




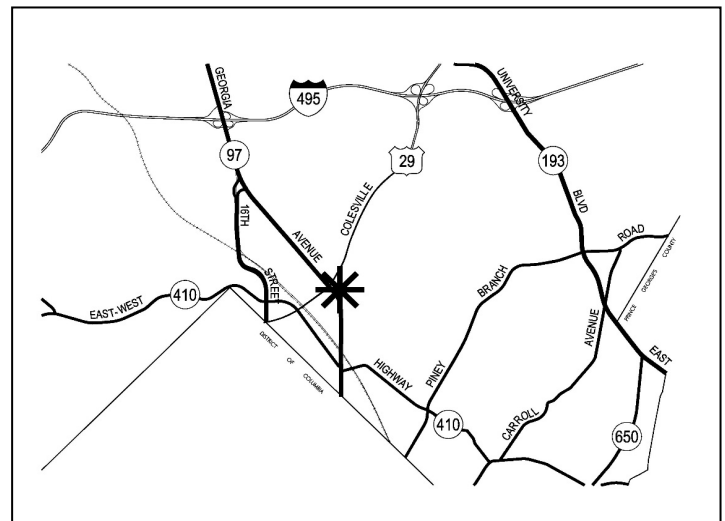
Downtown Silver Spring
Project Plan No. 91998005C Extension Request No. 3, Site Plan No. 81999002M Extension Request No. 2

-  Grace Bogdan, Planner Coordinator, Area 1, grace.bogdan@montgomeryplanning.org, 301.495.4533
-  Stephanie Dickel, Supervisor, Area 1, stephanie.dickel@montgomeryplanning.org, 301.495.4527
-  Elza Hisel-McCoy, Chief, Area 1, Elza.Hisel-McCoy@montgomeryplanning.org, 301.495.2115

Staff Report Date: 4/20/2020

Description

- Request to extend the review period for Downtown Silver Spring Project Plan and Site Plan from April 30, 2020, to not later than June 25, 2020.
- Location: Ellsworth Drive between Georgia Avenue and Fenton Street
- Zone: CBD-0.5, CBD-1, CBD-2, CBD R-2 (CR 5.0 C 4.0 R 4.75 H 200T & CR 3.0 C 2.0 R 2.75 H 145T)
- Master Plan: 2000 Silver Spring CBD Sector Plan
- Property size: 0.21 acres.
- Applicant: Foulger Pratt.
- Acceptance Date: November 19, 2019.
- Review Basis: Per Section 59.7.7.1.B.3, Pre-2014 Chapter 59.



Summary

The Applicant previously received an administrative extension of 30 days for the Project Plan Amendment to allow concurrent review with the related Site Plan Amendment. On February 27, 2020, the Planning Board approved an extension request to extend the review period for the Project and Site Plan Amendments from March 19, 2020 to April 30, 2020.

The Applicant requests an additional extension for the Project and Site Plan Amendments from April 30, 2020 to May 28, 2020, however, Staff recommends this request be extended through the month of June to allow for additional flexibility given the current working environment. Staff is committed to bringing the Application forward in a timely manner and the Planning Board hearing on the applications may take place before the end of the review period. The Project proposes significant changes to public ROW and the approved Public Art component, both of which continue to require extensive review and coordination from outside agencies and the Art Review Panel, and significant approvals are still outstanding. This is the third extension request associated with the Project Plan Amendment and second extension request for the related Site Plan Amendment.

Staff recommends **APPROVAL** of the extension request.

Attachment A: Extension requests for Project Plan Amendment 91998005C and Site Plan Amendment 81999002M
Attachment B: Previously Approved Extension Requests



Montgomery County Planning Department
Maryland-National Capital Park and Planning Commission

Effective: December 5, 2014

8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

www.montgomeryplanning.org

Phone 301.495.4550
Fax 301.495.1306

REGULATORY PLAN EXTENSION REQUEST

Request #1 Request #2

M-NCPPC Staff Use Only

File Number Date Received	91998005C & 81999002M	MCPB Hearing Date	_____4/30/2020_____
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Plan Name: _____ Plan No. **91998005C/81999002M**

This is a request for extension of:
 Project Plan Sketch Plan
 Preliminary Plan Site Plan

The Plan is tentatively scheduled for a Planning Board public hearing on: _____

The Planning Director may postpone the public hearing for up to 30 days without Planning Board approval. Extensions beyond 30 days require approval from the Planning Board.

Person requesting the extension:

Owner, Owner's Representative, Staff (check applicable.)

Name _____ Affiliation/Organization _____

Street Address _____

City _____ State _____ Zip Code _____

Telephone Number ext. Fax Number E-mail _____

We are requesting an extension for _____ months until _____

Describe the nature of the extension request. Provide a separate sheet if necessary.

Signature of Person Requesting the Extension

Signature _____

_____ Date

Extension Review

Planning Director Review for Extensions 30 days or less

I, the Planning Director, or Director's designee, have the ability to grant extensions of the Planning Board public hearing date of up to 30 days and approve an extension of the Planning Board public hearing date from _____ until _____.

Signature

Date

Planning Board Review for Extensions greater than 30 days

The Montgomery County Planning Board reviewed the extension request on _____ and approved an extension for more than 30 days of the Planning Board public hearing date from _____ until _____.

Bogdan, Grace

To: Sears, Barbara A.
Cc: Dickel, Stephanie; Hisel-McCoy, Elza; Kronenberg, Robert; Bryant Foulger; 'Paul Weinschenk'; Todd Langford; 'Ian P. Duke'
Subject: RE: Re Applicants Request for Extension of Time for Planning Board to Hold Hearing on Amendments to Project Plan 91988005C and Site Plan 81999002M for Downtown Silver Spring

From: Sears, Barbara A. <bsears@MilesStockbridge.com>
Sent: Monday, April 13, 2020 8:09 PM
To: Bogdan, Grace <grace.bogdan@montgomeryplanning.org>
Cc: Dickel, Stephanie <Stephanie.Dickel@montgomeryplanning.org>; Hisel-McCoy, Elza <elza.hisel-mccoy@montgomeryplanning.org>; Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>; Bryant Foulger <bfoulger@Foulgerpratt.com>; 'Paul Weinschenk' <Pweinschenk@Petersoncos.com>; Todd Langford <tlangford@Petersoncos.com>; 'Ian P. Duke' <Duke@vika.com>; Sears, Barbara A. <bsears@MilesStockbridge.com>
Subject: Re Applicants Request for Extension of Time for Planning Board to Hold Hearing on Amendments to Project Plan 91988005C and Site Plan 81999002M for Downtown Silver Spring

Grace-

Thank you for your email and follow up. I have discussed the extension request with the Applicants. As you know, Applicants were originally scheduled to have their second presentation to the Art Review Panel for the removal of certain existing art pieces and the approval of a new art work in Gateway Plaza on March 11, 2020. The Art review panel cancelled this meeting and was not able to reschedule the meeting until April 8, 2020. The April 8 Art Panel session although very positive, resulted in the need for the Applicants to revise certain design elements, details and data on the plans as you have indicated below. Our Team has these revisions underway and we will get them to you as soon as possible. However, we understand that once resubmitted, these changes will need to be reviewed and the time remaining does not allow a sufficient period to complete the staff report and posting before an April 30 hearing. From our discussions and further contact with DPS, it has also come to our attention that the Fire Marshall has some issues with the bollard design proposed and has not provided an approval letter to Park and Planning. The Applicants are currently working with DPS to answer its questions and feel the additional time will assist us to complete this effort resulting in the recommendation needed for approval. Accordingly, the Applicants are requesting that the time to hold the Planning Board hearing on the amendments be extended from April 30, 2020 to May 28, 2020 or by 28 days.

From our earlier discussion, I understand that this email is sufficient for you to process the extension request. Please let me know if you have any questions or require further information.

Thank you.

Barbara Sears,
 Attorney for the Applicants.



Barbara A. Sears
 Miles & Stockbridge
 direct: +1 (301) 517-4812

LINOWES
AND BLOCHER LLP
ATTORNEYS AT LAW

January 24, 2020

Barbara A. Sears
bsears@linowes-law.com
301.961.5157

Laura M. Tallerico
ltallerico@linowes-law.com
301.961.5125

Ms. Grace Bogdan
Planner Coordinator - Area 1
Montgomery County Planning Dept.
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Downtown Silver Spring – Site Plan Amendment No. 81999002M and Project Plan
Amendment No. 91998005C

Dear Ms. Bogdan:

Attached please find a completed Regulatory Review Extension Request for Site Plan Amendment No. 81999002M and Project Plan Amendment No. 91998005C (“Amendments”) for 42 days, or until April 30, 2020. The Amendments are currently scheduled for a Planning Board hearing on March 19, 2020. Staff has recently advised that the Planning Board will not meet on that day and the Amendments will now be tentatively scheduled for a Planning Board hearing on March 26, 2020. Therefore, a 7 day extension is technically necessary. However, the Applicant is requesting an additional 34 days, or to and including April 30, 2020, in the event that more time is needed for follow-up meetings with the Art Review Panel and Historic Preservation Commission or to submit any necessary revisions to the plans based on comments that may be received at those meetings.

Thank you for your attention to this matter. Should you require any further information, please contact me.

Very truly yours,

LINOWES AND BLOCHER LLP


Barbara A. Sears


Laura M. Tallerico



Ms. Grace Bogdan
January 24, 2020
Page 2

cc: Elza Hisel-McCoy
Stephanie Dickel
Grace Bogdan
Bryant Foulger
Kelly M. Price
Todd Langford
Paul Weinschenk
Ian P. Duke
Don Hoover
Matthew Traucht



Montgomery County Planning Department
 Maryland-National Capital Park and Planning Commission

Effective: December 5, 2014

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 Silver Spring, Maryland 20910-3760

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REGULATORY PLAN EXTENSION REQUEST

Request #1 (Site) Request #2 (Project)

M-NCPPC Staff Use Only			
File Number	_____	MCPB Hearing Date	_____
Date Received	_____		

Plan Name: Downtown Silver Spring **Plan No.** 91998005C & 919990002M

This is a request for extension of: Project Plan Sketch Plan
 Preliminary Plan Site Plan

The Plan is tentatively scheduled for a Planning Board public hearing on: 03/19/2020

The Planning Director may postpone the public hearing for up to 30 days without Planning Board approval. Extensions beyond 30 days require approval from the Planning Board.

Person requesting the extension:

Owner, Owner's Representative, Staff (check applicable.)

Barbara A. Sears		Linowes & Blocher LLP	
<i>Name</i>		<i>Affiliation/Organization</i>	
7200 Wisconsin Avenue Suite 800			
<i>Street Address</i>			
Bethesda		MD	20814
<i>City</i>		<i>State</i>	<i>Zip Code</i>
(301) 961-5157		bsears@linowes-law.com	
<i>Telephone Number</i>	<i>ext.</i>	<i>Fax Number</i>	<i>E-mail</i>

We are requesting an extension for 1+ months until April 30, 2020 (42 days)

Describe the nature of the extension request. Provide a separate sheet if necessary.

The Site Plan Amendment No. 81999002M and Project Plan Amendment No. 91998005C are tentatively scheduled for a Planning Board hearing on March 19, 2020. Staff has indicated that the Planning Board will not meet on that day and the Amendments will be tentatively scheduled for a hearing on March 26, 2020; therefore, a 7 day extension is necessary. However, an additional 34 days are requested in the event that more time is needed for follow-up meetings with the Art Review Panel and Historic Preservation Commission or to submit any necessary revisions to the plans based on comments that may be received at those meetings.

Signature of Person Requesting the Extension

Linowes and Blocher LLP
 By Barbara A. Sears *Attorney for Applicant*
 Signature

01/24/20
 Date

Extension Review

Planning Director Review for Extensions 30 days or less

I, the Planning Director, or Director's designee, have the ability to grant extensions of the Planning Board public hearing date of up to 30 days and approve an extension of the Planning Board public hearing date from _____ until _____.

Signature

Date

Planning Board Review for Extensions greater than 30 days

The Montgomery County Planning Board reviewed the extension request on _____ and approved an extension for more than 30 days of the Planning Board public hearing date from _____ until _____.

LINOWES
AND | BLOCHER LLP
ATTORNEYS AT LAW

December 20, 2019

Barbara A. Sears
bsears@linowes-law.com
301.961.5157

Laura M. Tallerico
ltallerico@linowes-law.com
301.961.5125

Ms. Gwen Wright
Director, Planning Department
Montgomery County Planning Dept.
Maryland-National Capital Park and
Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910-3760

Re: Downtown Silver Spring – Project Plan Amendment No. 91998005C

Dear Ms. Wright:

Attached please find a completed Regulatory Review Extension Request for Project Plan Amendment No. 91998005C (“Project Plan Amendment”) for 31 days, or until March 19, 2020. The 90 day review period for the Project Plan is tentatively scheduled to end on February 17, 2020. An extension is requested in order to provide time for the Applicant to respond to Development Review Committee (“DRC”) comments received on December 10, 2019. Specifically, as a result of comments received at the DRC meeting, the Applicant requires more time to meet with staff and complete its resubmission after coordination with its consultant team. Further, the extension will allow for the Project Plan Amendment to be reviewed concurrently with related Site Plan Amendment No. 81999002M, which is currently scheduled for a Montgomery County Planning Board hearing on March 19, 2020 based on the December 10, 2019 DRC meeting date.

Thank you for your attention to this matter. Should you require any further information, please contact me.

Very truly yours,

LINOWES AND BLOCHER LLP


Barbara A. Sears

LINOWES
AND **BLOCHER LLP**
ATTORNEYS AT LAW

Ms. Gwen Wright
December 20, 2019
Page 2

cc: Elza Hisel-McCoy
Stephanie Dickel
Grace Bogdan
Bryant Foulger
Paul Weinschenk
Kelly M. Price
Todd Langford
Ian P. Duke
Don Hoover
Matthew Traucht



Montgomery County Planning Department
 Maryland-National Capital Park and Planning Commission

Effective: December 5, 2014

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REGULATORY PLAN EXTENSION REQUEST

Request #1 Request #2

M-NCPPC Staff Use Only			
File Number	_____	MCPB Hearing Date	_____
Date Received	_____		

Plan Name: Downtown Silver Spring **Plan No.** 91998005C

This is a request for extension of: Project Plan Sketch Plan
 Preliminary Plan Site Plan

The Plan is tentatively scheduled for a Planning Board public hearing on: 02/17/2020

The Planning Director may postpone the public hearing for up to 30 days without Planning Board approval. Extensions beyond 30 days require approval from the Planning Board.

Person requesting the extension:

Owner, Owner's Representative, Staff (check applicable.)

Barbara A. Sears	Linowes and Blocher LLP
<i>Name</i>	<i>Affiliation/Organization</i>
7200 Wisconsin Ave. Suite 800	
<i>Street Address</i>	
Bethesda	MD
<i>City</i>	<i>State</i>
	20814
	<i>Zip Code</i>
	bsears@linowes-law.com
<i>Telephone Number</i> <i>ext.</i> <i>Fax Number</i>	<i>E-mail</i>

We are requesting an extension for 1 months until 03/19/2020

Describe the nature of the extension request. Provide a separate sheet if necessary.

As a result of comments received at the DRC meeting on December 10, 2019, the Applicant is requesting more time to complete its resubmission to Staff. Additionally, this extension is requested in order for the Project Plan Amendment to be reviewed concurrently with related Site Plan Amendment No. 81999002M, which is currently scheduled for a Montgomery County Planning Board hearing on March 19, 2020 based on the December 10, 2019 DRC meeting date.

Signature of Person Requesting the Extension

Barbara A. Sears
 Signature *A Honoring Plan Applicants*

12/20/19
 Date

Extension Review

Planning Director Review for Extensions 30 days or less

I, the Planning Director, or Director's designee, have the ability to grant extensions of the Planning Board public hearing date of up to 30 days and approve an extension of the Planning Board public hearing date from 2/17/20 until 3/19/20.

Gwen Wright
Signature

12/23/19
Date

Planning Board Review for Extensions greater than 30 days

The Montgomery County Planning Board reviewed the extension request on _____ and approved an extension for more than 30 days of the Planning Board public hearing date from _____ until _____.