

Item 7 - Correspondence

From: [Tim Eden](#)
To: [Anderson, Casey](#); [MCP-Chair](#)
Cc: wkominers@lercheearly.com; [Wright, Gwen](#); [Kronenberg, Robert](#)
Subject: RE: Silver Spring Sector Plan
Date: Wednesday, December 22, 2021 6:41:03 PM
Attachments: [image003.png](#)
[SILVER SPRING SECTOR PLAN testimony 11-17-21.pdf](#)

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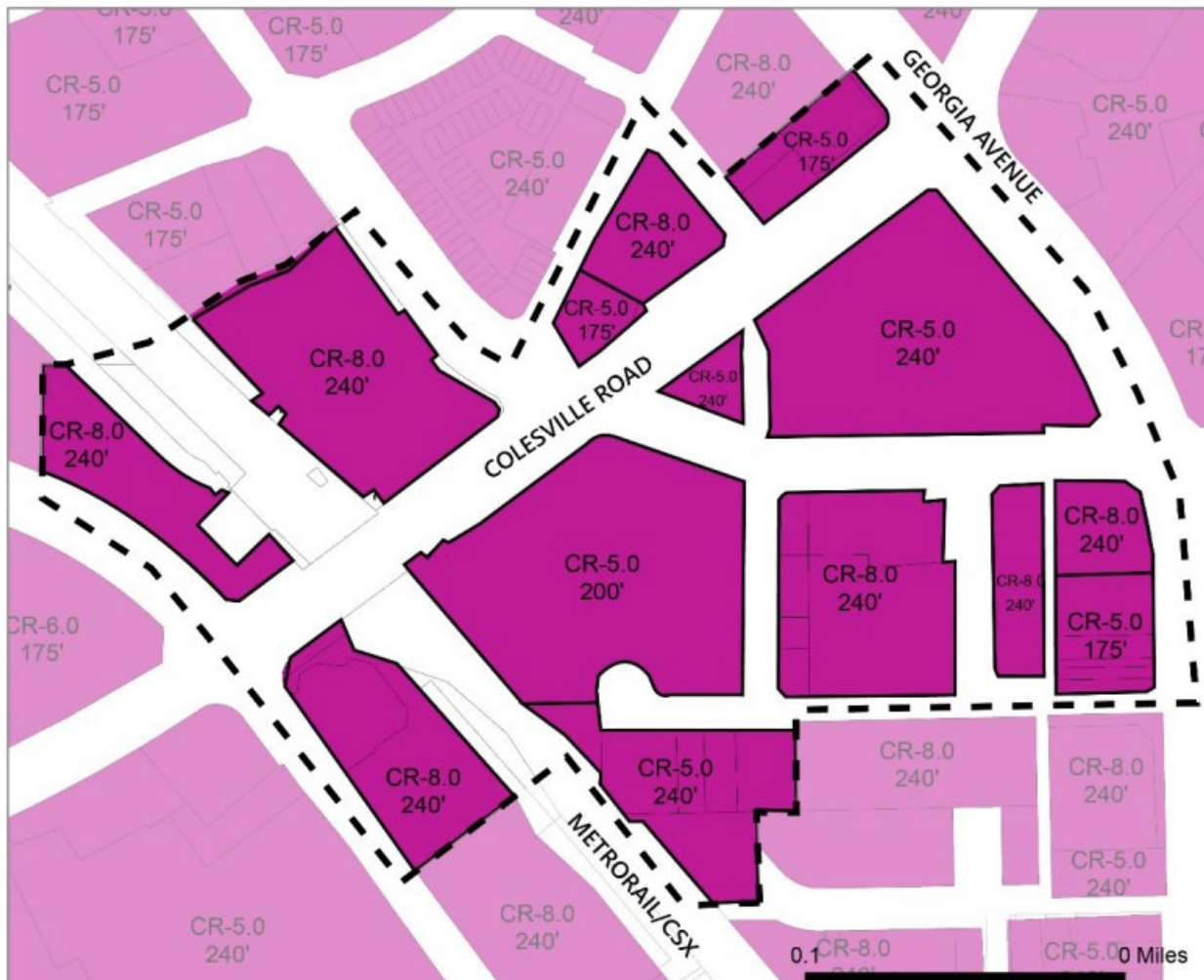
Members of the Planning Board

To further clarify our position below, we specifically requested equal treatment of height and density with our neighbors in our ZTA application 12 months ago, and in our written testimony at the December 2nd hearing, attached again for convenience. We withdrew our ZTA application with the understanding that our appeal would be handled through the Sector Plan process. We are supportive of incentives proposed by Staff, although still not fully defined, but continue, on behalf of the three property owners impacted, to request height and density consistent with the adjoining properties in the Metro District.

Also note that we are still required to upgrade the sewer line under Colesville Road, presumably with Council support, but at considerable cost and inconvenience. We are getting punished for poor planning by WSSC that designed this sewer line in 2007, and are looking for Planning Board to support our project. By simply designating our site for 240 feet and an FAR of 8.0, consistent with the Metro District, the Board will be providing welcome relief.

Thank you.

Tim



From: Tim Eden

Sent: Monday, December 20, 2021 4:15 PM

To: Casey.Anderson@mncppc-mc.org; mcp-chair@mncppc-mc.org

Cc: wkominers@lercheearly.com; Gwen Wright <gwen.wright@montgomeryplanning.org>;

Robert.Kronenberg@montgomeryplanning.org

Subject: Silver Spring Sector Plan

Members of the Planning Board

The Staff Working Draft for the Silver Spring Sector Plan includes recommendations for height and density that are inconsistent and unequitable. Our site at 8600 Georgia is recommended for 200 feet and a 5.0 FAR when surrounding properties are recommended for 240 feet and a 8.0 FAR. It was noted in the hearing last week that our site is one of the few in the Metro District that is planned for redevelopment, yet we are not being treated equally with our neighbors and will be subject to additional fees or other requirements to gain the height and density we need for economic feasibility. Simply put, we cannot afford such additional costs and it appears that we are being subjected to additional fees because we are prepared to

move forward with development.

For example, the most recent discussion shows our site at 200 feet, with 150% allowed (up to 300 feet) by meeting site plan conditions like capital improvements, affordable housing and infrastructure fees, all of which are undefined. For additional density, a fee of \$5-7/sf is being proposed. To build out the site, we would need another 165,000 sf for maybe \$6/sf that would be \$990,000 that our neighbor would not pay, and that is unfair. Another proposed extraction would be an increase from 15% to 25% mpdus in exchange for additional height that would be an enormous burden. Another 10% on 350 units would be 35 units at a loss of \$225,000 sf each for an extra cost burden (loss) of \$7,875,000!

We also note how the Board dramatically changed height for the WMATA site and the surrounding sites to 300 feet at the hearing for a variety of good reasons, and we are only 400 feet away at the prominent corner of Georgia and Colesville. We should be treated equally in the Metro District.

As stated in the Working Draft:

"The sector plan land use recommendations:

- promote a diverse mix of housing types throughout the Plan area, with an estimated 11,000 new multifamily residential units in the downtown;
- incentivize approximately 44,000 jobs in downtown Silver Spring, a 50% increase from what is currently existing; and
- forecast up to 46,300 people, double the existing population within the Plan area."

This an ambitious growth plan that proposes incentives for developers to proceed with large, risky construction projects in the CBD. We are proposing to proceed immediately with construction, unlike any other site in the Metro District. We ask that you reconsider our request for a base density of 240 feet and 8.0 FAR consistent with neighboring properties, and not unfairly disincentivize our site that would further delay development.

We also note that WSSC is not referenced in the Working Draft that should state that WSSC has placed a moratorium on development in the Metro District, and that Council funding is required to upgrade infrastructure.

Thank you.

Tim Eden
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**SILVER SPRING DOWNTOWN AND ADJACENT COMMUNITIES PLAN –
TESTIMONY FOR PUBLIC HEARING DECEMBER 2, 2021**

- 1) We represent the ownership of 8600 Georgia Avenue and have been working closely with the adjoining property owners at 8501 Colesville Rd and 8615 Ramsey Ave to advocate for additional height and density for this important underdeveloped block in the heart of Silver Spring. Property exhibits are attached for clarification.
- 2) We submitted a proposed Zoning Text Amendment in January 2021 to correct an inconsistency in the mapped height and density for our site at 8600 Georgia Ave. We withdrew that proposed amendment with the understanding that the inconsistency would be corrected in the plan currently in process. However, the Working Draft (the “Plan”) failed to address this issue. The Plan merely increased our height and those properties around us by 20%, without correcting the existing discrepancy between the basic height on our property as compared to the others. We continue to believe that our site should currently be mapped for 200 feet and an 8.0 FAR consistent with current treatment of adjoining and confronting properties, and therefore recommended for 240 feet like our neighbors. We note that the Planning Board generally agreed with us about greater height and density during your discussion of the ZTA. Heights of 250' to 300' were mentioned by Board members. Our testimony for that meeting is attached for your reference.
- 3) The Plan increases the mapped heights throughout the Silver Spring Downtown Plan area by 20%, but fails to address whether the "starting" heights were appropriate. Consequently, the Plan increased height for our properties to 175 feet and increased height for our neighbors' properties to 240 feet leaving our properties 37% below the height of surrounding properties, putting us at a disadvantage.
- 4) When assembled, the block will be comprised of 55,000 sf of land area that can accommodate a landmark 400-unit multifamily project that would make both an important affordable housing contribution to downtown Silver Spring close to Metro and a substantial increase in the tax base. The additional height and density we are seeking is needed to justify purchasing adjoining leased retail properties that have rental value that exceeds residual land value. Without this mapped designation, we cannot establish sufficient property value to support purchase prices, and will likely be unable to assemble

**SILVER SPRING DOWNTOWN AND ADJACENT COMMUNITIES PLAN –
TESTIMONY FOR PUBLIC HEARING DECEMBER 2, 2021**

the block that is a goal of the Plan.

- 5) The Bethesda Plan analyzed each block in great detail and made height and density recommendations accordingly. That process should be applied in Silver Spring to correctly map the few CBD sites that are candidates for redevelopment.
- 6) Earning our way to additional height and density through housing or infrastructure fees puts us (and Silver Spring) at a competitive disadvantage to our neighbors by driving up costs and creating uncertainty. We are asking for this additional development capacity to justify the extraordinary development cost and risk associated with this project.
- 7) Silver Spring rents are 25-30% less than those in Bethesda. Extraordinary fees and other extractions are counterproductive to the development process, especially to high-rise construction, where costs and other risks continue to escalate. In Bethesda, we recently paid over \$900,000 for density required to justify our redevelopment of older retail properties. We certainly could not afford that level of expense in Silver Spring. One suggestion: provide tax credits for such impact fees, so that Silver Spring can encourage development while accruing funds for needed infrastructure without undue economic burden to builder/developers. This approach would perform like a TIF, since that additional tax revenue would not exist without the redevelopment project.
- 8) Acquiring density through the Density Averaging process is cumbersome, time-consuming, expensive, and uncertain in any form, and is another obstacle to redevelopment of urban properties that already carry considerable risk and cost. We believe that density should run with the land to be used for redevelopment, not traded to other property owners for financial windfall. Additional density should be allocated by the County to encourage redevelopment of decaying older operating properties.
- 9) The Density Averaging process is counterproductive in another way. At 8600 Georgia Ave, we acquired 14,000 sf from another retail property on Colesville Rd that now has diminished residual land value. That will make it more difficult to sell that property (and assemble that block) for redevelopment in the future, so the density averaging provisions again work against County redevelopment objectives.

**SILVER SPRING DOWNTOWN AND ADJACENT COMMUNITIES PLAN –
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- 10) The Plan does not address the WSSC capacity issue along Colesville Road that has halted our development plans. This extraordinary economic burden will continue to stall redevelopment of any assets in this part of the CBD and this watershed. We encourage the Planning Board to advocate with County Council to address and resolve this funding deficiency imposed by WSSC.

From: [Nicole Pepper](#)
To: [MCP-Chair](#); County.Council@montgomerycountymd.gov
Subject: Support for expanding the downtown Silver Spring boundary
Date: Wednesday, December 22, 2021 7:16:59 PM

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Dear Planning Board Chair & Commissioners,

I recently bought a townhouse in Woodside and I'm writing to support expanding the downtown Silver Spring boundary north of Spring Street into Woodside as part of the SSDAC. I love the idea of more restaurants, coffee shops, yoga studios, and stores in the area so I can walk to places instead of driving. Given the planned purple line station in Woodside, this area is a logical place for more mixed use development.

Thanks,
Nicole

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Nicole Pepperl
8914 Courts Way
Silver Spring, MD 20910

From: [Tim Eden](#)
To: [Margolies, Atara](#)
Cc: [Kronenberg, Robert](#); wkominers@lercheearly.com; [MCP-Chair](#); [Wright, Gwen](#); [Anderson, Casey](#); smreutershan@lercheearly.com; [Steve Silverman](#)
Subject: RE: Silver Spring Sector Plan
Date: Wednesday, December 29, 2021 12:54:43 PM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image001.png](#)

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[2021](#) | [POLICE & FIRE](#)

Montgomery County police fatally shoot person who officials say fired at officers in Silver Spring

A man previously was shot and injured less than a mile away, police say

BY [DAN SCHERE](#) | DECEMBER 29, 2021 | 10:17 AM

Montgomery County police shot and killed someone in Silver Spring during a traffic stop early Wednesday morning after the person fired at officers, authorities say.

The shooting came after police were investigating another shooting that injured a man, according to Police Chief Marcus Jones.

An off-duty police officer responded to the 900 block of Bonifant Street around 4:15 a.m. and found a man who had been shot, Jones told reporters Wednesday. The man who was shot was taken to a hospital.

Atara

From my perspective, Silver Spring is not the place to be adding regulations that raise costs, including fees for density and height that should be allocated as an incentive to encourage

construction. Downtown Silver Spring has significant headwinds that have reduced demand for commercial and residential real estate. By raising costs, you are raising taxes that are going to discourage redevelopment.

For example, raising the mpdu requirement from 12.5% to 15% is a large tax and a foregone conclusion. For a 200 unit building, that is an additional 2.5% or 5 units that lose approximately \$225,000 each. So that is a \$1,125,000 tax in the form of additional cost imposed on the community. To then expect developers to propose 17.5%, 20% or 25% mpdus for additional height is unrealistic with that additional burden. (We note that Bethesda offers a significant incentive for delivering 25% mpdus, yet only one project has made that election and it has yet to start construction). Rents in Silver Spring barely justify any high rise construction, and by raising costs you are going to reduce the number of projects that move forward. These additional costs also drive down land values, so that redevelopment is less feasible than continuing current operations, in our case that means an aging gas station and retail property.

By allocating additional height and density to the appropriate sites, the opposite would occur. In our case at 8600 Georgia, our base density and height will allow 260 units that would require 15% mpdus or 39 units and real economic burden (tax) of \$8,775,000 at a loss of \$225,000 each. That is a good outcome for the county in the form of affordable housing, and big tax on the developer. However, if we were granted additional height (up to 300 feet) and density on our site for an additional 200,000 sf, that would deliver another 30 mpdus at a loss of \$225,000 each or \$6,750,000. Under that scenario, the county would be the beneficiary of 69 mpdus at a real cost to the developer of \$15,525,000! That sounds like enough tax in a rough neighborhood. If we have to pay for that additional height and density, we are disincentivized. One of the main goals of the Sector Plan is to encourage redevelopment of older properties and the assemblage of city blocks to deliver housing, jobs and additional tax base. The current plans are discouraging.

I would be glad to schedule a conference call to talk this through prior to next Thursday, and thank you for your consideration.

Tim

From: Margolies, Atara <Atara.Margolies@montgomeryplanning.org>

Sent: Wednesday, December 29, 2021 10:28 AM

To: Tim Eden <timeden@starrcapital.com>

Cc: Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>;
wkominers@lercheearly.com; Wright, Gwen <gwen.wright@montgomeryplanning.org>

Subject: RE: Silver Spring Sector Plan

Tim

We just discussed much of this with the Planning Board on December 23. We are working on updating materials. We will not be posting a full updated Draft until we transmit the draft to the Council and then the full Planning Board Draft will be available on our plan website (on approximately January 11 or 12). We will send an e-letter blast to our list when that is up.

Next week is our final work session with the Board. As you know, staff reports are posted 1 week prior to any Board item. This Thursday our staff report will include a memo of revisions to the draft, so I believe that will be available on the Planning Board website by Friday morning. It will include the revised text for the Building Height Incentive Zone.

Thanks and happy new year,
Atara

Atara Margolies, AIA, LEED AP
Planner Coordinator

Montgomery County Planning Department
2425 Reddie Drive, Wheaton, MD 20902
Atara.Margolies@montgomeryplanning.org
p: 301.495.4558

From: Tim Eden <timeden@starrcapital.com>
Sent: Wednesday, December 29, 2021 10:21 AM
To: Margolies, Atara <Atara.Margolies@montgomeryplanning.org>
Cc: Kronenberg, Robert <robert.kronenberg@montgomeryplanning.org>;
wkominers@lercheearly.com; Wright, Gwen <gwen.wright@montgomeryplanning.org>
Subject: RE: Silver Spring Sector Plan

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Atara

Please forward the latest Zoning Map #8 for the Metro District, following the December work sessions when changes were debated.

Is there a complete revised Working Draft available for public review?

Under section 4.1.2 what is the latest plan for achieving additional height under the BHIZ?

Specifically, what specific fees or housing quotas are proposed for additional height up to 150% of the mapped limits?

Thank you.

Tim

From: Margolies, Atara <Atara.Margolies@montgomeryplanning.org>

Sent: Thursday, August 5, 2021 1:01 PM

To: Tim Eden <timeden@starrcapital.com>; Howerton, Leslye <leslye.howerton@montgomeryplanning.org>

Cc: Bill Kominers <wkominers@lerchearly.com>; Susan M. Reutershan <smreutershan@lerchearly.com>

Subject: RE: Silver Spring Sector Plan

Tim,

Good afternoon!

Below are some dates and times towards the end of August when we would be available:

Wed Tues 8/17 – anytime between 10 am – 12 pm

Friday 8/20 - 11 am

Wed 8/25 – 3 pm

Thurs 8/26 – anytime between 1 – 4 pm

Let us know what works. If August is too tricky with vacation schedules, we can look in September.

Thanks

Atara

Atara Margolies, AIA, LEED AP

Planner Coordinator

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[Sign up for the Silver Spring Downtown and Adjacent Communities Plan eLetter](#)

From: Tim Eden <timeden@starrcapital.com>

Sent: Friday, July 30, 2021 12:28 PM

To: Howerton, Leslye <leslye.howerton@montgomeryplanning.org>

Cc: Bill Kominers <wkominers@lerchearly.com>; Susan M. Reutershan <smreutershan@lerchearly.com>; Margolies, Atara <Atara.Margolies@montgomeryplanning.org>

Subject: RE: Silver Spring Sector Plan

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Ok, thank you very much.

From: Howerton, Leslye <leslye.howerton@montgomeryplanning.org>

Sent: Friday, July 30, 2021 11:03 AM

To: Tim Eden <timeden@starrcapital.com>

Cc: Bill Kominers <wkominers@lerchearly.com>; Susan M. Reutershan <smreutershan@lerchearly.com>; Margolies, Atara <Atara.Margolies@montgomeryplanning.org>

Subject: RE: Silver Spring Sector Plan

Hi Tim,

Happy to hear you were watching.

As we stated during the session with the planning board we do not have the concepts fully flushed out including specific incentives. We will be working on this over the next month.

I would suggest meeting at the end of August or in early September once we have a better idea as to what we may propose.

I am copying Atara and she can get something on our calendar to follow up with you.

Have a great summer.

Leslye Howerton (she/her/hers)

Master Planning Supervisor, Downcounty Planning

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o: 301.495.4566



[Sign up for the Silver Spring Downtown & Adjacent Communities Plan eLetter](#)

[Sign up for the Takoma Park Minor Master Plan Amendment eLetter](#)

From: Tim Eden <timeden@starrcapital.com>

Sent: Friday, July 30, 2021 10:43 AM

To: Howerton, Leslye <leslye.howerton@montgomeryplanning.org>

Cc: Bill Kominers <wkominers@lerchearly.com>; Susan M. Reutershan <smreutershan@lerchearly.com>

Subject: Silver Spring Sector Plan

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Leslye

We watched the presentation yesterday which was very nicely done. Can we set up a call to talk through your vision for our site and what specific incentives you are contemplating? Thank you.

Tim

Tim Eden
Starr Capital
240-338-4836