans Plaza needs to be more democratic than the ice rink will allow it to be.

More than 85,000 people of a broad range of incomes, races, and nationalities live within the designated service area of the Silver Spring Regional Services Center. Community can be built and renewed among such diverse peoples only by frequent interaction between many individuals of all of the diverse groups and income levels. This interaction in daily and civic activities is the traditional purpose of civic plazas in America and should be the guiding principle for the design of our plaza. A key element of that tradition is that civic plazas are open and freely available to everyone, everyday. Unfortunately, the current design for Veterans Plaza runs counter to this tradition by including, for four months of each year, a large ice rink that we will have to pay to use.

The proposed operator for the rink has indicated that there will be 35,000 users (tickets purchased) over the four months of each year, including skaters who travel from outside Silver Spring. Given that some people will use the rink frequently during the season, it is likely that fewer than 10% of Silver Spring residents will use the rink in any given year. It is also inevitable that many families who live in Silver Spring will not be able to afford the costs for skate rental and skating and will therefore be excluded from ice-skating and from the portion of the civic plaza that the rink occupies. The rink will divide lower income neighbors from the rest of our community rather than bring us together in one place.

Roger Lewis stated at the May 5th public meeting that the plaza would succeed with or without a rink or pavilion, or with a smaller pavilion. All of the concerts, stage events, movies, shaded relaxation, dining, etc. that can be accommodated by the proposed 7,000 square foot pavilion could easily be accommodated by a much smaller pavilion that would have far less negative impact on the remaining plaza. In fact, the stage that is proposed on the design drawings is only 400 square feet in size. At the same meeting, the architect for the civic plaza indicated that the proposed pavilion grew to be as large as it is in order to protect the ice rink from rain. It's clear from the success of the temporary "turf" that if we don't need the rink for the plaza to succeed. It's also clear that if we don't need the rink, we are

better off with a smaller pavilion and more open space for everyone.

We will only get one opportunity to build a plaza – a cultural center - for our community. Let's choose to do without the ice rink that will divide us more than unify us. Let's focus our energy and funding on an open, flexible plaza with a smaller landmark pavilion that will facilitate daily renewal and will help Silver Spring evolve to be more than just a retail center, more than just diverse peoples living near each other; that will help us to better unify everyone into a whole community that benefits us all.

Thank you.

Jamie R. Karn, AIA

Kronenberg, Robert

From: Kreger, Glenn
Sent: Monday, May 21, 2007 12:15 PM
To: Kronenberg, Robert
Subject: FW: veteran's plaza

-----Original Message-----

From: Deborah Curry [mailto:curryda@gmail.com]
Sent: Monday, May 21, 2007 12:12 PM
To: Hanson, Royce
Cc: Kreger, Glenn; Farris Curry
Subject: veteran's plaza

Dear. Mr. Hanson,

I'm not sure I will be able to attend the upcoming hearing so I wanted to convey my hopes for our veteran's plaza.

Basically, I would like it to be as green as possible. If we need plaza with benches and such, can we have grass in between the sidewalks instead of all brick? I would also like to see as much in the way of trees, flower beds, and hanging flower planters as possible. Regarding the skating ring, why does it need a roof? It only works to my mind if it turns into a fountain come summer. Otherwise it's just more hot unappealing hard space in an area that's already full of brick, concrete and asphalt.

Italy is lovely of course but we are really much more like England in terms of climate and architecture. The whole notion of a piazza is awful. If you want to see what that ends up looking like in our region, come to the University of the District of Columbia on Connecticut Avenue and see our brick plaza. Despite the university's best efforts--planting box with trees and flowers plus tables and chairs--students do not hang out there. (I'm a counselor here at UDC.) Compare this to the green quad at U of Md which is packed with students.

My husband and I live in one of the new loft condominiums at the corner of Bonifant and Fenton. We appreciate all that the county is doing to support the redevelopment and beautification of Silver Spring.

Best regards,

Deborah Curry
Cell Phone: 202.431.1836
900 D Bonifant Street
Silver Spring MD 20910

6/11/2007