

Item 7 - Correspondence

From: [Silber, Stacy P.](#)
To: [MCP-Chair](#); [Stern, Tanya](#); [Hisel-McCoy, Elza](#); [Ballo, Rebecca](#); [Margolies, Atara](#); [Mencarini, Katherine](#); [Rogers, Elizabeth C.](#)
Cc: ["88968 001 BURKE PARCEL LLC 8700 GEORGIA AVENUE Emails"](#)
Subject: Silver Spring Downtown and Adjacent Communities Plan Draft Design Guidelines: Item 7 [IMAN-IMANAGE.FID878108]
Date: Monday, January 23, 2023 4:57:37 PM
Attachments: [Letter to Planning Board on Draft Silver Spring Design Guidelines\(4857395.1\).pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Planning Board Chair Zyontz,

Please find attached our feedback regarding the Silver Spring Downtown and Adjacent Communities Draft Design Guidelines.

Regards,

Stacy Silber

Stacy P. Silber, Attorney

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January 23, 2023

Via Electronic Delivery

Mr. Jeffrey Zyontz, Chair
and Members of the Montgomery County Planning Board
Maryland-National Capital Park & Planning Commission
2425 Reedie Drive, 14th Floor
Wheaton, MD 20902

Re: Silver Spring Downtown and Adjacent Communities Plan (the “Plan”)
Draft Design Guidelines

Dear Chair Zyontz and Members of the Planning Board:

Our firm represents numerous clients who are currently in the active design process for multiple redevelopment projects located in Downtown Silver Spring and the Adjacent Communities. We are excited to be able to bring the Sector Plan’s vision to life through these projects in the near future. We have reviewed the January 2023 Draft Design Guidelines (the “Draft Design Guidelines”), in the context of these projects and wanted to offer a few suggestions, which we believe will further the intent of the Sector Plan and Design Guidelines. Our proposed additions are bolded below, and deletions are shown with strikethroughs.

1. Design Flexibility

The Draft Design Guidelines appropriately recognize that flexibility is imperative to achieving exceptional design in Silver Spring. We wholeheartedly agree and have seen the importance of this flexibility on numerous cases in Bethesda, where alternative design solutions resulted in much improved and more compatible building designs (that were commended for their excellence both by the Design Advisory Panel, Staff and the Planning Board), than would have strict conformance with the more prescriptive design guidelines. To this end, we appreciate that Staff has included an acknowledgement of the need for this Flexibility in Section 1.2.2 of the Draft Design Guidelines. However, we think it is important that Silver Spring is afforded the same flexibility as Bethesda (*e.g.* ability to break down perceived mass on constrained high-rise

sites, other than using tower step-backs for the building “middle”). During the Silver Spring Sector Plan process there was particular focus on the Silver Spring Sector Plan not imposing more restrictive requirements than are currently in Bethesda, in part recognizing that Silver Spring is a tougher market. To that end we recommend incorporating the following language and options into the Silver Spring Design Guidelines, to ensure that Silver Spring has similar flexibility as Bethesda, which has proven essential to the creatively designed buildings that we are enjoying in Bethesda:

- Add a new Section 2.3.2.F to include Alternative Methods for Reducing Tower Bulk, like the “menu” of options included in the Bethesda Design Guidelines (*See Exhibit “A”*). We think this “menu” of options is critical to giving property owners certainty, early in the process, that alternative methods will be considered for constrained sites.
- Add the following language to Section 1.2.2: **“Unless dimensions are specifically recommended in the Sector Plan, guidelines that include dimensions also outline opportunities for alternative design solutions to meet the intent of the guidelines. These alternatives address constrained sites and buildings of moderate height.”**

2. Corner Treatments

We believe that unique corner treatments are an important component of exceptional design. The Draft Design Guidelines recognize that “[d]istinctive corner and entry treatments may differ from the Base, Middle, and Top guidelines to enhance the building facades.” (*See Page 46*). We think this is an important recognition and suggest including the following additional language to strengthen this recommendation:

- Modify Section 2.3.2 to include: **“The full height of tall buildings may be expressed at corners, as a way to provide variation and enhanced architectural presence.”**

3. Streetscape and Right-of-Way Sections

The Design Guidelines include slightly different recommendations for the streetscape components (*e.g.* sidewalk, street buffer etc.). We understand from Planning Staff that the Design Guidelines are intended to provide additional guidance for the design of street sections that were not explicitly covered in the Plan. However, the Plan will control the required minimum widths for these streetscape components for those streets that were explicitly included in the Plan. This is important for several of the sites we are currently working on, where the frontage is constrained and a change in the sidewalk width (from what is recommended in the Plan) could impact the feasibility of these projects. As such, we recommend including language in the Design Guidelines that make this clear.

- Modify Section 2.1.2 to include: **“Where the dimensions for Active Zone elements contained in the following subsections conflict with the recommendations of the Sector Plan, the Sector Plan recommendations shall control.”**

4. Parking

Above-grade structured parking is necessary on certain sites in Silver Spring both due to economical and site constraints (e.g. geological conditions). We understand the need to conceal above-grade structured parking from view of the public realm, but there are many different ways this can be accomplished. The Draft Design Guidelines currently recommend certain methods through which this concealment can be accomplished. However, we believe that the Design Guidelines should be written to allow for design flexibility and creativity, while accomplishing this same intent.

The Draft Design Guidelines also recognize that surface parking may be necessary in the Adjacent Communities and list a few locations where such parking is particularly important. We believe that listing particular blocks on which surface parking may be necessary could be read to preclude surface parking on other streets. We understand that this is not Staff’s intent. As such, we recommend the modification below to more closely match Staff’s intent.

- Modify Section 2.3.4 as follows:
 - “Structured parking should be below ground or be lined with other uses along streets and public spaces. If underground parking and/or fully lined parking is not feasible due to site constraints, line the ground floor of structured parking with retail or other uses with transparency to maintain an active building edge. ~~Where active uses are infeasible, avoid exposed parking floors along the street through measures outlined in the Zoning Ordinance Section 6.2.9.D.1 Structured Parking Requirements.~~ **Incorporate design techniques and articulation on above-ground parking to obscure the structure with architecturally and visually attractive screening methods.**”
 - “Surface parking is not recommended in any of the downtown districts of the SSDAC. All existing surface parking lots are considered redevelopment opportunities. In some unique cases, limited ADA parking may be allowable on site and not in a structured parking facility. Surface parking is permitted in a limited capacity in the Adjacent Communities district, ~~particularly to serve small multi-family units that may develop on the blocks between Fenton Street and Grove Street (Section 2.3.3).~~”

5. Historic

The Draft Design Guidelines include recommendations for certain historic properties. We understand that Staff’s intent is that these specific design recommendations only apply to

those properties specifically listed in Table 7 and that this additional guidance is not applicable to properties that are already designated as historic resources under Chapter 24A of the County Code (e.g. where the Historic Preservation Commission already has design review authority). As such, we recommend the following modification to clarify this intent and avoid any unnecessary confusion.

- Modify Section 2.3.5 to include the following: “Silver Spring’s historic buildings are critical to the community’s character and collective memory; offer tangible connections to the past, opportunities for education and interpretation; and create a diversity of building types within the Plan area. These Design Guidelines encourage preservation and adaptive reuse of select historic buildings, **as listed in Table 7**, by means of frontage, or façade preservation. The level of preservation suggested as part of an adaptive reuse varies depending on the current protections provided to a building and its overall historic significance.”

6. Green Cover

We understand and appreciate the County’s goal to increase green cover in the Central Business Districts. This is a great goal but there are sometimes challenges with meeting this green cover through just green roof (depending on construction type and rooftop design) and tree canopy. As such, we suggest the following additional allowances be counted toward the recommended 35 percent green cover for option method of development requirements:

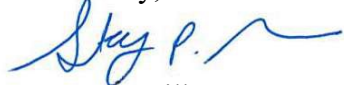
- Modify Section 2.2.2. as follows:
 - “Require a minimum of 35 percent green cover on Optional Method Development projects. A project may achieve the 35 percent green cover requirement by:
 - ...
 - **Providing ground level landscaping with soil depth six inches or greater;**
 - Providing native canopy tree cover ~~on the landscape of~~ **within** the project site area ~~at ground level;~~ and/or;
 - Providing a combination of **landscaping**, tree canopy cover and intensive green roof for a total of 35 percent or greater on the total site.
 - **Landscaped Stormwater Management facilities may count toward site green cover.**
 - ...

Conclusion


The Design Guidelines will be a very important part of implementing the County’s objectives, as expressed in the Plan, and in achieving Silver Spring’s full potential. We believe the above-noted changes are important clarifications that will help to achieve the exceptional design envisioned for Silver Spring.

We appreciate the Board's consideration of our comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stacy P. Silber", with a stylized flourish at the end.

Stacy P. Silber

A handwritten signature in blue ink, appearing to read "Elizabeth C. Rogers", with a stylized flourish at the end.

Elizabeth C. Rogers

Enclosure

cc: Tanya Stern
Elza Hisel-McCoy
Rebeccah Ballo
Atara Margolies
Katie Mencarini

2.4.7 Tower: Step-Back

Intent: To provide a human-scaled building edge along the street that enhances pedestrian comfort and access to sky views. In districts with mostly low to mid-rise buildings, the step-back enables new tall buildings to better relate to existing context and maintain a similar street character.

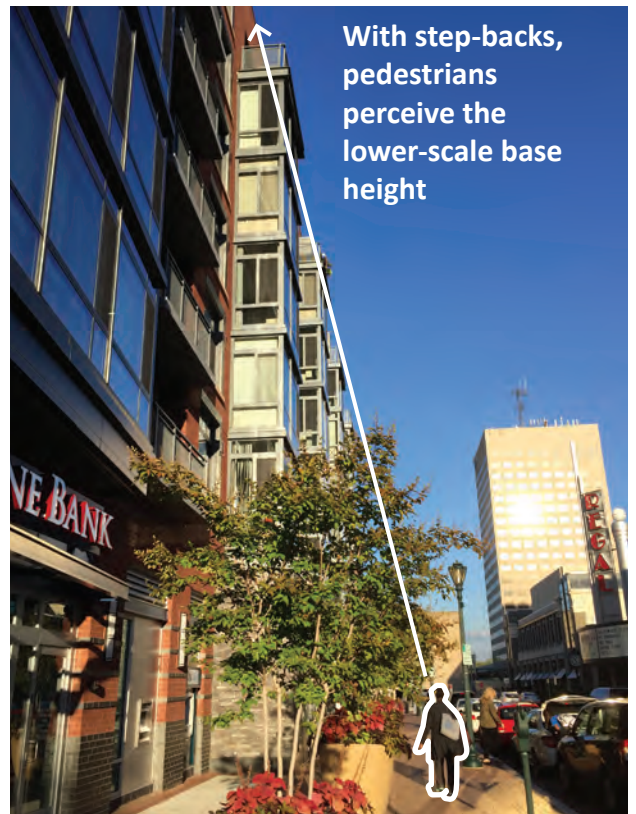
Guidelines:

- A. Retain a tower step-back across the majority of the building frontage. The building's full height may be expressed to the ground on important corners, to mark primary entryways or to balance the massing composition with vertical elements.
- B. Encourage undulating, curved or angled tower step-backs if the average step-back meets the guidelines for the street type. This expressive geometry can increase visual interest on prominent sites near major open spaces and corners.
- C. Allow balconies to encroach in the step-back if they do not significantly add to the perceived bulk and mass of the building's upper floors.

Alternative Treatments:

Though step-backs are one of the preferred methods to reduce tower bulk, especially on small neighborhood street types, alternative methods are outlined in *Section 2.4.8 Tower: "Menu" of Methods to Reduce Bulk*. These alternative methods particularly apply to buildings lower than 90-120 feet as noted in *Section 2.1 Street Types*, or to sites with limited size or property depth from the street.

In cases where a step-back is not provided, another method to relate to the context of adjacent building heights and base conditions is with a change of materials or clear regulating lines.



This residential development in Rockville illustrates the relationship between the pedestrian and the building step-back.

Source: The Upton (above)

2.4.8 Tower: “Menu” of Methods to Reduce Bulk

Intent: Downtown Bethesda is an important location in Montgomery County for increased building heights to accommodate future growth. However, collectively, buildings at taller heights can be an imposing presence on the public realm by casting large shadows, limiting sky views and creating an uncomfortable scale for pedestrians.

A. Limit Tower Floor Plate

Reduced tower floor plates limit shadows on the public realm and allow access to sky view while also improving the quality of the building’s indoor environment.



B. Use Unique Geometry

Varied geometry adds visual interest and helps to reduce the perceived bulk of a building’s upper floors. Angled and curved facades allow a building to be viewed dynamically from different vantage points. They can enhance privacy between towers in close proximity by directing views away from nearby windows.



C. Vary Tower Heights

Whether creating a large development with several towers, or an infill development between multiple existing towers, variation in building height can reduce the imposing massing of several large structures built adjacent to each other.



There are several ways to reduce the actual bulk of a building's upper floors or to creatively reduce the perceived bulk of the building. Below is a menu of design techniques that can be used to sculpt building towers and achieve a varied skyline responsive to human scale. Every project is not required to apply every method; however, several should be used in combination to best meet the guideline intent.

D. Modulate and Articulate Facades

Techniques to break up large facades and reduce perceived building bulk include shifts in massing to allow for upper floor terraces, green roofs and balconies; changes in facade planes; and varied fins, frames and mullions to add depth to glass facades.



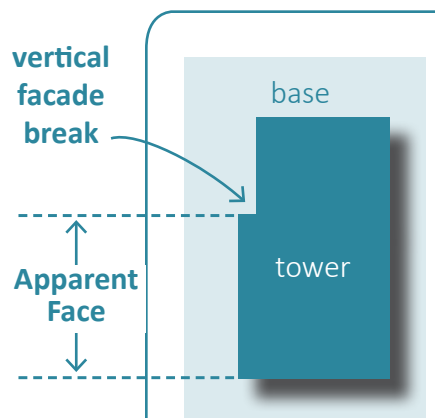
E. Vary Tower Placement and Orientation

Similar to variation in tower height, variation in tower placement and orientation can increase perceived separation between towers, reduce the perceived imposing massing of several adjacent towers and increase privacy by orienting views in different directions.



F. Limit Apparent Face

The apparent face is the length of a facade plane that is unbroken by vertical changes in depth. Limiting this length reduces the perceived bulk of a long building facade.



From: [Deborah Chalfie](#)
To: [MCP-Chair](#)
Cc: [Margolies, Atara](#); [Steve Knight](#)
Subject: Art Deco Society of Washington comment re: January 26, 2023 hearing on SSDAC Draft Design Guidelines
Date: Wednesday, January 25, 2023 10:32:42 AM
Attachments: [ADSW statement to PB re SSDAC design guidelines 1-25-23 final.pdf](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Dear Chairman Zyontz,
Please find attached the comment letter of the Art Deco Society of Washington for tomorrow's public hearing on the SSDAC Draft Design Guidelines. Unfortunately, I have a conflict and so will not be able to testify in person at the hearing. Thank you for your consideration of our views, and please feel free to contact me if you have any questions.
Best regards,
Deborah Chalfie, ADSW Preservation Chair
dchalfie@adsw.org
202-375-1856
P.O. Box 42722
Washington, DC. 20015



January 25, 2023

Montgomery County Planning Board
2425 Reddie Dr., 14th floor
Wheaton, MD 20902

Re: Silver Spring Downtown and Adjacent Communities Draft Design Guidelines

Dear Chairman Zyontz and Members of the Planning Board:

Founded in 1982, the Art Deco Society of Washington (ADSW) is a nonprofit membership organization covering the Washington DC region, whose mission is to foster awareness of, celebrate, and preserve the architectural, decorative, industrial, and cultural arts of the Art Deco era and adjacent modern movements of the 20th Century. Architectural preservation is a strong element of our mission, and we have had many successes, including in the downtown Silver Spring area. ADSW actively led the fight to preserve and restore the Silver Theatre, now the AFI & Cultural Center, and the Silver Spring Shopping Center at Colesville and Georgia. We also participated in supporting the preservation of the Falkland Apartments and the Canada Dry Building. ADSW consistently and actively participated in the deliberations on the Silver Spring Downtown and Adjacent Communities Plan (SSDAC)¹ and appreciates the opportunity to submit its views on these draft Design Guidelines.²

ADSW commends and appreciates the Planning staff's attention to historic preservation-related concerns throughout the draft, and the stated intent to work in coordination with the Historic Preservation Commission and the Historic Preservation Office on design issues related to historic resources. We found much to support in the draft.

We were gratified to see that preservation of historic facades and frontages is part of the planwide guidelines. Specifically, the guidelines state that preservation of historic facades should be a factor in building placement³ and in massing,⁴ and that the designs themselves should be *compatible with the architecture of the preserved section of the building*.⁵ A recent *New York Times* article bemoaned the “bland” sameness of architecture going up in many cities across the country. It not only criticized the homogeneity of design that makes the new urban architecture all look alike, it also pointed out how the

¹ Montgomery County Planning Dept., *Silver Spring Downtown and Adjacent Communities Plan* (Approved and Adopted, June 2022), at <https://montgomeryplanning.org/wp-content/uploads/2022/11/Silver-Spring-DAC-Approved-Adopted-web.pdf> [hereinafter *SSDAC Plan*].

² Montgomery County Planning Dept., *Silver Spring Downtown and Adjacent Communities Plan: Draft Design Guidelines*, (Jan. 2023), at https://montgomeryplanningboard.org/wp-content/uploads/2023/01/REVISED_SSDAC-DRAFT-Design-Guidelines-1-12-23-Reduced.pdf [hereinafter *Draft Guidelines*].

³ *Id.*, at 45.

⁴ *Id.* at 48.

⁵ *Id.*

look-alikes have erased cities' unique character, the kind of character that contributes to a city's sense of place.⁶ The SSDAC Plan made a similar point:

The preservation of select historic resources is critical if the downtown is to develop in a way that reflects the authenticity and unique qualities of Silver Spring. The community's sense of place relies upon several historic buildings such as the Silver Spring Shopping Center and Theatre, the Fillmore, Hecht's Building, Canada Dry Building, Dyers and Cleaners Building, and the North Washington Shopping Center. Adaptive reuse of historic buildings provides texture and depth to the architectural character of the Plan area. The resources are thoughtfully designed, often focus on the pedestrian-level, and stand out in the urban landscape. They are manifestations of the community's collective identity.⁷

Most of the historic buildings that define downtown Silver Spring's sense of place are Art Deco and Streamline Moderne in their design. Art Deco *is* downtown Silver Spring's unique historic style, and it helps create its sense of place. That style should be preserved to the greatest extent possible, and any new construction should echo or at least be compatible with that – in design, materials, massing, and scale.

Adaptive Reuse of Buildings

The Draft Design Guidelines also specifically address adaptive reuse of historic and other older buildings. The preservation and adaptive reuse of historic buildings offers the community many benefits, both concrete (environmental, accessible pedestrian experience, etc.) and enriching (beauty and craftsmanship, tangible connection to the past). ADSW agrees with the portions of Section 2.3.5 that encourage the preservation of historic façades, and that call for any new development to respect and retain the general massing and scale of historic buildings. In particular:

- Silver Spring Historic District – ADSW generally agrees with the proposed treatments of the contributing buildings in the Silver Spring Historic District.⁸ Table 7 recognizes that the design, massing, and scale of the one- and two-story buildings in the District, such as the Fenton Building, contribute to people's "successful pedestrian experience of downtown."⁹ We also support the proposed treatment of these buildings, i.e., that their façades should be preserved, and that their "character defining elements" should be preserved/restored, including their design, materials, massing, and scale. To the extent possible, any new proposed development should be aligned on these characteristics as well.
- Garden & Mid-Rise Apartment Complexes – ADSW also supports the restrained and respectful nature of the Draft Guidelines' recommendations for the treatment of these small apartment buildings. Too often, redevelopment destroys older existing affordable housing stock, displacing it with housing that is *not* truly affordable to households earning less than \$100,000/yr. Adding more housing (and updating amenities) *while still preserving existing structures and green space* will indeed enable these complexes erected in the 1930s and 40s to "continue to provide market-rate affordable housing in a bucolic setting."¹⁰ As we did during the consideration of the SSDAC

⁶ Anna Kodé, "America, The Bland," *N.Y. Times* (Jan. 20, 2023), *available at* <https://www.nytimes.com/2023/01/20/realestate/housing-developments-city-architecture.html>. Unfortunately, the apartment buildings that have recently gone up in Silver Spring look very much like the buildings pictured in this article.

⁷ *SSDAC Plan*, *supra* n. 1, at 180.

⁸ *Draft Guidelines*, *supra* n. 2, at 65-67.

⁹ *Id.*, at 65, Table 7.

¹⁰ *Id.* at 64.

plan, ADSW strongly supports the creation of a Garden and Mid-Rise Apartment Historic District, and its listing in the National Register of Historic Places.

ADSW does, however, have a concern about the Draft Guidelines. We are unclear why such small setbacks are being recommended in Section 2.3.5A. If a small building is not to be swallowed up by a larger one, it seems to us that the *minimum* setbacks that should apply here should be increased to more like 30' and 20' respectively for the frontage preservation and façade preservation categories as noted on page 63. Requiring a deeper setback would help distinguish the historic portion(s) from any new development. There is also the issue of viewshed. If one was to view what was once a one- or two-story building with several additional stories now piled on top of it, a 10-foot setback will not accomplish the kind of differentiation the setback is supposed to accomplish (especially viewing the building from across a relatively wide street like Colesville Road or in the case of buildings located on corners such as the Fenton Building).

On behalf of the Art Deco Society of Washington, thank you for the opportunity to share our views. If you have any questions, please contact me or Steve Knight, ADSW President, at president@adsw.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Deborah Chalfie".

Deborah Chalfie, ADSW Preservation Chair
dchalfie@adsw.org

From: [Marcie Stickle/Geo French](#)
To: [MCP-Chair](#)
Cc: sshistory@yahoo.com
Subject: Design Hearing 1/26/23: Jesup Blair Park, Design Guidelines Draft, Entrance, Visual/Caption, P. 68
Date: Wednesday, January 25, 2023 11:30:33 AM
Attachments: [20060424-140454-Jessup-Blair-01 Jesup Blair Park Historic Black Gum Tree in Natural Setting Proclaims J.B. Park at J.B. Drive.webp](#)

[EXTERNAL EMAIL] Exercise caution when opening attachments, clicking links, or responding.

Please Distribute to Chair & All Planning Board Members, 1/25/23

**Design Guidelines Hearing, Planning Board, Th., 1/26/23
Jesup Blair Park at Jesup Blair Drive, Natural Entrance Design, Re-Enliven!!
Testimony by Marcie Stickle & George French
Silver Spring Historical Society**

Natural Historic Entrance to Jesup Blair Park, Our Green Oasis



**Design Guidelines Draft, P. 68, With Picture & Caption "re-imagines"
the Lush Green Park Corner at Jesup Blair Park Drive as Hardscape.**

Our concern with new rendition is treatment of the adjacent Parkland Corner: This Green lush portion, *see Park Photo attached*, had long been home to an historic Black Gum Tree, growing prior to 1933, surrounded by flowers, plants, its signage also of natural materials, stone & wood. Coming down Ga. from Burlington, the Black Gum in its Green setting proclaimed J.B. Park, our Green Oasis, so refreshing, our breath of relief!

Design rendition shows a hardscape plaza replacing the natural green land. The impermeable hardscape plaza creates an unnecessary heat island.

**Existing already are 2 dramatic hardscape entrances to our Park,
one with the lively artistic Oak Leaves, other at corner of Ga. & Blair Rd.**

**We enthusiastically recommend the planting of a new Black Gum Tree, surrounded again by flowers & plants in its green natural setting,
with its original natural signage welcoming all to our Green Treed Oasis!**

Violet Blair Janin's generosity of spirit bequeathed her Land, with all improvements upon it, "from the trees fronting on Brookville Pike," in perpetuity as a Public Park. *"It is my earnest wish and request that if any of the trees upon the property are destroyed or die, that such trees be replaced."* Violet Blair Janin's 1933 Will.

Park & House are on Master Plan for Historic Preservation & National Register Eligible.

Design Guidelines Draft

https://montgomeryplanningboard.org/wp-content/uploads/2023/01/REVISED_SSDAC-DRAFT-Design-Guidelines-1-12-23-Reduced.pdf

2.4 Parks, Trails, & Public Spaces, PPs. 68-78

P. 68: With Visual & Caption:

"Existing entry to Jesup Blair Park from Georgia Avenue and Jesup Blair Park Drive (top),

illustrative concept rendering of one way that entrance could be reimagined (bottom)."

<https://silverspringdowntown.com/go/jesup-blair-park-and-blair-house>



ABOUT

JESUP BLAIR PARK AND BLAIR HOUSE

A focal point of this 14.5-acre park is the Blair House. This park has several recreational opportunities, including a football/soccer field, tennis courts, basketball court, picnic area, and a playground. This park was acquired by M-NCPPC in parcels from 1933 - 1995.

The Jesup Blair House located in the park was built circa 1850 as a summer residence. The house incorporates elements of the Federal and Greek Revival styles, including a hipped roof with cupola, wooden quoin blocks, pilasters, a molded architrave, and a front door framed with transom and sidelights. The house has served a variety of community uses since its donation to the State of Maryland in 1933 by Violet Blair Janin, and was renovated in 1990 as transitional housing for single-parent families. The property is currently owned by the Maryland-National Capital Park and Planning Commission.

George French & Marcie Stickle, Silver Spring Historical Society,
On Behalf of Jerry A. McCoy, President, sshistory@yahoo.com
marcipro@aol.com 510 Albany Ave., Takoma Park, MD 20912,
301-587-5955, 8515 Greenwood Ave., Takoma Park, MD 20912

FN: Violet Blair Janin's Will:



