



MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB Item # _____
 7/26/07

MEMORANDUM



DATE: July 11, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
 Catherine Conlon, Subdivision Supervisor *CC*
 Robert Kronenberg, Acting Site Plan Supervisor *RK*
 Development Review Division

FROM: Neil Braunstein, Coordinator (301-495-4532) *NB*
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 Development Review Division

REVIEW TYPE: Project Plan Amendment Review
 Preliminary Plan Amendment Review
 Site Plan Amendment Review

APPLYING FOR: 647,497 square feet of gross floor area and 91,772 square feet of cellar area for retail and office space on one existing lot.

PROJECT NAME: City Place
CASE #: 91987001A, 11987190A, & 81988046B
REVIEW BASIS: Chapter 50, Montgomery County Subdivision Regulations
 Sections 59-D-3.7 & 59-D-2.6, Montgomery County Zoning Ordinance

ZONE: Central Business District-3 (CBD-3)
LOCATION: Southwest quadrant of the intersection of Colesville Road and Fenton Street.
MASTER PLAN: Silver Spring CBD Sector Plan

APPLICANT: City Place Air Rights, LLC
ENGINEER: VIKA, Inc.
ATTORNEY: Linowes & Blocker

FILING DATE: February 2, 2007, August 16, 2006, & August 16, 2006
HEARING DATE: July 26, 2007

RECOMMENDATION: Approval of Project, Preliminary, and Site Plans with conditions.

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STAFF RECOMMENDATIONS

PROJECT PLAN RECOMMENDATION: Approval of Project Plan 91987001A subject to the following conditions:

1. Development Ceiling
The proposed development is limited to 647,497 square feet of gross floor area and 91,772 square feet of cellar area for retail and office space.
2. Building Height & Mass
The building height is limited to 192 feet as determined by the Montgomery County Department of Permitting Services standards for height measurement.
3. Public Use Space, Streetscape, & Amenities
 - a. The applicant will provide a minimum of 20% of the net site area as on-site public use space and a minimum of 30% of the net site area as combined on-site public use space and off-site amenity space.
 - b. The proposed public use space must be easily and readily accessible to the general public and used for public enjoyment.
 - c. The applicant will re-pave the Fenton Street frontage to match the paving adjacent to the existing building along Ellsworth Avenue and Colesville Road. All utility grates along Fenton Street that do not require ventilation will be covered with removable brick panels, subject to approval by the relevant utility companies.
 - d. The applicant will submit a Supplemental Plan for approval by the Art Review Panel detailing the paving, lighting, planting, site details, and artwork for the entire area of the corner mall entrance on Fenton Street and Colesville Road. Upon approval of the Supplemental Plan, the Art Review Panel will present the design to the Planning Board as a Minor Site Plan Amendment for approval and inclusion in the Certified Site Plan. The fee for this Minor Site Plan Amendment will be waived, but no use-and-occupancy permits will be granted for the office tower addition until the Supplemental Plan is approved.
 - e. The applicant will develop and manage an art exhibition space within the bridge connecting the existing building to the public garage. A copy of the management plan for this space must be submitted with the Supplemental Plan and reviewed by the M-NCPPC and the Art Review Panel prior to the release of any use-and-occupancy permits for the proposed office tower.
4. Staging of Amenity Features
 - a. The proposed project will be developed in one phase.
 - b. Landscaping to be installed no later than the next growing season after completion of the building and paving.
 - c. All site amenities and artwork will be installed before the issuance of any use-and-occupancy permits for the proposed office tower.

5. Maintenance

The Applicant will maintain all on-site public use space, amenities, and artwork to be consistently clean and usable by the public. A separate maintenance program for the proposed artwork will be submitted with the Supplemental Plan.

PRELIMINARY PLAN RECOMMENDATION: Approval of Preliminary Plan 11987190A (*Appendix A*) subject to the following conditions:

1. Approval under this Preliminary Plan is limited to one lot for 299,307 square feet of office space and 439,962 square feet of retail space, for a total floor area of 739,269 square feet, including 91,772 square feet of cellar area, resulting in a gross floor area of 647,497 square feet.
2. Final approval of the number and location of buildings, site circulation, sidewalks, plantings, lighting, site amenities, and artwork will be determined at Site Plan approval.
3. No clearing or grading may take place prior to Certified Site Plan approval.
4. The applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (DPWT) letter dated March 13, 2007, unless otherwise amended (*Appendix B*).
5. At the time of Site Plan approval, bicycle storage and other bicycle accommodations must be provided as recommended to encourage non-automobile transportation for the site.
6. Other necessary easements must be shown on the record plat.
7. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board Resolution for this Amendment.
8. All applicable conditions of the Planning Board Opinion, dated October 26, 1988 remain in full force and effect.

SITE PLAN RECOMMENDATION: Approval of Site Plan 81988046B for a total of 299,307 square feet of office space and 439,962 square feet of retail space, including 91,772 square feet of cellar space on 2.48 acres in the CBD-3 zone. All site development elements as shown on the site and landscape plans stamped by the M-NCPPC on July 11, 2007 shall be required except as modified by the following conditions:

1. Project Plan Conformance
The proposed development shall comply with the conditions of approval for Project Plan 91987001A as listed above.
2. Preliminary Plan Conformance
The proposed development shall comply with the conditions of approval for Preliminary Plan 11987190A as listed above.

3. Supplemental Plan

The Applicant will submit a Supplemental Plan to the Art Review Panel for approval, which will then be submitted as a minor site plan amendment to the Planning Board for approval before the issuance of any use-and-occupancy permits for the office tower addition. The Plan is limited to the pedestrian area from the northern retail entrance to Fenton Street and Colesville Road. Upon approval by the Art Review Panel, the Supplemental Plan will be presented to the Planning Board by M-NCPPC Development Review Staff as a Minor Site Plan Amendment for inclusion in the Certified Site Plan. The Plan will include complete layout and details of the following items:

 - a. Public artwork design and maintenance program.
 - b. Landscaping and lighting layout, details, and photometrics.
 - c. Structure and paving layout and details.
 - d. Site details and amenities.

4. Lighting

Deflectors shall be installed on all fixtures within the property boundaries causing potential glare or excess illumination, specifically on the perimeter fixtures abutting the adjacent roads.

5. Maintenance Responsibility

The applicant shall be responsible for maintaining all on-site public use space and all public amenity features.

6. Transportation
 - a. Total development under the subject site plan is limited to 739,269 square feet of retail and office space.
 - b. The Applicant must provide two inverted-U bike racks at each of the four main entrances to the office and retail portion for a total of eight on site and a storage area for ten bicycles within the office entrance.
 - c. The applicant must provide four showers accessible to all employees within the office tower.

7. Historic Preservation

Architectural modifications are limited to non-historic buildings. Specifically, no alterations of The Hecht Company building are permitted.

9. Provision of Day-Care

The applicant will comply with Condition 5 of the Site Plan Amendment Opinion dated December 7, 1989 (*Appendix C*) as modified herein:

 - a. Original Text

“Before an application for a building permit is made for the office tower, the applicant shall request a hearing before the Board in order to determine which one of the two alternative amenities detailed below shall be required:

If a satisfactory publicly-owned or privately donated site can be identified and the demand for day-care facilities has not been satisfied by existing operators, the applicant must provide, in conjunction with construction of the office-tower, a child day-care facility in accordance with a design approved by the Board and an agreement with M-NCPPC to be executed prior to building permit release for the office tower and based on the following (all payments to be adjusted from 1989 dollars to current dollars at the time of building permit):

1. A size, scope, and program as contained in the submitted business plan,
2. Responsibility for obtaining capital funding for the facility including a maximum loan amount, to be financed by the center, of 75% of the total capital cost,
3. A capital contribution of \$84,100,
4. Responsibility for a scholarship fund-raising program with a goal to raise \$50,000 annually for as long as the day care is in operation,
5. A \$10,000 annual contribution to the scholarship program for as long as the day care is in operation, and
6. Prior to the initial occupancy of the building, the day-care facility must be completed in accordance with the Agreement with M-NCPPC.

If a suitable site cannot be identified or the demand for day care has been satisfied by other operations, the applicant will be required to design and construct the following additional streetscaping elements: the streetscaping package including quality paving installed on a concrete base, lighting, and landscaping in accordance with M-NCPPC Silver Spring Streetscape Standards shall be on Fenton Street, across the street from the applicant's project, between Colesville Road and Pershing Drive. The portion of street fronting Garage 1 expansion shall be the responsibility of Montgomery County. The entire intersection of Fenton Street and Ellsworth Drive will be constructed with unit pavers on a concrete base subject to MCDOT approval."

- ii. Modified Condition: Replace the last paragraph with the following:

If a suitable site cannot be identified or the demand for day care has been satisfied by other operations, the applicant will be required to make a contribution to the M-NCPPC toward park land acquisitions or improvements in the Silver Spring CBD in the amount of \$150,000.

10. Development Program

The applicant must construct the proposed development in accordance with the Development Program. A Development Program will be reviewed and approved by M-NCPPC staff prior to approval of a Certified Site Plan. The Development Program will include a phasing schedule as follows:

- a. Landscaping associated with each pedestrian area will be completed as construction is completed.

- b. Pedestrian seating areas associated with each area will be completed as construction is completed.
- c. Phasing of dedications, site amenities, artwork installation, trip mitigation or other features.

11. Certified Site Plan

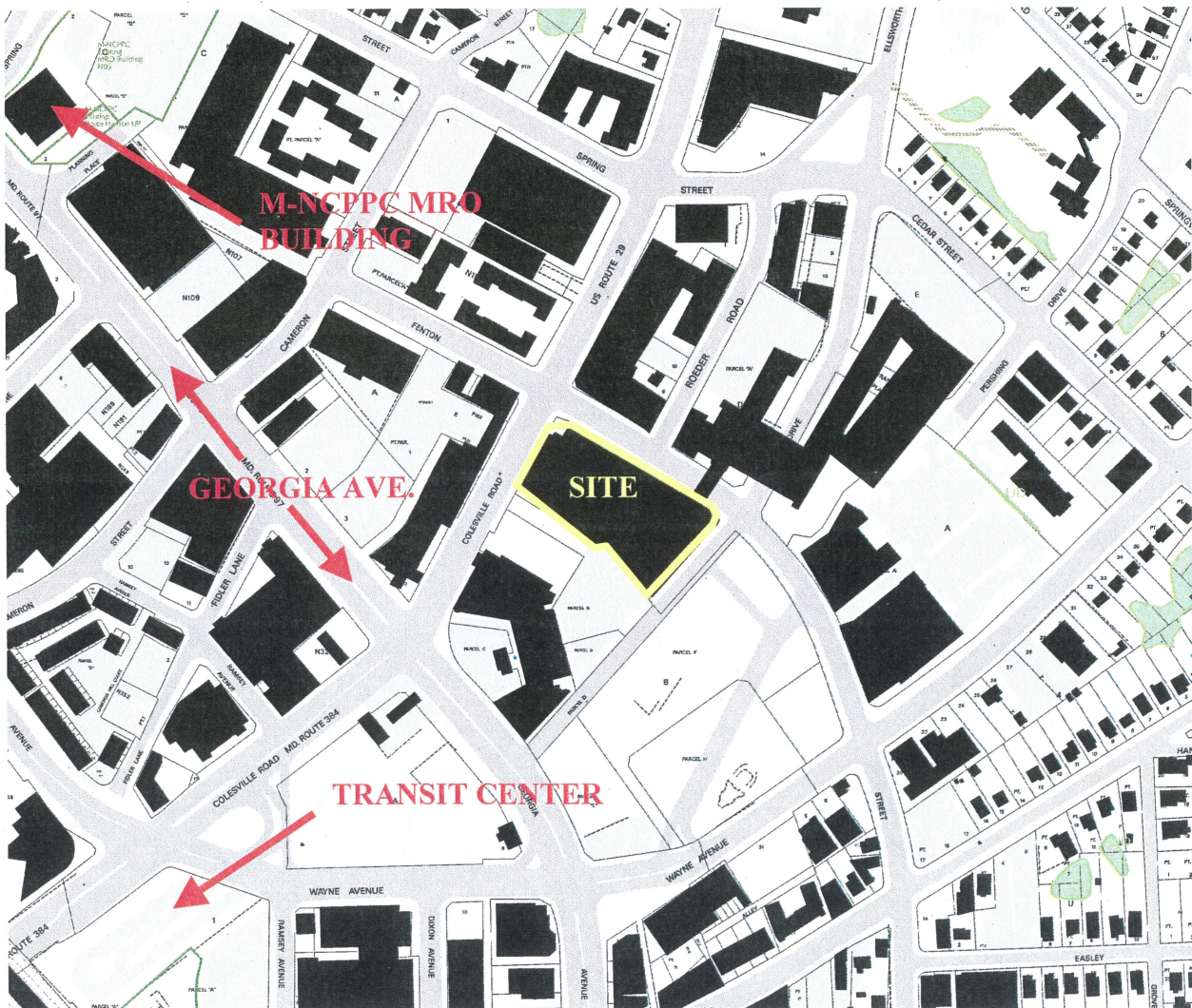
Prior to approval of the certified site plan, the following revisions must be included and/or information provided, subject to staff review and approval:

- d. Development program, inspection schedule, and Site Plan Resolution.
- e. Limits of disturbance.
- f. Revised development tabulations and phasing narrative.
- g. Revised public use space table and calculations.

PROJECT DESCRIPTION

SITE DESCRIPTION

The subject property consists of one platted lot – Lot 16 of the Edward W. Byrns subdivision. The property is 2.48 acres in gross tract area and is in the Central Business District-3 (CBD-3) Zone. The property is located in the southwest quadrant of the intersection of Colesville Road (US 29) and Fenton Street, in the Silver Spring Central Business District. The site is currently developed with the City Place mall, a five-story structure with approximately 491,235 square feet of retail space and 1,177 square feet of office space.

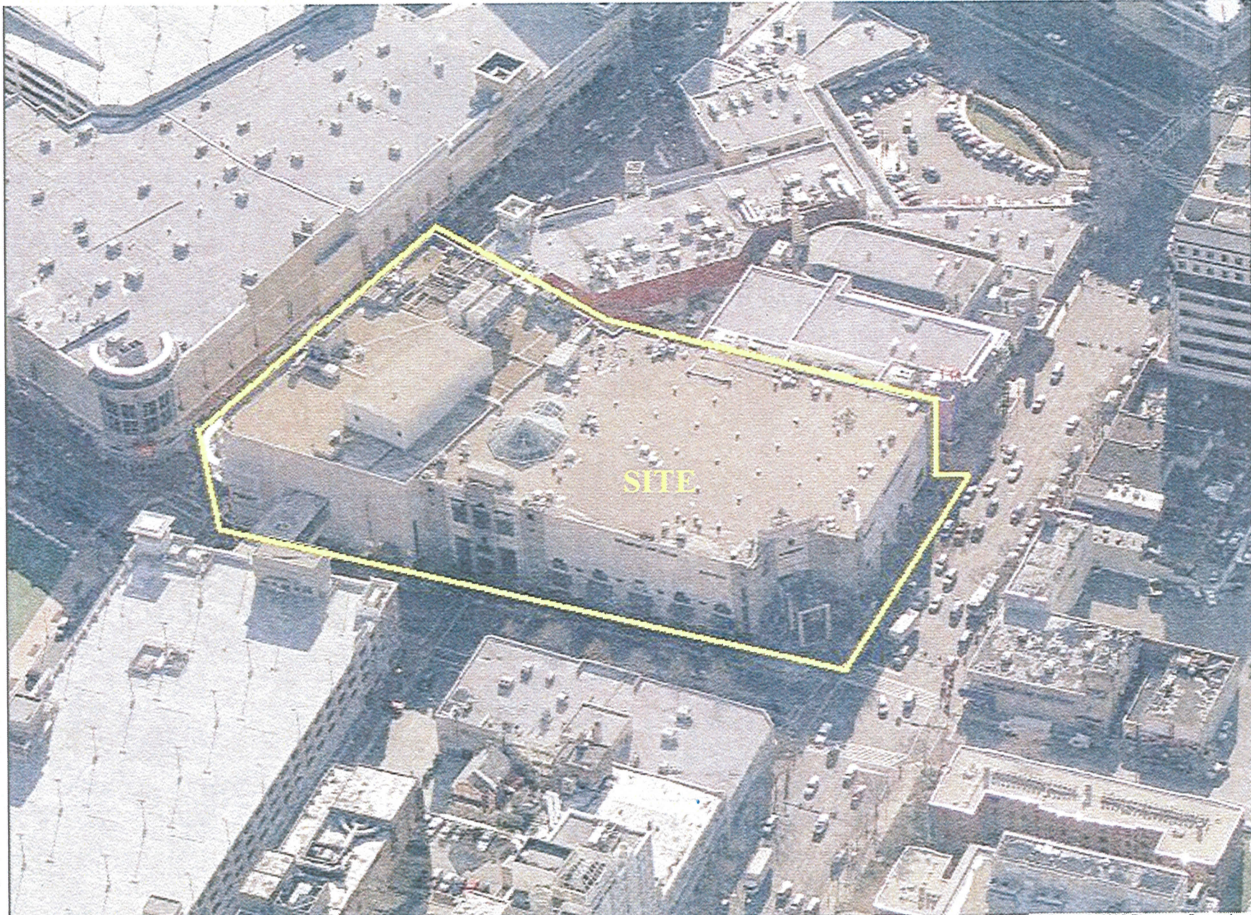


Vicinity map of subject site.

The surrounding properties are a mix of residential and commercial uses within various CBD zones. More specifically, properties north of the site, across Fenton Street, include multiple family residences within the CBD-R1 zone, restaurants and retail establishments within the CBD-2 zone, and a parking garage within the CBD-1 zone. Properties to the south of the site contain restaurants, service and retail establishments, and a movie theater within the CBD-2

zone. Properties to the east of the site, across Ellsworth Drive, contain retail establishments, a movie theater, and a parking garage within the CBD-1 zone. Properties to the west of the site, across Colesville Road, contain restaurants and retail establishments within the CBD-2 and CBD-3 zones.

The subject property is entirely developed and located in a dense urban setting. No environmental features exist on the site.



Aerial view of subject site and existing building looking south.

PROPOSAL DESCRIPTION

The Preliminary Plan application is an amendment to the previously approved City Place Preliminary Plan, 119871900. The Planning Board approved the original application in 1988, which entitled the applicant to create one commercial lot for the construction of the now-existing retail mall as well as 221,444 square feet of office space to be constructed in an eight-story tower above the mall. Although the retail mall and associated 1,177 square feet of office space were constructed according to the original approval, the office tower has not been constructed. The applicant now wishes to amend the application to allow construction of 298,130 square feet of additional office space, with 439,962 square feet of existing retail space and 1,177 square feet of

existing office space to remain. All other aspects of the previous preliminary plan approval will remain unchanged.

In addition to the additional office space and revised retail space square footages, the Project Plan application is an amendment to renovate public use space and revise the site amenity package. The footprint of the Phase II office development will be contained entirely within the footprint of the existing Phase I retail mall. Due to prior structural considerations, the proposed office tower will be set back from the surrounding streets and the façade of the existing retail mall. A new office entrance and elevator core is proposed off of Colesville Road at the western end of the existing building. The additional office space will be serviced at the existing loading areas.

The Site Plan application is an amendment to finalize the revised site data and provide details of the public use space, streetscapes, landscape and lighting.

Vehicular access for loading and unloading purposes is provided via an alley from Colesville Road on the south side of the building. No other vehicular access is proposed onto the site, and all parking is provided off site by means of the several public parking garages located throughout the Silver Spring Central Business District. One such parking garage is located directly across Fenton Street from the site and is attached to the existing retail mall via an enclosed bridge. Pedestrian access is also provided at seven entrances into the building from the public sidewalks on Colesville Road, Fenton Street, and Ellsworth Drive.

SITE DESIGN, PUBLIC USE SPACE, & AMENITIES

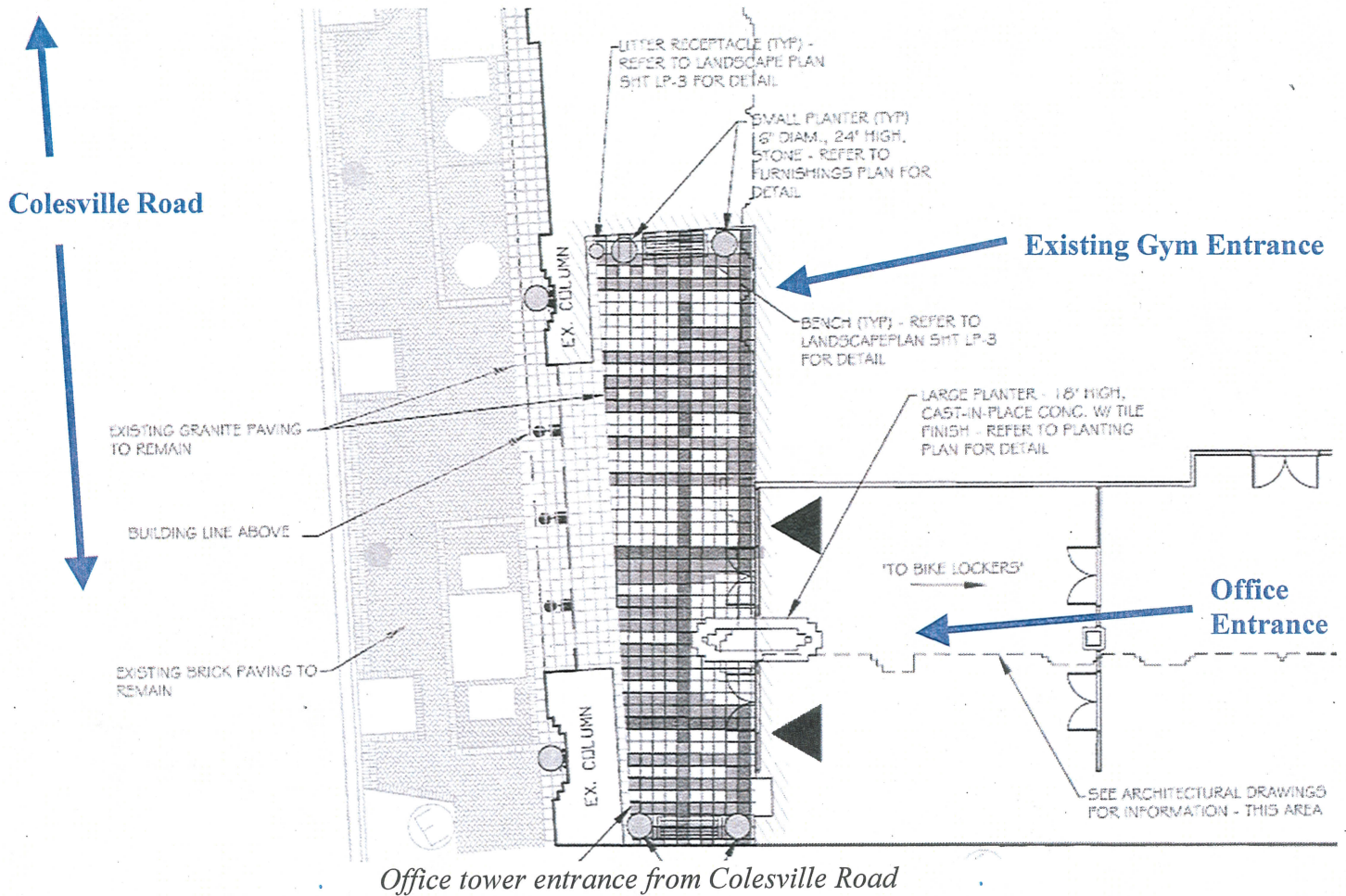
Building Design

The Applicant proposes to construct an office tower on top of the existing retail mall to a total height of 192 feet. The original project and site plans were approved for a building up to 158 feet in height. The redesign remains appropriate and context-sensitive, fits better with the existing façade, and provides more visual detail and interest. This is important because of the prominence of the building and its high visibility when entering downtown Silver Spring.

The proposed office tower will have an entrance from Colesville Road and a new elevator core from the atrium at this entrance. Access will also be possible via the retail mall. The proposed entrance and atrium will provide benches, planters, and lighting to enliven the area.

With respect to the interior of the existing retail mall and proposed addition, the existing theater will be renovated to accommodate two floors of office space and the proposed tower will house eight floors of office space. This adds up to a decrease in the total retail space from 491,235 to 439,962 square feet and an increase of the total office space from 1,177 to 299,307 square feet for a total of 739,269 square feet of leasable commercial space. It should be noted, however, that 91,772 square feet of this space is within the cellar and not counted toward the gross floor area and, thus, is not considered in the floor area ratio (FAR) for the development,

which stands at 5.99. For the most part, the existing retail mall will otherwise remain unchanged and the historic Hecht Company Store will not be altered.





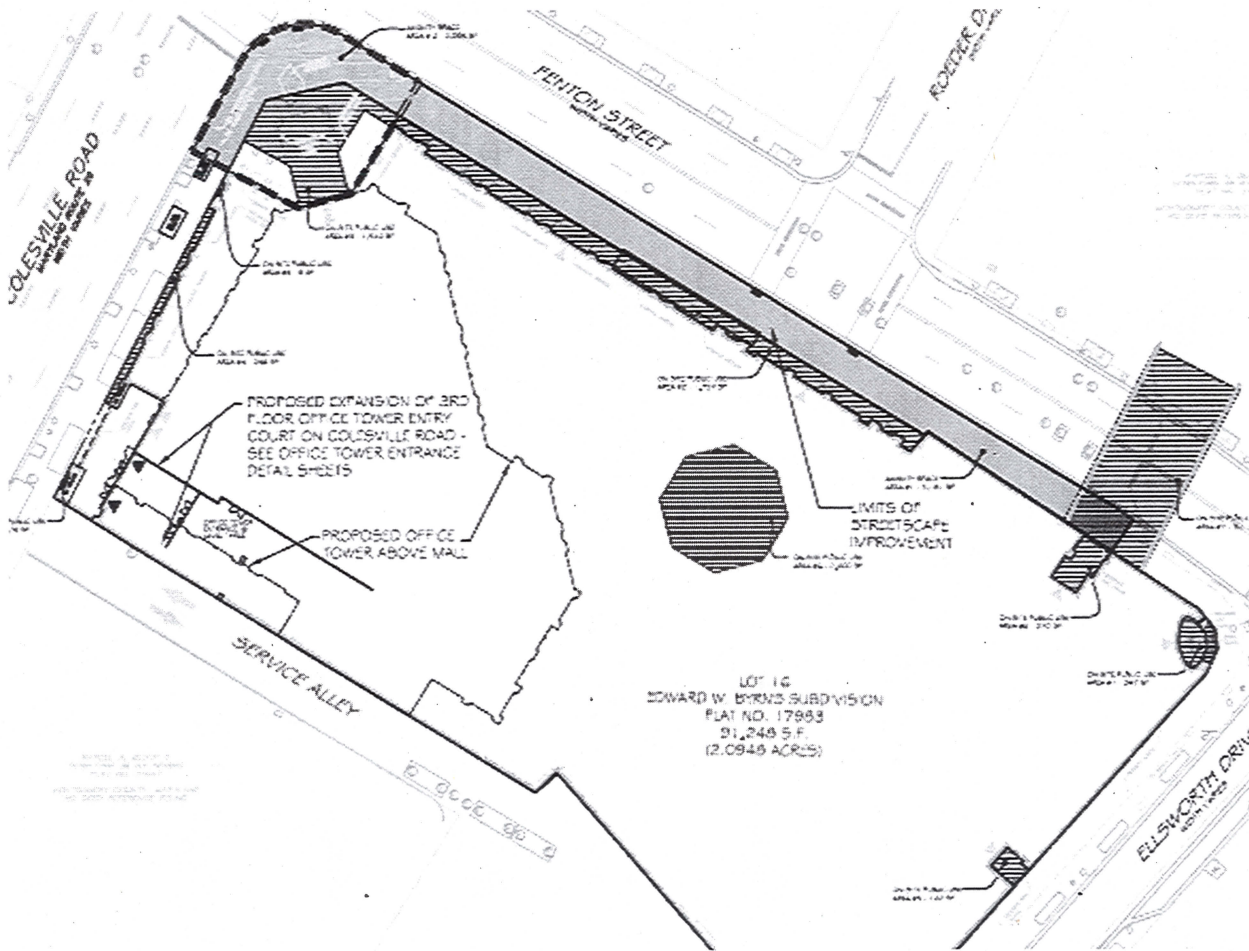
Perspective view of proposed office tower.

Public Use Space & Amenities

The original approval of the project included 18,555 square feet of public use space based on the requirement for a minimum of 20% of the net lot area of 92,075 square feet, i.e., 18,415 square feet. The subject amendment proposes 20,612 square feet of public use space and 5,181 square feet of off-site amenity space broken out into several areas according to the following table:

Streetscape within the property boundary	4,204 square feet
Interior atrium space	2,000 square feet
Pedestrian bridge to the public parking garage	3,113 square feet
Credit for Kuhn Park	<u>11,295 square feet</u>
Total "On-Site" Public Use Space	20,612 square feet
Renovation of off-site paving along Fenton Street frontage	5,181 square feet
Total Public Use and Amenity Space	25,793 square feet

There are two clarifications to be made. First, the Applicant is requesting credit for their improvements of Kughn Park during the construction of Phase I, which we have agreed with despite their having received compensation for the annexation of that site. Also, the pedestrian bridge, although constructed by the Applicant during Phase I, is not within the property line boundaries of the subject site but is included in the “on-site” calculations as it was in the previous approvals. Second, the total off-site Public Amenity Space will increase when the Applicant renovates the entrance at the corner of Fenton Street and Colésville Road to approximately 7,000 square feet, which will bring the total public use space calculation to 27,600 square feet. This is still only about 30% of the revised net lot area of 91,248 square feet (due to alterations in dedications).



Public use space plan.

A typical optional method project in the Silver Spring CBD provides between 40% and 60% of its net lot area as Public Use and Amenity Space (20% on-site and the balance off-site). This range takes into account the range of other amenities provided and how much the respective applicants have “maximized” their density allowance. The proposed development is requesting the full optional-method FAR and the maximum height limit (within eight feet). As the Memorandum from Community Based Planning Staff, dated July 6, 2007 (Appendix D) has elucidated, the approvals for this project expired when the office tower was not built within the approved conditional timeline. Thus, we believe the proposed amendment is more similar to a

new project rather than a typical amendment and that public use-space and amenities should be in keeping with a much higher average than is currently being proposed.

As such, we have requested the renovation of the corner entrance at Fenton Street and Colesville Road, which the Applicant has agreed to. We also believe the original condition to provide day care should be retained in addition to the proposed public-use space renovations and additions of art and art programs with the modification proposed in the Project Plan Conditions. That modification allows the Applicant to contribute \$150,000 to a park acquisition and improvement fund rather than aiding in the provision of day care within the CBD. This amount is based on two approximations. The first is that the original capital contribution of \$84,100 and the \$10,000 initial scholarship payment from the original 1989 condition is equal to approximately \$154,000 as adjusted for inflation. The second is that the alternative provided in the original condition to build the streetscape improvements on the opposite side of Fenton Street would have been about 7,500 square feet of paving, lighting, and landscaping. The average cost of providing the standard Silver Spring Streetscape (limited in this case to paving, lighting, and landscaping) is between \$15 and \$25 per square foot. Using the average cost to calculate the original area of required improvements yields \$150,000.

The renovation of the entrance at the corner of Fenton Street and Colesville Road is still a work in progress and has been reviewed once by the Art Review Panel. Given their suggestions, the Applicant has agreed to revise their plans and look more holistically at the architecture, landscape, site design, and art work for the area and make further submissions to the Art Review Panel before they obtain final approval. This Supplemental Plan will then be presented to the Planning Board as a Minor Site Plan Amendment for approval and incorporation in the Certified Site Plan. A second part of the proposed art program is the installation and maintenance of an area for local artists to display their work within the pedestrian bridge from the retail mall to the public parking garage. The applicant is working with a local arts consultant to determine the details of the management of this space and will provide a detailed plan to the Art Review Panel with the Supplemental Plan.

Given the site constraints and the history of the project, we believe the integration of art works, art display space, and streetscape renovation is of great importance to downtown cultural life. The landscape and architectural renovations and job creation will continue to expand the success of the Downtown Silver Spring revitalization.

PLANNING & REGULATORY FRAMEWORK

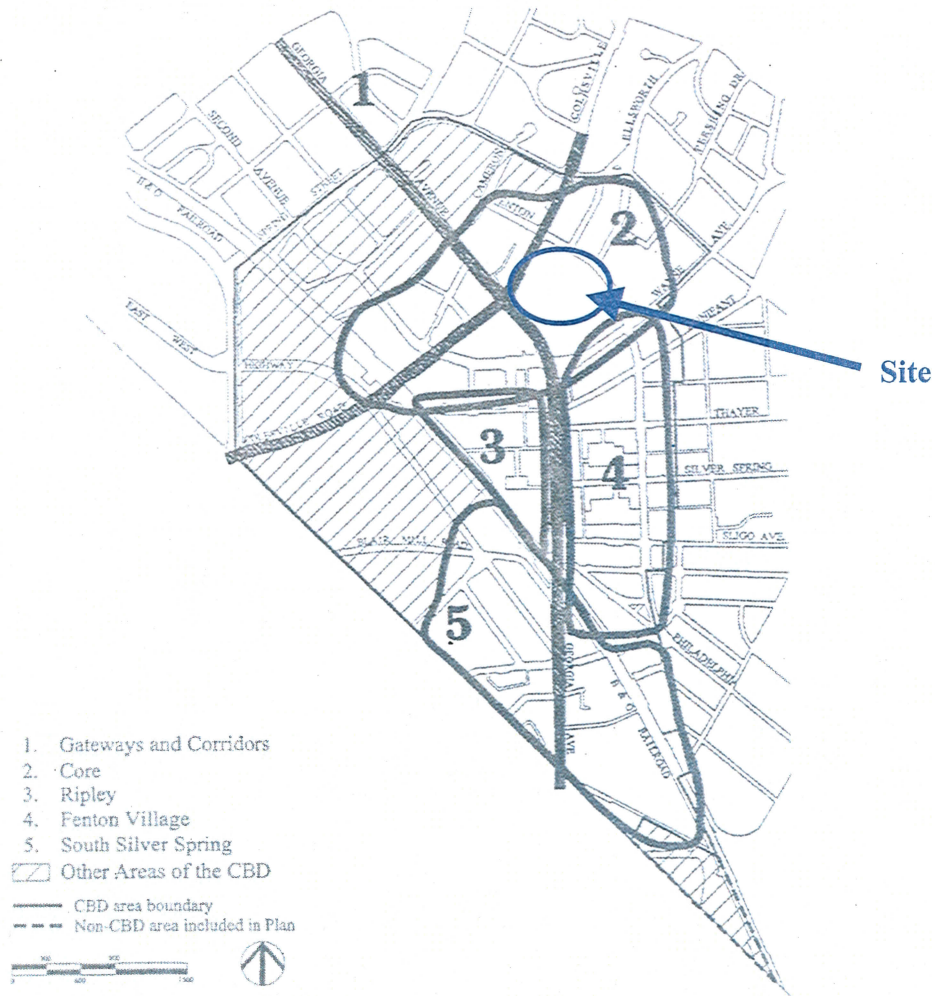
PREVIOUS APPROVALS

In 1988, The Montgomery County Planning Board approved the project plan (919870010), the preliminary plan (119871900), and the site plan (819880460) for 648,764 square feet of commercial floor area, including 96,314 square feet of cellar space that is not included in the FAR calculation. Both the preliminary plan and the site plan were amended. And, although there was no change in approved square footage, there was a significant condition added to the site plan:

13. Construction for the office tower must commence (a) within four (4) years following initial occupancy of the retail mall or (b) within one (1) year following commencement of construction of Georgia Avenue/Colesville Road intersection improvements 1.A and 1.B (from the August 8, 1988 Transportation Division memo attached to Preliminary Plan [119891900]), whichever occurs later. If construction of the Georgia Avenue/Colesville Road intersection improvements by either the County or the applicant have not been started within ten (10) years of initial occupancy of the retail mall, then construction of the office tower may not begin.

We take this to mean that a thorough review of the proposed plan including a revised submission of data to reassess the Adequate Public Facilities and Public Use Space and Amenities is required due to the expiration of this timeline. Phase I was completed according to the previous approvals.

SECTOR PLAN

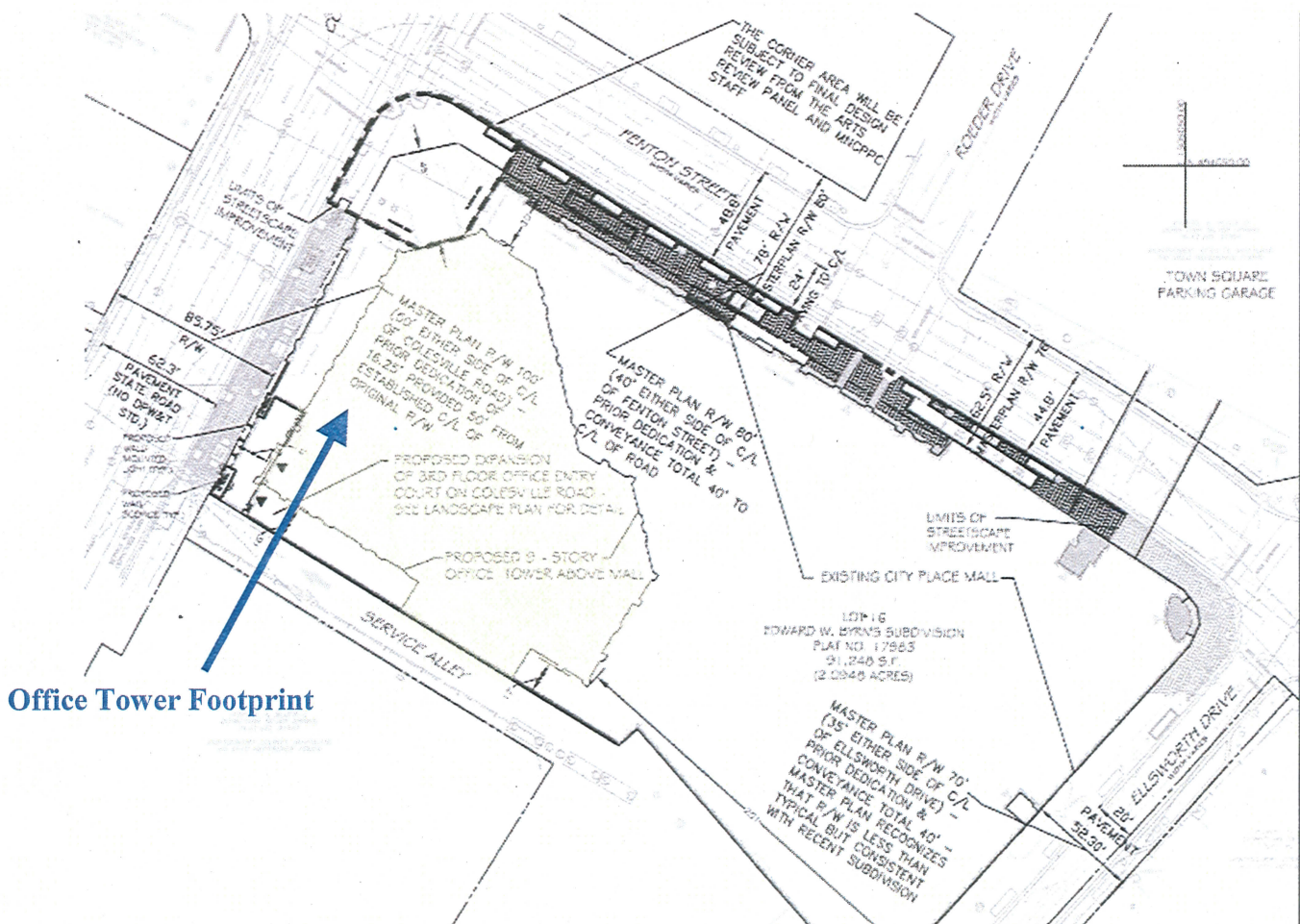


Silver Spring CBD

The Silver Spring Central Business District outlines six themes that articulate the shared goals and vision for a revitalized Silver Spring. Three of these themes (i.e., a commercial downtown, a pedestrian-friendly downtown, and a transit-oriented downtown) apply to the proposed project. The proposed project expands the employment base in the downtown and does so in proximity to transit facilities. It encourages active urban streets by providing building entrances on Colesville Road and Fenton Street. It will also make the downtown more pedestrian-friendly through the provision of streetscape improvements.

PROJECT PLAN

The subject Project Plan Amendment was filed on August 16, 2007 and accepted for review on February 2, 2007. According to Section 59-D-2.6(b)(1) "Any action taken by the Planning Board to amend or revise a previously approved plan, whether such amendment is limited or comprehensive in scope will be considered a major amendment." This application is subject to a complete and detailed analysis of the regulations, standards, and purposes of the applicable zone (in this case, CBD-3).



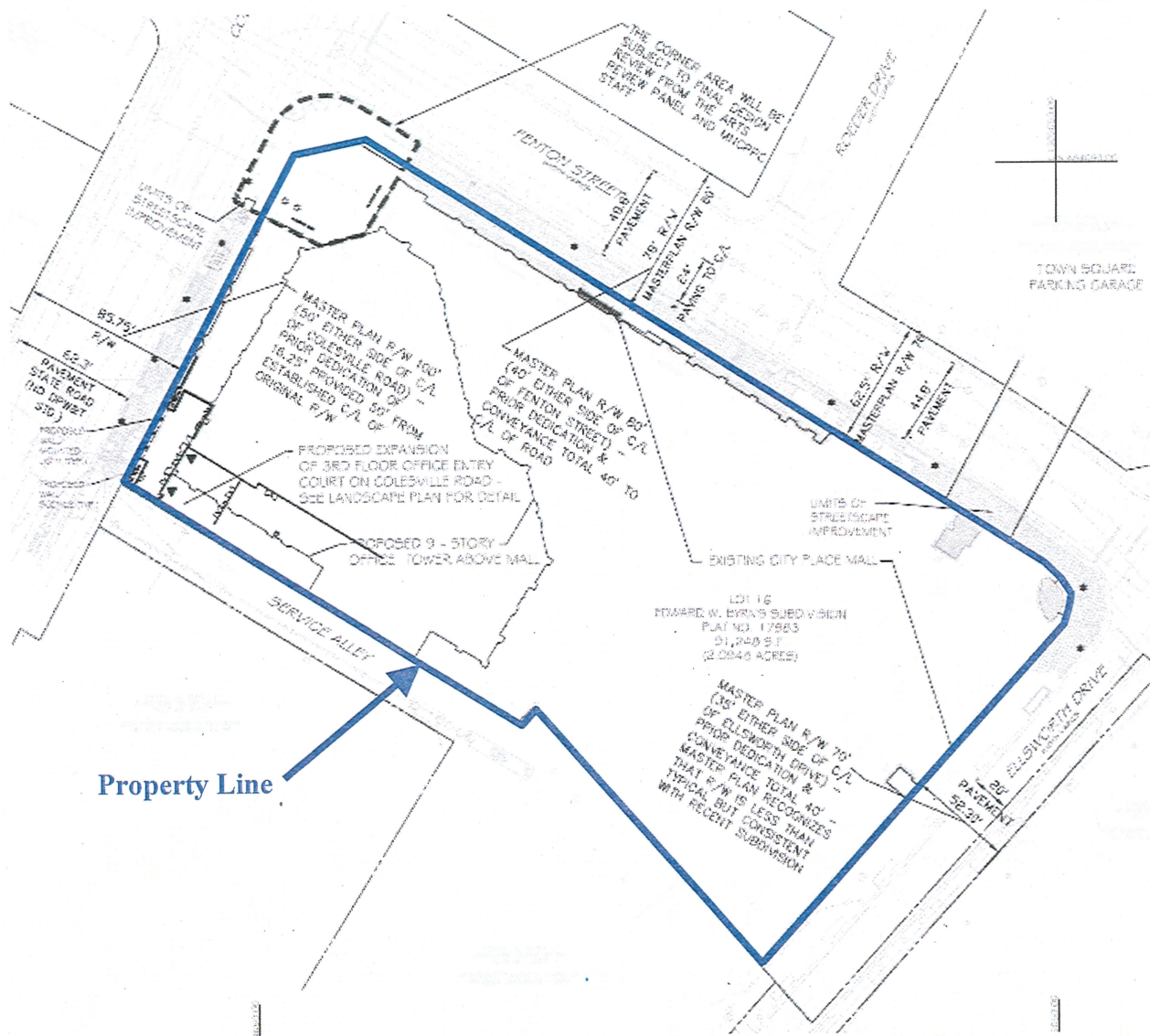
Amended Project Plan

In reaching its determination on a Project Plan the Planning Board must consider the following:

- (a) The nature of the proposed site and development, including its size and shape, and the proposed size, shape, height, arrangement and design of structures, and its consistency with an urban renewal plan approved under Chapter 56.
- (b) Whether the open spaces, including developed open space, would serve as convenient areas for recreation, relaxation and social activities for the residents and patrons of the development and are planned, designed and situated to function as necessary physical and aesthetic open areas among and between individuals structures and groups of structures, and whether the setbacks, yards and related walkways are located and of sufficient dimensions to provide for adequate light, air, pedestrian circulation and necessary vehicular access.
- (c) Whether the vehicular circulation system, including access and off-street and loading, is designed to provide an efficient, safe and convenient transportation system.
- (d) Whether the pedestrian circulation system is located, designed and of sufficient size to conveniently handle pedestrian traffic efficiently and without congestion; the extent to which the pedestrian circulation system is separated from vehicular roadways so as to be safe, pleasing and efficient for movement of pedestrians; and whether the pedestrian circulation system provides efficient, convenient and adequate linkages among residential areas, open spaces, recreational areas, commercial and employment areas and public facilities.
- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, lighting and signs, in relation to the type of use and neighborhood.
- (f) The adequacy of provisions for construction of moderately priced dwelling units in accordance with Chapter 25A if that Chapter applies.
- (g) The staging program and schedule of development.
- (h) The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.
- (i) The adequacy of water resource protection measures proposed to meet any requirements under Chapter 19.

PRELIMINARY PLAN

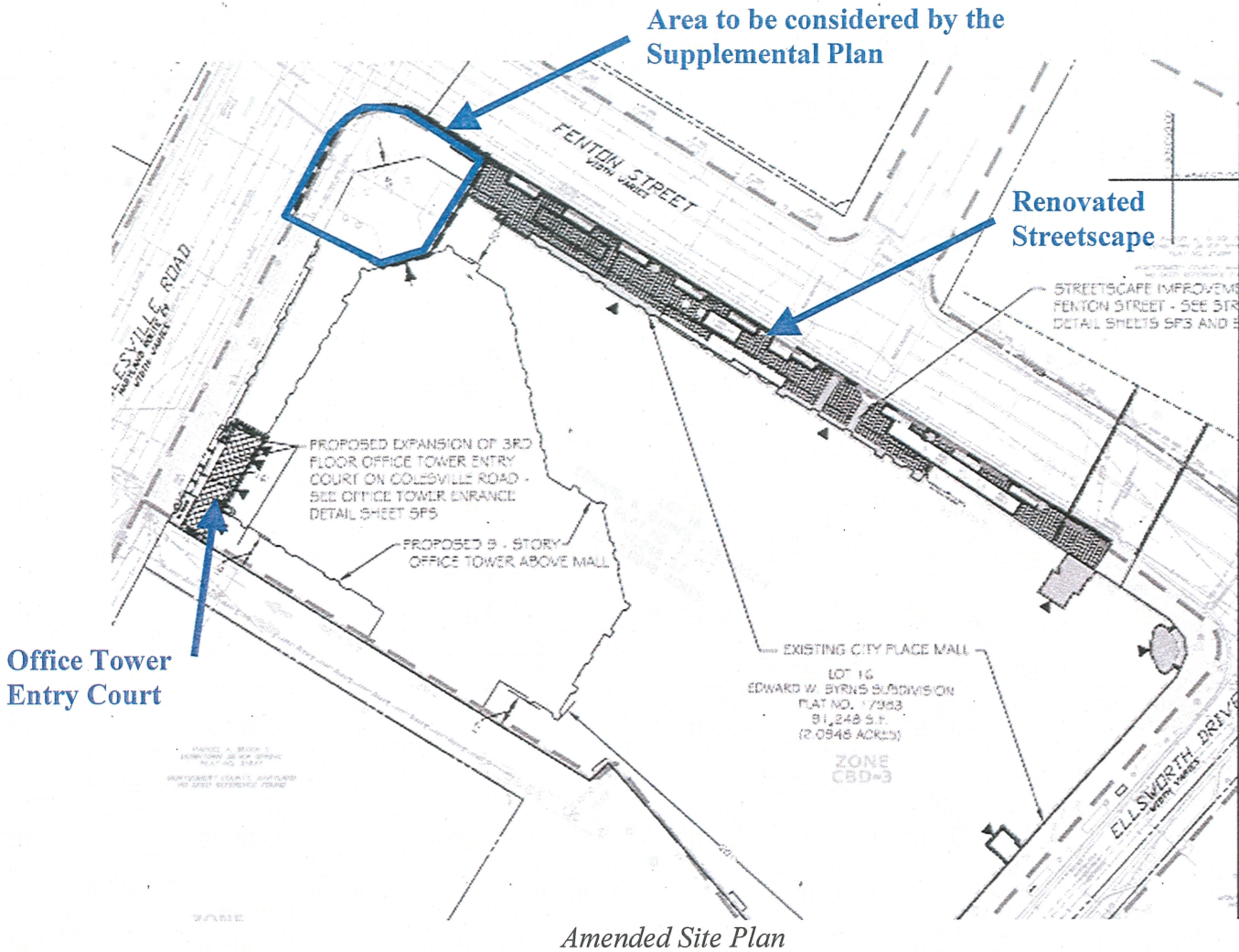
The subject Preliminary Plan Amendment was filed on August 16, 2007 because the previous approvals had expired. There are no regulations governing amendments to expired Preliminary Plans. Instead all changes to approved subdivisions or resubdivisions after expiration are treated as new proposed development, hence, new APF and LATR analyses were required and are addressed in the Findings Section of this Staff Report. The interagency Development Review Committee has reviewed the proposed Preliminary Plan Amendment (as well as the Site Plan and Project Plan Amendments) and the Applicant has responded to each agency's concerns unless noted in the Conditions of Approval. The site is exempt from Forest Conservation Law and does not require an updated Stormwater Management Concept Approval.



Amended Preliminary Plan

SITE PLAN

According to Section 59-D-3.7 of the Montgomery County Zoning Ordinance, a property owner may apply for an amendment to an approved Site Plan. Notice of the pending Site Plan Amendment must be posted on-site and all adjacent and confronting property owners and registered civic organization in the area of the property must be notified of the pending Amendment. The applicant has furnished Staff with evidence that this was correctly completed. Further, a public pre-submission hearing was held on June 20, 2006. Review of this Amendment is subject to the same requirements, analysis, and findings as a new Site Plan.



Amended Site Plan

ANALYSIS AND FINDINGS

PROJECT PLAN FINDINGS

Section 59-D-2.42 of the Zoning Ordinance establishes the findings, which must be made by the Planning Board and forms the basis for the Board's consideration of approval. In accordance herewith, the Staff makes the following findings:

- (a) *As conditioned, the proposal complies with all of the intents and requirements of the zone.*

Intents and purposes of the CBD zones

The Montgomery County Zoning Ordinance states the purposes, which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

- (1) *“To encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under Chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal project plan is approved on review by the Planning Board.”*

The Project Plan proposes to use the optional method of development and is in conformance with the Silver Spring Central Business District and Vicinity Sector Plan. The plan utilizes the optional method of development standards and conforms to the goals of the Sector Plan. The proposed development is an office building constructed above a retail mall. Office and commercial retail uses are permitted in the CBD-3 Zone.

The proposed building height is 192 feet, which is in conformance with the Montgomery County Zoning Ordinance that permits buildings up to 200 feet in height under the optional method if, during Site Plan review, the Board finds that the height will not adversely affect surrounding properties. Staff believes that there are no adverse affects on the surrounding properties and that, in fact the increased density and employment base will be beneficial for local businesses – as there are no adjacent residential sites. The proposal reflects a floor area ratio (FAR) of 5.99. The maximum allowed density is 6.0.

The Project Plan will accomplish important Sector Plan objectives as outlined in the Regulatory Section of the Staff Report. Namely, the proposed project expands the employment base in the downtown and does so in proximity to transit facilities. It encourages active urban street by providing building entrances on Colesville Road and Fenton Street. And it will make the downtown more pedestrian-friendly through the provision of streetscape improvements.

- (2) *“Permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents.”*

The project plan responds to the need for an employment base in the downtown Silver Spring area. By retaining the retail space, the project will continue to meet the needs of workers, shoppers, and nearby residents.

Under the Optional Method, this project encourages the development of active urban streets by providing public spaces along street edges and improves the quality of the pedestrian environment within the improved streetscapes. The improved streetscape, along with the public amenities, addresses the need for public interaction to enhance the ambiance of downtown Silver Spring. This project will also increase the vitality of downtown Silver Spring and add to the economic infrastructure for commercial and retail businesses.

- (3) *“To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.”*

The proposed project has little effect on the ground-level relationships between buildings because the proposed office tower is to be built on the existing retail mall and set back from the street. But visually the office tower will become an important focal point on the Silver Spring skyline. The new office lobby and increased use of the pedestrian bridge by employees will strengthen the entire project’s relationship to existing sidewalks. There are no changes to vehicular circulation proposed by this Amended Project Plan.

In all, the amended project will provide a compatible and desirable relationship with adjacent and surrounding uses. The design provides an effective relationship with adjacent uses and amenities and allows for a more interactive pedestrian environment due to the upgraded streetscape and artwork.

- (4) *“To promote the effective use of transit facilities in the central business district and pedestrian access thereto.”*

The proposed development is located two blocks from the Silver Spring Metro Station. This proximity to transit facilities as well as other downtown shopping, restaurants, and cultural establishments will help alleviate the dependency on the automobile for the employees of the development. The streetscape improvements along Fenton Street and Colesville Road will facilitate the desire for pedestrian connectivity to the metro station core areas of development within Silver Spring.

The applicant will also provide amenities for employees commuting by bicycle and enter into a traffic mitigation agreement (TMA) with the Planning Board to help the Project achieve the non-driver commuting goal for development in the Silver Spring CBD. The TMA will outline possible transit alternatives, monitoring of the program and commuter display information.

- (5) *“To improve pedestrian and vehicular circulation.”*

This project plan encourages the development of active urban streets and improves the quality of the pedestrian environment by providing the enhancement to the streetscape as prescribed in the Silver Spring Streetscape Plan (April 1992) Technical Manual, as amended, and through the inclusion of public art. Vehicular circulation is unchanged.

The streetscape improvements along Fenton Street and Colesville Road, as well as the new office tower entrance on Colesville Road, facilitate the desire for pedestrian connectivity to the bus and metro station. The streetscape improvements are being expanded along Fenton Street to complement that portion of the streetscape frontage

along Colesville Road and Ellsworth Drive. The several existing entrances to the retail mall and gym provide easy pedestrian access to the site.

- (6) *“To assist in the development of adequate residential areas for people with a range of different incomes.”*

The project does not propose any residential units. This is in keeping with the vision of the core area as an employment and retail center of the Central Business District.

- (7) *“To encourage land assembly and most desirable use of land in accordance with a sector plan.”*

The project plan responds to the need for employment opportunities in downtown Silver Spring and addresses the need for smart growth policies where infrastructure, community facilities and elements of an urban district already exist. The project is not creating any new lots and the proposed building footprint is above an existing retail mall, thus requiring no assemblage or partition of land. The Project Plan introduces almost 300,000 square feet of office space into an existing framework of commercial, retail, and cultural uses in downtown Silver Spring, further encouraging revitalization in the CBD.

Further intents of the CBD-3 Zone

Section 59-C-6.213(b) of the Zoning Ordinance states that it is further the intent that the CBD-3 zone to:

“Foster and promote the orderly development of the CBDs of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable urban environment.”

The proposed development will enhance the economic status of the county by providing additional employment opportunities within the core area of the Silver Spring CBD. Increasing the employment base through the addition of almost 300,000 square feet of office space will expand the CBD workforce in an area that is currently expanding other retail and residential opportunities. Further, the renovation of the streetscape and public artwork will enhance the urban environment for all of the county’s citizens and visitors.

Requirements of the CBD-1 Zone

The following table demonstrates the conformance of the Project Plan with the development standards under the Optional Method of Development.

PROJECT DATA TABLE FOR CBD-1 ZONE

Development Standard	Permitted/ Required	Previously Approved	Proposed
Gross Tract Area (square feet):	18,000	103,370	108,144
Net Site Area ¹ (square feet):	N/A	103,370 ²	91,248 ³
Floor Area Ration (FAR)	6.0	5.34	6.0
Building Height (feet):	143/200 ⁴	158	192
Public Use Space (% of net lot area):			
On-Site	20% (18,250 SF)	20.1% (18,555 SF)	22.5% (20,216 SF) ⁵
Off-Site			5.7% (5,181 SF)
Total			28.2% (25,397 SF)
Parking	1822	none	none ⁶

Amenities and Facilities Summary

On-Site Improvements

- Renovation of corner entrance plaza at Fenton Street and Colesville Road including new public art feature, paving, landscaping, and lighting.
- Installation of art display area in the pedestrian bridge to the public parking garage.
- New entry plaza and lobby to the proposed office tower.

Off-Site Improvements

- Replacement of brick paving along Fenton Street with herringbone pattern to match existing sidewalks along Ellsworth Drive and Colesville Road frontages.
- Removal of metal utility grates along Fenton Street, whenever possible subject to utility company approvals.

¹ Net Site Area is calculated after the dedication of 16,896 square feet of previous recorded dedications on Plat Numbers 17983, 1602, and 2717.

² Including Kuhn Park at 11,295 square feet.

³ Reflects additional previous dedications of 16,896 square feet.

⁴ The Montgomery County Zoning Ordinance permits buildings up to 143 feet normally or up to 200 feet in height under the optional method if, during Site Plan review, the Board finds that the additional height will not adversely affect surrounding properties.

⁵ Including 11,295 credit for Kuhn Park.

⁶ The proposed development is within the Silver Spring Parking District and is not required to provide any parking on site; however, the project is subject to the Parking District Tax.

- There is also a condition to provide a local daycare facility or contribute to a park acquisition and improvement fund.
- (b) *The proposal conforms to the approved and adopted Master or Sector Plan or an Urban Renewal Plan approved under Chapter 56.*

Zoning and Land Use

The 91,248 square foot property is zoned CBD-3 (Central Business District, 3.0). The approved Sector Plan recommended CBD-3 zoning for this site and this zoning was applied through the Sectional Map Amendment adopted on July 18, 2000 per County Council Resolution 14-600. The zone permits up to 6 FAR, which is the maximum proposed under the subject application.

In 1988 and 1989 the Planning Board approved project and site plans for City Place that provided for the construction of a shopping mall with an office building over it, up to a maximum of height of 158 feet. These approvals stipulated that construction of the office tower must commence within four years following the occupancy of the retail mall, or within one year of certain intersection improvements. Since this did not occur, the approval of the office tower expired.

The original application included a 2,000 square foot lower level atrium as part of the required Public Use Space, subject to certain conditions. It also included an area known as "the annex site" within the proposed Public Use Space. The finished public space at the annex site, renamed Kughn Park, was acquired by Montgomery County for a financial consideration as part of the Downtown Silver Spring Urban Renewal project.

The proposed development calls for a 299,307 square foot office building on top of the existing City Place Mall. The vacant movie theaters on the top of the mall would be converted to office space. The resulting building would be 192 feet tall; however, it would be stepped back from Colesville Road in accordance with the original City Place approvals, which called for the 160-foot office tower to "be stepped back as much as possible so as to avoid conflict with the pedestrian scale of Colesville Road". Primary public access to the new office building would be through a new entrance on Colesville Road. No parking is proposed on site to serve the proposed use.

As part of the subject application, the Applicant has proposed to redesign the existing public space at the intersection of Colesville Road/Fenton Street to make it more useful and inviting. They have also proposed to improve the streetscaping along Fenton Street and are counting this as part of their off-site amenity package.

Sector Plan Conformance

The Silver Spring Central Business District Sector Plan outlines six themes, which articulate the shared goals and vision for a revitalized Silver Spring. Three of these themes apply to the proposed project:

- A commercial downtown,
- A pedestrian-friendly downtown, and
- A transit-oriented downtown.

The proposed project expands the employment base in the downtown and does so in proximity to transit facilities. It encourages active urban streets by providing building entrances on Colesville Road and Fenton Street. It will make the downtown more pedestrian-friendly through the provision of streetscape improvements.

- (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 project is complementary to the range of commercial and cultural uses of the surrounding neighborhood. The design and scale of the project, pedestrian and vehicular circulation, and improvements to the streetscape provide an enhanced and interactive relationship with the core of downtown Silver Spring. The surrounding and adjacent properties are a mix of different uses, building heights and massing that is integral to the vitality of an urban downtown area. The proposed development is compatible with the existing development occurring in downtown Silver Spring and encourages redevelopment of nearby properties in the CBD.

- (d) *As conditioned, the proposal 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 project proposes office uses amid an existing context of commercial, residential, and cultural uses within the downtown Silver Spring area. Because the site is located within the Silver Spring Parking Lot District Parking, parking for the proposed office tower will be provided in local parking lots and garages through a previously approved arrangement during the original project plan approval for the provision of 1,824 spaces. If parking were required, 2,390 spaces would be necessary.

Staff believes the Applicant is promoting smart growth within the urban environment by providing bicycle facilities and developing near the existing Silver Spring Metro Station and will, therefore, not overburden existing public services by the proposed project. In addition, the improvements that are being made to the streetscape facilitate and encourage pedestrian accessibility to the metro and encourage the future employees and retail patrons to take advantage of existing infrastructure.

- (e) *The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The Optional Method of Development permits a more efficient and desirable development than can be obtained using the standard method of development. The Project Plan proposes to use the optional method of development and is in conformance with the goals and objectives of the Silver Spring Sector Plan. The proposed development intends to maximize its total floor area on site to 739,269 square feet, including 91,772 square feet of cellar space. In return for this increased density, the project will include a significant new public use space and art amenity at the corner of Colesville Road and Fenton Street as well as other amenities on site as detailed above.

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

There is no proposed residential development.

- (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 on 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:*

The proposed project will be built on one existing lot and is entirely within the CBD-3 Zone.

- (h) *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

The property is exempt from forest conservation requirements.

- (i) *As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

The applicant has been granted an exemption from additional Stormwater Management requirements.

PRELIMINARY PLAN

Master Plan Compliance

The Silver Spring Central Business District Sector Plan recommends that the Subject Property be zoned CBD-3, which was accomplished through a Sectional Map Amendment in July 2000. The proposed subdivision complies with the recommendation adopted in the sector plan in that three of the goals for revitalizing Silver Spring listed in the sector plan are supported by the project: a commercial downtown, a pedestrian-friendly downtown, and a transit-oriented downtown. The proposed project expands the employment base in the downtown and does so in

proximity to transit facilities. It encourages active urban streets by providing building entrances on Colesville Road and Fenton Street and it will make the downtown more pedestrian-friendly by providing streetscape improvements.

Transportation

Site Location, Access, and Circulation

The subject property is located southeast of Colesville Road (US 29) and southwest of Fenton Street in the Silver Spring CBD Metro Policy Area. The applicant is not proposing to modify existing vehicle access, which is from the public garage to the north of the site and a loading bay off an alley to the south of the site. A new pedestrian entrance to the office component of the project will be added to the southwest corner of the building on Colesville Road.

Master Planned Roadways and Bikeways

The adjacent roadways are listed in the *2000 Silver Spring CBD Sector Plan* and *2005 Countywide Bikeways Functional Master Plan*. Colesville Road is designated as a major highway, M-10, with an existing 100-foot right-of-way. Fenton Street is designated as an arterial street, A-264, with an 80-foot right-of-way. While the total right-of-way for Fenton Street varies slightly and is less than the full master plan required 80 feet, 40 feet from the centerline exists along the subject property frontage and no further dedication is needed from this applicant at this time.

Local Area Transportation Review

According to the traffic study submitted in March 2007, the table below shows the number of peak-hour vehicular trips generated by the proposed land uses during the weekday morning and evening peak periods, 6:30 to 9:30 AM and 4:00 to 7:00 PM. Trips generated by the existing portion of the mall are accounted for in the existing traffic counts reported in the study.

Table 1 – Trip Generation of Additional development

Proposed Land Uses	Proposed	Weekday Peak-Hour Trips	
		AM	PM
Office	290,000 SF	406	406
Retail (Removal)	40,000 SF	- 20	-80
Total Vehicular Trips Proposed		386	326

In the traffic study, the table below shows the resulting Critical Lane Volume (CLV) values for the existing, background, and the total future traffic conditions. The background traffic condition includes existing traffic plus traffic generated by approved developments.

Table 2 – Results of Intersection Capacity Analysis

Intersection	Weekday Peak- Hour	Traffic Condition		
		Existing	Background	Total
1. Georgia Avenue (MD97) & Spring Street	AM	1,176	1,221	1,264
	PM	1,080	1,242	1,284
2. Georgia Avenue (MD97) & Cameron Street	AM	1,081	1,201	1,220
	PM	866	927	973
3. Colesville Road (US29) & Georgia Avenue (MD97/US29)	AM	1,372	1,423	1,436
	PM	910	961	963
4. Georgia Avenue (US 29) and Wayne Avenue	AM	1,196	1,281	1,290
	PM	1,301	1,349	1,367
5. Georgia Avenue (US 29) and Bonifant Street	AM	997	1,064	1,065
	PM	1,017	1,063	1,063
6. Georgia Avenue (US 29) and Silver Spring Avenue	AM	659	697	698
	PM	772	808	808
7. East-West Hwy (MD410) & Colesville Road (MD384)	AM	1,127	1,133	1,158
	PM	1,610	1,627	1,628
8. Colesville Road (US29) and Wayne Avenue	AM	880	902	906
	PM	792	814	832
9. Colesville Road (US29) & Fenton Street	AM	943	987	1,039
	PM	1,038	1,079	1,132
10. Colesville Road (US 29) and Spring Street	AM	1,123	1,251	1,294
	PM	1,248	1,289	1,343
11. Fenton Street and Cameron Street	AM	473	588	595
	PM	644	683	733
12. Fenton Street and Ellsworth Drive	AM	419	483	498
	PM	678	714	807
13. Fenton Street and Wayne Avenue	AM	842	888	907
	PM	1,060	1,102	1,111
14. Fenton Street and Bonifant Street	AM	684	707	710
	PM	849	874	889
15. Fenton Street and Thayer Avenue	AM	719	749	752
	PM	878	914	929
16. Spring Street and Cameron Avenue	AM	638	836	853
	PM	1,074	1,348	1,350
17 Cedar Street and Ellsworth Drive	AM	195	285	303
	PM	368	444	505

As noted in the table, the weekday peak-hour Critical Lane Volume at all of the study intersections is below the Silver Spring CBD Policy Area congestion standard of 1,800.

Pedestrian Access and Transit

Pedestrian access and facilities are provided on all public streets bordering the site, including sidewalks built to Silver Spring streetscape standards on Colesville Road (US 29), Fenton Street, and Ellsworth Drive. Ellsworth Drive, along the frontage of the building, is partially controlled by the Downtown Silver Spring development, though a ribbon of public dedication exists in front of this site and will remain in the future. Additional accommodations at the time of site plan will enhance non-motorized access to the site.

Recommendations such as bicycle racks to serve the general public, bicycle lockers or a bike storage room to serve the employees of the building, and other facilities to further encourage bicycle travel to the building will be identified and located at time of site plan review. Two of Montgomery County's newer bus shelters are on the site, one on Colesville Road and one on Fenton Street. The site is also approximately 1,600 feet from the Silver Spring Metrorail station and future Sarbanes Transit Center.

The proposed vehicular and pedestrian access for the subdivision will be safe and adequate with the proposed public improvements.

Environment

The site contains no environmentally sensitive areas or natural resources, and the application is exempt from the Forest Conservation Law. The application is also exempt from stormwater management requirements, based on a memo from Montgomery County Department of Permitting Services dated March 6, 2007 (Appendix E).

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The application meets all applicable sections. Access and public facilities will be adequate to support the proposed lot and uses. The existing lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the CBD-3 zone as specified in the Zoning Ordinance. The lot, as proposed, will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. The proposed Public Use Space meets the 20% minimum requirement. A summary of this review is detailed in Table 3. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Table 3 – Summary of Preliminary Plan Review

Plan Name: City Place				
Plan Number: 11987190A				
Zoning: CDB-3				
# of Lots: 1				
# of Outlots: 0				
Dev. Type: Commercial				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval the Preliminary Plan	Verified	Date
Minimum Lot Area	18,000 sq. ft.	91,248 sq. ft.		
Lot Width	Not Specified	185 ft.		
Lot Frontage	Not Specified	185 ft.		
Public Use Space	20% on-site	22.6% on-site		
Setbacks				
Front	Not Specified	Must meet minimum ⁷		
Side	Not Specified	Must meet minimum ⁸		
Rear	Not Specified	Must meet minimum ⁹		
Height	200 ft. Max.	May not exceed maximum ¹⁰		
Max Comm'l s.f. per Zoning	648,864 sq. ft.	647,497 sq. ft.		
MPDUs	N/a			
TDRs	N/a			
Site Plan Req'd?	Yes			
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street		Yes		
Road dedication and frontage improvements		Yes	Agency letter	3/13/07
Environmental Guidelines		N/a	Staff memo	3/7/07
Forest Conservation		Exempt	Staff memo	3/7/07
Master Plan Compliance		Yes	Staff memo	7/3/07
ADEQUATE PUBLIC FACILITIES				
Stormwater Management		Exempt	Agency letter	3/6/07
Water and Sewer (WSSC)		Yes	Agency comments	3/12/07
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	3/12/07
Well and Septic		N/a		7/3/07
Local Area Traffic Review		Yes	Staff memo	6/28/07
Fire and Rescue		Yes	Agency letter	3/26/07

⁷ As determined by MCDPS at the time of building permit.

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

Citizen Correspondence and Issues

On January 9, 2007, the applicant notified ten adjacent and confronting property owners that the City Place Preliminary Plan had been filed with the M-NCPPC and that it was under review. In addition, on March 9, 2007, notification was sent to 56 citizens associations. On July 16, 2007, staff sent notice of the public hearing to these parties. We have not received any letters of concern regarding the application as of the date of this Staff Report.

Preliminary Plan Conclusion of Findings

The proposed Amendment meets all requirements established in the Subdivision Regulations and the Zoning Ordinance, and complies with the recommendations of the Silver Spring Central Business District Sector Plan. Access and public facilities will be adequate to serve the proposed development, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application with the conditions specified above is recommended.

SITE PLAN FINDINGS

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

As conditioned, the proposed Site Plan Amendment is consistent with the concurrent proposed Project Plan Amendment with respect to Sector Plan conformance, architectural and streetscape details, and inclusion of public use space and amenities.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

If amended in accordance with recommended conditions, the Site Plan meets all of the requirements of the CBD-3 zone as demonstrated in the project Data Table on page 27.

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

Locations of buildings and structures

The proposed office tower will be built according to the setbacks approved by the previous project and site plans. This footprint is determined, in part, by the structural

engineering of the existing retail mall. When built, the office tower will become a dominant feature in the Silver Spring CBD and is detailed and massed accordingly.

Open Spaces

The plan proposes 28.2 percent of the net property as Public Use and Amenity Space. This space is distributed between the existing façade and the property line, within the retail mall, within the pedestrian bridge and along the Fenton Street right-of-way. The open space along the sidewalks will continue to provide shade and efficient access into and around the site. The interior amenity space will continue to be programmed with activities for local citizens and the pedestrian bridge will be enhanced as a space for local artists to display their work. The corner area of Colesville Road and Fenton Street that is subject to the Supplemental Plan will provide a cultural landmark, visual interest, and improved pedestrian circulation patterns.

Landscaping and Lighting

The existing street trees and lights will remain. The office tower entry will feature a mix of container plantings, light fixtures, and benches. These landscape features will provide interest and beauty and the lighting will provide safety within and around the entrance court during the night. The corner of Colesville Road and Fenton Street will provide a combination of lighting, landscaping, new paving patterns, and public art that will provide visual interest, enhanced circulation patterns, and a landmark focal point for the community.

Recreation Facilities

There are no recreation facilities required or provided on site.

Pedestrian and Vehicular Circulation Systems

Vehicular access will not change from the approved existing circulation pattern.

Sidewalks along Colesville Road and Ellsworth Drive will not change. Fenton Street will be renovated with new brick pavers in a pattern to match the existing frontages along Colesville Road and Ellsworth Drive. Further, pedestrian circulation around the corner of Colesville Road and Fenton Street will be improved through the Supplemental Plan approval.

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

The proposed structure is compatible with other uses in and around the subject site and with the adjacent development patterns and scale. The proposed use of office space complements the surrounding uses by providing a center of employment within an existing retail and cultural urban context.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation , Chapter 19 regarding water resource protection, and any other applicable law.*

The site is exempt from forest conservation requirements and additional stormwater management approvals.

APPENDICES

- A. Preliminary Plan
- B. MCDPWT letter dated March 13, 2007
- C. Site Plan Amendment Opinion dated December 7, 1989
- D. Memorandum form Community Based Planning Staff, dated July 6, 2007
- E. Montgomery County Department of Permitting Services dated March 6, 2007

PROJECT TEAM: ARCHITECT: BROWN CALDWELL ARCHITECTS, INC. 200 SOUTH GARDEN STREET, SUITE 200, DALLAS, TEXAS 75202. PHONE: (214) 750-1100. FAX: (214) 750-1101. WWW: BROWN-CALDWELL.COM. ENGINEER: JAMES W. HARRIS, P.E. 1111 SOUTH GARDEN STREET, SUITE 200, DALLAS, TEXAS 75202. PHONE: (214) 750-1100. FAX: (214) 750-1101. WWW: BROWN-CALDWELL.COM.

VICINITY MAP: SCALE: 1" = 2000'

CITY PLACE AMENDMENT PRELIMINARY PLAN

LOT 16

CITY PLACE

PLAT NO. 79493

MONTGOMERY COUNTY, MARYLAND

PRELIMINARY PLAN # 1-87190

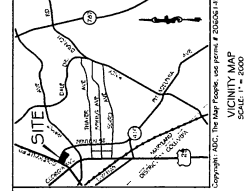
WAKA REVISIONS

DATE: JAN, 2007

SCALE: 1" = 30'

PROJECT NO. 1403

SHEET NO. P-1



NOTES:

1) THE SUBJECT PROPERTY IS LOCATED ON TAX ASSESSMENT MAP NO. J493 WITH A TAX ACCOUNT NO. OF 1302897940.

2) THE GROSS TRACT AREA IS 2.48 ACRES. THE NET LOT AREA IS 2.09 ACRES.

3) THE SUBJECT PROPERTY IS LOCATED ON WSSC GRID 210 NW D1.

4) THE HORIZONTAL DATUM IS BASED ON THE NORTH AMERICAN DATUM OF 1983. ADJUSTMENT 1991 (NAD83) UTM/UTM COORDINATE SYSTEM. THE VERTICAL DATUM IS THE NATIONAL GEODESIC SURVEILLANCE COMPARISON DATUM (THE NATIONAL GEODESIC VERTICAL DATUM OF 1929 (NGVD93)).

5) THE SUBJECT PROPERTY IS LOCATED IN ZONE "C" (AREA OF MINIMAL FLOODING) AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY FLOOD INSURANCE POLICY NO. 17148-0000-0001, DATED JULY 2, 1979.

6) THERE ARE NO WATERS OF THE US, WETLANDS OR LOOSE-LEAF FLOOD PLAIN LIMITS ON THE SUBJECT PROPERTY WHICH IS LOCATED IN THE 5100 GRID WETLANDS.

7) THE SUBJECT PROPERTY IS CURRENTLY USED AS OFFICE SPACE. THE INDEX OF HISTORIC SITES IN MONTGOMERY COUNTY, MARYLAND (ANCPHC PRESERVATION REQUIREMENTS) OF THE PROPOSED PLANS.

8) THE CITY PLACE MALL IS CURRENTLY SERVED BY PUBLIC WATER AND SEWER SYSTEMS AND IS CLASSIFIED IN WHITE AND SEWER CATEGORIES. THE LOCATION OF WATERLINES SHOWN HEREON ARE BASED ON THE 2004 UTILITY MAP (UTM) AND WERE NOT AVAILABLE FOR THE SUBJECT SITE. THE LOCATIONS OF WATERLINES SHOWN HEREON ARE BASED ON THE WSSC 200 SCALE DRAWINGS. INFORMATION FROM THE UTILITY MAP AND THE WSSC 200 SCALE DRAWINGS.

9) DEFLECTION FROM FOREST CONSERVATION AND WETLANDS WAS GRANTED ON/06/03/07.

10) PROJECT PLAN APPROVALS:
PROJECT PLAN #8-197091 - 02/28/1993
SITE PLAN #8-500246 - 04/17/1998
SITE PLAN #8-17991498 - 04/17/1998
SITE PLAN #8-500246 - 04/17/1998
SITE PLAN #8-500246 - 04/17/1998



DEVELOPMENT TABULATIONS:

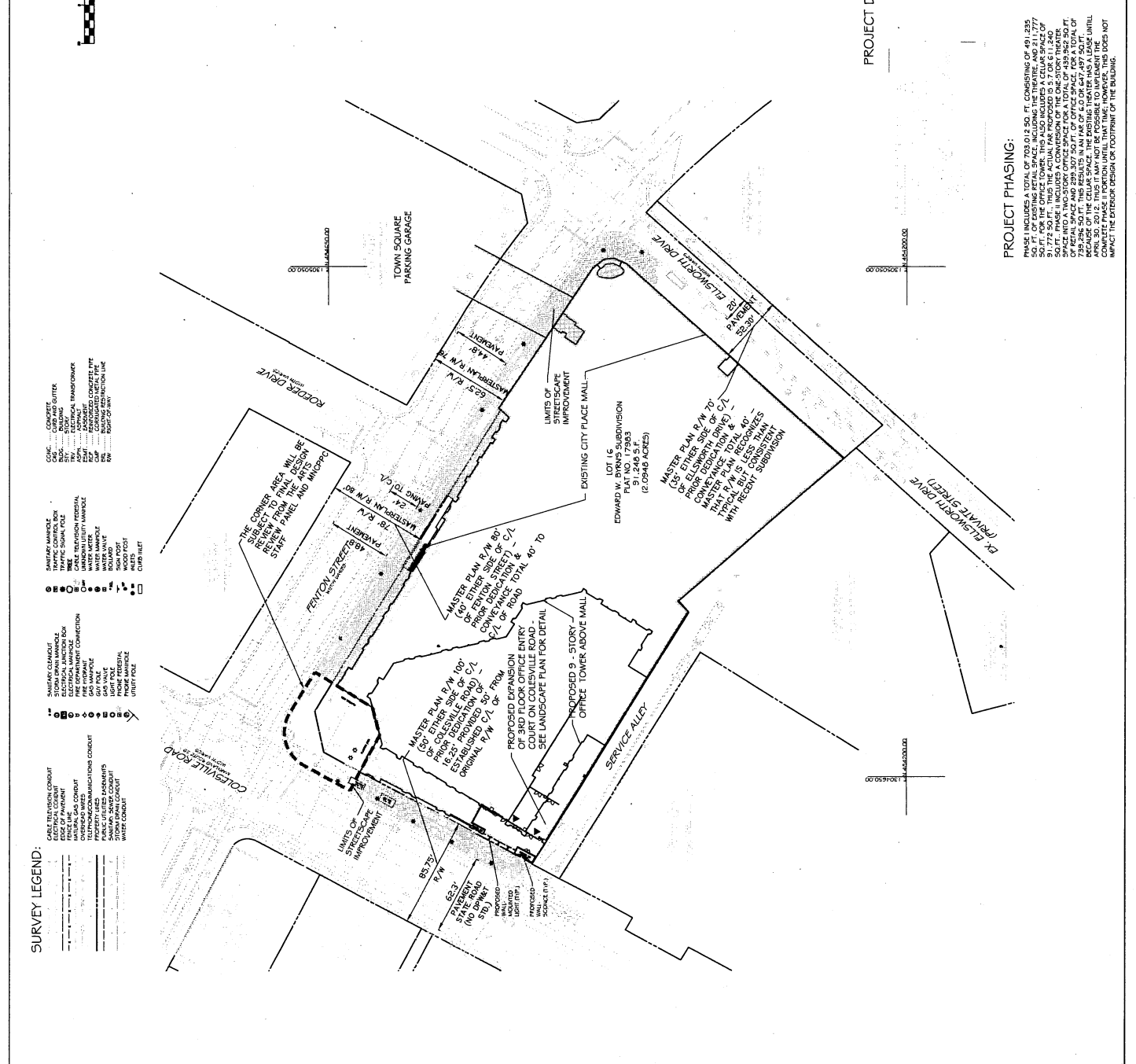
Category	Area (sq ft)	Volume (cu ft)	Other
Site Area	108,144	0	
Impervious	108,144	0	
Permeable	0	0	
Roof Area	108,144	0	
Other	0	0	

1) Increase in gross site area to 108,144 sq ft using credit for the:
a) Plat No. 179833 - 07/01/97 of 0.01597 AC
b) Plat No. 18022 - 5/4/65 of 0.12548 AC
c) Plat No. 18022 - 5/4/65 of 0.12548 AC
d) Plat No. 27177 - 2/28/82 of 0.03773 AC
e) Plat No. 27177 - 2/28/82 of 0.03773 AC

2) Increase in height of the proposed Office Tower from 130 FT to 192 FT.

3) Increase in height of the proposed Office Tower from 130 FT to 192 FT.

4) Add Elevation Street Streetcarway (SSC) for much new pattern of traffic and to comply with the 50' of at the 400' square requirement.



SURVEY LEGEND:

- CONCRETE CURB AND GUTTER
- ASPHALT DRIVEWAY
- STREET LIGHT
- UTILITY
- LANDSCAPE
- WATER MAIN
- SEWER MAIN
- STORM MAIN
- WATER MAIN
- SEWER MAIN
- STORM MAIN
- STREET LIGHT
- UTILITY
- LANDSCAPE
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- SEWER MAIN
- STORM MAIN
- STREET LIGHT
- UTILITY
- LANDSCAPE
- WATER MAIN
- SEWER MAIN
- STORM MAIN

PROJECT PHASING:

PHASE 1 INCLUDES A TOTAL OF 703,012 SQ. FT. CONSISTING OF 491,235 SQ. FT. OF FINISH RETAIL SPACE, INCLUDING THE THEATRE, AND 21,777 SQ. FT. OF FINISH OFFICE SPACE. PHASE 2 INCLUDES 1,240,000 SQ. FT. OF FINISH OFFICE SPACE, INCLUDING THE THEATRE, AND 21,777 SQ. FT. OF FINISH OFFICE SPACE. PHASE 3 INCLUDES 91,772 SQ. FT. OF FINISH OFFICE SPACE, INCLUDING THE THEATRE, AND 21,777 SQ. FT. OF FINISH OFFICE SPACE. PHASE 4 INCLUDES 1,240,000 SQ. FT. OF FINISH OFFICE SPACE, INCLUDING THE THEATRE, AND 21,777 SQ. FT. OF FINISH OFFICE SPACE. PHASE 5 INCLUDES 91,772 SQ. FT. OF FINISH OFFICE SPACE, INCLUDING THE THEATRE, AND 21,777 SQ. FT. OF FINISH OFFICE SPACE.

03/13/07 TUE 14:35 FAX 2407772080

TRAFFIC ENGR

002

APPENDIX B



DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

March 13, 2007

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

RE: Preliminary Plan #1-1987190A
City Place

Dear Ms. Conlon:

We have completed our review of the preliminary plan dated 08/14/06. This plan was reviewed by the Development Review Committee at its meeting on 03/12/07. We recommend approval of the plan subject to the following comments:

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

1. Show/label all existing planimetric and topographic details specifically driveways adjacent, opposite and on the site, sidewalks and/or bikeways on the preliminary plan.
2. Necessary dedication for Colesville Road, Fenton Street and Ellsworth Drive in accordance with the Master Plan.
3. Improve Fenton Street to arterial and Ellsworth Drive to commercial roadway standards.
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
5. The applicant's engineer has informed us that there will be no change to existing access points or impervious areas as part of this amendment to the preliminary plan. DPWT has determined that as long as above statement is applicable, no sight distance analysis or storm drain study is required.
6. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided along the site frontage according to associated DPWT standard street section unless the applicant is able to obtain a waiver from the appropriate government agency.

Division of Operations

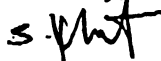
101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX
www.montgomerycountymd.gov

Ms. Catherine Conlon
Preliminary Plan No. 1-1987190A
Date March 13, 2007
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7. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
8. Access and improvements along Colesville Road (MD 29) as required by the Maryland State Highway Administration.
9. If the applicant is required to install Silver Spring CBD streetscaping amenities along the site frontages – prior to approval of the record plat by DPS, execute and record a Declaration of Covenants (for Maintenance and Liability) or enter into an agreement with the Silver Spring Urban District for the maintenance of those items.
10. Please coordinate with DPWT division of Transit Services about their requirements and project impacts on their network.
11. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
12. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
 - A. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees as per items 3 and 6 above.
(with amended soil panels and underground watering system for Tree Pits(CBDs))
 - B. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
 - C. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
 - D. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at sam.farhadi@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E., Senior Planning Specialist
Development Review Group
Traffic Engineering and Operations Section
Division of Operations

03/13/07 TUE 14:36 FAX 2407772080

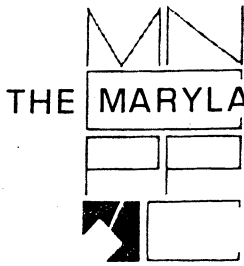
TRAFFIC ENGR

Ms. Catherine Conlon
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Date March 13, 2007
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m:/subdivision/farhas01/preliminary plans/ 1-1987190A, City Place.doc

Enclosures ()

- cc: Jeff Dierman, City Place Air Rights / City Place LP
- Theodore J. Georgelas, Georgelas Group
- Kathleen Kulenguski, VIKA
- Robert Metz, Linowes & Blocher
- Joseph Y. Cheung; DPS RWPPR
- Sarah Navid; DPS RWPPR
- Henry Emery; DPS RWPPR
- Shahriar Etemadi; M-NCPPC TP
- Gregory Leck, DPWT TEOS
- Raymond Burns, MSHA
- Preliminary Plan Folder
- Preliminary Plans Note Book



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

MONTGOMERY COUNTY PLANNING BOARD
OPINION

Site Plan Review #8-88046
Project: City Place (Amendment)

Date: December 7, 1989

Action: (Motion was made by Commissioner Bauman, seconded by Commissioner Hewitt, with a vote of 5-0, Commissioners Bauman, Henry, Floreen, Hewitt and Keeney voting for and no Commissioner voting against. Commissioner Bauman turned the chair over to Commissioner Keeney so that Commissioner Bauman could make the motion.)

On July 5, 1988, Petrie Dierman Partners submitted an application for the approval of a site plan for property in the CBD-2/3 zone. The application was designated Site Plan Review #8-88046. On August 11, 1988, Site Plan Review #8-88046 was approved by the Montgomery County Planning Board.

On August 31, 1989, Petrie, Dierman and Partners, Inc., filed an amendment to the site plan. On November 16, 1989, Site Plan Review #8-88046 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 on the testimony and evidence presented by the staff and on the staff report with modifications to the conditions hereby adopted by the Montgomery County Planning Board, which is attached hereto and made a part hereof, the Montgomery County Planning Board finds:

1. the Site Plan meets all of the requirements of the zone in which it is located;
2. the locations of the buildings and structures, the open spaces, the landscaping, and the pedestrian and vehicular circulation systems are adequate, safe, and efficient; and
3. each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development;
4. the Site Plan is consistent with the approved Project Plan #9-87001;

and approves the amendment to Site Plan Review #8-88046 subject to the following conditions:

1. Recordation of the property in accordance with the preliminary plan.
2. Execution of a Franchise Agreement with the County for construction and use of the pedestrian bridge for pedestrian access and for up to 500 square feet for retail sales.

3. Agreement with Planning Board limiting development to 298,455 square feet of gross leasable area for retail uses and 234,050 square feet for office uses and requiring that Georgia Avenue/Colesville Road intersection improvements 1.A and 1.B from 8/8/88 Transportation Planning Division memo be under construction prior to issuance of building permit for office building.
4. Execution of a Transportation Management District Agreement with MCDOT and Planning Board prior to release of a building permit for the retail mall and in accordance with the Planning Board conditions of subdivision approval.
5. Before an application for a building permit is made for the office tower, the applicant shall request a hearing before the Board in order to determine which one of the two alternative amenities detailed below shall be required:

If a satisfactory publicly-owned or privately-donated site can be identified and the demand for day-care facilities has not been satisfied by existing operators, the applicant must provide, in conjunction with construction of the office tower, a child day-care facility in accordance with a design approved by the Board and an agreement with M-NCPPC to be executed prior to building permit release for the office tower and based on the following (all payments to be adjusted from 1989 dollars to current dollars at the time of building permit):

- a. A size, scope, and program as contained in the submitted business plan
- b. Responsibility for obtaining capital funding for the facility including a maximum loan amount, to be financed by the center, of 75% of the total capital cost
- c. A capital contribution of \$84,100
- d. Responsibility for a scholarship fund-raising program with a goal to raise \$50,000 annually for as long as the day care is in operation
- e. A \$10,000 annual contribution to the scholarship program for as long as the day care is in operation
- f. Prior to the initial occupancy of the office building, the day-care facility must be completed in accordance with the Agreement with M-NCPPC.

If a suitable site can not be identified or the demand for day care has been satisfied by other operations, the applicant will be required to design and construct the following additional streetscaping elements: the streetscaping package including quality paving installed on a concrete base, lighting and landscaping in accordance with M-NCPPC Silver Spring Streetscape Standards shall be on Fenton Street, across the street from the applicant's project, between Colesville Road and Pershing Drive. The portion of street fronting Garage 1 expansion shall be the responsibility of

Montgomery County. The entire intersection of Fenton Street and Ells Drive will be constructed with unit pavers on a concrete base subject MCDOT approval.

6. Street-level building area on Colesville Road must be occupied by food service or retail merchandising establishments. Any cafe or liquor store must have a separate entrance to Colesville Road.
7. Bus stop facilities are to be provided in accordance with MCDOT & SHA requirements as follows: one shelter is to be located at the stop on Colesville Road. Benches are to be provided close to the stop on Fenton Street. Detailed designs for these bus stop facilities must be submitted to staff for approval prior to release of a building permit.
8. A program of events for the park site must be submitted to staff for review every three months for two years following "shell" occupancy of the retail mall and the program shall continue thereafter in accordance with the Management Policy as submitted.
9. A Site Plan Enforcement Agreement prior to release of a building permit include the following:
 - a) A Development Program and phasing plan
 - b) Maintenance provisions for on-site public use space and amenity features
 - c) Programming provisions for events in the City Place park
10. Additional lighting for night-time use of the park in accordance with a plan to be approved by staff prior to release of a building permit.
11. The Eig Building, McCrory's Building, and the newer portion of the Heck Building may be demolished in accordance with the Planning Board action of November 16, 1989.
12. The annex park, streetscaping, and art program must be implemented prior to occupancy of the retail mall with allowance for the planting season to be addressed in the Development Program. The pedestrian bridge connection to the expanded Garage #1 must be completed in conjunction with the garage.
13. Construction for the office tower must commence (a) within four (4) years following initial occupancy of the retail mall or (b) within one (1) year following commencement of construction of Georgia Avenue/Colesville Road intersection improvements 1.A and 1.B (from the August 8, 1988 Transportation Division memo attached to Preliminary Plan #1-89190), whichever occurs later. If construction of the Georgia Avenue/Colesville Road intersection improvements by either the County or the applicant have not been started within ten (10) years of initial occupancy of the retail mall, then construction of the office tower may not begin.



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

July 6, 2007

MEMORANDUM

TO: Joshua Sloan, Senior Planner
Development Review Division

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

SUBJECT: City Place Office Building
Project Plan No. 91987001A
Site Plan No. 81988046B
Preliminary Plan No. 11987190A

The Community-Based Planning staff has reviewed the above-referenced plans for conformance with the February 2000 *Approved and Adopted Silver Spring Central Business District Sector Plan*. The subject property is located on Fenton Street, between Colesville Road and Ellsworth Drive, in the Silver Spring Historic District. Both the Historic District and the former Hecht Company Department Store building are Locational Atlas resources.

Community-Based Planning recommends approval of the pending plans with the following conditions:

1. Replace the proposed plant material at the covered entrance to the new office building on Colesville Road with sculptural elements or pavers.
2. Redesign the public space at Colesville Road/Fenton Street to include a significant focal point (e.g., a sculpture) and landscaping.
3. Replace metal grates in Fenton Street sidewalk with removable brick covers, subject to approval by the utility companies.
4. Conditions #5 (day care) and 15 (lower level atrium with programmed events) in the original project plan approval (#9-87001) and condition #5 (day care) in the original site plan approval must be satisfied, with the day care obligation adjusted for inflation. The applicant could potentially replace the day care commitment with an alternative public facility that is needed in the CBD.
5. The Hecht Company building must be preserved in accordance with guidance from the Historic Preservation Commission.

ZONING AND LAND USE

The 91,248 square foot property is zoned CBD-3 (Central Business District, 3.0). The approved Sector Plan recommended CBD-3 zoning for this site and this zoning was applied through the Sectional Map Amendment adopted on July 18, 2000 per County

Council Resolution 14-600. The zone permits up to 6 FAR which is the maximum proposed under the subject application.

In 1988 and 1989 the Planning Board approved project and site plans for City Place which provided for the construction of a shopping mall with an office building over it, up to a maximum height of 160'. These approvals stipulated that construction of the office tower must commence within four years following the occupancy of the retail mall, or within one year of certain intersection improvements. Since this did not occur, the approval of the office tower expired.

The original application included a 2,000 square foot lower level atrium as part of the required Public Use Space, subject to certain conditions. It also included an area known as "the annex site" within the proposed Public Use Space. The finished public space at the annex site, renamed Kughn Park was acquired by Montgomery County for a financial consideration as part of the Downtown Silver Spring Urban Renewal project.

The proposed development calls for a 299,307 square foot office building on top of the existing City Place Mall. The vacant movie theaters on the top of the mall would be converted to office space. The resulting building would be 192' tall; however, it would be stepped back from Colesville Road in accordance with the original City Place approvals which called for the 160' office tower to "be stepped back as much as possible so as to avoid conflict with the pedestrian scale of Colesville Road." Primary public access to the new office building would be through a new entrance on Colesville Road. No parking is proposed on site to serve the proposed use.

As part of the subject application, the applicants have proposed to redesign the existing public space at the intersection of Colesville Road/Fenton Street to make it more useful and inviting. They have also proposed to improve the streetscaping along Fenton Street and are counting this as part of their off-site amenity package.

SECTOR PLAN CONFORMANCE

The Silver Spring Central Business District Sector Plan outlines six themes which articulate the shared goals and vision for a revitalized Silver Spring. Three of these themes (i.e., a commercial downtown; a pedestrian-friendly downtown; and a transit-oriented downtown) apply to the proposed project. The proposed project expands the employment base in the downtown and does so in proximity to transit facilities. It encourages active urban streets by providing building entrances on Colesville Road and Fenton Street. It will make the downtown more pedestrian-friendly through the provision of streetscape improvements.

PUBLIC USE AND AMENITY SPACE

The subject application proposes 6 FAR and 192' of a possible 200' in maximum building height. (Building height in excess of 143' may be approved by the Planning Board up to 200' if the Board makes a special compatibility finding.) The proposed FAR

and building height essentially reflects the maximum permitted under the Optional Method. However, the application proposes only about 30 percent in combined on-site public use space and off-site amenity space, including the reconstruction of the existing Fenton Street streetscape and the existing mall entrance at Colesville Road/Fenton Street.

Historically, the combination of on and off-site amenity areas in Bethesda and Silver Spring optional method projects has been 40 to 60 percent of the net lot (with improvements). Projects that maximize their Optional Method FAR and height are expected to provide close to the upper end of that range. Since the proposed project essentially maximizes the potential density and height available under the Optional Method, the total on-site public use space and off-site amenity space should be close to 60 percent, i.e., twice what is proposed.

Community-Based Planning recommends that the applicants improve their proposed amenity package substantially in order to earn the proposed 6 FAR and 192' building height. They could do this by providing the day care facilities required under their original approvals, which would benefit the workers in the proposed office building and the greater community. Alternatively, they could propose some other facility that is needed by the community (e.g., off-site parkland or greenspace, or the proposed bike station).

N:\dept\divcp\kreger\City Place referral

MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES
 255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: March 6, 2007

MEMO TO: Catherine Conlon, Supervisor for
 Development Review Committee, MNCPPC

FROM: David Kuykendall, Senior Permitting Services Specialist
 Division of Land Development Services, MCDPS

SUBJECT: Stormwater Management Concept Plan/Floodplain Review
 Preliminary Plan 11987190A; City Place
 Subdivision Review Meeting March 12, 2007 SWM File # NA

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for Floodplain. The following summarizes our findings:

SM CONCEPT PLAN PROPOSED:

- On-site: CPv WQv Both
- CPv < 2cfs, not required
- Waiver: CPv WQv Both
- On-site/Joint Use Central (Regional): waived to
 Existing Concept: Approved Date,
- Other

Type Proposed:

- Infiltration Retention Surface Detention Wetland Sand Filter
- Separator Sand Filter Underground Detention Non Structural Practices Other

FLOODPLAIN STATUS: 100-Year Floodplain On-Site Yes No Possibly

- Provide the source of the 100-Year Floodplain Delineation for approval:
- Source of the 100-Year Floodplain is acceptable.
- Submit drainage area map to determine if a floodplain study (>or equal to 30 acres) is required.
- Dam Breach Analysis Approved Under Review
- 100 yr. floodplain study Approved Under Review

SUBMISSION ADEQUACY COMMENTS:

- Downstream notification is required.
- The following additional information is required for review: _____

RECOMMENDATIONS:

- Approve as submitted with conditions (see approval letter).
- Incomplete; recommend not scheduling for Planning Board at this time.
- Hold for outcome of the SWM Concept review.
- Comments/Recommendations: Exempt from Stormwater management

cc: Steve Federline, Environmental Planning Division, MNCPPC

bll:DRC.3/03