

MEMORANDUM

April 4, 2022

TO: Planning, Housing, and Economic Development (PHED) Committee

FROM: Pamela Dunn, Senior Legislative Analyst
Livhu Ndou, Legislative Attorney
Dr. Glenn Orlin, Senior Analyst

SUBJECT: Silver Spring Downtown and Adjacent Communities Plan

PURPOSE: Worksession to develop recommendations for Council consideration

Expected Participants:

Casey Anderson, Chair, Montgomery County Planning Board
Gwen Wright, Director, Montgomery Planning Department
Elza Hisel-McCoy, Down County Chief, Planning Department
Larissa Klevan, Master Plan Supervisor, Planning Department
Atara Margolies, Planner Coordinator, Planning Department
Cristina Sasaki, Parks Planner Coordinator, Parks Department

This is the Planning, Housing, and Economic Development (PHED) Committee's sixth worksession on the Silver Spring Downtown and Adjacent Communities Plan. This worksession will cover the remaining Plan-wide recommendations not yet discussed. This includes recommendations related to economic growth, urban design, resilient downtown, historic resources, and other community facilities. An additional worksession may be added to cover elements of plan Implementation, and any follow up items. If time does not allow, these topics will be covered as part of Council review.

Councilmembers may wish to bring their copy of the Plan to the meeting.

A link to the Planning Board Draft for those wishing to access the Plan online is here:
<https://montgomeryplanning.org/wp-content/uploads/2022/01/SSDAC-Planning-Board-Draft-FINAL-FOR-WEB-reduced2.pdf>

As noted in prior staff reports, Silver Spring is renowned for its uniqueness and diversity, as well as for its abundance of locally owned and ethnically diverse small businesses. The revitalization of Silver

Spring was spurred by the 2000 Silver Spring Central Business District Sector Plan and related initiatives by the public and private sector. The resulting development of the downtown area, including the Civic Building, Veteran’s Plaza, and Ellsworth Place, has been tremendously successful and has brought people from all over the region to work, live, play, and enjoy Silver Spring.

The Plan envisions a Silver Spring of the future as a great place to work, do business, and enjoy the arts. Home to small independent businesses, cutting-edge science, research and tech companies, educational institutions, and arts organizations. A place that remains unique, affordable, and attractive to people of all ages and backgrounds with new open spaces that are better connected and characterized by green, climate-resilient, and safe walkable streets.

PLAN-WIDE RECOMMENDATIONS (continued)

1. Economic Growth

Over the last 20 years, downtown Silver Spring has become an economic engine for the eastern half of Montgomery County, as home to arts and entertainment venues, a diverse retail landscape, major employers, new start-ups and cutting-edge science and technology companies. In the last decade, over 6 million square feet of new construction has been built. The Silver Spring Downtown and Adjacent Communities Plan envisions this growth continuing. As stated in the Plan, “With green, walkable streets and a transit connection to all regional centers and train and air travel hubs, downtown Silver Spring will be a premier location for businesses large and small, new, or established.”

Over the last 10 years, downtown Silver Spring has seen significant growth in residential development, as well as a new regional recreation and aquatic center, and the expansion of the United Therapeutics biotechnology campus. However, the area has not attracted as many new office users despite “access to transit, high quality urban form and numerous civic amenities.” While downtown Silver Spring has a vibrant retail market, retailers in downtown Silver Spring depend on the office market for daytime sales.

Downtown Silver Spring “boasts a vibrant retail market with a sizeable cluster of diverse and independent retailers.” Community members who worked with Planning on the development of this Plan cited the diverse mix of retail as part of its unique character and a reason why consumers continue coming to Silver Spring. As noted in the Plan,

A parallel study by Montgomery Planning, *Retail in Diverse Communities*, documented these retailers and proposed several interventions and policies to strengthen and support the cluster.¹ Key findings include that most small retail businesses in Silver Spring rent their space and are vulnerable to increases of already high rents, and that many retailers reported property owners and absentee landlords who make little to no investment in their properties.

The vision for the plan is,

...a future in which downtown Silver Spring is among the region’s premier office markets, has continued to grow its profile as a unique retail destination, and has a diverse base of high-quality

¹ The “Retail in Diverse Communities Study” final report can be found here: https://montgomeryplanning.org/wp-content/uploads/2021/05/Diverse-Community-Study_Final-Report_210412.pdf

jobs in numerous industries, making it resilient to evolving economic conditions and an attractive place to work and do business.

Goals:

- Make Silver Spring into a premier office market.
- Improve the public realm to make downtown Silver Spring more attractive for businesses, retailers, and consumers.
- Strengthen the unique retail market in Silver Spring with its diverse mix of independent stores and restaurants.
- Encourage economic growth that will be sustainable into the future.
- Focus on strengthening the retail and business economy in Silver Spring by attracting large and small new employers and retailers, and by supporting the businesses that have been in downtown for years.

Council Staff supports the Plan-wide Economic Growth goals.

Recommendations:

According to the Plan, “In addition to the zoning recommendations to encourage the development of underutilized property, and the recommendations to improve the public realm, the Plan recommends”:

- Encourage the conversion of obsolete office space to other uses (short-term or long-term), including residential (condominiums or rentals), hotels/hospitality centers, healthcare facilities, laboratory/research facilities, education facilities, and non-profit service centers.
- Promote new ground-floor retail to established retail nodes or corridors where there is already existing retail and significant pedestrian activity. For those locations that are not adjacent to or on a block with existing retail consider alternative strategies for activating the ground floor, such as an art gallery/venue, community meeting space, educational or medical use.
- Consider an incentive for property owners with underutilized street-level retail spaces to build and fit out the space for a retail incubator managed by a mission-oriented non-profit organization in which entrepreneurs can try new retail concepts.
- Create an incentive that provides a subsidy for new retail businesses to complete the fit-out of 2,000 square foot or smaller retail spaces.
- Explore creating a Minority Business Designation Program in coordination with the Legacy Business Program recommended in Section 3.9.6.
- The Plan recommends developing a wayfinding and branding plan that highlights the unique multicultural destinations in the downtown. Coordinate an engagement effort with the international business community to explore the designation of Fenton Village as an international or multicultural business district.

The first goal for Economic Growth is to “make Silver Spring into a premier office market”; however, there are no recommendations that seem to further this goal. In fact, the first recommendation, “Encourage the conversion of obsolete office space to other uses (short-term or long-term), including residential (condominiums or rentals), hotels/hospitality centers, healthcare facilities, laboratory/research facilities, education facilities, and non-profit service centers” suggests a less than robust office market and one that should “encourage” other uses.

Council Staff suggests replacing “obsolete office space” with “vacant space” and adding a recommendation or two that support the vision of Silver Spring as a “premier office market”. Council Staff will work with Planning Staff on draft language.

Testimony: The Coalition for Smarter Growth submitted a letter requesting that the Plan “include more incentives and programs that would help to develop businesses for and from within the existing community.” The Coalition for Smarter Growth also suggests that “The recommendation from Fenton Village to ensure buildings are divided into smaller components, instead of one large, monolithic structure, should be true of the whole plan area to allow for small businesses to thrive.”

Council Staff has no further recommendations regarding incentives and programs. However, Council Staff proposes the following additional bullet point based on the submitted testimony be added to the Plan-wide recommendation for *Economic Growth*:

- “Where feasible and consistent with other recommendations in the Plan, new development should be composed ground-floor space that is divided into smaller components instead of large monolithic structures, to allow for small businesses to thrive”.

Testimony: The Greater Silver Spring Chamber of Commerce (GSSCC) submitted testimony questioning the Plan. First, GSSCC asks whether there are case studies demonstrating “how a community with a dwindling commercial market was reinvigorated (and brought in actual employers and jobs) because it built a green “realm” that replaced streets and parking with bike lanes.” The letter asks whether there was input from current property owners losing tenants, and corporations and commercial site selection experts, regarding how to attract employers and whether taking additional property for bike lanes and green space attracts businesses. The letter also questions how the incentives cited in the Economic Growth recommendations would be funded—whether by the County or by private owners.

Council Staff recommends that Planning address these questions during the PHED Committee worksession.

2. *Urban Design*

Building Form

“Downtown Silver Spring contains a diversity of building form, from one- and two-story retail along Colesville Road, Georgia Avenue, and throughout Fenton Village, to mid- and high-rise office and apartment buildings, as well as the house-scale buildings of the Adjacent Communities. New development in each of the districts should respond to these varied conditions.”

Goals:

- Encourage future growth in downtown Silver Spring that takes advantage of additional allowable height while considering street-level experience, views and building form.
- New development should be compatible with the urban form and scale of the immediate surrounding neighborhood context.
- Design tall buildings with bases appropriate for active ground floor uses and architecturally interesting towers.
- Create a walkable environment where buildings frame the public realm and the lower floors of the building respond to the pedestrian environment at the ground floor.

Council Staff supports the Plan-wide Urban Design: Building Form goals, as they are consistent with the Urban Design goals for the previously reviewed Districts.

Recommendations:

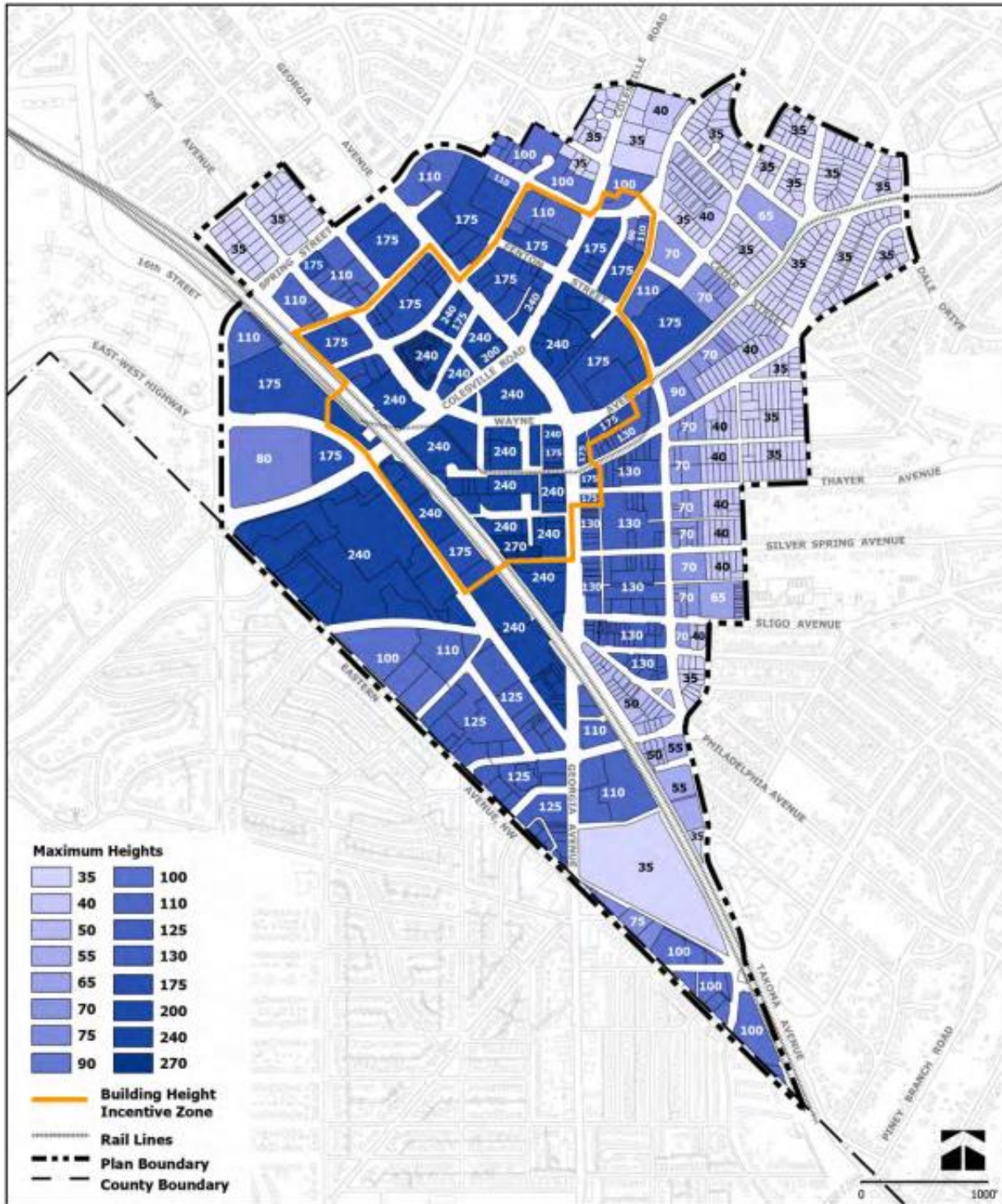
- Prepare Design Guidelines to define Design Excellence for new development throughout the Plan area.
- Create a Design Advisory Panel (DAP). Design Review will be required for all Optional Method Development Projects in the Plan area. Additional height obtained through the Building Height Incentive Zone will be subject to the Design Review process through the Design Advisory Panel.
- Encourage innovative building form and allow flexibility in design. Vary tower heights, setbacks, and building materials.
- Limit bulky towers and consider architectural features, building articulation, solar building orientation, and access to light and air.
- In the Adjacent Communities, new development should be compatible in massing and form to the surrounding context.

Council Staff generally supports the Plan-wide Urban Design: Building Form recommendations. However, Council Staff cautions against a Design Advisory Panel, in favor of more objective urban design guidelines, as noted in written testimony:

Testimony: The Coalition for Smarter Growth submitted a letter requesting that a Design Review Panel not be used. As noted in their letter, “These types of panels too often end up prioritizing subjective design opinions of a small set of residents and can lead to slower progress on redevelopment projects that are beneficial for the community at-large. We recommend creating urban design guidelines to ensure that new construction in Silver Spring achieves high-quality design standards.”

Council Staff agrees with this recommendation. Alternatively, any requirements for the Design Advisory Panel should be included in a Zoning Text Amendment (ZTA) implementing this Plan. For example, Section 4.9.2.C.4.f. of the Zoning Ordinance—the Bethesda Overlay Zone—provides some criteria for who should be on the Panel, stating: “The Planning Board must appoint a Design Advisory Panel composed of relevant independent professionals, including at least one resident of Bethesda...” Council Staff would recommend more specific criteria in order to ensure not just expertise but that the Panel is made up of diverse individuals representative of the interests of the entire community.

In addition, “Map 19. Recommended Maximum Heights Map” should be amended consistent with any corrections made to the zoning maps and tables in each District.



Map 19. Recommended Maximum Heights Map

Public Realm

“The public realm includes all outdoor space that is publicly accessible. This includes streets, parks, open space, sidewalks, alleys, and plazas. A green, maintained, well-connected, walkable, safe, multi-modal public realm is essential to the success of an urban area.”

Goals:

- Introduce new public spaces in downtown Silver Spring that strengthen each district, contribute to community identity, and improve access to public spaces for all.
- Improve existing public spaces to contribute to community health and connectivity.
- Focus on the existing local streets as neighborhood “spines” and convert these to resilient complete streets that will improve the pedestrian and bicycle network, help to cool the downtown, and manage storm water runoff.
- Activate under-utilized spaces (both publicly and privately owned) through temporary placemaking strategies. These tactical moves can help spur long-term public realm transformation and improve public life.

Council Staff supports the Plan-wide Urban Design: Public Realm goals.

Recommendations:

- Implement the Green Loop concept on the streets indicated in Section 2.2.
- Encourage public and private property owners to consider tactical urbanism as a form of placemaking, including, but not limited to, the following activation strategies:
 - Temporary Plazas are public open spaces that are created out of underutilized space on or adjacent to existing streets or open spaces. They can transform empty pavement into lively gathering spaces. These plazas can host events, pop-up retail kiosks, or local food trucks.
 - Temporary Parks use a part of the street, usually one or two parallel parking spaces, as public space in which people can gather and socialize. They are composed of seating, planters, tables, and at times, platforms that separate the people from the surrounding pavement. They can be temporary and experimental or seasonal.
 - Outdoor Eateries typically take place in front of storefronts either directly adjacent to the building wall, or along the curb. This intervention is feasible where the sidewalk is wide enough to accommodate both the eating area and adequate pedestrian access. Outdoor eating areas can also occupy a closed parking or travel lane; this was successfully implemented throughout Montgomery County, including along the east side of Georgia Avenue, in 2020 during the Covid-19 pandemic.
- Activate spaces with placemaking efforts, including public art and programming, that celebrate and highlight the diverse cultures of downtown Silver Spring.

Council Staff supports the Plan-wide Urban Design: Public Realm recommendations².

3. Resilient Downtown

The Metropolitan Washington Council of Governments (COG) identifies the region’s most direct climate hazards as extreme temperatures, continued rising overall temperatures, increased precipitation, and drought. As stated in the Plan,

In response to a growing climate crisis and the reality of increased natural hazards, extreme weather and temperatures, and species loss, the objectives of the environmental recommendations are to bolster resiliency: the “overall capacity of a city to survive, adapt, and thrive no matter what kinds of chronic stresses or acute shocks experienced.” While this plan cannot address all climate impacts, it aims to address those that directly intersect with urban

² Section 2.2 could include changes by the Committee and Council.

planning. The goals and recommendations in this Plan support and reinforce the concepts put forth in both Thrive Montgomery 2050 and the ongoing Montgomery County Climate Action Plan.

Council Staff recommends removing the reference to Thrive Montgomery 2050, as it has not yet been passed by this Council and has been supported by the Committee’s review of earlier sections.

Goals:

- Reduce surface and heat island temperatures.
- Support goals of net zero carbon emissions by 2035 as outlined in the County’s Climate Action Plan.
- Implement the Green Loop concept to create shaded, performance-based complete streets to serve the Plan area.
- Increase tree canopy cover, green cover, and native plantings throughout the Plan area.
- Improve air and water quality, and mental and physical health.
- Support the growth of urban agriculture and local food production and processing in the downtown.

Council Staff supports the Plan-wide Resilient Downtown goals.

Environmental Equity and Health

As stated in the Plan,

The effects of climate and environmental inequity are often most acutely felt in lower income, elderly, and minority communities. Historically they are known to have distant or inaccessible parks or open space for rejuvenation and recreation, fewer shade trees and vegetation, poorer quality housing and insulation, lower energy efficiencies, reduced access to affordable nutritious food, and more. These conditions create chronic physical, mental, and economic stress, and illness. Environmental equity is the protection from environmental hazards as well as a guarantee of equitable access to environmental resources such as parks, open green space, trees and vegetation, community gardens, and energy-efficient buildings.

Goals:

- Provide equitable access to quality natural resources such as parks, green space, community gardens, and the Green Loop.
- Provide equitable access to cool areas with native tree and vegetation cover.
- Encourage all new construction to exceed county minimum standards for energy efficiency.

Council Staff supports the Plan-wide Resilient Downtown: Environmental Equity and Health goals.

Recommendations:

- Expand vegetated parks, open space, and amenities within a 5-minute walk for all residents.
- Implement the Green Loop throughout the districts.
- Design parks and open spaces with native canopy trees, shrubs, grasses, and flowers.

Council Staff supports the Plan-wide Resilient Downtown: Environmental Equity and Health recommendations, subject to any amendments made in the Transportation or Parks sections of the Plan.

Nature-Based Solutions for Urban Environmental Needs

As defined by the Plan, “Nature-based Solutions (NbS) are sustainable planning, design, and engineering practices that weave natural features and processes to mimic nature in the built environment. They aim to tackle climate change, food insecurity, water resources, natural disaster risks, and lost ecological performance.” The Plan notes that several NbS are included in the Green Loop concept of the Plan, including cool surfaces, canopy tree and vegetation planting, shading strategies, and stormwater management. It also notes that architectural applications of NbS may include solar orientation, green roofs, gardens, water catchment, and vegetated landscapes. According to the Plan, “These elements improve human and ecological well-being, increase long-term economic prosperity, community desirability, rental retention rates, property values, and more.”

No goals or recommendations are provided for this section. Council Staff does not recommend adding any at this time since NbS goals and recommendations are discussed more fully in the goals and recommendations of later sections, indicating this section is meant to be informative only.

Urban Heat Islands and Tree Canopy

“Urban heat islands occur when urban areas have substantially warmer air temperatures than the suburban surroundings, due to increased impervious surface, surface color, and vehicle and building heat emissions. Silver Spring is particularly susceptible to trapped heat and elevated temperatures due a high impervious cover (77 percent) and low mature tree cover (8.6 percent). In the summer of 2020, street surface temperatures reached as high as 155 degrees Fahrenheit. Global trends indicate that temperatures will only increase in coming years.”

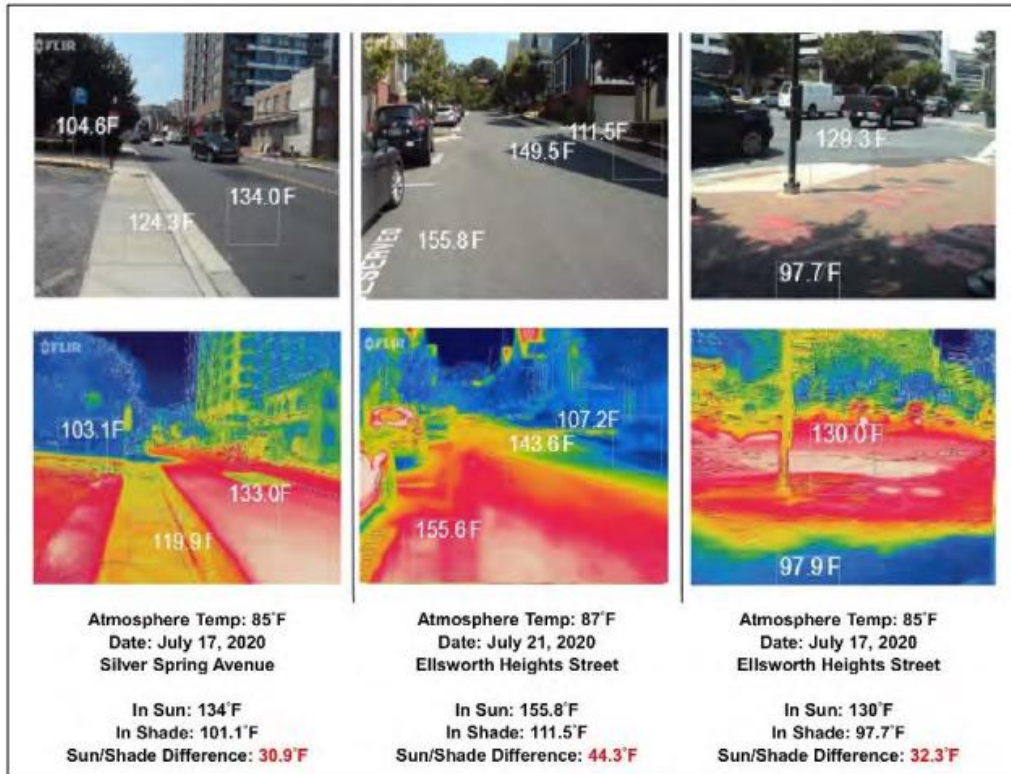


Figure 59. Rising Urban Temperatures

Goals:

- Reduce urban surface and air temperatures through the application of nature-based solutions throughout Silver Spring.
- Increase biodiversity and urban beautification.

Council Staff supports the Plan-wide Resilient Downtown: Urban Heat Islands and Tree Canopy goals.

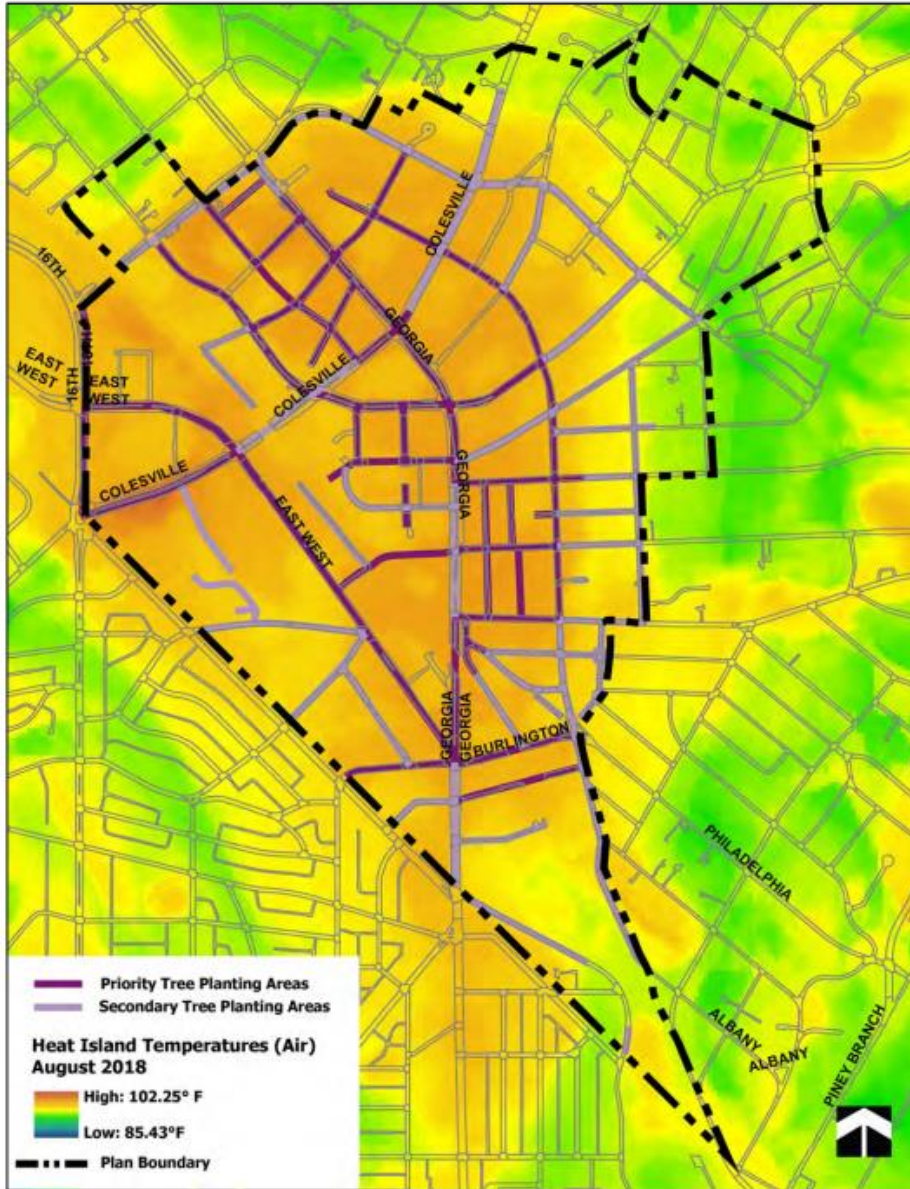
Recommendations:

- Implement the principles of the Cool Streets Recommendations that will be included in the Design Guidelines into new site development and street renovations on public and private property.
- Plant diverse, stratified, and climate- and region-appropriate native tree species to reduce vulnerabilities, diseases, and improve their ability to thrive in a changing climate.
- Prioritize urban tree canopy and green infrastructure in targeting the hottest streets and where tree canopy is deficient (see Map 27).
- Encourage a minimum of 35 percent green cover on Optional Method Development projects. A project may achieve the 35 percent green cover requirement by:
 - Providing an intensive green roof (six inches or deeper) on the rooftop of the buildings;
 - Providing native canopy tree cover on the landscape of the project site area at ground level; and/or
 - Providing a combination of tree canopy cover and intensive green roof for a total of 35 percent or greater on the total site.
 - May be reduced for on-site energy generation.

- All new rooftops not covered in green roofs or alternative energy generation should be cool roofs or active rooftop uses.
- Consider a Cool Roof Initiative that encourages existing property owners to paint their roofs with reflective surfaces which can reduce the effects of heat island by as much as 33 percent.
- Encourage all property owners to take advantage of MNCPPC’s free Tree Montgomery program.
- Apply Sustainable Sites Initiatives (SITES) principals to new construction projects.

Council Staff supports the intent of the Plan-wide Resilient Downtown: Urban Heat Islands and Tree Canopy recommendations. However, written testimony was received from United Therapeutics regarding the burden this may place on property owners. While Council Staff believes that the word “encourage” confirms that 35% coverage is a goal and not a requirement, the below amended language would be even less prescriptive:

- Encourage a minimum of 35 percent green cover on Optional Method Development projects where practicable and consistent with other plan objectives. [A project may achieve the 35 percent green cover requirement by] A project may provide green cover by:
 - Providing an intensive green roof (six inches or deeper) [on the rooftop of the buildings] on rooftops or other structures;
 - [Proving] Providing native canopy tree cover in the right-of-way and/or on the landscape of the project site [area at ground level]; and/or
 - Providing a combination of tree canopy cover and intensive green roof for a total of 35 percent or greater green cover [on the total site].
 - May be reduced for on-site energy generation, other environmental site amenities, or where desirable to achieve other plan objectives.
 - All new [New] rooftops not covered in green roofs, or alternative or renewable energy generation should be cool roofs or active rooftop uses.
- Consider a Cool Roof Initiative that encourages existing property owners to paint roofs not covered with vegetation with reflective surfaces which can reduce the effects of heat island by as much as 33 percent.
- Encourage all property owners to take advantage of MNCPPC’s free Tree Montgomery program.
- Apply Sustainable Sites Initiatives (SITES) principles to new construction projects.



Map 27. ROW Priority Planting Areas

Energy and Carbon Emissions

Burning fossil fuels, including their extraction and refinement, is the leading cause of climate change. As noted in the Plan, more than 50 percent of Montgomery County’s total carbon emissions comes from building inefficiencies, with another 30 percent from transportation. The Plan aims to help reduce building energy demand, increase on-site energy production, reduce reliance on non-electric automobiles, and sequester carbon through NbS in order to meet the county’s Net Zero Carbon Emissions goals by 2035.

Goals:

- Reduce greenhouse gas emissions and energy consumption.
- Increase carbon sequestration capacities on public and private property.
- Support the county’s Net Zero Carbon Emissions goals.

- Reduce vehicle miles travelled per capita.
- Support and encourage maximizing energy efficiency on all sites.
- Support and encourage the use of regenerative, renewable energy.

Council Staff supports the Plan-wide Resilient Downtown: Energy and Carbon Emissions goals.

Recommendations:

- Optimize building and site orientation to maximize passive and active solar energy.
- Support and encourage onsite alternative energy such as solar, geothermal, and/or future renewable resource energy technologies.
- Support proposed and future affordable housing development projects that incorporate emergency Energy Hubs. Onsite Energy Hubs provides equitable backup solar and battery storage during local and regional energy outages.
- Encourage exceeding the county’s minimum energy standards and striving for net-zero, net positive, and/or Living Building standards.
- For public and large properties or/and consolidated land parcels with more than one building encourage the use and installation of decentralized and renewable/clean energy systems such as micro-grids and other dependable electricity sources thereby reducing reliance on distant power networks, non-renewable resources, and susceptible powerlines.

Council Staff supports the Plan-wide Resilient Downtown: Energy and Carbon Emissions recommendations.

Water Quality

Over 77% of the Plan’s commercial and industrial area is impervious surface. Impervious surfaces prevent stormwater from infiltrating into the ground, causing runoff to transport debris, oils, and contaminants into nearby inlets and waterways. Consequently, the receiving streams of Sligo and Rock Creek have fair to poor water quality and degraded aquatic habitats. As stated in the Plan, “Predicted increases in precipitation and extreme storm events will further compromise the streams, water quality, and the infrastructure associated with it. As properties redevelop, creative and innovative stormwater design is essential to maximize treatment volumes and minimize untreated stormwater.”

Goals:

- Reduce untreated stormwater runoff and runoff rates.
- Improve water quality.

Council Staff supports the Plan-wide Resilient Downtown: Water Quality goals.

Recommendations:

- Utilize active stormwater management strategies to minimize deviation from the standards established by Chapter 19 of the County’s Erosion, Sediment Control, and Stormwater Management Code.
- Maximize green roof stormwater credit using an eight-inch soil medium or approved equivalent. This simultaneously increases building insulation, reduces urban [H=]heat island effect, and increases opportunity for native plant, insect and other species biodiversity.
- Consider using rainwater catchment cisterns for irrigation or other allowable uses within the zone.

- Minimize the impacts of development through the installation of green infrastructure such as bioretention areas, stormwater swales and trenches, structured cells, stormwater planters, permeable pavements, or other future green technologies.
- Design stormwater facilities separate from street tree panels for easier maintenance.
- Where surface parking is retained, integrate vegetative stormwater management systems and/or solar systems covering a minimum of 35 percent of the surface parking area.
- Integrate environmental site design (ESD) into the right-of-way of all new and proposed roads and retrofits.
- Provide decking over linear stormwater treatments to maximize treatment size while not inhibiting pedestrian use.

Council Staff supports the Plan-wide Resilient Downtown: Water Quality recommendations.

Transportation

“Vehicles with combustible fuel engines account for 41 percent of carbon emissions in the county. Reducing vehicle demand and use will reduce the county’s carbon and other greenhouse gases. The right-of-way contains planting zones where vegetation can perform biological services such as sequestration, stormwater management, temperature reduction, and wildlife habitat.”

Goals:

- Encourage pedestrian and bicycle travel within the Plan area for local trips to reduce carbon and other greenhouse gas emissions.
- Enhance ecological performance of public rights-of-way.

Council Staff supports the Plan-wide Resilient Downtown: Transportation goals, subject to any changes made during review of the Transportation section of the Plan.

Recommendations:

- Provide a healthier, cooler, more comfortable pedestrian experience along streets and open space through the planting of native canopy trees prioritizing lower income areas, the Green Loop, and the hottest streetscape areas (see Map 27).
- During street renovations and routine replacements, consider installing smart street elements such as: solar lighting, solar metering, solar crosswalks, LED lighting, electric vehicle charging portals, and/or other technologies that emerge.
- Implement cooling strategies into all streetscape plans during the site planning process, and street renovation and improvement projects. Cool Streets Recommendations will be included in the Design Guidelines.
- Encourage car-free, flexible, and car-lite streets through flexible streets, road diets, alternative modes of transportation, and bike/vehicle sharing programs.
- Encourage more vehicle charging stations than currently required on private property and within the right-of-way (ROW) where appropriate to support a growing electric vehicle demand.

Council Staff supports the Plan-wide Resilient Downtown: Transportation recommendations, subject to any changes made during review of the Transportation section of the Plan.

Food Security

“The Montgomery County Food Council’s 2017 Montgomery County Food Security Plan envisions all people having access to safe, sufficient, and nutritious food. The Plan estimates that between six and 22 percent of families in the Plan area experience food insecurity due to a variety of factors, including access to affordable, local food. The COVID-19 pandemic disrupted the County’s food supply chains, exacerbating inequities in reliable, affordable, and sufficient food.”

Goals:

- Support affordable retail and food-service rental space.
- Encourage local food processing, storage, and kitchen space.
- Support food distribution and aggregation hubs.
- Support access to affordable, walkable, and healthy food retail for all residents.
- Support access to reliable long-term urban agricultural opportunities.

Council Staff supports the Plan-wide Resilient Downtown: Food Security goals.

Recommendations:

- Allow commercial food kitchens, food processing, and rooftop farms as accessory commercial uses in the Plan area CR zones.
- Increase local capacity for the production of culturally appropriate foods, through increased opportunities for community gardening and agriculture efforts.
- Support the establishment of healthy corner stores, farmers markets, and other access points for federal benefits usage.
- Support onsite community composting and education hubs to bring us closer to meeting the County’s Zero Waste goals.

Council Staff supports the Plan-wide Resilient Downtown: Food Security recommendations.

4. *Community Facilities*

The 2000 Silver Spring CBD Sector Plan included several recommendations.³ Some of the recommendations that have been realized are:

- The construction of new community facilities to support the growing population of downtown Silver Spring, such as the Silver Spring Library, District Courthouse, Fire Station, and Civic Building.
- The restoration of cultural facilities, such as the Silver Theatre, which is now operated by the American Film Institute, and the former fire station, which is now a restaurant.
- A year-round, weekly farmer’s market, organized by FRESHFARM, established in 2005.
- Facilities for seniors, such as the affordable senior housing adjacent to the Silver Spring Library, and an eldercare facility operated by Easter Seals.

The County is also currently constructing the South County Regional Recreation and Aquatic Center as part of the Elizabeth Square development in the Downtown North district, which will offer new recreation facilities such as exercise and weight room equipment, movement and dance studios, multipurpose activity rooms, public-use spaces for gathering, an Olympic-size indoor pool and a senior

³ The 2000 Silver Spring CBD Sector Plan can be found here:

https://www.montgomeryplanning.org/community/plan_areas/silver_spring_takoma_park/master_plans/sscbd/sscbd_toc.shtm.

wellness center. The Plan states that as a result of the success of these efforts over the past 20 years, few new community facilities are being recommended in this plan.

Safety & Security

The Plan stresses the importance of creating a street network where people feel safe, recognizing the efforts of numerous agencies, such as the Montgomery County Police Department and Urban District.⁴

Goal:

- Maintain a downtown where streets feel safe for pedestrians throughout all districts, during the day and into the evening. Silver Spring has a nighttime economy, and it is important for the continued success of businesses that attract patrons at night for pedestrians to feel comfortable visiting those establishments after sunset.

Council Staff supports the Plan-wide Community Facilities: Safety and Security goals.

Recommendations:

- Ensure consistent street lighting to provide a greater level of safety and comfort for pedestrians, particularly when walking at night. The plan strongly recommends additional lighting at underpasses such as the pedestrian tunnel under the Metrorail at Georgia Avenue, and under the Metrorail at Colesville Road.
- In addition, this plan recommends a comprehensive wayfinding study for all of downtown Silver Spring. During engagement it was often noted that there is a lack of clear wayfinding and signage in Silver Spring and that arrival via the transit center can be disorienting.

Council Staff supports the Plan-wide Community Facilities: Safety and Security recommendations.

Homelessness and Housing Insecurity Services

The Plan recognizes Silver Spring as an “important hub for services for the homeless and housing-insecure.” As an example, the recently completed Progress Place, located behind the new fire station on Georgia Avenue, provides many services. Organizations like Montgomery Housing Partnership (MHP), Housing Opportunities Commission of Montgomery County, and others strive to provide more deeply affordable units in the downtown.

Goal:

- Continue to provide enhanced and expanded housing and support facilities and services for all residents of the Plan area.

Council Staff supports the Plan-wide Community Facilities: Homelessness and Housing Insecurity Services goals.

Recommendations:

⁴ The Silver Spring Urban District “provides enhanced services to the Central Business District to ensure that downtown Silver Spring is maintained as a clean, safe and attractive environment to promote a vibrant social and business climate to support long-term economic viability and vitality.” Additional information about the Silver Spring Urban District can be found here: <https://silverspringdowntown.com/go/silver-spring-urban-district>.

- Support ongoing partnerships between Montgomery County, service providers, and civic organizations that manage downtown Silver Spring to address the needs of the housing insecure.
- Promote the development of additional affordable, including deeply affordable, housing units within the Plan area.
- Work with service providers to provide sufficient places that are welcoming and supportive of the housing insecure.
- Consider installation of and improved wayfinding for restrooms at public facilities in the Plan area.

Council Staff supports the Plan-wide Community Facilities: Homelessness and Housing Insecurity Services recommendations but recommends some clarification regarding providing “sufficient places.” It is unclear whether “sufficient” refers to the number of places or the quality of those places. Council Staff therefore recommends instead stating:

- Work with service providers to provide [sufficient] more places that are welcoming and supportive of the housing insecure.

Montgomery College

“Established on the site in 1950, the Takoma Park/Silver Spring campus of Montgomery College covers more than 100 disciplines for more than 7,800 students from more than 140 countries and is the headquarters of the college’s Health Sciences program and the School of Art and Design.”

Recommendation:

- The Plan recommends working with the College to explore and develop opportunities to expand the campus program in South Silver Spring.

Council Staff supports the Plan-wide Community Facilities: Montgomery College recommendation.

5. *Historic Resources*

Silver Spring’s historic buildings and resources are critical to community character and the collective memory of this area. They offer tangible connections to the past, provide opportunities for education and interpretation, and help to create a diversity of buildings and structures within the Plan area.

Master Plan for Historic Preservation

The County Council adopted the Master Plan for Historic Preservation in 1979. The plan includes all officially designated historic sites and districts. These sites or districts have met at least one criterion for historical, cultural, or architectural significance, and merit protection under the Historic Resources Preservation Ordinance, Chapter 24A. The Historic Preservation Commission (HPC) is charged with the identification, designation, and regulation of historic sites or districts in Montgomery County.

Goals:

- Protect and preserve resources listed in the Master Plan for Historic Preservation.
- Educate property owners of historic properties about the benefits of the historic preservation tax credit program.

- Promote the adaptive reuse of historic properties while retaining their character defining features.
- Assist property owners with National Register of Historic Places nominations to promote the use of state and federal tax credits.

Council Staff supports the Plan-wide Historic Resources: Master Plan for Historic Preservation goals.

In this section, the Plan highlights the Silver Spring Shopping Center and Theatre. Importantly, the Plan notes:

“The Silver Spring Downtown and Adjacent Communities Plan encourages continued adaptive reuse of the parking lot at the corner of Georgia Avenue and Colesville Road. Built in 1938, the Silver Spring Shopping Center and Theatre is historically significant as a planned regional shopping center with integrated parking. It combined a consciousness of design and merchandizing techniques and recognized the importance of the automobile to the shopper. Therefore, the parking lot is part of the story of the circulation of people and goods.”

The Silver Spring Shopping Center and parking lot were discussed as part of the review of the Ellsworth District. In particular, the Plan proposes the parking lot as an Opportunity Site in the Ellsworth District and includes a recommendation in reference to this site under Parks and Public Spaces. The Committee may recall that the Council received testimony from the Art Deco Society of Washington expressing concern with the Ellsworth District recommendations as well as language in this section which is referenced in Opportunity Site recommendation.

The language in question is below. **Council Staff supports the following suggested edits to clarify the importance of the parking lot to the historic site as it a legal and integral part of the entire designated historic resource and is integral to the Center’s historic context and meaningful to its preservation.**

“Further reimagining and activation of this parking lot would be appropriate and encouraged with respect to the ongoing preservation of the site, consistent with retaining the lot’s character-defining shape and function. In [addition] particular, proposals could explore the addition of a commercial one-story building that is compatible with the architecture of the shopping center and respects the relationship between the shopping center and streets. Historically, a section of the parking lot once included a gas station which provides justification for the addition of a small similarly-sized structure.

Below are proposed revisions to the Ellsworth District recommendations:

On p. 32 first bullet under Parks and Public Spaces: “Support continued work with the Maryland Historical Trust and the Historic Preservation Commission on appropriate improvements to the parking lot at the Silver Spring Shopping Center consistent with retaining its character-defining features [to better draw pedestrians through the lot into the Ellsworth Place pedestrian mall].

On p. 33, last bullet under Opportunity Sites: should read: “Silver Spring Shopping Center Parking Lot [Parking Lot at Ellsworth Plaza]: Refer to Section 3.9.1 in the Historic Resources section on appropriate approach for improving this parking lot.”

Locational Atlas and Index of Historic Sites

Established in 1976, the Locational Atlas and Index of Historic Sites identifies resources that are potentially historically significant. Resources listed on the atlas are protected from demolition or substantial alteration under Chapter 24A of the Montgomery County Code. This designation is meant to be temporary until analysis for listing in the Master Plan for Historic Preservation can be completed.

Map 30 shows the historic sites listed in the Master Plan for Historic Preservation within the Plan boundary, and Map 31 shows the sites and districts listed in the Locational Atlas and Index of Historic Places. This section is provided for informational purposes, there are no recommendations proposed.

New Sites or Districts to be Studied as Future Historic Preservation Master Plan Amendments

There is only one new site recommended for study as a future amendment to the Master Plan for Historic Preservation.

Recommendations:

- Study the Weller's Dry-Cleaning Building for the potential future listing in the Master Plan for Historic Preservation and encourage the adaptive reuse of the building if the occupant and use change.

The Weller's Dry-Cleaning Building (M:36-86) is a one-story commercial building at the intersection of Fenton Street and Thayer Avenue. Charles Weller, the original owner, constructed the building in 1961 to house his dry-cleaning business. He died in 2016 at the age of 101, after owning and operating Weller's Dry Cleaners for more than 55 years. He hired prominent local architect Ted Englehardt to design the building which represents a rare example of a mid-twentieth century, Googie-styled commercial building in downtown Silver Spring.

Council Staff supports the recommendation to study Weller's Dry-Cleaning Building as a potential amendment to the Master Plan for Historic Preservation.

National Register of Historic Places

The National Register of Historic Places is the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture. National Register properties have significance to the history of their community, state, or the nation.

Goals:

- Conduct outreach with property owners who own resources potentially eligible for the National Register of Historic Places.
- Educate property owners and the public on the benefits and limitations of the National Register.
- Provide technical assistance to property owners interested in pursuing designation.
- Explore future evaluation of these properties for listing in the Master Plan for Historic Preservation.

The honorific listing in the National Register places no restrictions on what a non-governmental owner may do with their property, up to and including demolition, unless the project receives Federal assistance.

Recommendations:

- Historic Preservation Program staff will coordinate with property owners and study the designation of the following proposed sites:
 - Medical Office Building (1111 Spring Street)
 - Metropolitan Building (8720 Georgia Avenue)
 - Montgomery Center (8630 Fenton Street)
 - Operations Research, Inc., Building (1400 Spring Street)
 - Perpetual Bank Building (8700 Georgia Avenue)
 - U.S. Industries Building (949 Bonifant Street)
 - American National Bank Building (8701 Georgia Avenue)

- Historic Preservation Program staff will coordinate with property owners and study the designation of a Garden and Mid-Rise Apartment District which includes the following complexes scattered throughout the Plan area:
 - Falkland Gardens (1936-1938) - Bound by East West Highway to the north, Draper Lane to the east, Colesville Road to the south, and single-family dwellings and townhouses to the west
 - Blair Park Apartments (1937) - 7719-7725 Eastern Avenue,
 - Eastern Avenue Apartments (ca.1937) - 7603-7615 Eastern Avenue,
 - Blair Park Gardens (1938) - 7701-7705 Eastern Avenue; 805-809 Juniper Street; 7700-7705 Blair Road
 - Montgomery Arms (1941) - 8700-8722 Colesville Road; 8615-8627 Fenton Street
 - Spring Garden Apartments (1941) - 8001-8031 Eastern Avenue
 - Rock Creek Springs (1943) - 8000-812 Eastern Drive; 8001-8009 Eastern Drive; 8033-8039 Eastern Avenue; 8000-8004 Blair Mill Road; 1300-1302 Blair Mill Road

Falkland Gardens and Montgomery Arms are listed individually in the Master Plan for Historic Preservation and Spring Garden Apartments is listed in the Locational Atlas and Index of Historic Sites. The Plan recommends studying the potential for listing a Garden and Mid-Rise Apartment District in the National Register of Historic Places, which would open state and federal historic preservation tax credit opportunities to property owners.

Council Staff supports the Plan-wide Historic Resources: National Register of Historic Places recommendations to study the above noted designations. However, the Committee may want to review the list of proposed complexes following the evaluation of market-rate affordable apartments in the Plan area, requested by the Committee during its review of the Plan’s Housing recommendations.

Archeological Resources

Archaeologists have conducted few investigations in downtown Silver Spring. Some artifacts related to the indigenous people of Maryland have been found in Silver Spring, but they are not associated with any known archaeological sites. At Jesup Blair Park, fieldwork conducted in a section of the property yielded a few 19th- and 20th-century artifacts (bottle glass, bricks, mortar, transfer-printed whiteware, etc.) but none were associated with the occupation of the Jesup Blair House or the Civil War. Future archaeological investigations at the park may provide additional information or unrecorded sites relating to the history of the enslaved people associated with the Blair family’s tenure. The potential for archaeological sites throughout the Plan area, however, remains limited due to extensive land disturbance in the twentieth century.

Goal:

- Advocate for archaeological investigations in areas with minimal land disturbance (primarily located at Jesup Blair Park) when projects are undertaken.

Council Staff supports the intent of this goal; however, “minimal” can be a subjective measure. Perhaps indicating a minimal area of disturbance either in square feet or as a percentage of a lot would be clearer.

Cultural and Heritage Resources

The preservation and recognition of cultural heritage and history can be achieved through other means than physical preservation of buildings and sites. To nurture the Plan area’s diverse histories and support local businesses, the Plan recommends several new and expanded cultural preservation initiatives to be explored.

Goals:

- Establish a legacy business registry to recognize the economic, cultural, and social contributions of long-standing businesses to the fabric of Silver Spring.
- Study potential incentives to preserve local, independently owned businesses.
- Partner with existing and new local partners to add interpretation of histories absent from our present narratives. Interpretation may include physical (historic markers and panels, public art, etc.) and digital or other ephemeral media (websites, story maps, virtual walking tours, etc.).
- Celebrate the diversity, heritage, and history of the Plan area.
- Support any future recommendations of the Streets and Parks Facilities Renaming Review Project.

Council Staff supports the Historic Resources: Cultural and Heritage Resources goals; however, the last bullet should be revised to “Support the Streets and Parks Facilities Renaming Review Project”. The Board approves or disapproves recommendations related to Street and Park renaming.

Recommendations:

- Create a Silver Spring Legacy Businesses Registry. Establishment and completion of the registry would allow future analysis and recommendations for potential interventions to support these entities.
- Further the interpretation of Historic Sites. The cultural, social, and developmental histories of Silver Spring provide the opportunity to explore and celebrate the accomplishments of its populace and recognize how racial discrimination and other discriminatory behavior shaped the community. Interpretation is an important means to share, celebrate, and reflect upon collective history.
- Support the continued review of all streets and Montgomery County-owned and maintained park facilities to identify those named after Confederates or those who otherwise do not reflect Montgomery County’s values.

Testimony – The Council received testimony regarding the Fenton Building, located in the Ellsworth District, regarding its early occupancy by Morton’s Department Store. Morton’s move into Silver Spring occurred during a period when D.C. department stores were expanding to the suburbs to compete for the

lucrative market forming there. The Morton's experience was unique for African American customers as owner Mortimer Charles Lebowitz provided integrated dressing rooms and restroom and hired African Americans as retail clerks in all branches of his business. Given this importance piece of history, Morton's Department Store should be referenced in the Plan.

Likewise, the Council received testimony regarding a lack of information and reference in the Plan to the Jesup Blair House.

Council Staff supports the Historic Resources: Cultural and Heritage Resources recommendations with a suggestion to add information on both Morton's Department Store and the Jesup Blair House to this section. The Plan clarifies that listed resources deserving of interpretation and memorialization is not an exhaustive list, however, adding these two resources to that list would be a start.

February 16, 2022

Montgomery County Council
Stella Werner Council Office Building
100 Maryland Ave
Rockville, MD 20850

Silver Spring Downtown and Adjacent Communities Plan (Support)

Testimony for February 17, 2022

Jane Lyons, Maryland Advocacy Manager

Thank you, Council President Albornoz and Councilmembers. My name is Jane Lyons and I'm testifying on behalf of the Coalition for Smarter Growth, the leading organization advocating for walkable, inclusive, transit-oriented communities as the most sustainable and equitable way for the DC region to grow and provide opportunities for all.

We support the draft of the Silver Spring Downtown and Adjacent Communities Plan, although we believe there is room for improvement to think more strategically, creatively, and boldly about certain elements, such as affordable housing. In general, we are excited that the plan embraces downtown Silver Spring as the right place to grow, and to grow in a way that supports connectivity, resiliency, and health.

Silver Spring is where people want to live, and we need to take steps to make sure it is somewhere that is welcoming for everyone, and that maintains and celebrates diversity. To do this, the plan needs more concrete strategies for preserving existing income-restricted and market-rate affordable housing, creating more mixed-income housing, and supporting local businesses.

The biggest area for opportunity for affordable housing involves the redevelopment of the downtown's underutilized parking garages, and that the plan should set ambitious goals to use this public land for public good, and consider models such as a community land trust. Furthermore, as recent research from the Brookings Institution shows, diverse housing types help to create diverse neighborhoods. We urge you to allow more housing types in the adjacent communities.

We are excited about proposals to create two new pedestrian connections over the train tracks, redesigning dangerous streets, and allowing for more height and density to achieve maximum flexibility in redevelopment. However, we would like to see the plan to have specific recommendations for locating new street trees, improved stormwater management, public restrooms, bike parking, and additional lighting.

Please see below for our full, detailed comments on the Planning Board's draft plan:

- **The Green Loop (2.2.2.)**

We do not believe a loop is the best design choice, given that a grid generally is more efficient and improves connectivity better than a loop. There is no reason not to include all of Colesville Road or Georgia Avenue in this vision for green, multimodal streets. In fact, that is exactly the vision outlined for Montgomery County's arterial roads and future corridor-focused growth corridors (which includes Colesville Rd and Georgia Ave) in the current PHED committee draft of Thrive 2050.

The primary component on the Green Loop or similar idea should be protected bike lanes. Furthermore, this section of the plan would also benefit from an explanation as to how the Green Loop integrates with the already envisioned downtown Silver Spring bike network.

- **District-specific recommendations (2.3.)**

Metro Center: We strongly agree with the recommendation to have the highest intensity commercial development in the Metro Center District. This district has been underutilized for far too long. The idea to have a new landmark building at the Transit Center Development Site is especially desirable, and we concur that no parking should be provided given the site's proximity to multiple modes of high-quality transit. We would like the county to encourage, partner, and prioritize space in this future development for child care, which would be convenient not just for downtown workers but for commuters on Metro and MARC.

South Silver Spring: This is clearly the district with the most opportunity for redevelopment and positive change. Within this district, we would like to see the plan also recommend making the Newell Street closure permanent and redesigning the intersection of East-West Highway, Georgia Avenue, and Burlington Avenue to prioritize the safety of pedestrians and cyclists. Newell Street's closure has reactivated Acorn Urban Park as a place for people to gather and socialize, and this is at-risk of being lost if the street is to return vehicular traffic. Finally, the specifics of The Blairs Master Plan are unclear, but should include the continued service of a full-sized grocery store for this important location.

Adjacent communities: The built form of the adjacent communities does not allow for a step-down transition with the high-rise buildings in the CBD and would benefit from gentle density, such as with three to five story buildings, connecting the CBD to lower density neighborhoods. We applaud the planners for considering allowing different housing types, but this underlying issue will not be addressed by only allowing buildings that are "compatible with the surrounding development" in terms of height and massing. These properties are appropriate for more than just house-scale duplexes and triplexes. The plan's own Housing Appendix points to the efficacy of six-plexes as a good option for lower cost multifamily housing.

Also, this plan should not rely on the Attainable Housing Strategies guidelines for downtown Silver Spring's adjacent communities because it is unclear when, and if, those recommendations will be

formally adopted. Furthermore, the AHS recommendations encourage consideration of medium-scale (three to four stories) and large-scale (four to five stories) attainable housing in master plans, such as this. Silver Spring offers one of the best opportunities for the County Council to creatively test incorporation of medium-scale housing as a transition from a downtown and as a means to offer more attainable housing options.

Finally, we strongly support the goal to maintain a mature tree canopy in the adjacent communities and would like to see more details on standards for how this should be achieved.

- **Economic Growth (3.2.)**

To celebrate and maintain the diversity of Silver Spring, it is important that its businesses continue to serve a diverse and evolving clientele. We believe this plan should include more incentives and programs that would help to develop businesses for and from within the existing community.

The recommendation from Fenton Village to ensure buildings are divided into smaller components, instead of one large, monolithic structure, should be true of the whole plan area to allow for small businesses to thrive.

- **Affordable Housing (3.3.)**

We urge you to revert to the public hearing draft's original proposal to require 15 percent moderately priced dwelling units (MPDUs) or other DHCA-equivalent affordable housing for all residential projects, rather than just Optional Method projects.

In addition, the biggest opportunity for affordable housing in the plan area are the many county-owned parking garages and lots. Any county-owned land that is redeveloped should prioritize mixed-income housing with inclusion of a high percentage of deeply affordable and affordable units (30% or more). In addition to this, publicly owned properties such as these are also a unique opportunity to try out new models for affordable housing, such as a community land trust. This goal should be restated throughout the document whenever discussing the redevelopment of public parking garages or lots.

The plan falls short in identifying where existing affordable housing should be preserved. The plan should use the department's housing preservation study, which includes a focus on this plan area, to identify which properties are most at-risk and which tools would be most helpful to preserve those units/properties.

Additionally, the plan also misses the mark on the goal to facilitate the development of a variety of housing types. If all that is allowed are large apartment buildings in the CBD and 1-3 unit homes in the adjacent communities, then the plan area will not achieve this goal. We recommend allowing more medium-scale attainable housing types in the adjacent communities.

Finally, we would like to see the plan explore potential incentives for condominium development to create more homeownership opportunities.

- **Urban Design (3.4.)**

We do not support the plan's recommendation for a Design Advisory Panel. These types of panels too often end up prioritizing subjective design opinions of a small set of residents and can lead to slower progress on redevelopment projects that are beneficial for the community at-large. We recommend creating urban design guidelines to ensure that new construction in Silver Spring achieves high-quality design standards.

- **Parks (3.5.4.)**

We strongly support a permanent closure of Newell Street to vehicular traffic and expand Acorn Urban Park, and recommend its inclusion in the plan. Even with the new plan for a South Silver Spring Urban Recreational Parklet, an expanded Acorn Park is desirable for this rapidly growing neighborhood. We are glad to see the draft recommend that Newell Street continue to function as a temporary park until the proposed South Silver Spring Park project gets implemented, but urge the Newell Street closure to be permanent.

- **Transportation (3.6.)**

Bicycle Parking: We are glad to see the plan talk about bicycle parking, but more needs to be done to identify where more bike parking is needed.

Pedestrian Network: Similarly, we are glad to see the plan recommend increasing and improving the quality of pedestrian-scale lighting, but would like to see the plan go further by identifying where increased and improved lighting is needed throughout the plan boundary.

Transportation Demand Management: We encourage a more ambitious goal for Non-Auto Driver Mode Share than 60 percent, given that a NADMS of 54 percent has already been achieved. Our recommendation is 70 percent.

Parking and Loading: Downtown Silver Spring should not have minimum parking requirements. These are costly requirements that are not aligned with climate goals. The plan should also recommend the unbundling of parking leases from commercial and residential leases so that residents can see the true cost of parking. Removing parking minimums and unbundling parking prices would help reduce the demand for parking, which in turn would help reduce the cost of construction for new housing.

- **3.8 Community Facilities**

Over the next 20 years, downtown Silver Spring should strive to be more welcoming by offering public restrooms across the plan area. This plan should recommend a strategy for identifying locations and operational options.

Conclusion: We hope that the Council will consider and include our recommended amendments.



OUR MISSION:

Working to enhance the economic prosperity of greater Silver Spring through robust promotion of our member businesses and unrelenting advocacy on their behalf.

**Silver Spring Downtown and Adjacent Communities Plan
GSSCC Comments and Concerns for the Record
Thursday, February 17, 2022**

On behalf of the leadership of the Greater Silver Spring Chamber of Commerce, I appreciate the opportunity to express our concerns and provide comments for the record on the Planning Board Draft of the Silver Spring Downtown and Adjacent Communities Plan. Given the extent of the Chamber's misgivings about the draft plan, I am submitting written testimony in lieu of testifying in person. It would be impossible to cover all of our issues within the brief timeframe allotted for public testimony.

Much has changed in Silver Spring since the adoption of the 2000 Silver Spring Central Business District Sector Plan. Indeed, many of those changes support the need for a review and update of the plan for Silver Spring. Unfortunately, despite the assertions of the Planning Department staff in the draft plan, many of the goals in the 2000 Plan did not come to fruition. As such, we believe that the Planning Staff's analysis of the current Silver Spring environment paints a false picture of the current state of Silver Spring and is not grounded in reality.

In the draft, staff describes downtown Silver Spring as "a vibrant urban area. . .[boasting] a vibrant retail market [and]. . . a center for arts, retail, entertainment, and business that draws visitors and consumers from across the county and the region. . ."

Sadly, this does not describe the perspective and experience of many business and property owners in our community.

Commercial building owners talk of a dwindling commercial office market where current tenants are leaving and few, if any, have been willing to consider coming in. Ground floor retail and restaurant owners describe their struggles with the loss of a daytime stream of customers that some will attribute to the loss of the Discovery headquarters, an event which staff barely acknowledges in the public hearing draft. (More than three years later, only one tenant occupies one floor of this iconic building.)

Office workers and business owners lament the arrival of all the bike lanes where they see few, if any, bicyclists, but do experience inconvenient and unsafe disruptions in traffic flow. They hear customers complain about cars parked away from the curb, creating other safety and visibility issues.

Owners and managers of the apartment buildings in downtown talk of complaints from their residents who struggle with a "nighttime economy" of late-night bars and clubs, whose priorities are not in sync with those who have chosen to live here. Business and property owners also bemoan many of the green spaces and parks that are more often inhabited by those in need of social services than those who live and work nearby. (The exception is the dog park at the old library site, which is very popular.)

There are a few bright spots. United Therapeutics has continued to expand its operations and its footprint in downtown. The Housing Opportunities Commission is bringing its headquarters here. The Fillmore attracts patrons locally and from around the region. A world-class aquatic center is being

built in downtown Silver Spring. And, numerous high-rise apartment buildings have been completed, adding more 5,000 housing units, equating to new residents. (Sadly, however, some of those apartment buildings were previously envisioned as commercial office space, at least in part.)

But, from a neighborhood health standpoint, we need eyes and feet on the street in our commercial districts during the day. The absence of office workers, who spend thousands of dollars every year at stores and restaurants near their work, is a death sentence for some commercial districts where the restaurants and retail uses rely heavily on daytime revenue from office workers. The absence of these daytime workers can lead to business commercial districts that feel less safe to the people who are doing the shopping.

At the end of the introduction, staff “imagines a Silver Spring of the future that is diverse, distinctive, and thriving. . .will continue to be a great place to work, do business, and enjoy the arts; a downtown that is home to small independent businesses, cutting-edge tech companies, hubs for science and research, educational institutions, and arts organizations that draw patrons from around the region.”

These are worthy aspirational goals. However, after reviewing the current draft, it is difficult to see how the recommendations offered will accomplish this.

The staff’s “Concept Framework Plan” includes: “activity zones, residential area, destinations, parks and open spaces.” But where are the business hubs? Where do employers and jobs fit into this framework? Even the stated plan goals – Diversity, Connectivity, Resiliency, Community Health – don’t mention business and commerce.

The draft relates the plan to the THRIVE Montgomery 2050 vision for Silver Spring, saying that it “advances Thrive’s goal to integrate parks and public spaces along with economic development strategies and land use planning in order to attract employers and workers, build social connections, encourage healthy lifestyles, and create vibrant places.” But it doesn’t address how parks and public spaces will bring employers and jobs. While the goal is laudable, the means to achieve the goal are missing.

The draft “envisions a future in which downtown Silver Spring is among the region’s premier office markets, has continued to grow its profile as a unique retail destination, and has a diverse base of high-quality jobs in numerous industries making it resilient to evolving economic conditions and an attractive place to work and do business in Montgomery County.” It mentions “incentiviz[ing] approximately 44,000 jobs in downtown Silver Spring, a 50% increase from what is currently existing.” But it does not include specific strategies for how to realize this vision.

The plan does talk about, “Improv[ing] the public realm to make downtown Silver Spring more attractive for businesses, retailers and consumers.” But where is the research data that demonstrates how “a green, maintained, well-connected, walkable, safe, multimodal public realm” will attract employers and business growth to an area? If it exists, it is not cited in the plan. Are there case studies that show how a community with a dwindling commercial market was reinvigorated (and brought in actual employers and jobs) because it built a green “realm” that replaced streets and parking with bike lanes? Did staff get input from current property owners that are now losing tenants? Did they reach out to corporations and commercial site selection experts to get input on how to successfully attract employers to an area? Did commercial property owners say that taking additional property to require bike lanes and other green space helps to attract businesses? If so, the plan does not discuss what these experts recommend or where such success has occurred.

The plan mentions making Silver Spring into “a premier office market, with a special focus on start-ups, associations, and government agencies.” But this is unrealistic and perhaps not financially feasible for property owners. Most associations are not as financially healthy as corporations and will likely be looking for lower-cost office space. Latest reports are that the Federal government is shrinking, not expanding its office footprint. And start-up companies are typically looking for low-cost office space. These do not sound like options that would create a “premier” office market.

Likewise, the recommendation to “Encourage the conversion of obsolete office space to other uses (short-term or long-term), including residential (condominiums or rentals), hotels/hospitality centers, healthcare facilities, laboratory/research facilities, education facilities, and non-profit service centers” does not necessarily support the vision of Silver Spring as one of “the region’s premier office markets.” Nor does considering “an incentive for property owners with underutilized street level retail spaces to build and fit out the space for a retail incubator managed by a mission-oriented non-profit organization in which entrepreneurs can try new retail concepts.” Who bears the cost of this incentive? Is this something that the Planning Staff has discussed with County government officials? Or with any of the property owners having such spaces?

The suggestion that “Downtown North will build on the connection between the state-of-the-art South County Regional Recreation and Aquatic Center and the world-renowned United Therapeutics campus to create a unique health- and health-sciences- focused district” is interesting, but, again, there are no concrete ideas about how this plan is going to accomplish attracting more health-science businesses to this area. Did staff talk with experts at United Therapeutics about what kinds of businesses would be interested in relocating in this area and how to attract them?

The draft plan talks of “expanding the Metro Center District as commercial center.” But this is the “district” in which the former Discovery headquarters building is located. And, despite its proximity to the Metro, its existing park and green space, and its accessibility to the new cycle track, it has not attracted more than one tenant. How do planners expect turn around this situation?

The draft plan mentions “Increasing zoning flexibility and incentivizing additional height and FAR” in Downtown North. That’s a good thing. But it won’t necessarily help the oft-mentioned ground floor retail. The retail spaces on Cameron have been vacant for many years. Clearly, there isn’t enough daytime street traffic to support retail in these locations. While the plan hopes that improving the public realm will revitalize the commercial market, the reality is that parks don’t bring shoppers. Neither do wide sidewalks that don’t have businesses along them. Unless there is a solid strategy for attracting a for-profit office market to these and other locations, ground floor retail will not survive.

A number of recommendations made in the draft plan simply won’t work. Expanding the development site at Colesville Road and Georgia Avenue to include the adjacent two-story commercial property for a signature mixed-use development has been suggested. Many would agree that this is a laudable idea, since having a two-story commercial building so close to a Metro station doesn’t make sense. But these properties are privately-owned, and while this idea has been floated numerous times over the years, the owners have not been interested in coming together. This situation also exists with the individual low-rise buildings along Colesville Road between Georgia Avenue and Fenton Street and on the Sherwin-Williams paint site along Georgia. How does the planning staff propose to incentivize property owners to come together now? Did they speak with the owners? Did they ask them?

The draft plan also includes a number of desirable, but aspirational recommendations that would come at a large financial cost. A pedestrian and bicycle connection from East-West Highway to the western terminus of Silver Spring Avenue in the Ripley District and a “world class arrival center” around the

Metro station are nice ideas, but who would pay for the cost of these? Additional lighting and other safety improvements in the tunnel and Colesville underpass would be welcome safety and security additions. It appears that the Planning Department expects that future developers would bear the financial burden of building these, something we will address in the next paragraph. But there is another cost, the cost of upkeep, particularly for something like lighting maintenance. Sadly, it is not unusual for Montgomery County to find the necessary capital dollars to build things, but not be willing to allocate the resources for continued upkeep and maintenance.

We assume that staff expects that the cost of some of these infrastructure improvements would be borne by those who undertake future development, either by providing the benefits on site or paying into a fund for the benefit of the broader community. However, we believe that public infrastructure is a public responsibility and should not be added to the already high cost of private development. Oftentimes, these public amenities come at the expense of the property owner. Widened sidewalks and streets reduce the commercial footprint or remove areas for business to occur along the street, all making the project less financially viable and less likely to occur. While we agree that an appropriate mix of affordable housing will assure that many who work in our community can afford to live here, the recommended increases for expanding density and height for optional method development projects (minimum of 15% MPDUs) is not financially feasible. Likewise, the recommendation to require up to 30% MPDUs, along with the income thresholds, in public/private partnerships is not realistic. Silver Spring is not Bethesda. The cost of constructing a building is the same in both communities, but the market rental rates are not. The return on investment takes longer to achieve in Silver Spring because the rents are lower. This reality makes it even more unrealistic to expect developers in Silver Spring to absorb the cost of all these extras that benefit the public at large.

A major concern: Why is public utility infrastructure not considered public benefits, the cost of which should be borne by the public? It is not unusual for a project to be halted or delayed because the developer was being asked to subsidize the cost of providing not only the infrastructure needed by the project, but also public infrastructure that should have been kept up using public dollars. For example, the current WSSC sewer moratorium on Colesville Road has halted any development at the corner of Colesville Road and Georgia Avenue because the entire cost of something that should have been kept up using public dollars is too much for one developer to absorb into the costs of its project. Planners spend much time addressing things like the availability of traffic capacity, bike lanes, and pedestrian access. Why not also consider sewer capacity because of its limitations on land use.

Another issue we must raise: In the draft plan, a major priority of the Planning Department is increasing bike lanes and trails in Silver Spring and decreasing accessibility for autos. Based on observations by many of our business owner members, the existing bike lanes, about which they complain, are rarely, if ever, used. This subjective data is not accepted by the Planning Department or the County's Department of Transportation. Therefore, we are exploring an effort to undertake a life-in-the-day count to assess usage of this project that has come at a large cost to the County.

Something we can support: While we question whether the draft plan's emphasis on providing more green space will help to bring more business and economic prosperity to Silver Spring, we do support one recommendation in this category. We agree that Jesup Blair Park should be both a gateway to Silver Spring from Washington D.C. and a unique destination in the downtown. This effort is long overdue and it is something that the Montgomery County Parks Department can undertake immediately. The Parks Department owns the property. It is public space. The improvements can and should be included in the Parks Department Capital Budget and paid for with public funds to benefit the public.

In our comments to the Planning Board, we recommended that it direct staff to refocus portions of the draft plan to place “Business and Commerce” among the plan’s stated goals and to provide clear and concrete details about how its other recommendations will bring increased business, jobs, and economic prosperity to Silver Spring. We need more large employers to make sure that our small businesses survive. We want our “unique retail market,” celebrated in the plan, to survive. But it won’t survive without daytime economy. We need that oft referenced “ground floor retail” to thrive, but it won’t without a vibrant daytime economy brought about by commercial office development. Yes, the pandemic has, in many ways, changed the way we work, but not everyone is going to be working from home. Many have already headed back to the office, evidenced by the number of cars we are seeing on major arteries during rush hour times. We want a thriving, vibrant, and welcoming Silver Spring, where everyone – business owners, employees, residents, visitors, patrons – want to live, work, and play, and run a business. We see none of these issues addressed in the draft that the Council is now considering.

A final note: This plan was developed in the midst of a worldwide pandemic that changed the face of Silver Spring in many ways. As we have outlined in this document, we do not believe that planners have considered key factors that have created a new reality for our community and our economy. It is clear to us that many of the assumptions made by the plan drafters, and the Planning Board members, do not reflect current market realities, and that future market conditions will not support the development that will be required to achieve the plan’s goals. For example, where is the evidence that “improving the public realm” will bring back the businesses so critical to a vibrant community and to the County’s economy? We don’t see this in the plan that the Council is now considering. Indeed, the draft plan raises far more questions than answers about the future of Silver Spring.

For all these reasons, we strongly urge the Council to reject the draft in its entirety, or at the very least, send it back to the Planning Board with instructions to address these issues and adjust the plan accordingly. If Council is determined to adopt a plan at this time, then, at the very least, we urge you to direct the Planning Board to include a mechanism for the plan to be reviewed and quickly revised through the Master Plan Amendment process, should future circumstances warrant.

We thank you for your consideration of our concerns, comments, and suggestions. We would be happy to discuss this at your convenience.

March 6, 2022

Via Electronic Mail

The Honorable Gabe Albornoz, President
Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, 4th Floor
Rockville, Maryland 20850

Re: Silver Spring Downtown and Adjacent Communities Plan

Dear Council President Albornoz and Members of Council:

On behalf of United Therapeutics Corporation ("United Therapeutics"), a public benefit corporation, this letter represents our written testimony concerning the Planning Board Draft of the Silver Spring Downtown and Adjacent Communities Plan (the "Plan").

As we previously conveyed to the Planning Board during its public hearing on December 2, 2021, and in our subsequent letter dated December 22, 2021, United Therapeutics shares the Planning Board's and the Planning Department's passion and enthusiasm for Silver Spring. We genuinely appreciate the efforts that have gone into updating the Plan's recommendations for the community that has served as our home since our founding. Our business relies on our ability to attract the best and brightest minds of the biopharma world. We can imagine a future in which the economic vibrancy and amenity rich fabric of Silver Spring are an asset in this effort.

Unfortunately, "vibrancy" has not always been our experience in the Central Business District or Downtown over our many years in the area. The almost total absence of commercial office development in the last decade (except for the United Therapeutics campus), the departure of Discovery and other major businesses, and the ever-shrinking footprint of government facilities, has only exacerbated a historic problem of a lack of daytime commercial activity.

Combined with the challenges of the County's regulatory process (*i.e.*, its timing, complexity, uncertainty, inconsistency, and cost), we are concerned that several elements of the Plan could work against potential future growth and reinvestment in the broader Silver Spring market, whether by United Therapeutics or others. More specifically, the Plan proposes:

- (1) To add new development procedures and reviews in Silver Spring, thereby increasing the time, expense and effort associated with entitlements;
- (2) To increase right of way demands that nibble away land from already constrained urban sites;

- (3) To impose costs in order to increase insufficient mapped zoning heights, rather than mapping appropriate heights at the outset; and
- (4) To reduce previously available public benefit elements that help facilitate development related to transit and encourage hiding vehicles in parking structures.

How these recommendations will further the Plan's objective to incentivize a 50% growth in jobs in Silver Spring in the coming years is unclear, and we fear they may serve only to further disincentivize commercial development in an already challenging market.

We strongly suggest that the Plan be used as an opportunity to facilitate and accelerate economic growth. As a result, we note particular concerns with the following Plan recommendations (which may be contrary to those objectives):

- Green Loop Route and Required Elements. Certainly, pedestrian and bicycle-friendly infrastructure can bring certain benefits to a community, and we support the general concepts for them identified in the Plan. However, as with many issues, the devil is in the details. We are particularly concerned that the frontage improvements necessary to implement the Green Loop in the Downtown North District will negatively affect our facilities, operations, and safety.

Our business, like others in the Silver Spring Downtown, requires safe, accessible, and functional access for parking, loading, and deliveries. Yet, being located in an urban area, there are limits to our ability to provide additional roadway, streetscape, and landscape elements on our sites while also ensuring that drivers can get in and out of our facilities safely and efficiently. Implementing the Green Loop in the Downtown North District, in close proximity to our buildings, can be foreseen to create a significant risk of pedestrian and vehicle conflicts, while further eating away at our already constrained spaces.

Avoiding what we experienced with the implementation of the existing Spring Street bike lanes is critical to United Therapeutics. The original installation was not coordinated with approved, adjacent site plans, and this created dangerous conditions. While changes ultimately were made to mitigate these dangerous conditions, these only occurred after several months of coordinated advocacy. We would like to work with your staff to identify an alternative route that achieves the infrastructure goals of the Plan, without negatively impacting our company and the safety of those around us or those who visit us.

- Exclusion of Public Benefit Options. The optional method of development in the County's Commercial/Residential Zones is predicated on the concept that public amenities must be provided to support higher densities at locations where the County has

determined growth to be appropriate. As reflected in the Zoning Ordinance, the County Council has legislatively determined the amount of public benefits that will be required for development based on applicable zoning and tract size or maximum density, but not the type of benefits to be provided from applicable categories. Rather, applicants are free to select public benefits from a menu of approved options that the County Council has already determined to be desirable and worthy to serve as incentives.

Despite the established public policy embodied in those benefits, the Plan proposes to exclude two currently approved public benefit options – Transit Proximity and Structured Parking – from the list of possible benefits for which projects in Silver Spring can be awarded public benefits points. Using the Master Plan to override the Council's prior legislative determinations about public amenities that can qualify for public benefits points is not appropriate, and we oppose this recommendation. If a project qualifies for public benefit points by virtue of providing such elements, it does so in accordance with the Council's original determination that such elements are desirable and should be incentivized at the location where the zone is applied. As they have been applied in Silver Spring since the CR zones were mapped in 2014, and have helped achieve development since that time in locations proximate to transit and with vehicle parking hidden.

Furthermore, removing potential public benefit options in Silver Spring – where market conditions already present significant challenges for growth and reinvestment – takes away potential incentives that might otherwise serve to attract new development to the area. A better approach would be for the Plan to allow for the full range of public benefit options for Silver Spring projects, thereby ensuring that every potential tool for growth remains available for utilization in this community.

- BHIZ Boundaries in Downtown North District. Given the anticipated long life of the Plan, it is not inconceivable that a future redevelopment opportunity could emerge for the block bounded by Georgia Avenue, Spring Street, and Cameron Street in the immediate vicinity of the United Therapeutics campus. However, this block is not included in the proposed Building Height Incentive Zone ("BHIZ"), nor is the proposed mapped zoning uniform as one approaches Spring Street. For example, the Plan recommends that our property at 1110 Spring Street receive a different mapped zoning designation than the immediately adjacent County public parking garage.

To the extent that the Plan encourages redevelopment of underutilized parcels in the Downtown North District (including existing public parking garages) and seeks to incentivize additional height and density at strategic locations, we believe that the BHIZ should be extended in this block at least to Planning Place (if not to Spring Street). The Plan should also recommend mapped densities and heights for properties adjacent to the garage site that are equivalent to that of the garage site. These changes could be

meaningful in facilitating a broader range of possibilities for assemblage and redevelopment of this block, should future opportunities emerge.

- Green Cover. In seeking to address urban heat islands, the Plan recommends that Optional Method projects strive for 35% green cover. This would be achieved by an intense green roof or tree canopy cover on the ground floor, or a combination of both. This is a laudable goal, given the tree-less character of many urban redevelopment sites. But again, the devil is in the details, and balance must be exercised.

Urban redevelopment that seeks to cure past ills of narrow sidewalks and lack of stormwater management, coupled with setbacks to allow adequate glazing for light and views, places a premium for intense usage of the remaining land area. Assuming green cover is achieved solely through canopy at ground level, an additional 35% of the property gets removed from the potential building envelope, thus further compressing the footprint and necessitating movement upward to achieve intended density. If doing so requires use of the BHIZ process, that adds to the cost of a project. In any event, the building configuration becomes captive of the canopy area.

The Plan may intend to address this dilemma of physical conflicts by making achievement of 35% permissive rather than mandatory. But to assure that the permissive intent is understood over the life of the Plan, the language needs to be strengthened, so as to clearly make the goal an aspirational effort, not a compulsory minimum for reviewers to competitively exceed. The Plan recommendation states on p. 147:

"Encourage a minimum of 35% green cover on Optional Method Development projects" (Emphasis added.)

The term "encourage" establishes an aspirational target that must be adjusted to project circumstances. "Encourage" does not imply an inflexible minimum requirement to be achieved in every instance. The intent of the former needs to be clear, so as to avoid evolving into the latter.

- Future Amendments. We note that the Plan is being advanced at a time of tremendous social, economic, and political uncertainty, when the long-term impacts of the pandemic on our community's future are not yet fully understood. Given that the Plan applies to one of the County's major commercial centers and likely will have a very long life (potentially for decades), we believe that it is vitally important for the Plan to build in a means to correct course if its recommendations do not bear fruit. This could be accomplished by including specific provisions to support future amendments, should circumstances warrant. The Plan could also recommend establishing a program for the ongoing monitoring of development and growth metrics, with periodic evaluations by the Planning Department and the Planning Board to ensure that outcomes are unfolding as



- anticipated. We would be pleased to discuss ideas for such measures in more detail with Planning Department staff, if that would be useful.

We thank you for your consideration of our views in this letter and in our oral remarks. We look forward to continued participation in the Plan review and approval process. Please do not hesitate to let us know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "A. Halpert".

Avi Halpert
Vice President
Corporate Real Estate

- cc: The Honorable Evan Glass
The Honorable Andrew Friedson
The Honorable Tom Hucker
The Honorable Will Jawando
The Honorable Sidney Katz
The Honorable Nancy Navarro
The Honorable Craig Rice
The Honorable Hans Reimer
Ms. Pamela Dunn
Ms. Atara Margolies



March 6, 2022

Via email

The Honorable Hans Riemer, Chair
The Honorable Andrew Friedson
The Honorable Will Jawando
PHED Committee
Council Office Building
100 Maryland Avenue, 4th Floor
Rockville, MD 20850

Re: Views on Silver Spring Downtown and Adjacent Communities Draft Plan

Dear Chairman Riemer and Committee Members Friedson and Jawando:

The Art Deco Society of Washington (ADSW) submitted written¹ and oral testimony on the Silver Spring Downtown and Adjacent Communities Plan² for your February 17 hearing. According to the Committee Staff's March 3 memorandum,³ the Committee is not slated to take up the section on historic resources until March 28, however historic resources will be impacted by changes recommended throughout the Plan. Consequently, as you undertake your first worksession on the Plan tomorrow, we are submitting this letter to address some supplementary points not addressed in our earlier statement.

Ellsworth District, 2.3.1

Silver Spring Shopping Center Parking Lot

In the March 4, 2022 Addendum⁴ that follows the PHED Staff's March 3 Memorandum to the Committee, staff acknowledged that ADSW's prior testimony had not been included and accounted for in the staff's recommendation memo. ADSW thanks the staff taking steps to ensure our testimony

¹ Testimony of Deborah Chalfie, Preservation Chair, Art Deco Society of Washington, re: *Views on Silver Spring Downtown and Adjacent Communities Draft Plan* (Feb. 16, 2022), available at <https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/agenda/col/2022/20220217/testimony/testimony16-DeborahChalfie.pdf>.

² Montgomery County Planning Dept., *Silver Spring Downtown and Adjacent Communities Plan: Planning Board Draft* (Winter 2022) [hereinafter *Plan*], at <https://montgomeryplanning.org/wp-content/uploads/2022/01/SSDAC-Planning-Board-Draft-FINAL-FOR-WEB-reduced2.pdf>.

³ Memorandum to PHED Committee from Pamela Dunn, Senior Legislative Analyst & Livhu Ndou, Legislative Attorney, for "Worksession to develop recommendations for Council consideration" at 1 (Mar. 3 2022), available at https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2022/20220307/20220307_PHED3.pdf.

⁴ *Id.*, at 36-37.

was included and considered. We also appreciate that the staff has acknowledged our concerns and recommended that the inappropriately marginalizing “language ... be revised to address Ms. Chalfie’s concerns.”⁵ However, our concern was not the language *per se*, but the dismissive stance that it revealed and reinforced toward preservation of a designated resource. The memo still supports retaining the Plan’s recommendation to make “improvements to the parking lot ... to better draw pedestrians ... into the Ellsworth Place pedestrian mall.”⁶

The recommendation in the Plan and the language used to describe it should be better aligned with the stated historic preservation goals of the Plan, i.e., to “protect and preserve resources listed in the *Master Plan for Historic Preservation*” – the Center and parking lot *are* a resource in the Master Plan – and to “promote the adaptive reuse of historic properties while retaining their character defining features.”⁷ ADSW maintains that the substance of the plan should be changed so as not to treat the lot as a mere accessory to be used in service to Ellsworth Plaza. There are strategies, such as the Plan’s recommendation to explore adding a one-story, architecturally compatible, commercial building where a gas station used to be, that could “activate” the parking lot (as long as it’s something appealing like a taco or gelato stand and not a bank branch) while still enhancing preservation by retaining the lot’s character defining features and its function.⁸

Fenton Building, 8551 Fenton St.

In our first statement, ADSW overlooked the recommendation in the Plan to turn the Fenton Building into an “opportunity site,” perhaps because the address was misreferenced as 8551 Colesville in the Plan (it is 8551 *Fenton St.*) and because the recommendation making it a target for redevelopment consisted of one short sentence with absolutely no discussion or rationale provided. The Fenton Building is a historic resource in the Silver Spring Historic District,⁹ which is in the Locational Atlas and Index of Historic Sites. ADSW strongly objects to targeting a building that’s in the historic district as an “opportunity site” for redevelopment.

In addition to being a historic resource in the Silver Spring Historic District, the Fenton Building is a handsome example of modest-scale international-style architecture, with fluted columns on either side of the main entrance at 8561 Fenton. Moreover, the building itself carries important historic context. The Fenton Building was the site of Morton’s first suburban department store. Morton’s was not only founded by a significant local Jewish businessman, but long before the passage of the federal Civil Rights Act of 1964, the store was renowned for its integrated dressing rooms and bathrooms, and for serving and hiring African Americans, when most other department stores, including others in Silver Spring, did not.¹⁰ There is a trove of documentation on the importance of Morton’s to racial justice in

⁵ *Id.* at 37.

⁶ *Id.*

⁷ *Plan, supra* n. 2, at 166.

⁸ With regard to the parking lot’s function, as a matter of equity, it is important for the Plan to pay more attention to the needs of persons with disabilities and older residents who often need to drive (vs. taking public transportation) and park near their destination to be able to take advantage of services and amenities. The Shopping Center parking lot serves exactly that function for those who want enjoy what downtown Silver Spring has to offer, both old and new.

⁹ Montgomery Planning, *MC Atlas*, at <https://mcatlas.org/viewer/>.

¹⁰ See R. Pearson, “Mortimer C. Lebowitz, Founder of Morton’s Department Stores, Dies,” *Washington Post* (Feb. 3, 1997), available at <https://www.washingtonpost.com/archive/local/1997/02/03/mortimer-c-lebowitz-founder-of-mortons-department-stores-dies/6d048248-a0a0-4763-a910-5bcd7c01e41c/>; S. Jones Landrac, *Stayed on Freedom’s Call: Cooperation between Jewish and African-American Communities in Washington, DC* (undated), available at <https://archive.org/details/StayedOnFreedomCall>.

Silver Spring, but the building's historic significance – architecturally and culturally – appears to have been completely ignored in the decision to designate the building as an opportunity site.

The Plan's inclusion of the Fenton Building as an opportunity site is especially egregious in light of what is apparently being proposed by the developer and requested in this plan. According to the testimony and attached slides submitted for the public hearing record by Colesville Ventures, the entire Fenton building between Roeder and Colesville is being targeted for demolition and redevelopment into a 21-story high-rise.¹¹

As we were caught off-guard by the recommendation to make the Fenton Building an opportunity site and worse, the shocking proposal to knock it down for a high-rise, there is too much evidence of the building's architectural merit and its historic significance to be marshalled for tomorrow's worksession. Suffice it to say that ADSW strongly urges the PHED Committee to exclude this particular opportunity site from the Plan.

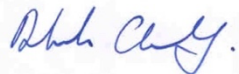
Ripley District, 2.3.4

8230 Georgia Ave., Sherwin-Williams Bldg.

ADSW also initially overlooked the Plan's recommendation to make this unique Art Moderne building an opportunity site. The building has undergone some alterations over the years, but it still has its side entrance with a stepped-brick entryway, glass block over the recessed doorway, and what appear to be seafoam green vitrolite panels surrounding the door. The building also has distinctive windows, including one that wraps around the front-south corner and two steamship-like windows on the south side to the right of the side door. This building is also significant for its historic context; it was the headquarters of Little Tavern, a company with a notorious and long history of racial discrimination, which should be acknowledged as part of Silver Spring's history. In any case, although the building may not be in immediate danger of demolition, ADSW is concerned that so many Art Deco buildings in the plan area have not yet been evaluated for inclusion in the Locational Atlas, including several buildings on Georgia Ave. in the Ripley and South Silver Spring Districts. ADSW urges the PHED Committee to recommend that this and other buildings be surveyed and, in appropriate cases, be added to the Locational Atlas.

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

Sincerely,



Deborah Chalfie, ADSW Preservation Chair
dchalfie@adsw.org

¹¹ Testimony of Barbara Sears & Laura Tallerico, Miles & Stockbridge, on behalf of Colesville Ventures, LLP (Feb, 17, 2022), available at <https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/agenda/col/2022/20220217/testimony/testimony29-BarbaraSears.pdf>.

To Promote the Preservation, Protection and Enjoyment of Montgomery County's Rich Architectural Heritage and Historic Landscapes

TO: PHED Committee Members Hans Reimer, Will Jawando, and Andrew Friedson
District 5 Councilmember Tom Hucker

FROM: Eileen McGuckian, President, Montgomery Preservation, Inc. DATE: March 6, 2022

RE. Silver Spring Downtown and Adjacent Communities Plan
PHED Committee Work Session - March 7, 2022

I am pleased to represent Montgomery Preservation (MPI), the countywide nonprofit historic preservation organization, in providing comments for the County Council PHED Committee's initial work session on the Silver Spring Downtown and Adjacent Communities Plan. MPI recognizes Silver Spring as the gateway to our County and its downtown as a special historic business district in Montgomery County. Following are comments on key sites of concern to MPI.

Ellsworth District: The Fenton Building

The property at 8551 Fenton Street, identified as an "Opportunity Site" in the Silver Spring Sector Plan, played a role in Silver Spring's rise in the 1940s and early 1950s to become a major retail-commercial center. The Fenton Building, constructed in 1951, is a Streamline Moderne structure with a limestone façade similar to its neighbors along the 8600 block of Fenton, built during the previous decade. These and the Fenton Building are on the County's *Locational Atlas of Historic Sites* as part of the Downtown Silver Spring Historic District. The building's key corner location at Colesville Road and Fenton Street makes it a prominent visible marker of an important period in Silver Spring's commercial development.

The first occupant of the Fenton Building was Morton's Department Store, in a period when D.C. department stores were expanding to the suburbs to compete for that lucrative market. The Morton's experience was unique for African American customers - owner Mortimer Charles Lebowitz provided integrated dressing rooms and restrooms and hired African Americans as retail clerks in all branches of his business.

We are aware that attorneys for Colesville Joint Venture have indicated an interest in redeveloping the site and replacing it with a large mixed-use project. It's clear that they want to demolish the Fenton Building. Their letter to the Council contained no acknowledgement of the building's historic status but not surprisingly welcomed its labeling as an Opportunity Site as they requested flexibility in the already dense zoning.

MPI is opposed to identifying the historic Fenton Building as an "Opportunity Site," with the implication that redevelopment of the site is desirable. This building contributes to the architectural ambiance of the historic district. It's difficult to realize that the Plan finds it acceptable to chip away at Silver Spring's historic downtown.

Shirlington Village in Arlington, Virginia, has a collection of buildings whose architectural and historic character is similar to those along Colesville Road in downtown Silver Spring. This Streamline Moderne shopping area is anchored by an Art Deco theater with a collection of successful shops and restaurants. The community's pride in Arlington's heritage is evident in the photograph included below.

Ellsworth District: Silver Shopping Center Parking Lot

The landmark Art Deco shopping center at Georgia and Colesville is an excellent example of 1930s "Park and Shop" retail and was designated on the Master Plan for Historic Preservation more than 30 years ago. The parking lot is a highly visible part of the Silver Theatre and Shopping Center complex and is essential to its historic context.

MPI is opposed to any change to the crescent shape of the parking lot, or any reduction in its function as parking. We object to the reference to the parking lot as an "Opportunity Site." Adaptive re-use, which we frequently welcome, would not be appropriate here. Its purpose is not to provide a pathway to Ellsworth Plaza.

Ripley District: 8230 Georgia Avenue

At another "Opportunity Site," 8230 Georgia Avenue, is the former corporate headquarters of the Little Tavern Companies – among several corporate headquarters in Silver Spring including the nearby Dry Cleaning Institute building. Constructed in 1941, the building served this purpose until the company closed in 1991.

The Little Tavern Company has a history of racial discrimination, but it would be a disservice to history if both good and bad were not acknowledged and remembered. And, before the early 1960s, every restaurant in downtown Silver Spring was guilty of discrimination. Little Tavern was no different, and nearby signage can tell the story.

The building has retained its Art Deco-Streamline Moderne character over time. It's a recognizable standout on Georgia Avenue with its half-round windows on the first level, and windows that continue around several corners of the building on the second story. For several decades it has had a solid record of adaptive re-use, housing arts center Pyramid Atlantic and currently a Sherwin Williams paint store.

The Little Tavern Headquarters building site provides a respite from the high rise structures that are rapidly springing up on that side of Georgia Avenue. Perhaps the front of the building could provide a small green space with some plantings and benches and still co-exist with the parking.

MPI is opposed to identifying 8230 Georgia Avenue as an "Opportunity Site" with all its implications. This segment of Georgia Avenue and of Colesville Road in downtown Silver Spring has been the County's largest concentration of early 20th century commercial buildings for almost a century. We have already lost too many buildings in that corridor in the push for density. Many communities across the country take pride in their "Old towns" and make efforts to preserve them. Georgia Avenue is downtown Silver Spring's Old Town. It would be sad should it become unrecognizable as the Silver Spring we have known, losing that sense of place that historic buildings provide. While the Silver Spring Plan rarely mentions the word "demolition", this would follow from the term "Opportunity Site."

MPI urges that as we move forward, density and demolition will not be the default, regardless of the monetary value of land. Montgomery County is richer than that, in history and in resources.



View of Fenton Building in Downtown Silver Spring



Shirlington Village Shopping Center



Shirlington Theater adjacent to Shirlington Village



Little Tavern Former HQ Building, 2 Views

