

Item 6 - Correspondence

From: [Titman, Dorothy R.](#)
To: [MCP-Chair](#)
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Subject: ON BEHALF OF ROBERT HARRIS/Silver Spring Downtown and Adjacent Communities Plan - Working Draft
Date: Tuesday, October 26, 2021 8:59:30 AM
Attachments: [Ltr to Casey Anderson Silver Spring Downtown & Adjacent Communities Plan - Working Draft\(4301990.1\).docx](#)

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At the request of Mr. Harris, I am forwarding to you the attached document.

Robert R. Harris, Attorney

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October 26, 2021

The Honorable Casey Anderson
Chairman
Montgomery County Planning Board
2425 Reedie Drive
14th Floor
Wheaton, MD 20902

Re: Silver Spring Downtown and Adjacent Communities Plan – Working Draft

Dear Chairman Anderson:

I want to applaud you and the Planning Commission Staff for recognizing the importance of an update to the Silver Spring Sector Plan and for the great work they have done pulling together a working draft. I grew up in the Silver Spring area and have seen its continued transformation for decades. With the continued addition of new housing, employment like United Therapeutics and a major retail transformation, it is having some of his best years ever. As a resident yourself, I am sure you see its bright future.

I am writing specifically on behalf of the owner of a property located at 8807 Colesville Road (the corner of Spring Street and Colesville Road). This property of approximately 30,000 sq. ft. and today is occupied by a very small office building and a large surface parking lot. It is virtually surrounded by significantly larger residential and commercial buildings. Staff has appropriately identified this is a key site in the Working Draft because of its tremendous redevelopment potential and its gateway location to downtown Silver Spring. We do not believe, however, that the recommendations in the Working Draft fully reflect the site's potential and its location among much taller, denser development.

On the positive side, the Working Draft repeatedly notes the strong county desire to create new housing opportunities following the 2019 Council of Governments Study and multiple policy and regulatory decisions in the county since then. The Working Draft also correctly identifies this property as a key redevelopment site and notes that CR zoning is more appropriate for the site than the existing EOF zone which limits it only to employment. The CR zone, has been used very effectively elsewhere in Silver Spring and in Bethesda to accommodate both commercial and residential uses depending on market demand. The Working Draft also identifies the Ellsworth District of Silver Spring in which the property sits as the "heart of Silver Spring" and its "primary activity center." We fully agree with all of these observations.

Where we differ somewhat, however, is in the specific zoning recommendations both for this site and for the adjoining/confronting multifamily buildings. Our client's property, fronting on Colesville Road, is a gateway into downtown Silver Spring and has tremendous transportation resources based on existing roadways, the proximity of Metro and the Purple Line, robust bus service and an excellent pedestrian/bicycle network which will be improved in the future with the Green Loop. We believe a density greater than 3.0 FAR and a height taller than 100 feet are appropriate. What I think the Working

Draft misses is that the multifamily buildings directly adjoining the site and across Colesville Avenue are developed at heights of approximately 120 feet and at densities greater than 6.0 FAR. While this was based on pre-existing zoning, I don't believe any of us expect those buildings to be going anywhere soon. When the Planning Board looked at this similar situation in Bethesda (for example along East-West Highway, the northern end of Wisconsin Avenue and in the Battery Lane area), it applied new zoning to make such existing buildings conform with the relevant height and density of their zoning. This was done in large part because buildings like these are much easier to refinance if the zoning matches the existing conditions, rather than having the building be a nonconforming structure. More specifically, along East-West Highway, the Bethesda Downtown plan included heights up to 145 feet for properties that already existed at that height, and it assigned FARs as high as 6.25 to make those buildings conform. We believe this should be done for the properties neighboring this subject site.

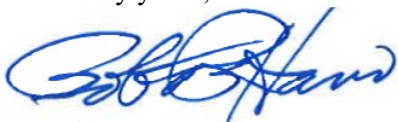
Similarly, recognizing in Bethesda that those pre-existing buildings are likely to remain for a long period of time, and that they establish actual conditions for compatibility, the Board generally recommended heights and densities for undeveloped or underdeveloped properties adjoining them that were more comparable.

The subject property is a key redevelopment site either for residential or commercial uses. Based on the built environment adjoining the site, a height of 120 feet is more appropriate than a more limited 100 foot limit. Similarly, given that the adjoining densities are over 6.0 FAR, a density greater than 3.0 and more comparable to the surrounding buildings would be compatible. With the Working Draft recommendation for a 15% MPDU requirement for new development, this height and density would immediately translate into a substantial number of additional MPDUs as well as market rate units that are also developed. Alternatively, if the site were to be used for employment purposes, that height and density might also be important to attract tenants.

One final suggestion we have has to do with the street network in front of this building. Today, Ellsworth Drive splits as one is heading south into the CBD, with an unconventional "Y" for traffic turning right on Spring Street. The intersection would be far more pedestrian friendly and would not lose any of its efficiency, if Ellsworth Drive simply ran straight through to the south side of Spring Street. Significantly, were the County to remove the Y and abandon the right-of-way, that would be an excellent location for a pocket park in front of a new building on the subject site.

Thanks for considering our thoughts.

Cordially yours,



Robert R. Harris

cc: Gerald Cichy
Tina Patterson
Partap Verma
Gwen Wright
Robert Kronenberg
Elza Hisel-McCoy
Atara Margolies
John Rhoad