




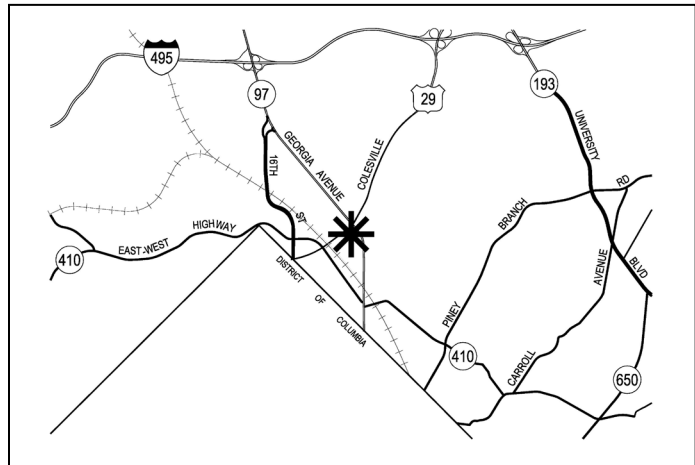
Project Plan Amendment No. 92000002B & Site Plan Amendment No. 82000032D: 1 Discovery Place

-  Grace Bogdan, Area 1 Planner Coordinator, grace.bogdan@montgomeryplanning.org, 301.495.4533
-  Elza Hisel-McCoy, Area 1 Supervisor, elza.hisel-mccoy@montgomeryplanning.org, 301.495.2115
-  Mark Pfefferle, Area 1 Interim Chief, mark.pfefferle@montgomeryplanning.org, 301.495.4730

Staff Report Date: 4/12/2019

Description

- Amendment to update maximum density consistent with the original Site Plan Amendment 82000032A; increase total square footage from 545,429 square feet of office and child care uses to a total of 554,429 square feet of office and retail/restaurant uses (with no more than 8,000 square feet of retail/restaurant uses); redesign exterior space and reduce public use space from 83,785 square feet to 36,116 square feet; and make minor revisions to building design.
- Current use: Headquarters Office
- Located within the triangle formed by the intersections of Georgia Avenue, Colesville Road, and Wayne Avenue;
- 3.5 acres zoned CBD-2 (CR 5.0 C 4.0 R 4.75 H 200), *Silver Spring CBD Sector Plan*
- Applicant: CRE-FP Silver Spring JV, LLC



Summary

- Staff recommends approval of the Project Plan Amendment and Site Plan Amendment, with conditions.
- The Applicant purchased the property in 2018 after Discovery announced the relocation of their headquarters. These Amendments are intended to make limited changes to the site and building to achieve a desirable space for new tenants.
- Since the original Project Plan and Site Plan was approved in 2000, under the provisions of Section 59.7.7.1.B.3 of the Zoning Ordinance, these Amendments were reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.
- Subsequent to the initial approval, the Planning Board administratively approved Site Plan 82000032A to increase allowable square footage from 478,898 square feet to 545,429 square feet. This led to a discrepancy between maximum square footages included in resolutions and shown on the Certified Site Plans. This Site Plan Amendment resolves this discrepancy.
- In 1995, the Planning Board approved a Preliminary Plan to allow up to 673,514 square feet of development. With these Amendments, a balance of 119,085 square feet remains for future expansions.

SECTION 1: RECOMMENDATIONS AND CONDITIONS

Project Plan Amendment

Staff recommends approval of Project Plan Amendment No. 92000002B, One Discovery Place, to update maximum density consistent with the original Site Plan Amendment 82000032A; increase total square footage from 545,429 square feet of office and child care uses to a total of 554,429 square feet of office and retail/restaurant uses (with no more than 8,000 square feet of retail/restaurant uses); redesign exterior space and reduce public use space from 83,785 square feet to 36,116 square feet; and make minor revisions to building design on 3.5 acres of land zoned CBD-2 (CR 5.0 C 4.0 R 4.75 H 200). All site development elements shown on the latest electronic version as of date of this staff report submitted via eplans to the M-NCPPC are required except as modified by the following conditions. The following conditions supersede the previously approved conditions in its entirety:

1. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Water Resources Section in its stormwater management concept letter dated March 20, 2019, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which the MCDPS Water Resources Section may amend if the amendments do not conflict with other conditions of Site Plan approval. The MCDPS Water Resources Section will review, approve, and inspect all landscaping within the Storm Water Management easements and facilities.
2. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation ("MCDOT") in its letter dated March 27, 2019, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

Site Plan Amendment

Staff recommends approval of Site Plan Amendment No. 82000032D, One Discovery Place, to update maximum density consistent with the original Site Plan Amendment 82000032A; increase total square footage from 545,429 square feet of office and child care uses to a total of 554,429 square feet of office and retail/restaurant uses (with no more than 8,000 square feet of retail/restaurant uses); redesign exterior space and reduce public use space from 83,785 square feet to 36,116 square feet; and make minor revisions to building design on 3.5 acres of land zoned CBD-2 (CR 5.0 C 4.0 R 4.75 H 200). All site development elements shown on the latest electronic version as of date of this staff report submitted via eplans to the M-NCPPC are required except as modified by the following conditions. The following conditions supersede the previously approved conditions in its entirety:

1. Public Use Space
 - a. The Applicant must provide on-site a minimum of 36,116 square feet of public use space (23.7% of net lot area).
 - b. Before issuance of final Use and Occupancy Certificate for the commercial development, all public use space areas on the Subject Property must be completed.
2. Public Art

The previously approved and existing public art mural located along Colesville Road must remain. Any proposed modification or removal of the mural will require review by the Public Art Panel and a Site Plan amendment.

3. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. All onsite down-lights must have full cut-off or BUG-equivalent fixtures.
- c. Deflectors will be installed on proposed new fixtures to prevent excess illumination and glare.
- d. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

4. Landscaping

- a. Prior to issuance of final Use and Occupancy Certificate, all on-site amenities, including, but not limited to: lights, sidewalks/ pedestrian pathway, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and rooftop amenities must be installed.
- b. The Applicant must install landscaping no later than the next growing season after completion of site work.

5. Forest Conservation

Before issuance of an associated Sediment Control Permit, the Applicant must pay a fee-in-lieu to satisfy the equivalent credits of 0.52 acres as established with the Final Forest Conservation Plan for this Site Plan.

6. Pedestrian & Bicycle Circulation

- a. The Applicant must provide a minimum of 19 long-term and 3 short-term bicycle parking spaces.
- b. The long-term spaces must be in a secured, well-lit bicycle room within the parking garage, and the short-term spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location of the short-term bicycle racks must be identified on the Certified Site Plan.

7. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS), Fire Department Access and Water Supply Section in its letter dated March 21, 2019, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Preliminary Plan approval.

8. Department of Permitting Services-Right-of-Way

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services Right-of-Way Section (DPS-ROW) in its memo dated March 8, 2019, and incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in their memo, which DPS-ROW may amend if the amendments do not conflict with other conditions of Site Plan approval.

9. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, sediment control permit, or Use and Occupancy Certificate, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to bicycle parking facilities, plant material, on-site lighting, site furniture and hardscape, retaining walls, fences, railings, private utilities, paths and other associated improvements of development, including sidewalks, and storm drainage facilities. The surety must be posted before issuance of the any building permit of development and will be tied to the development program.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety for each phase of development will be followed by a Site Plan completion inspection. The surety may be reduced based upon inspector recommendation and provided that the remaining surety is sufficient to cover completion of the remaining work.

10. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the Certified Site Plan.

11. Certified Site Plan

Before approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Revise Landscape Plans to provide two additional benches along the Wayne Avenue frontage.
- b. Provide details of proposed focal feature at the intersection of Wayne Ave and Georgia Ave.
- c. Revise bicycle parking counts to enumerate number of parking spaces to be provided in the proposed bicycle room as well as short-term parking as shown on Site Plan.
- d. Include the stormwater management concept approval letter, development program, and Site Plan resolution and other applicable resolutions on the approval or cover sheet(s).
- e. Add a note stating that "Minor modifications to the limits of disturbance shown on the Site Plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- f. Modify data table to reflect development standards approved by the Planning Board.
- g. Ensure consistency of all details and layout between Site and Landscape plans.

SECTION 2: SITE DESCRIPTION

Site Vicinity and Analysis

Site Vicinity

The Site is located in the core of Silver Spring's Central Business District, which is characterized by office, retail, transit, and medium-density multi-family residential uses. The Silver Spring Transit Center and future Purple Line station is located to the southwest of the property. The future Gene Lynch Urban Park is located immediately west of the Site and the Green Trail runs adjacent to the property along Wayne Avenue. Ellsworth Place is located to the northeast and includes a variety of retail, entertainment, and restaurant establishments and can be closed to vehicular traffic to facilitate farmers markets and other street festivals (Figure 1).

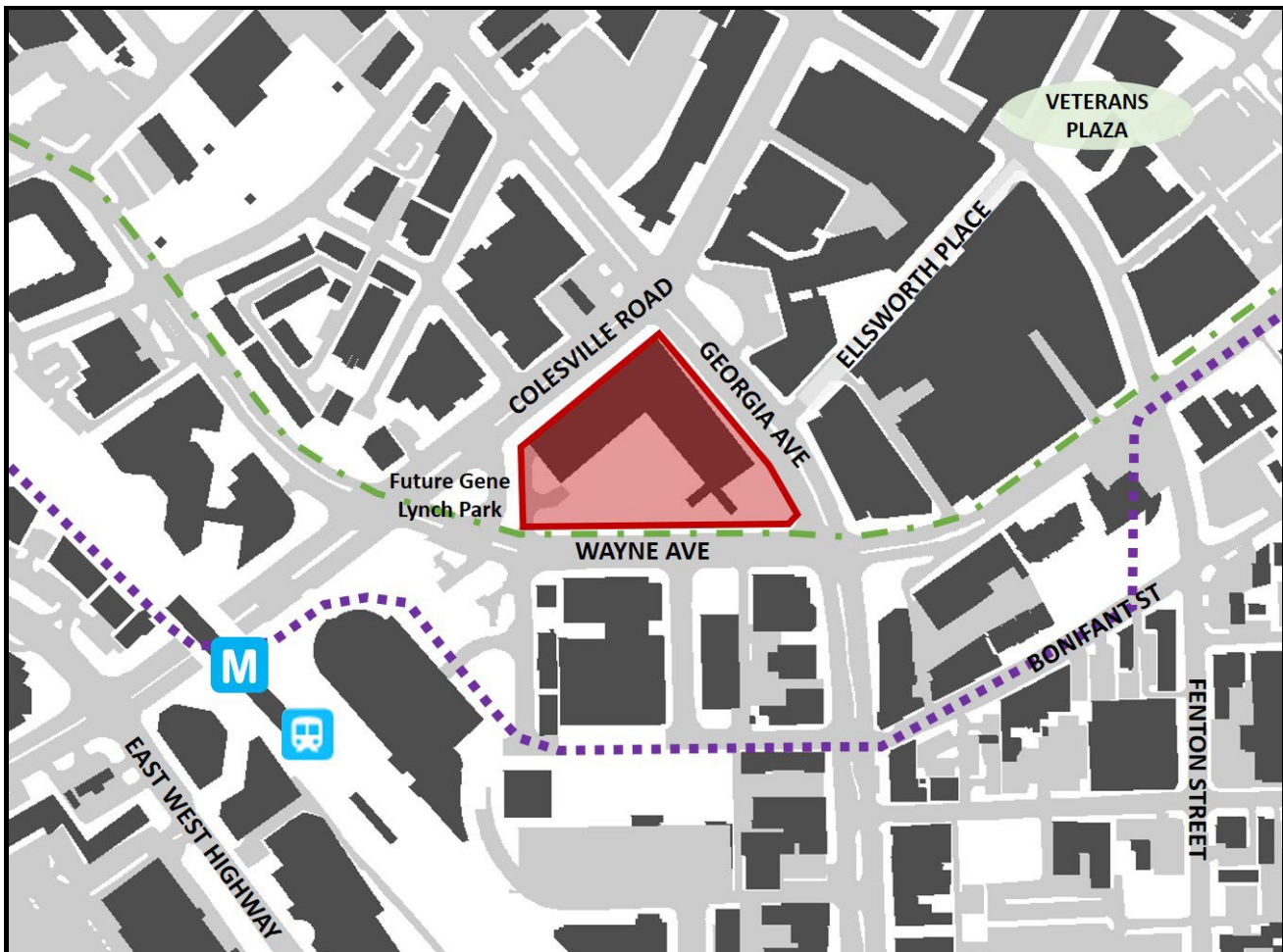


Figure 1: Vicinity Map (with Green Trail and Purple Line)

Subject Property

The Subject Property totals 3.5 acres in size, is zoned CBD-2 (CR 5.0, C-4.0, R-4.75, H- 200), and within the 2000 *Silver Spring Central Business District Sector Plan* area. The Property is located within a triangle formed by Colesville Road, Georgia Avenue and Wayne Avenue (Subject Property). A heavily utilized pedestrian access way runs from Ellsworth Place, across Georgia Ave and through the site to Wayne Avenue and the Silver Spring Metro (Figure 2).

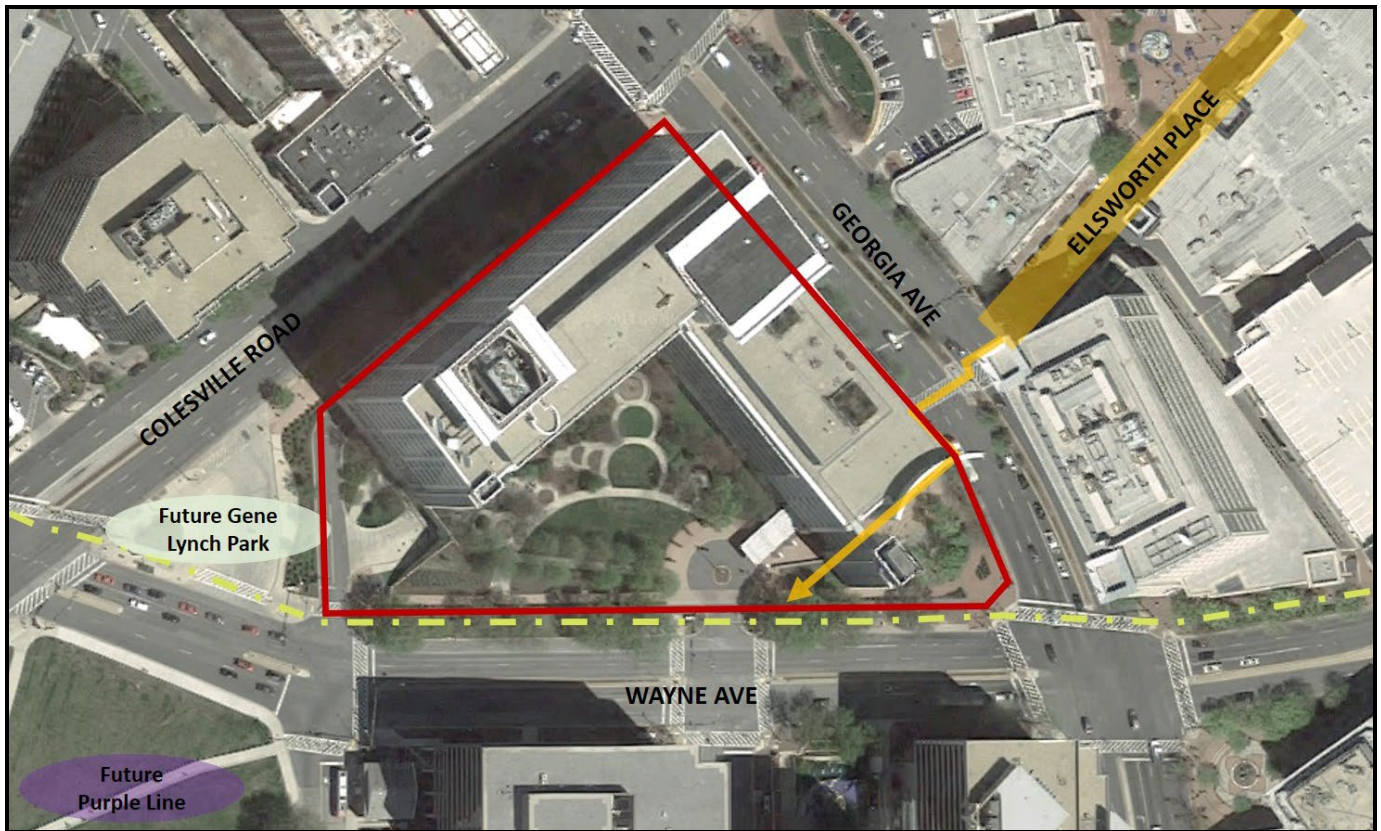


Figure 2: Aerial Photo showing existing Green Trail and pedestrian accessway

Site Analysis

The Subject Property is located within the lower main Rock Creek watershed, which is designated as a Use I watershed. The Subject Property contains no forest, streams, wetland, floodplains or associated buffers. Furthermore, there are no known rare, threatened, or endangered species on or near the site.

SECTION 3: PROJECT DESCRIPTION

Background

The Property has been used as Discovery Communications headquarters since its construction in 2003. After Discovery announced their relocation, the Applicant purchased the Property. The purpose of the proposed amendment is to reposition the Property in the office marketplace.

Previous Approvals

In 1995, the Planning Board approved a Preliminary Plan to consolidate four lots into one lot for a maximum of 673,514 square feet of office and retail. As part of this approval, the Planning Board found that adequate public transportation facilities existed to serve the proposed development. In 1999, the Planning Department approved an NRI/FSD (420001470) for the entire site.

In 2000, the Planning Board approved a Project Plan and Site Plan to construct a 478,898 square-foot office building with underground parking, with public use space and public art. Subsequent to the initial approval, the

Planning Board administratively approved Site Plan 82000032A¹ to increase allowable square footage from 478,898 square feet to 545,429 square feet. This led to a discrepancy between maximum square footages included in resolutions and shown on the Certified Site Plans. This Site Plan Amendment resolves this discrepancy.

The Planning Board approved a Final Forest Conservation Plan (FFCP) for the site on November 6, 2001, with a 0.52-acre afforestation requirement that was met onsite via landscaping credit. Minor Site Plan amendments were subsequently approved to allow a portion of the office building to be used as a daycare, and to fence off a portion of the exterior space for a playground which decreased public use space. The most recent approved Site Plan Amendment is shown in Figure 3 below. A full summary of all previous approvals is provided in Attachment A.

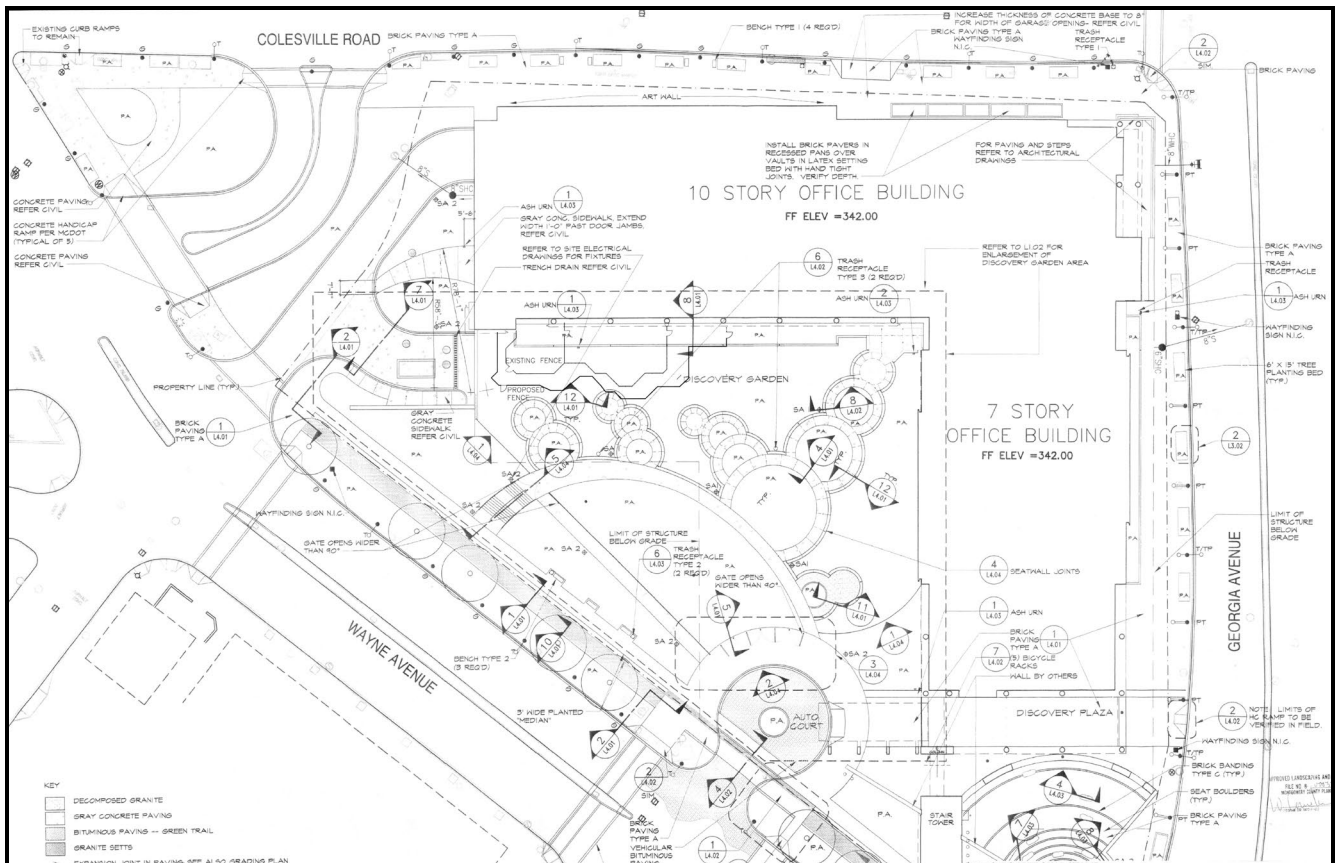


Figure 3: Site Plan Amendment 82000032C

Proposal

The Applicant proposes to amend the Project Plan and Site Plan to increase total square footage from 545,429 square feet of office and child care uses to 554,429 square feet of office and retail/restaurant uses, with no more than 8,000 square feet of retail/restaurant uses; redesign exterior space and reduce public use space from 83,785 square feet to 36,116 square feet; and make minor revisions to building design.

¹ The 2008 Site Plan Amendment (the second site plan amendment) was inadvertently numbered 82000032A, and therefore all subsequent amendments were misnumbered.

These modifications will accommodate minor changes to the building and exterior site in an effort to make the space more desirable for new tenants. The building modifications include construction of a 1,524 square foot lobby addition and installation of a new employee entrance along Georgia Ave, renovation of interior spaces to accommodate future retail or office tenants, and conversion of 23 existing parking spaces in the underground parking garage into a fitness center, bike room, and flex room. The exterior public space will be redesigned to remove the existing fencing, extend the vehicular access into the site, and will be landscaped with walkways, seating areas and stormwater features.

Building

The Applicant proposes to construct a one-story addition in the interior of the Site which will serve as the new main entrance to the building. Interior renovations are proposed to accommodate future retail, restaurant or office and provide private amenities such as a fitness center and bike room to future office tenants. In total, all additions and renovations will result in a net gain of 9,000 square feet and a building square footage of 554,429.

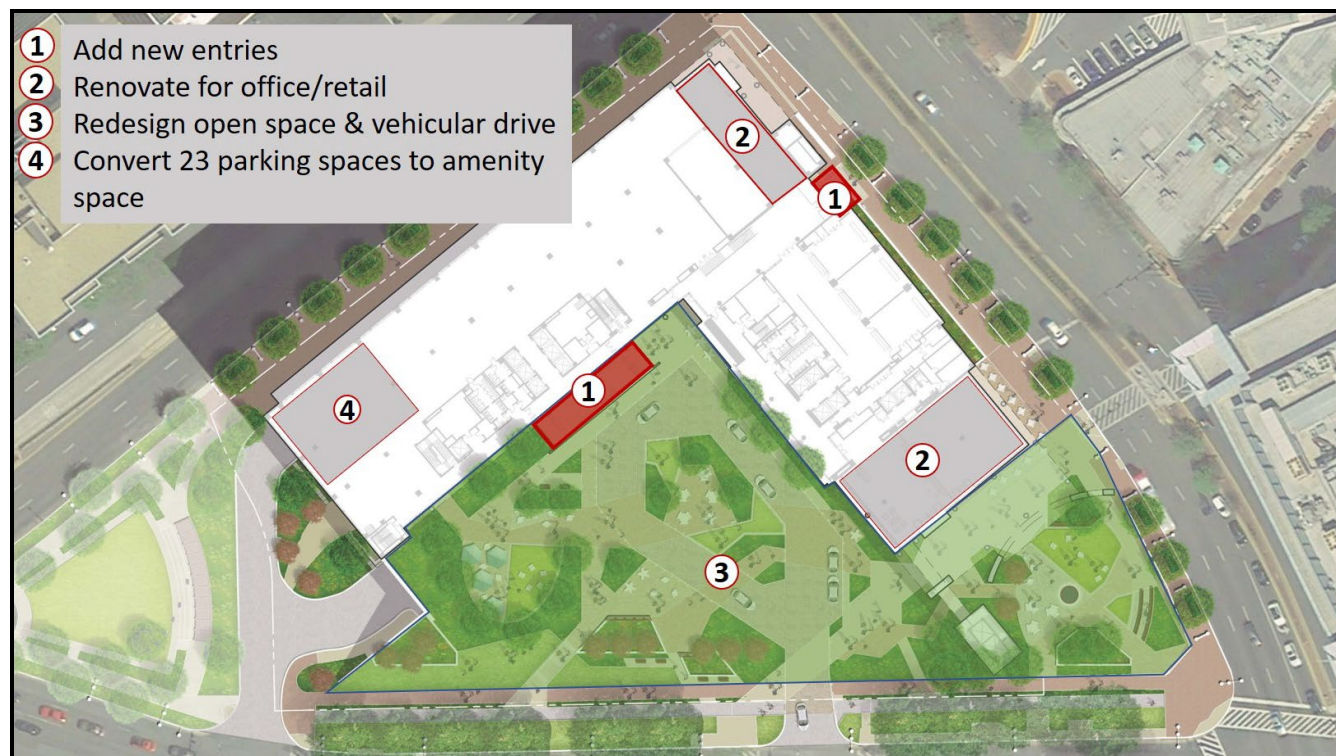


Figure 4: Areas of building additions and renovations

Open Space

The Applicant is proposing to transform the exterior public use space into a passive, yet welcoming area with an extended shared street. The design focuses on linking this public space into the larger context of surrounding public spaces from Veterans Plaza to Ellsworth Place, the Green Trail, future Gene Lynch Urban Park and the Silver Spring Transit Center. The original approval included a 5,600 square foot public exhibition space within the building lobby located at the entrance closest to the Georgia Ave and Wayne Ave intersection. The Applicant proposes to renovate this space for either retail, restaurant or office tenants. The former lobby fronts onto a heavily used pedestrian access from Ellsworth Place that will remain. The corner was designed to attract the users of the pedestrian access and become an open gathering spot with a variety of site furnishings and a new focal feature, which could also be used as flex space for “pop up” events similar to Ellsworth Place.

The pedestrian access flows into the Central Plaza, which redesigns the existing cul-de-sac entrance into a larger, curbless shared street plaza with a central island landscaped with seating areas. The design of the Garden Park removes existing barriers along Wayne such as the plantings and fencing and provides a sloping lawn and open seating areas for users of the Green Trail. Shade trees, planter beds, stormwater features, and furniture are proposed throughout all three spaces. The amount of public use space that was approved in the original Site Plan was inclusive of all sidewalks and exterior areas of the building, which resulted in approximately 83,785 square feet. While all exterior space will remain publicly accessible, certain areas of the Central Plaza and Garden Park described above were not counted towards public use space given their location in the interior of the Site. The public use space totals 36,116 square feet, or 23% of the Site, still exceeding the 20% requirement (See Attachment D).

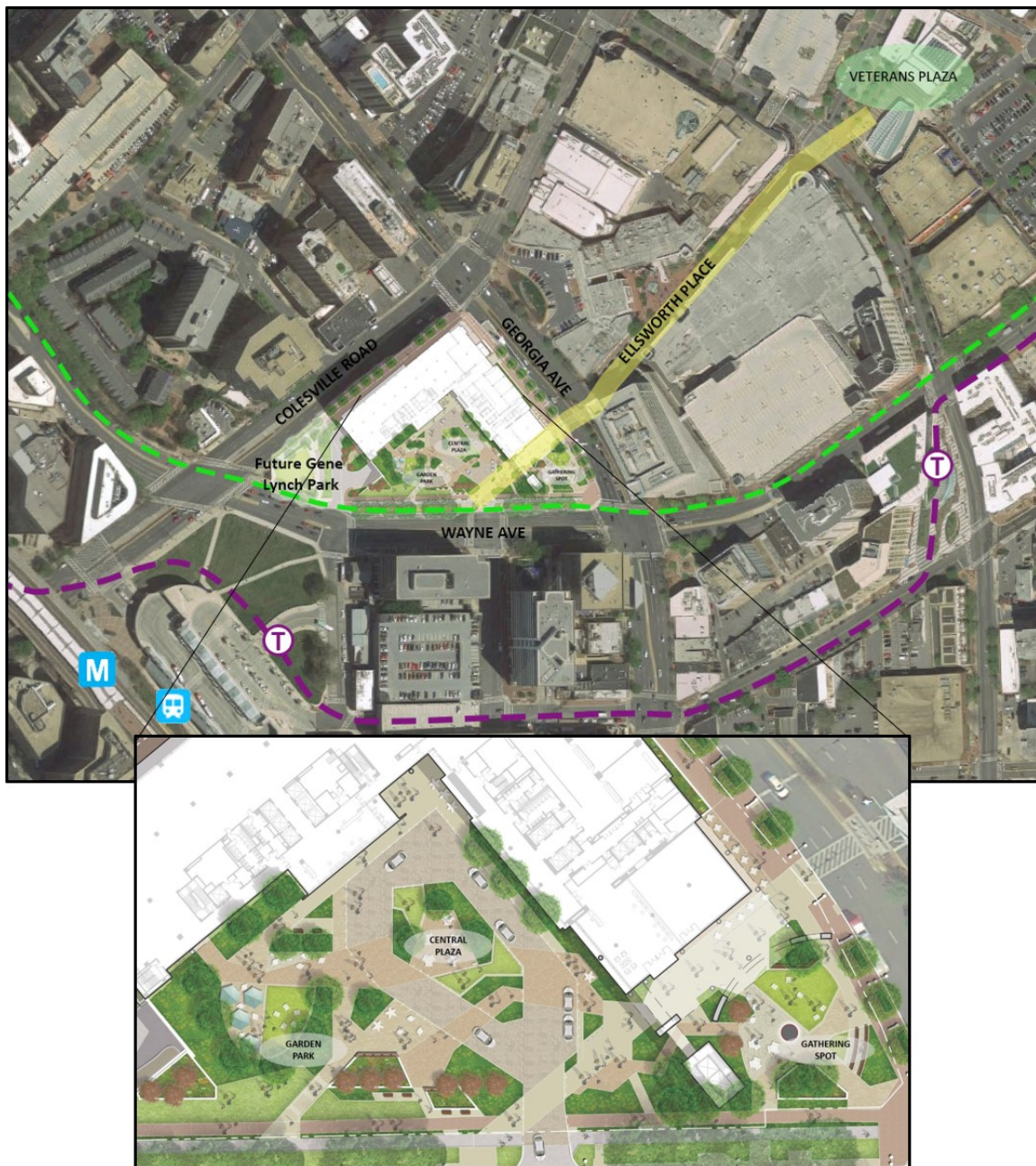


Figure 5: Redesigned open space within surrounding public spaces



Figure 6: Gathering Spot



Figure 7: Central Plaza



Figure 8: Garden Park

Green Trail

The Green Trail runs adjacent to the Property along the Wayne Avenue frontage. The trail and sidewalk result in an odd condition of two pathways separated by worn shrubbery with no distinct separate purpose. With the intent to connect these two pathways, the Applicant proposes to remove shrubbery in certain areas and replace with concrete paving and backless benches, and replace the existing shrubbery with new vegetation in all other areas (Figure 9). The mature street trees along Wayne Avenue are proposed to remain and will be protected during construction.



Figure 9: Existing and Proposed Green Trail condition

Circulation

The Amendment will not remove any existing vehicular or pedestrian access points to the Site. The main entrance, which is currently located at the corner of Georgia Ave and Wayne Ave, will be relocated to the new lobby addition at the interior of the Site and the existing cul-de-sac will be redesigned as an extended shared street to the relocated entrance to allow for vehicle drop offs and fire access. A new employee only entrance will be added to the Georgia Avenue frontage, and all other existing vehicular, loading, and pedestrian access points will remain.

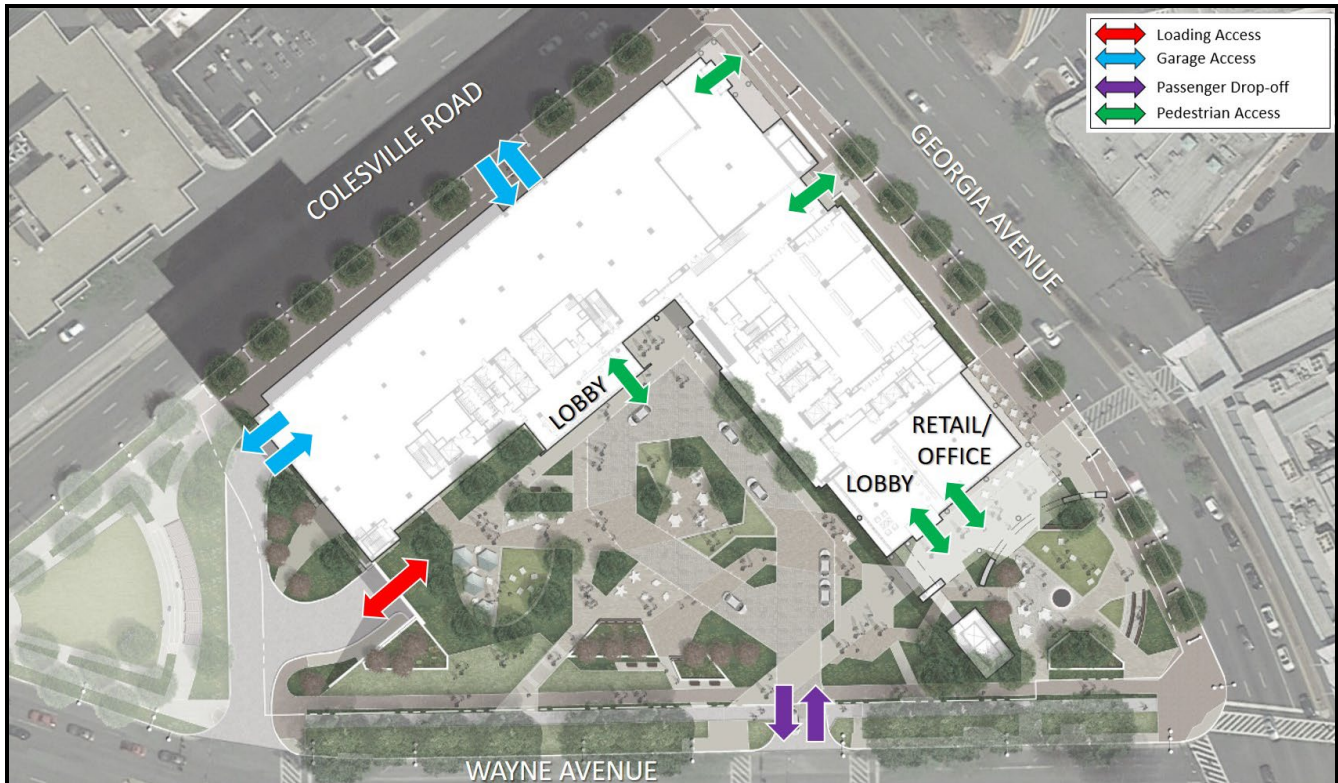


Figure 10: Pedestrian and Vehicular Circulation

Environment

Forest Conservation

This FFCP amendment updates the previously approved plan to reflect the new grading and design as shown on the Site Plan amendment. The only major change is the Applicant has elected to take the previously approved landscaping credit for afforestation purposes offsite via fee-in-lieu. This allows for maximum onsite flexibility when updating and maintaining onsite landscaping and will not affect the forest conservation requirements. The afforestation requirements will be satisfied by a Fee-in Lieu payment or purchase of equivalent credits in a forest bank. Staff has recommended conditions of approval addressing the forest conservation requirements.

Specimen Tree Variance

There are significant and specimen-sized street trees located adjacent to the site on the Wayne Avenue frontage, and the proposed Limits of Disturbance (LOD) are within the critical root zone of these street trees. Any impact to these trees, including removal or disturbance within the tree's critical root zone (CRZ), requires a variance. In addition to the required findings set forth in Section 22A of the Forest Conservation Law and outlined in Section 4, Staff has determined that the Applicant has demonstrated that enforcement of the

variance provision would result in an unwarranted hardship. The Applicant has had multiple design meetings between their Project Team and Park and Planning to discuss redesign of the plaza to achieve urban planning objectives. These objectives resulted in additional construction close to the specimen trees. The subject trees are impacted by existing and proposed sidewalk, bikeways, and pedestrian facilities.

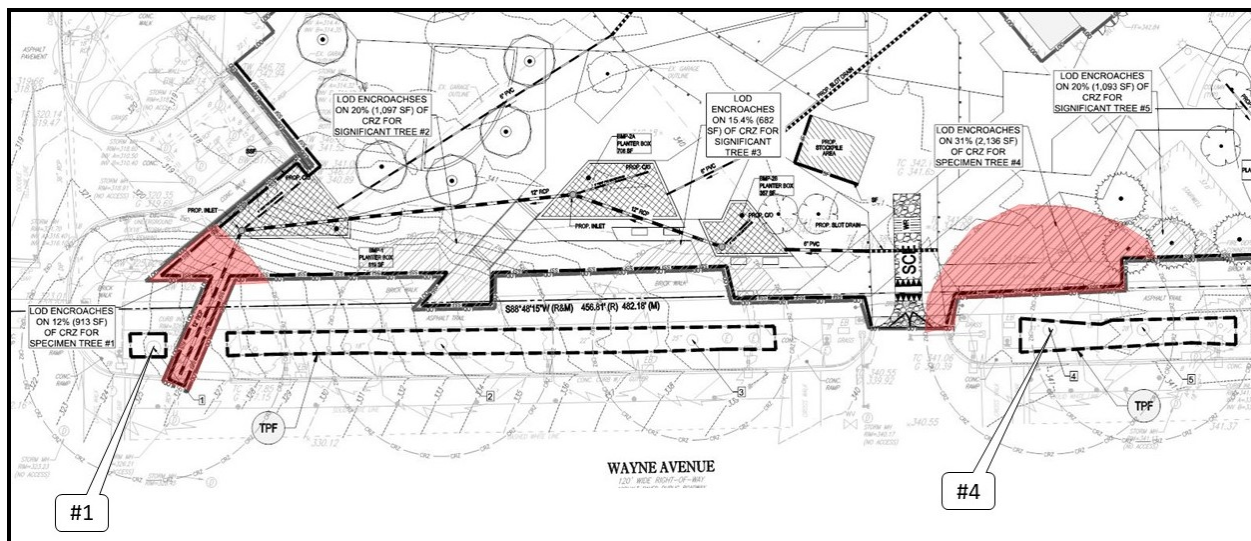


Figure 11: Variance Tree impacts

Community Outreach

The Applicant has complied with all submittal and noticing requirements and Staff has not received correspondence from any citizens or community groups as of the date of this report.

SECTION 4: ANALYSIS AND FINDINGS

Because the original Project Plan and Site Plan was approved in 2000, under the grandfathering provision of Section 59.7.7.1.B.3 of the Zoning Ordinance, these Amendments were reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.

Project Plan Amendment

Except as discussed below, the Project Plan Amendment does not affect the Application's conformance with the original Project Plan findings and the Planning Board's prior findings remain valid.

- (d) *The application would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located in a transportation management district designated under Chapter 42A, is subject to a traffic mitigation agreement that meets all the applicable requirements.*

Transportation

The Amendment will not overburden existing transportation public facilities. Since at least 75% of the development has been existing for more than 12 years, only the increase in density is subject to

adequate public facilities finding associated with the Project Plan Amendment. The traffic generated by the Amendment was evaluated including an increase of up to 9,000 square feet of additional office, or 1,000 square feet of office and up to 8,000 square feet of retail uses. As illustrated in Table 1, below, the Amendment is anticipated to generate 13 net new morning peak hour person trips and 13 net new evening peak hour person trips. Site generated traffic will be lower if the additional 8,000 square feet is allocated to ancillary retail uses, rather than office uses, because the size and character of the ancillary retail use does not generate additional peak hour person trips under the 2017 Local Area Transportation Review (LATR) Guidelines.

Table 1: Project Peak Hour Trip Generation

Existing	Vehicle Rates		Adjusted Vehicle Rates		Person Trips	
	AM	PM	AM	PM	AM	PM
545,429 SF General Office	633	627	411	407	829	822
Existing Trips	633	627	411	407	829	822
Proposed	AM	PM	AM	PM	AM	PM
546,429 SF General Office	634	628	412	408	830	823
8,000 SF General Office/ Ancillary Retail ¹	9	9	6	6	12	12
554,429 SF General Office	643	637	418	414	842	835
Proposed Trips	643	637	418	414	842	835
Net New Trips	10	10	7	7	13	13

¹ The Amendment will add up to 9,000 square feet of general office uses to the site, or 1,000 square feet of office and up to 8,000 square feet of ancillary retail uses. If retail uses are provided, no parking may be provided on-site to serve the ancillary retail. Source: M-NCPPC staff, March 19, 2019.

A traffic mitigation agreement was previously recorded subsequent to the original Project Plan and Site Plan approval. MCDOT will require the Applicant to transfer responsibilities of the TMAg from Discovery to Silver Spring Owner, LLC prior to certification of the Site Plan Amendment.

(h) *Any applicable requirements for forest conservation under Chapter 22A.*

The Project Plan Amendment is in compliance with the Forest Conservation Law. The Applicant filed for an amendment to the previously approved Final Forest Conservation Plan which has been reviewed as part of Site Plan Amendment 82000032D.

(j) *When the Planning Board allows any public use space, or public facilities and amenities to be provided off-site, the Planning Board must find that the space or improvement:*

- (1) is consistent with the goals of the applicable master or sector plan; and*
- (2) serves the public interest better than providing the public use space or public facilities and amenities on-site.*

The Planning Board previously approved 83,785 square feet of public use space with the original Project Plan which included all exterior areas of the Property including sidewalks on all frontages. This amendment redesigns the open space to remain publicly accessible throughout, however certain areas of the open space are not counted towards public use space given their location to the interior of the site. Therefore, the public use space has been reduced to 36,116 square feet, or 23% of the site, to be more consistent with the intent of the Zoning Ordinance and goals of the Silver Spring Central Business District Plan. Section 59-A-2.1 of the Zoning Ordinance defines public use space as space devoted to public enjoyment such as green areas, gardens, plazas, etc. The Sector Plan calls for this space to be integrated with the Transit Center's open space, visible and easily accessible from surrounding streets, landscaped with shade trees, grassy and paved areas, include a central focal point, activated by ground floor retail and pedestrian routes, and sized to accommodate a variety of community activities. The Amendment redesigns this space to draw users of the existing pedestrian accessway and Green Trail into the site and provides three main spaces for public use enjoyment. The gathering spot, central plaza and garden park provide many of the elements described in the Sector Plan such as a focal feature, shade trees, and space to accommodate community activities. Additionally, the Amendment converts an existing 5,600 square foot public use space in the existing lobby at the Georgia Ave and Wayne Ave intersection into potential retail, restaurant, or office space to achieve an activated ground floor use. As designed, the decrease in public use space, which still exceeds the 20% minimum zoning requirement, better achieves the intent of the Sector Plan.

Site Plan Amendment

Except as discussed below, the Site Plan Amendment does not affect the application's conformance with original Site Plan findings and the Planning Board's prior findings remain valid.

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.*

The Applicant submitted a Project Plan Amendment concurrent with the Site Plan Amendment. Site Plan Amendment 82000032D is consistent with Project Plan Amendment 92000002B as described in this Staff Report.

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

The Site Plan Amendment will enhance the existing circulation systems by providing two additional pedestrian access points as well as an extended vehicular drive, which facilitates a new fire access point to the building. The pedestrian and vehicular circulation system amendments are adequate, safe, and efficient.

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 FFCP amendment updates the previously approved plan to reflect the new grading and design as shown on the Site Plan Amendment. The only major change is the Applicant has elected to take the previously approved landscaping credit for afforestation purposes offsite via fee-in-lieu. This allows for

maximum onsite flexibility when updating and maintaining onsite landscaping and will not affect the forest conservation requirements.

The afforestation requirements will be satisfied by a Fee-in Lieu payment or purchase of equivalent credits in a forest bank. Staff has recommended conditions of approval addressing the forest conservation requirements.

Forest Conservation Variance

There are significant and specimen sized street trees located adjacent to the site on the Wayne Avenue frontage, and the proposed Limits of Disturbance (LOD) are within the critical root zone of these street trees. Section 22A-12(b)(3) of Montgomery County Forest Conservation Law provides criteria that identify certain individual trees as high priority for retention and protection. Any impact to these trees, including removal or disturbance within the tree's critical root zone (CRZ), requires a variance. A variance request must provide certain written information in support of the required findings in accordance with Section 22A-21 of the County Forest Conservation Law. Unless the variance is granted, the law requires no impact to trees that measure 30 inches DBH or greater; are part of a historic site or designated with a historic structure; are designated as national, state, or county champion trees; are at least 75 percent of the diameter of the current State champion tree of that species; or to trees, shrubs, or plants that are designated as Federal or State rare, threatened, or endangered species. The affected resources that have been identified on the current Plan include trees with a DBH of 30 inches or greater. The Applicant submitted the variance request on March 7, 2019, for the impacts of subject trees (see Attachment C for variance request). The Applicants' request is to impact (but retain) two trees under Section 22A-12(b) (3) of the County Forest Conservation Law.

Table 2: Variance Tree Impacts

No.	Common Name	Scientific Name	DBH (inches)	% impact	Condition Rating
1*	Willow oak	Quercus phellos	33	12	Good
4*	Willow oak	Quercus phellos	31	31	Good

Section 22A-21 of the County Forest Conservation Law sets forth the findings that must be made by the Planning Board or Planning Director, as appropriate, in order for a variance to be granted. In addition to the required findings outlined numerically below, Staff has determined that the Applicant (as conditioned) has demonstrated that enforcement of the variance provision would result in an unwarranted hardship for the following reasons:

Multiple design meetings between the Project Team and Park and Planning have occurred where the reconstruction of the public plaza has been discussed and modified to achieve urban planning objectives. These objectives resulted in additional construction closer to the specimen trees than previously anticipated. The subject trees are impacted by existing and proposed sidewalk, bikeways, and pedestrian facilities. Not granting the variance is an unwarranted hardship and would not allow for the redevelopment of this Site.

Staff has reviewed this Application and based on the existing circumstances and conditions on the Property, Staff agrees that there is an unwarranted hardship.

Variance Findings

Staff has made the following determination based on the required findings that granting of the

requested variance:

1. *Will not confer on the Applicant a special privilege that would be denied to other Applicants.*

The impacts have been avoided/minimized to the greatest extent possible and are generally associated with modernizing urban sites. Therefore, the variance request would be granted to any Applicant in a similar situation.

2. *Is not based on conditions or circumstances which are the result of actions by the Applicant;*

The requested variance is based on proposed development allowed under the existing zoning and the need to achieve modernization of the existing development and improvements to the Green Trail. The variance can be granted.

3. *Is not based on a condition relating to land or building use, either permitted or non-conforming, on a neighboring property.*

The requested variance is the result of modernization and improvements that are included within the net tract area of this project and not as of a result of land or building use on a neighboring property.

4. *Will not violate State water quality standards or cause measurable degradation in water quality.*

Granting this variance request will not violate State water quality standards or cause measurable degradation in water quality. The subject area is not directly associated with any streams, wetlands or related buffers. The DPS review and ultimate approval of the sediment and erosion control and storm water management plans will ensure that appropriate standards are met. Additionally, the mitigation plantings will contribute to these goals.

Mitigation for Trees Subject to the Variance

There are no Variance trees proposed for removal in association with the project. Staff does not recommend mitigation plantings for variance trees that are not removed, therefore no mitigation was requested by Staff for the impacted trees.

County Arborist Recommendation

In accordance with Montgomery County Code Section 22A-21(c), the Planning Department is required to refer a copy of the variance request to the County Arborist in the Montgomery County Department of Environmental Protection for a recommendation prior to acting on the request. The County Arborist made some minor recommendations for relocating tree protection fencing and measures to protect tree roots impacted along the LOD. The County Arborist's comments are adequately addressed with the current submittal and Staff considers the FFCP sufficient to satisfy all necessary requirements of the Variance request under 22A-21.

Staff Recommendation on Variance

As a result of the above findings, Staff recommends the Board **approve** the Applicant's request for a variance from Forest Conservation Law to impact trees 1 & 4.

Stormwater Management (SWM)

The Montgomery County Department of Environmental Protection (MCDEP) developed a Countywide Stream Protection Strategy (CSPS) in 1998. The goal is to preserve, protect, and restore impaired watersheds. The proposed overall development will contribute to MCDEP's goals by implementing stormwater management treatment, reducing impervious cover, and increasing tree cover and landscape areas, which help slow down and infiltrate stormwater runoff.

The Site Plan received approval of a stormwater management concept plan on March 20, 2019 (Attachment E). The Application will meet stormwater management goals by providing onsite micro-bioretenion.

CONCLUSION

The Project Plan Amendment and Site Plan Amendment meet all requirements established by the CBD-2 Zone and conforms to the Silver Spring Central Business District Sector Plan. These Amendments also comply with Chapter 22A, the Montgomery County Forest Conservation Law. Therefore, Staff recommends approval of these amendments subject to the conditions contained at the beginning of this report.

ATTACHMENTS

- A. Previous Approvals Summary
- B. Final Forest Conservation Plan Amendment
- C. Variance Request
- D. Public Open Space Exhibit
- E. Agency Letters
- F. Statement of Justification

Attachment A - Previous Approvals Summary

January 23, 1995 - 119950070

Preliminary Plan approval to allow the resubdivision of 3.90 acres into four lots and a maximum of 650,000 square feet of office use and 23,514 square feet of retail use, not including lobby areas.

February 27, 1996 - 819960140

Site Plan to allow the construction of three buildings on 3.9 acres with a maximum of 683,544 square feet including 650,000 square feet of office, 23,514 square feet of retail, and 10,030 square feet of lobbies.

August 31, 2000 – 920000020

Project Plan to allow 478,898 sf of office uses.

August 31, 2000 – 820000320

Site Plan to allow 478,898 sf of commercial uses, varied public use space, public art, and parking.

July 19, 2001 – 92000002A – Project Plan Amendment

Planning Board approved a Project Plan Amendment.

Original Site Plan Amendment 82000032A - included on page 2 below

Administrative Site Plan Amendment to allow an increase of 66,531 square feet to total 545,429 square feet of office uses.

May 8, 2008 – 82000032A – Site Plan Amendment

Site Plan amendment to allow the conversion of 9,296 square feet of office space within existing building into a child day care center; convert 4,500 square feet of existing garden into a playground; update Forest Conservation Plan.

October 2, 2008 – 82000032B – Site Plan Amendment

Minor Site Plan Amendment to allow the installation of new site elements including animal sculptures, signs, and a custom archway at playground entrance.

April 8, 2011 – 8200032C – Site Plan Amendment

Site Plan Amendment to allow the decrease of public use space by 1,400 square feet to fence off a portion of the garden from the public, installation of an artistic design for fence panels in a minimum of three locations; and to retrofit interior public use space to apply security measures.

MONTGOMERY COUNTY PLANNING BOARD

ADMINISTRATIVE APPROVAL

DATE MAILED: NO MAILING: Administrative Approval
SITE PLAN REVIEW #: 8-00032A
PROJECT NAME: Discovery Communications World Headquarters

Action: Administrative Approval

1. The Site Plan is consistent with an approved development plan or a project plan for the optional method of development if required;
2. The Site Plan meets all of the requirement of the zone, and is consistent with an urban renewal plan approved under Chapter 56;
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 an 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 regarding forest conservation;
6. The Site Plan meets all applicable requirements of Chapter 19 regarding water resource protection

Therefore, the Montgomery County Planning Board staff ADMINISTRATIVELY APPROVES Site Plan #8-00032A, which consists of addition of 66,531 gsf for a total of 545,429 gsf, pursuant to directive by the Planning Board in its approval of the Project Plan Amendment #9-00002A on July 19, 2001, with the following conditions:

1. All previous conditions of the original approval of Project Plan 8-00032 are still in full force and effect, except as they are specifically modified by this approval
2. Proposed parking waiver from required 1036 to 808 spaces, per Sec. 59-E 4.5 of the Zoning ordinance is granted. This reduction is not intended to affect the application of the Parking District tax.
3. Retain the services of a new artist for the Colesville art wall site, set up an approval process and schedule and provide a public art work consistent in concept and value with that originally approved.
 - a. Provide Board with name of selected artist by October 15, 2001.
 - b. Present an internally-approved art concept to the Silver Spring Art Panel by April 15, 2002.
 - c. If concept is approved by the Panel, present the concept to the Planning Board as soon thereafter as possible.
 - d. Fabricate the art work off-site for delivery and installation by April 1, 2003.



March 7, 2019

VIA ePLAN UPLOAD

Mr. Joshua Penn
M-NCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Forest Conservation Tree Variance Request One Discovery, Silver Spring, MD
Site Plan 82000032D/Forest Conservation Plan 82000032D

Dear Mr. Penn:

On behalf of the applicant, we are submitting this tree variance request. The proposed Site Plan 82000032D has an impact on the critical root zone of Specimen Trees #1 and #4 as shown on the submitted Forest Conservation Plan. The CRZ impact for Specimen Tree #1 is 12% and the CRZ impact for Specimen Tree #4 is 31%, no other Specimen Trees are impacted. The CRZ impacts are due to streetscape renovations, stormwater management requirements, and site circulation improvements to support the reconstruction of the public plaza associated with this proposed project. Reasonable effort will be used to preserve the Specimen Trees and the majority of CRZ impacts are at or near the surface of the ground.

<i>SPECIMEN TREE TABLE</i>					
<i>No.</i>	<i>Common Name</i>	<i>Scientific Name</i>	<i>DBH (inches)</i>	<i>Condition Rating</i>	<i>Comments</i>
1*	Willow oak	<i>Quercus phellos</i>	33	Good	Broken branches, small deadwood
4*	Willow oak	<i>Quercus phellos</i>	31	Good	Small and large deadwood, broken branches

*Tree located offsite

The specific rationale in support of the request for this variance is as follows:

1. The requested tree variance is necessary for implementation of this redevelopment project consistent with the proposed Project Plan and Site Plan. There is no forest on the subject property nor are there any environmental buffers. The conditions related to this request are the unavoidable consequence of the development process under the zoning. Not granting the variance is an unwarranted hardship. Multiple design meetings between the Project Team and Park and Planning have occurred where the reconstruction of the public plaza has been discussed and modified to achieve urban planning objectives. These objective resulted in additional construction closer to the specimen trees than previously anticipated. The subject trees are impacted by existing and proposed sidewalk, bikeways, and pedestrian facilities.
2. The requested variance is based on development plans that are consistent with the zoning approved through the County planning process. As previously mentioned, additional unanticipated construction adjacent to the specimen trees was increased as a result of design meetings with Park and Planning. This includes, but is not limited to, required upgrades for the Green Trail that runs along Wayne Avenue. Strict protection of the variance trees would deprive the applicant from making significant changes to the park area. There are no conditions relating



to land or building use, either permitted or non-conforming, on a neighboring property that have played a role in the need for this variance.

3. The site is located in a dense urban area that was developed before modern stormwater management regulations were enacted, and existing stormwater management currently provided on the site does not meet current requirements. The stormwater management plan proposed incorporates environmental site design. The specimen trees being impacted are not in a stream valley buffer, wetland or special protection area. The plan provides stormwater treatment to the MEP for the areas of reconstruction. No variance trees are being removed from the site. For this reason, no loss of form or function of the trees is anticipated, so no negative impact on water quality is expected.

Upon your review, should you have any questions or require additional information, please do not hesitate to contact this office at (301) 809-4500. Thank you.

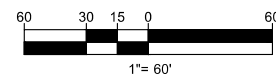
Sincerely,
Bohler Engineering VA, LLC



Bradford Fox, P.E.



THE INFORMATION, DESIGN, AND CONTENT OF THIS PLAN ARE PROPRIETARY AND SHALL NOT BE COPIED OR USED FOR ANY PURPOSE WITHOUT PRIOR WRITTEN AUTHORIZATION FROM BOHLER ENGINEERING. ONLY APPROVED, SIGNED AND SEALED PLANS SHALL BE UTILIZED FOR CONSTRUCTION PURPOSES. © BOHLER ENGINEERING, 2017





DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Diane R. Schwartz Jones
Director

March 20, 2019

Mr. Bradford Fox, P.E.
Bohler Engineering
16701 Melford Blvd., Suite 310
Bowie, MD 20715

Re: **COMBINED STORMWATER MANAGEMENT
CONCEPT/SITE DEVELOPMENT
STORMWATER MANAGEMENT PLAN** for
One Discovery Place – Silver Triangle
Preliminary Plan #: 119950070
Site Plan #: 82000032D
SM File #: 284380
Tract Size/Zone: 3.5 Ac./CBD-2
Total Concept Area: 1.59 Ac.
Lots/Block: 6/A
Parcel(s): N428
Watershed: Lower Rock Creek

Dear Mr. Fox:

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above-mentioned site is **acceptable**. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP by using micro-bioretenion.

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

1. Prior to submitting for the sediment control permit you must submit as soon as possible easements and covenants for the two existing underground stormwater structures, including the flow splitters.
2. A detailed review of the stormwater management computations will occur at the time of detailed plan review.
3. An engineered sediment control plan must be submitted for this development.
4. All filtration media for manufactured best management practices, whether for new development or redevelopment, must consist of MDE approved material.
5. Must provide access, as per Water Resources Technical Policy 4, to the existing underground structure at the corner of Georgia Avenue and Wayne Avenue.
6. Need to provide and show access to all surface structures for inspection and maintenance.



255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850 | 240-777-0311
www.montgomerycountymd.gov/permittingservices

Mr. Bradford Fox, P.E.
March 20, 2019
Page 2 of 2

7. Provide safe conveyance of flows into the micro-bioretenention facilities.
8. Use MCDPS latest design criteria at the time of sediment and erosion control plan submittal.

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

This letter must appear on the sediment control/stormwater management plan at its initial submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required.

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

Sincerely,



Mark C. Etheridge, Manager
Water Resources Section
Division of Land Development Services

MCE: CN284380 One Discovery Place.DWK

cc: N. Braunstein
SM File # 284380

ESD: Required/Provided 6345 cf / 6363 cf
PE: Target/Achieved: 1.8"/1.81"
STRUCTURAL: 0.00 cf
WAIVED: 0.00 ac.



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Al R. Roshdieh
Director

March 27, 2019

Ms. Grace Bogdan, Planner Coordinator
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

RE: Project Plan No. 92000002B
1 Discovery Place
REVISED LETTER

Dear Ms. Bogdan:

This letter **supersedes** the previous letter dated March 21, 2019. We have completed our review of the project plan amendment dated December 19, 2018 and reviewed by the Development Review Committee at its January 22, 2019, meeting. 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 the Department of Permitting Services (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.

Significant Plan Review Comments

1. The applicant needs to submit a truck circulation plan for review by the M-NCPPC and MCDPS. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX
www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

pattern and loading position should be designed for counter-clockwise entry and for a left-side backing maneuver. Passenger vehicle travel ways should be separated from the expected truck patterns and storage areas.

2. **Traffic Mitigation Agreement (TMAg)**

Prior to the certification of Site Plan Amendment 82000032D, the Applicant must complete the TMAg Assignment Form (Exhibit "A" to the TMAg executed in 2002) to transfer the responsibilities of the TMAg from Discovery to Silver Spring Owner, LLC, the current owner of the property. Submit the executed Assignment to Commuter Services, to the attention of Ms. Beth Dennard who can be reached at (240) 777-8384. The Applicant will need to record the executed Assignment Form in County Land Records.

3. **Provision of Space for Storage of Shared Mobility Devices**

Commuter Services recommends that the Applicant identify space within the project site for the orderly storage and containment of shared mobility devices. It is recommended that the space be located as near to the main entrances of the building as possible, be 54 feet x 7 feet in size, made of non-porous material (e.g., concrete), and receive 4 – 6 hours of sunlight to allow for potential future solar power needs. It is further recommended that additional locations within or adjacent to open space areas on-site be designated for shared bike, e-scooter or other mobility devices to be parked, to avoid negative impacts on the appearance or function of that open space. It also would be advisable to run conduit to the location(s), in case access to electric as well as solar power is needed for charging such devices in the future.

Standard Plan Review Comments

4. We defer to Maryland State Highway (MDSHA) for access and improvements along Georgia Avenue (MD-97) and Colesville Road (MD-384).
5. We recommend that the applicant coordinate with Mr. John Thomas of our Transportation Engineering Section at john.thomas@montgomerycountymd.gov or at 240-777-7240 regarding the following Bikeway and Pedestrian Improvement (BIPPA) projects
 - i. Second & Wayne Bikeway (Under Construction)

Ms. Grace Bogdan
Project Plan No. 92000002B
REVISED LETTER
March 27, 2019
Page 3

- ii. Dixon Ave Bikeway (under Design).
6. We recommend that the applicant pay for the installing a bus shelter at Colesville at Georgia bus stop. At or before the permit stage, please coordinate with Mr. Wayne Miller of our Division of Transit Services at 240-777-5836 or Wayne.Miller2@montgomerycountymd.gov.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Mr. Deepak Somarajan, our Development Review Engineer for this project at deepak.somarajan@montgomerycountymd.gov or at (240) 777-7170.

Sincerely,



Rebecca Torma, Manager
Development Review Team
Office to Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Project Plan\1 Discovery Place\Letter\92000002B-1
Discovery Place-DOT Project Plan Letter-REVISED

cc: Letters notebook

cc-e:	Brigg Bunker	FP Whitro Westlake, LLC
	Brad Fox	Bohler Engineering
	Todd Brown	Shulman Rogers Gandal Pordy
	Margaret Kimball	Foulger-Pratt
	Atiq Panjshiri	MCDPS RWPR
	Sam Farhadi	MCDPS RWPR
	Wayne Miller	MCDOT DTS
	Sandra Brecher	MCDOT DTS
	John Thomas	MCDOT DTS
	Kwesi Woodroffe	MDSHA DTE
	Deepak Somarajan	MCDOT OTP



**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 21-Mar-19
TO: Bradford Fox - bfox@bohlereng.com
Bohler Engineering
FROM: Marie LaBaw
RE: 1 Discovery Place
82000032D 92000002B

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **21-Mar-19**. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** Modifications to an existing building *****

DPS-ROW CONDITIONS OF APPROVAL

March 8, 2019

82000032D - 1 Discovery Place

Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscape plans files:

“07-BSITE-82000032D-003.pdf” uploaded on/ dated **“3/7/2019”** and
“08-BLL-82000032D-001.pdf V4” uploaded on/ dated **“3/7/2019”** and

The following needs to be a condition of the certified site plan:

1. Storm drain design and downstream improvements, if any, will be reviewed and approved at the time of ROW permit.

February 19, 2019

Casey Anderson, Chair
and Members of the Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Updated Repurposing of One Discovery Place – Amendments to
Project Plan No. 9-00002A and Site Plan No. 8-00032C

Dear Chair Anderson and Members of the Planning Board:

On behalf of Silver Spring Owner, LLC (“FP”), owner of the subject property, we are pleased to submit this updated Justification Statement for approval of the proposed Limited Major Amendments to Project Plan No. 9-00002A and Site Plan No. 8-00032C. The Subject Property is located at One Discovery Place in Silver Spring (“Property”).

Overview

The Property includes 3.5 acres located within the triangle formed by the intersections of Georgia Avenue, Colesville Road and Wayne Avenue. The Property is improved with a commercial building containing 545,429 square feet, a structured parking facility containing 788 parking spaces, and public use spaces. The Property is 100% occupied by Discovery Communications. Discovery will vacate the property on or about April 1, 2019.

FP acquired the Property in 2018.

Principal modifications include: (i) redesigning the public use space and removing existing fencing that limits access; (ii) creating of a new building entrance for the Colesville Road wing of the building; and (iii) reconfiguring the on-site portion of the access driveway to improve vehicular circulation, to provide access to the new building entrance, and to create a new focal point.

Other improvements include enhancements to the Colesville/Georgia Avenue building entrance, the creation of new interior lobby spaces; and the creation of new fitness facilities (for tenant use only).

Presubmission Requirements

FP held a presubmission community meeting on November 15, 2018. Meeting minutes are included with the application materials along with other items required by the Development Review Procedures. No objections were voiced at the meeting.

Project Plan Findings

Pursuant to Section 59-D-2.42, the Application complies with the findings for Project plan Approval as follows:

- (a) It would comply with all of the intents and requirements of the zone.

Project Plan No. 9-00002A and Site Plan No. 8-00032 were approved prior to October 30, 2014. Pursuant to Section 59.7.7.1.B.3, FP may apply to amend the previously approved plans under the development standards and procedures of the Property's zoning on October 29, 2014. On October 29, 2014, the Property was zoned CBD-2.

As shown on the Project Plan Amendment data table, the Project Plan Amendment complies with the development standards of the CBD-2 Zone.

The CBD-2 Zone is intended to, inter alia, (i) encourage development in accordance with an adopted sector plan or urban renewal plan; (ii) permit a flexible response to the market; (iii) 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 buildings and the adjacent areas; (iii) promote the effective use of transit facilities and pedestrian access thereto; (iv) promote improved pedestrian and vehicular circulation; (v) assist in the development of adequate residential areas for people with a range of different incomes; and (vi) encourage land assembly and the most desirable use of land in accordance with a sector plan.

The Project Plan Amendment complies with these intents by: (i) modifying the existing improvements to permit the successful reestablishment of commercial uses on the Property once vacated by Discovery; (ii) providing improved access to enhanced public use spaces; (iii) modifying the existing improvements to respond to the market and to accommodate multiple tenancies in a building originally designed for a single occupant; (iv) modifying the building entrances and lobby spaces to accommodate these multiple tenancies and to produce a more desirable relationship between the building and the surrounding pedestrian and vehicular circulation systems; (v) preserving the Silver Spring Green Trail and sidewalk connections providing access to the Silver Spring Transit Center; and (vi) modifying the existing improvements to assure the continued importance of the project to the CBD.

- (b) The application would be consistent with the applicable sector plan or urban renewal plan.

The Project Plan Amendment is consistent with the Sector Plan and Urban Renewal Plan which recommend creating a focus in the Core, including a large open space that is visible and accessible from adjacent streets. Open space should be landscaped with shade trees and both grassy and paved areas, include a central focal point and be activated by pedestrian routes and designed to accommodate a variety of community activities.

The Project Plan Amendment retains this signature commercial building and focus for the CBD. The application significantly improves existing public use spaces by: (i) redesigning the courtyard/plaza to increase visibility and usage; (ii) removing the fencing that historically has limited accessibility to the courtyard public use space; and (iii) redesigning the public use space at the corner of Wayne and Georgia Avenues to introduce design elements that will increase its usage.

The Sector Plan also suggests a desire for ground floor retail. Although tenancy within the project will be market-driven, the Project Plan Amendment provides an opportunity for up to 8,000 square feet of retail/restaurant uses if market conditions allow and if other tenancies support such use.

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

Changes to the existing improvements are chiefly limited to enhancing the public use space, pedestrian and vehicular circulation systems and to creating new entrances/entrance features to the building. These improvements will improve the overall compatibility and amenity of the project. The existing curb cuts providing vehicular access to the project will remain as is.

- (d) The application would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located in a transportation management district designated under Chapter 42A, is subject to a traffic mitigation agreement that meets all the applicable requirements.

Enclosed with the Application materials is an updated Traffic Statement prepared by Gorove Slade dated February 8, 2019. The traffic Statement demonstrates the modest use changes will not overburden existing roads. Water and sewer service

continues to be adequate for the project. A Traffic Mitigation Agreement was signed May 3, 2001 and will be assigned to Applicant.

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

As amended, the project will continue to be more efficient and desirable than could be possible under the standard method. Existing public use space on site has been reimagined and significantly enhanced. The public use space will comprise 23.7% of the net lot area (36,116sf) versus 10% required under the standard method (15,246sf) and will exceed the 20% (30,492sf) required under the Optional Method. Significantly, these figures do not include previously approved and constructed public use spaces including the Silver Spring Streetscape installed along Georgia Avenue and Colesville Road. Site Plan review will assure the modifications will be adequate, safe and efficient, including the removal of barriers to the courtyard public use space and additional enhancements to the public use spaces.

- (f) The application would include moderately priced dwelling units under Chapter 25A, if the requirements of that chapter apply.

Not applicable.

- (g) When a project plan includes more than one lot under common ownership, or is a single lot contained two or more CBD zones, and would transfer public open space or development density from one to another or transfer densities within a lot with two or more CBD zones, under 59-C-6.2351 or 59-C2352.

Not applicable.

- (h) Any applicable requirements for forest conservation under Chapter 22A.

The project is subject to an approved Forest Conservation Plan. An amended plan is included with the application materials.

- (i) Any applicable requirements for water quality resource protection under Chapter 19.

The application meets all applicable requirements under Chapter 19. Stormwater Management will be provided with the enhanced site improvements and will include micro-bioretenement. The new facilities will be designed to achieve environmental site design to the maximum extent practicable for the project.

- (j) When the Planning Board allows any public use space, or public facilities and amenities to be provide off-site, the Planning Board must find that the space or improvement....

All public use space and amenities are provided on-site. These include the redesigned courtyard/plaza area and the redesigned public use space at the intersection of Georgia and Wayne Avenues.

Basis for Consideration – Project Plan

- (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.

The existing building has been a feature and focal point for Downtown Silver Spring since 2003. The improvements proposed with this application are appropriate to the site in terms of scale, design, shape and arrangement of features. The modifications will enhance existing public use spaces and on-site circulation and will encourage greater use and enjoyment by the public and the building occupants.

- (b) Whether the open spaces proposed, including developed open space, are sized and located to provide convenient areas for recreation, relaxation and social activities for the residents and patrons of the development. Open spaces should be planned, designed, and situated to provide sufficient physical and aesthetic open areas among and between individual structures and groups of structures. The proposed setbacks, yards, and related walkways must be wide enough and located to provide adequate light, air, pedestrian circulation and necessary vehicular access.

The redevelopment of One Discovery Place has created an opportunity to redesign the existing Discovery Garden into an open and inviting public park. The concept plan consists of three main spaces: The Gathering Spot, a Central Plaza, and a Garden Park.

The existing plaza at Georgia and Wayne Avenue is reimagined as an open Gathering Spot with a variety of site furnishings and a new focal feature, to invite surrounding tenants and community members for relaxing, coworking and events. Using the curve of the existing building as inspiration the existing hardscape plaza is being turned into a mixture of planting, turf, and hardscape. The plan also maintains the main path of movement from the green trail and metro to downtown Silver Spring. The proposed updated lobby entrance and building frontage will help engage the plaza which is not currently provided.

The Central Plaza creates a welcoming drop off experience for pedestrian and vehicular visitors arriving to both the existing building entrance and a new one at the back of the plaza. This plaza is proposed to be curbless with protective bollards in order to be pedestrian friendly. The central island is a park space that provides a respite for the user, with seating areas and other site furnishings to visually draw pedestrians in from the Green Trail.

The Garden Park provides opportunities for multiple experiences both for the everyday park user and for special events. The design includes a sloping lawn, a choice of seating areas and seating types. The redesigned space includes shady areas, sunny exposure, and landscape areas. The realigned main path through the space culminates in a direct connection for pedestrians from the green trail into the center of the site.

- (c) Whether the vehicular circulation system, including access and off-street parking and loading, is designed to provide an efficient, safe and convenient transportation system.

This application does not change the existing curb cuts providing vehicular access to the garage and building entrances. However, the courtyard will be redesigned to accommodate safe and efficient vehicle drop-off at both (new and existing) entrances to the building. The number of off-street parking spaces and loading areas meet applicable requirements and are adequate for the anticipated uses.

- (d) Whether the proposed development contributes to the overall pedestrian circulation system. Pedestrian walkways must:
 - (1) Be located, designed and sized to conveniently handle pedestrian traffic efficiently and without congestion;
 - (2) Be separated from vehicular roadways and designed to be safe, pleasing, and efficient for movement of pedestrians; and
 - (3) Contribute to a network of efficient, convenient, and adequate pedestrian linkages in the area of the development, including linkages among residential areas, open spaces, recreational areas, commercial and employment areas, and public facilities.

Existing pedestrian walkways along Georgia Avenue and Colesville Road that were provided with the original development will remain in place and are adequate to accommodate pedestrian traffic. Along Wayne Avenue,

the Silver Spring Green Trail and adjacent sidewalk will also remain in place, but additional seating opportunities proximate to the trail have been created. As discussed above, new pedestrian circulation is provided within the redesigned Central Plaza, Gathering Spot and Garden Park. These systems are designed to be safe, pleasing and efficient for movement of pedestrians within the public use spaces and to/from the building.

- (e) The adequacy of landscaping, screening, parking and loading areas, service areas, and lighting in relation to the type of use and neighborhood.

The redesigned public use spaces include a combination of landscape and hardscape materials to create an attractive environment without screening or discouraging public use and interaction. Removing the existing fencing (around Discovery Garden) will open up the redesigned space and encourage greater public usage. The reconfigured driveway will provide a safe and efficient drop off area for both building entrances. Parking and service areas will meet all requirements.

- (f) The adequacy of the provisions for the construction of moderately priced dwelling units in accordance with chapter 25A, if applicable.

Not applicable.

- (g) The staging program and schedule of development.

All site improvements will be constructed in a single phase. Planting of landscaping may be delayed up to 6 months to accommodate weather conditions.

- (h) The adequacy of forest conservation measures proposed to meet any requirements under Chapter 22A.

The property is subject to an existing forest conservation plan which will be updated.

- (i) The adequacy of water resources protection measures proposed to meet any requirements of Chapter 19.

The stormwater concept plan includes facilities designed and sized for the additional improvements consisting of several micro-bioretenion facilities as noted above and will meet all applicable requirements.

- (j) Payment of a fee acceptable to the Planning Board may satisfy all or some of the requirements for any public use space, or public facilities and amenities under the requirements established elsewhere in this Section.

All public use space and amenity requirements are met on-site.

Site Plan Requirements

- (a) The site plan is consistent with an approved project plan for the optional method of development, unless the Planning Board expressly modifies any element of the project plan.

The Site Plan Amendment is consistent with the Project Plan Amendment.

- (b) 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.

As noted in the Site Plan Amendment data table, the Site Plan Amendment meets all requirements of the CBD-2 Zone. The Site Plan Amendment conforms to the Silver Spring Urban Renewal Plan by (i) strengthening the economic vitality of the Central Business District; (ii) demonstrating high quality design and attractiveness; (iii) providing a variety of public gathering spaces to satisfy the needs of the local community and visitors/employees; (iv) promoting increased pedestrian activity through the redesign of public use areas; and (v) attracting new businesses downtown.

- (c) The location of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.

As noted, modifications to the existing improvements include the addition of building entrances/entrance features and the redesign of public use spaces and associated landscaping. New on-site vehicular circulation is also proposed, along with additional pedestrian circulation improvements. The redesigned features are required to accommodate the multiple tenancies anticipated within the building and are designed to enhance the somewhat limited access, visibility and design of the existing public use spaces. All of the features have been designed to be safe and to provide efficient and safe access to the site and are adequate for the intended purpose.

- (d) Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.

As noted above, the redesigned entrances/entrance features, vehicular and pedestrian circulation systems and public use spaces are compatible with other uses in the area. The redesign will also increase the accessibility and use of the public use spaces, increasing overall pedestrian activity and safety in the area.

- (e) The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable laws.

As noted, the property is subject to an existing forest conservation plan which will be updated to reflect the new design. Additional stormwater management facilities, including micro-bioretenention, will assure compliance with Chapter 19.

Very truly yours,

SHULMAN, ROGERS, GANDAL,
PORTY & ECKER, P.A.

By: 
Todd D. Brown