

McCray, Tiara

From: [REDACTED]
Sent: Sunday, September 13, 2020 4:29 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friend outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C0505ad5c7e8843e5556008d85823cbb1%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637356258060743253&sdata=H%2FLFIWn2%2FsExpbMhQM%2B4oyOm80XbONFnI3HsrvTQ0%3D&reserved=0>.

Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 11:37 AM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

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For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 1:13 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

Maryland Youth Ballet, located at the top end of Ellsworth Drive, is in full support of the plan to replace a portion of Ellsworth Drive with a pedestrian friendly mall. Our nearly 1,500 students plus their families would not only be safer not having to navigate a street, but would definitely enjoy the additional space.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

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Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20910

September 9, 2020

Re: Downtown Silver Spring – Ellsworth Drive

From: [REDACTED]

To: Montgomery County Hearing Examiner's Office

I am writing to support a *thoughtful* renovation of Ellsworth Drive and vicinity; but to OPPOSE paving Ellsworth Drive in Silver Spring with plastic artificial turf. Green plastic does not equal green space. As a resident of Montgomery County, a board member of Conservation Montgomery, and a board member of Safe Healthy Playing Fields Inc, I am requesting that the County please only approve the abandonment of Ellsworth Drive with the condition that the applicant NOT install artificial turf.

A better alternative would be for the applicant to install cooler light colored permeable pavers, add movable self-watering plant containers (such as the ones Bethesda Urban Partnership has been using recently), and include additional permanent landscaping to go along with the proposed moveable seating and interactive attractions. As we have seen from the long time popularity of Bethesda Lane and the recent popularity of area "streeteries," there is no need to pave a street with plastic to make it a successful space.



Ellsworth Ave midday on 6/12/20 – full sun; project rendering; example of moveable planters and seating.

I have spent the last 2 years observing and documenting problems with artificial turf in our area. Here are some of the reasons I am opposed to gluing down artificial turf on Ellsworth Drive:

Polluting From Beginning to End

Plastic artificial turf is a petrochemical product. It is "green" in color alone. It wears down over time creating microplastic pollution (even without infill) and emitting greenhouse gases as it degrades in the environment. There are massive growing documented disposal issues for artificial turf at the end of its limited lifespan.

<https://www.theatlantic.com/science/archive/2019/12/artificial-turf-fields-are-piling-no-recycling-fix/603874/>

The artificial turf industry has made many misleading claims about recycling that have come to light in recent years. For example, SynLawn, the artificial turf brand being proposed for Ellsworth Drive, claims its product is "100% recyclable." When questioned about this claim the company stated it "technically can be recycled anywhere." Where is "anywhere"? What is the name of the facility that will actually recycle rolls of this material and where is it located?

If actual artificial turf recycling was so easy and readily available than Montgomery County Public Schools would not have recently shipped 40,000 pounds of old plastic rolls from Walter Johnson HS a company in Malaysia that refuses to disclose their address; there would not be old rolls from Richard

Montgomery HS stashed next to Bird River in Baltimore; there would not be growing stockpiles of the material throughout the US, including the old turf mountain I personally came across this summer in central Virginia, and “recycled” turf from a massive stockpile would not be polluting the Puyallup River in Washington State.

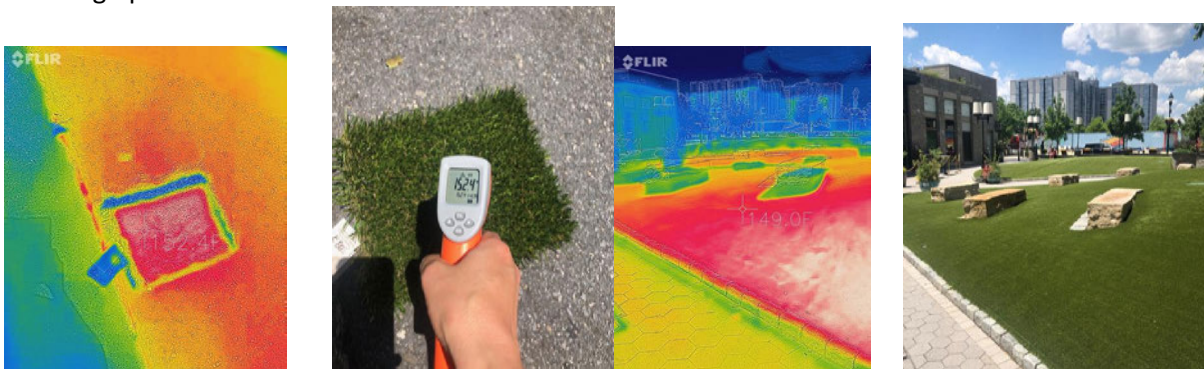
<https://www.seattletimes.com/seattle-news/environment/feds-order-owner-of-dam-on-puyallup-river-to-clean-up-spill-from-artificial-turf/>



Example of a petrochemical plant; broken plastic grass blades from artificial turf; pile of old artificial turf in Virginia.

Urban Heat Island

Plastic synthetic turf gets as hot as, or hotter than, asphalt on warm sunny days. This is true even for brands marketed as being “cool.” Ellsworth Drive does get direct sun during summer days. Here are photos taken at 1:00 pm Friday, June 12, 2020. The weather was a warm sunny 85 degrees. The surface of the asphalt was in the 130-140Fs. The surface of a segment of artificial turf was approximately 150F. Over at Pike and Rose at 2 pm the same day the installed artificial turf was also reaching upwards of 150F.



FLIR thermal imaging and laser thermometer at Ellsworth Drive in DTSS and Pike and Rose in Rockville. 6/12/2020.

Downtown Silver Spring has considerable asphalt and building coverage and minimal tree canopy or real green space in the core area. Last year the Urban Land Institute released a report entitled “Scorched” and hosted an excellent forum regarding urban heat islands and ways to reduce their impacts. The report offered many suggestions for creating better heat resistant built environments. Use of hot plastic artificial turf was not one of them.

<https://americas.uli.org/research/centers-initiatives/urban-resilience-program/extreme-heat/>

Myth of Low Maintenance

Any artificial turf glued down to Ellsworth Drive will have to be regularly and frequently cleaned and maintained. It will have food and drink spilled on it, urine and waste from people walking their dogs, and children sitting and crawling on it. All of the major turf companies, including SynLawn, have been recommending regular use of disinfectant on artificial turf surfaces due to "Covid-19, as well as other viruses, fungi, mildew, mold, germs, and harmful bacteria."

<https://www.synlawn.com/press-releases/synlawn-distributors-now-offering-progienics/>



Pieces of SynLawn coming loose at the Lawn exhibit at the National Building Museum, turf glue used in artificial turf installations.

Again, I am requesting that the County only approve the abandonment of Ellsworth Drive with the condition that the applicant NOT install artificial turf. Thank you.



McCray, Tiara

From: [REDACTED]
Sent: Sunday, September 13, 2020 5:33 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

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Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Friday, September 11, 2020 3:50 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 1:54 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

The proposed plan will build on some of the best aspects of the existing plaza and encourage greater use of the outdoor space so critical in the time of COVID and in the future.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

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Thank you,

Sincerely,

[REDACTED]

Arlington, VA 22209

McCray, Tiara

From: [REDACTED]
Sent: Saturday, September 12, 2020 8:32 PM
To: McCray, Tiara
Cc:
Subject: Re: Case AB-771 The abandonment of Ellsworth Drive

>> Dear Ms. McCray,

>>

>> Please make sure that synthetic turf is not used on Ellsworth Drive if the abandonment proceeds. Synthetic turf is terrible for human health as well as an environmental disaster. Please make sure that a new plan that recognizes the dangers of synthetic turf is implemented instead. Thank you very much for your efforts on this. Sincerely, [REDACTED],

Silver Spring Md

>>

>> Sent from my iPhone

On September 11, 2020, 2:01 PM EDT

[REDACTED] wrote:

[EXTERNAL EMAIL]

Dear Councilmembers Alborno, Glass, Hucker, Jawando, and Riemer,

I am writing today to express my concerns about the proposed abandonment of the portion of Ellsworth Drive in the Downtown Silver Spring development to the Peterson Co. As I understand it, this would remove County control over this roadway and cede it to the sole authority of the Peterson Co. (subject to any further applicable laws).

My concern stems from the Peterson Co.'s approach to managing Ellsworth Drive during the pandemic. Before the pandemic, the block of Ellsworth proposed for abandonment had become an extremely successful all-pedestrian space, blocked from vehicle traffic almost all hours of the day except overnight for deliveries and access by emergency vehicles.

This space would have been extremely valuable to maintain during the pandemic. As has become clear, the risks of spreading and contracting COVID-19 are greatly mitigated by being outdoors. The street could have continued as a space for events, retailers, dining, or any number of activities. Instead it's being used for curbside pickup for retailers and restaurants. This despite the few thousand County garage parking spaces just steps away.

Yet Silver Spring residents, and residents of surrounding areas who come to Silver Spring to shop, dine, or play, had no voice in Peterson's decision to close a public street to the pedestrian traffic it formerly enjoyed. And Peterson, unlike the government, is not obliged to answer to citizens, or obliged to take the larger needs of the community into account. They may do so if not doing so becomes inconvenient for them, but who's to guarantee that it will happen? (See also the photography incident from many years ago: <https://www.governing.com/blogs/view/Freedom-to-Photograph.html>)

Now Peterson has begun an email campaign in which they are trying to convince people to write to the County Council to support abandonment, with the brazen argument that doing so will result in a more pedestrian-friendly space. See attached PDF. This is ironic, to say the least, given that the current pedestrian unfriendliness of the space is entirely Peterson's work. If the street is abandoned, there appears to be no guarantee that Peterson will keep in place the amenities it has promised to install. It could rip out the turf and allow dump trucks to park there for 18 hours a day, which would likely not be a good business decision, but no one could stop them.

Let's keep Ellsworth Drive, a public street, in the hands of the public, and take public action to ensure that the pedestrian and cycling thoroughfare remains just that. Only in this way can we assure transparency and accountability in the use of public resources, not opportunistic double-talk.

Best regards,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 7, 2020 4:37 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

As a resident, I'm excited to see my neighborhood transform and provide me an outdoor space to unwind.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

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I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C5feed98e61e44e0d54ef08d8536e3230%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637351080041654541&sdata=ewNvmyP871C%2FRUpNn%2B1vAt6Vw%2FLaqNcWnjFT693zE4k%3D&reserved=0>.

Thank you,

Sincerely,

[REDACTED]
Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 12:37 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

please, please don't give up on our lovely downtown! we need the revitalization and investment now more than ever! The residents, the business owners, the visitors, we all need a vibrant, energetic downtown that can grow and develop our community.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

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Sincerely,

[REDACTED]

Silver Spring, MD 20901

September 11, 2020

**The Hearing Examiner, Department of Transportation
Montgomery County Maryland
cc: The Montgomery County Council**

Reference: AB-771, Abandonment Hearing, September 14, 2020

Dear Hearing Examiner:

I am writing in reference to the September 14 hearing on the proposed abandonment of Ellsworth Drive in Silver Spring, AB-771.

I join with the environmental community¹ and many residents of Montgomery County to oppose the abandonment application AB-771 as it now stands because of the synthetic turf proposal component and its negative impact on our water quality and the health of people that will be using Ellsworth.

As I hope you are aware, the Planning Board is requiring that the developer prepare an alternative to synthetic turf as part of its Certified Site Plan in case the Council does not pass AB-771 because of concern over the synthetic turf component.² At least two Planning Board members strongly oppose installation of the turf on Ellsworth Drive, as recordings of the several Planning Board hearings fully demonstrate.

I urge you to recommend the following to the County Executive:

- The County Executive recommends to the County Council that the developer's proposal to install synthetic turf on Ellsworth be dropped from its Certified Site Plan related to the abandonment resolution that the Council will vote on.
- The developer be required instead to install environmentally friendly and healthy materials on Ellsworth Drive.

¹ Including Friends of Sligo Creek (FOSC), the Stormwater Partners' Network (SWPN), the Sierra Club of Montgomery County, Safe and Healthy Playing Fields.

² See Planning Board approved Staff Recommendations, June 18, 2020, p, 2:

"The following conditions are in addition to all other conditions, which remain in full force and effect:

1. Abandonment of Public Right-of-Way

a. Prior to issuance of right-of-way permit, the Applicant must receive approval from County Council for the Abandonment Application No. AB-771 for the public right-of-way within Ellsworth Drive.

b. The Certified Site Plan must include an alternative design for Ellsworth Drive without synthetic turf, to be implemented if the County Council does not approve Abandonment Application No. AB-771."

<https://montgomeryplanningboard.org/wp-content/uploads/2020/06/DTSS-project-and-site-plan-amendment-final-staff-report.pdf>

The following is a summary of my main concerns. Additional details are available in my written testimony to the Planning Board for its July 30 abandonment hearing (included in the correspondence sent over by the Planning Board to be part of your record).

- ***Unsafe and Unhealthy.*** The synthetic turf proposed (SYNLawn's SYNTipede 343) is essentially a petroleum-based product that is flammable, as a close reading of the manufacturer's own information indicates – its sales pitch to the contrary. Yet, although normal traffic will no longer be permitted, the applicant proposes that ***heavy delivery trucks and fire trucks (all with ignition risk) will be allowed.*** Presumably the Saturday Farmers' Market (with its delivery trucks) will continue. Moreover, in what would still be considered a pedestrian mall, ***smoking will be allowed.***
- ***In addition, its chemical composition and the composition of the adhesive used can be expected to be quite toxic, most likely including several so-called forever chemicals.*** The manufacturer has not provided detailed chemical information on its product, but research to-date suggests that these are typical components of any artificial turf product.
- ***Durability: the plastic carpet will break down quickly because the use proposed is not recommended by the manufacturer.*** SYNTipede 343 is not recommended by the manufacturer for high foot traffic areas – and certainly not for any vehicular traffic. Moreover, there is no scientific data showing the feasibility of this extreme off-label use. This may be unprecedented. As previously noted, Ellsworth Drive will have high foot traffic and heavy vehicle usage. The turf will deteriorate far more rapidly than normal, as a consequence.
- ***Accelerated deterioration is even more likely because the applicant proposes to glue the turf to the existing asphalt.*** This approach is proposed to make the case that the artificial turf can hold up to heavy foot traffic and heavy vehicles because the strength of the asphalt is actually underneath. In fact, this installation means that there will be substantially more friction than normal without any usual cushioning. More friction means more wear and tear.
- ***Accelerated turf wear and tear has negative implications for the environment.*** Installed as proposed, with greater friction than normal, the product will deteriorate faster in material and chemical form than normal (which was already a concern). Runoff containing pieces of the turf and its chemicals will head down into our storm drains and Sligo Creek. This would violate the Clean Water Act (enforced through the County's MS4 Permit) and most certainly mean contamination of Sligo Creek and the bodies of water it drains into (the Northwest Branch, the Anacostia and ultimately, the Chesapeake Bay) that would otherwise not have occurred.
- ***Synthetic turf runoff violates the County's MS4 Permit; and our storm drain and storm water filtration systems can't protect our water from the turf.*** The applicant has argued that the extensive storm drain system under Ellsworth built when Downtown Silver Spring was initially developed should be able to protect our waterways. This argument ignores the fact that the County's MS4 Permit prohibits the chemicals and plastic blades of grass from entering the storm

drain system in the first place. Moreover, the Ellsworth system installed to defend Sligo Creek from Downtown Silver Spring runoff almost 20 years ago is not one of the models the system manufacturer recommends for synthetic turf.

- ***How hot will the runoff from synthetic turf into Sligo Creek get ?*** (Aquatic life is harmed by hot runoff.); ***how hot will the turf become that people are exposed to on Ellsworth ?*** The developer has never told the County how hot the carpet would get. Their consultant "guessed" that it would be around 10 degrees hotter than the present asphalt. Asphalt is already hot.
- ***Is there a COVID19 risk with the plastic turf?*** Recent research in the New England Journal of Medicine suggests that COVID19 typically remains on plastic surfaces for up to 3 days. The artificial turf proposed is essentially a plastic surface.
- ***Would any cleaner recommended by the manufacturer to address COVID19 and other infectious disease concerns (such as MRSA) be permitted under the County's MS4 Permit ?*** From the manufacturer's website description of what it suggests for COVID19 and MRSA, for example, it appears that this cleaner is not something that would legally be allowed to go into our storm drain system.
- ***Would the use of the COVID19 cleaner damage the glue used to adhere the plastic turf to the asphalt ? Would it affect the manufacturers' warranty?***
- ***Would the routine cleaning and maintenance of Ellsworth Drive be in violation of the County's MS4 Permit, which prohibits toxins from entering our storm drain system (which then drains into our creek and rivers)?*** According to the manual for the product proposed (SYNLawn's SYNTipede 343), known-toxic chemicals are required to keep up the artificial turf and remove stains. The product care and maintenance manual will presumably be the basis for the manufacturers' warranty and legal agreement between the County (or MNCPPC) and the developer on how the turf is kept up.³

Thank you for your consideration. I hope that you will work with the community to "Do No Harm" to Sligo Creek and the Anacostia Watershed and to those who would otherwise enjoy Downtown Silver Spring. There are better alternatives.

Sincerely,



Silver Spring

³ From the Planning Board's Resolution of Approval, MCPB No. 20-047 Site Plan No. 81999002M Downtown Silver Spring Page 3: 4. Maintenance In addition to the maintenance agreement integrated into the MCDPS FDA approval, the Applicant must provide the Manufacturer's Care and Maintenance Manual within the certified site Plan and regularly maintain the synthetic turf according to the latest version of this Manual.

McCray, Tiara

From: [REDACTED]
Sent: Saturday, September 12, 2020 2:51 PM
To: McCray, Tiara
Subject: Case AB-771, the Abandonment of Ellsworth Drive

[EXTERNAL EMAIL]

To Whom it May Concern,

I'm writing to ask that the county only abandon Ellsworth Dr if synthetic turf is not allowed there. In addition to the numerous and valid environmental concerns around synthetic turf in this street space, I believe there are also Americans with Disabilities Act (ADA) compliance issues with the use of synthetic turf. The ADA requires that surfaces be "firm, stable, and slip resistant." I have serious concerns about turf meeting those compliance standards and I have not seen this issue addressed in any of the developers documents. If we are designing public spaces, why would we design a space that a large portion of a population would not be able to use? That's not equitable, it's exclusionary. It's poor design. In addition to people with physical disabilities who use wheelchairs, we have to consider people with other mobility devices, strollers, canes, crutches, and the elderly. It's 2020. The ADA just celebrated its 30th anniversary in July. I think we can do better to create spaces that are equitable and universally designed.

Sincerely,

[REDACTED]

Silver Spring, MD, 20901

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 11:52 AM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

Being someone who works in this area, I know this will be a great addition to the Downtown Silver Spring area. I'm looking forward to sharing this fun space with co-workers and family when the project is completed.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C466177ddb4274c232e0608d850226d27%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637347456077859395&sdata=%2F%2BP8gyP%2BPT%2BgclmOORQvDiw5RriqfkzgGv0i021jp1c%3D&reserved=0>.

Sincerely,

[REDACTED]

Washington, DC 20002

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 1:03 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I support the closing of Ellsworth Drive to create a more pedestrian friendly, active and attractive public space for Downtown Silver Spring.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friend outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

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Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20901

McCray, Tiara

From: [REDACTED]
Sent: Sunday, September 13, 2020 6:23 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C008e2539e18e428d875508d858348e4f%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637356330036616181&sdata=rKJUKGJK77lt0gbueh5ugYxFePPaCQwuwbVzc%2BZEVTk%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Wednesday, September 2, 2020 8:04 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friend outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C2af8d3941d31430da4b308d84f9db3cd%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637346886051673947&sdata=Yf%2BxQrE2dep7lAnDQtEe7S1U1Fa8KBYFU Dnwmftx3YI%3D&reserved=0>.

Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20901

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 2:32 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

Hi! When I first moved to Silver Spring as a fresh college graduate, it was because I couldn't afford to live in DC on my tiny salary. Now, nearly 7 years later, my husband and I actively choose to stay here because of the vibrant downtown, proximity to parks and recreation, and feeling of connectedness we have to this community. The downtown revitalization project deserves our support, because it would only help amplify all the things we already love about our little downtown area. We fully support a pedestrian-only designation for Ellsworth Drive and look forward to the completion of this project!

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

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I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

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Thank you,

Sincerely,

[REDACTED]

McCray, Tiara

From: [REDACTED]
Sent: Saturday, September 12, 2020 9:42 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7Cb92097e00bce4cee6bb408d85787544f%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637355586040843784&sdata=7R8pB6jE2mLqtHvMFGGJYT%2BxoewtZvOmOnyjuBd%2BBLg%3D&reserved=0>

Sincerely,

[REDACTED]

Rockville, MD 20850

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 12:04 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 2:05 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

We really need more green space and more amenities in DTSS!!! I live here and this is so important. I will be paying attention to who votes for and against this project and it will directly effect my future votes for city council seats. Please make this happen! Let's get it done!

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Sunday, September 13, 2020 2:00 PM
To: McCray, Tiara
Subject: Re: Comment on Ellsworth Drive Abandonment

[EXTERNAL EMAIL]

Ms. McCray,

My comment on the proposal is as follows:

I oppose the abandonment of Ellsworth Drive. This is a very important public space for the Silver Spring community, and it should remain in the control of the public.

When "public" space is controlled by those hoping to profit from the people who spend time in it, it ceases to be truly public. Many similar pseudo-public spaces controlled by commercial interests end up tightly controlled by private security, which would close off access for many of the members of the Silver Spring community who currently spend time on Ellsworth Drive: buskers, groups of teenagers, skateboarders, protesters, panhandlers, and the homeless. Abandonment of Ellsworth Drive risks creating two kinds of public space in downtown Silver Spring: one along Ellsworth for people who have money to spend, with all the "less desirable" activity pushed to Veteran's Plaza, rather than a unified downtown that is open to all.

I am concerned that the proposal for artificial turf seems designed to displace the young men who skateboard on Ellsworth. Skateboarding has a long history in downtown Silver Spring, and the skateboarders should be specifically consulted regarding this proposal and their needs accommodated (I have seen no sign that their interests have been taken into account in the process so far).

We should not cede control of such an important public space without careful consideration of the impacts on all members of our community.

Thank you,
[REDACTED]

On Tue, Sep 8, 2020 at 10:40 AM McCray, Tiara <Tiara.McCray@montgomerycountymd.gov> wrote:

Good morning [REDACTED],

Please be advised comments regarding the abandonment of Ellsworth Drive can be emailed directly to my attention to be included in the record.

Please let me know if you have any additional questions.

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 12:52 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I have been a resident of Silver Spring for 10 years and recently retired here. I love our community and think the ideas and plans to revitalize our downtown look great. I hope you will support this initiative.

Please support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20901

McCray, Tiara

From: [REDACTED]
Sent: Wednesday, September 2, 2020 2:13 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

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Sincerely,

[REDACTED]

Silver Spring, MD 20901

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 12:28 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

Yes. We want to have a lively space where ppl can hang out and be with members of the community. In fact, there should be a space for local bands to play with an awning near the Ulta Beauty

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friend outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

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Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20906

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 7, 2020 9:07 AM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 2:00 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

Although I am not a Montgomery county resident, I do live just across the border in Washington, DC and probably spend more time in Downtown Silver Spring than anywhere in DC, especially now that I work at home during the pandemic. Vibrant outdoor spaces are exactly what are needed in this time and the proposed changes to the Ellsworth Drive space would be perfect to meet the challenges of the times, but also the needs of families like mine, pandemic or not.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

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I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

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Thank you,

Sincerely,

[REDACTED]

Washington, DC 20012

McCray, Tiara

From: [REDACTED]
Sent: Saturday, September 12, 2020 8:54 AM
To: McCray, Tiara

[EXTERNAL EMAIL]

I am requesting that the County Council approve the abandonment of Ellsworth Ave only if synthetic turf is NOT used there. In short, NO PLASTIC! With all the stresses on human health, on the environment, and on animals and birds, this is one less thing we should have to worry about.

[REDACTED]
Long-term resident of Silver Spring

McCray, Tiara

From: [REDACTED]
Sent: Wednesday, September 9, 2020 1:40 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

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Sincerely,

[REDACTED]

Rockville, MD 20850

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 7:00 AM
To: McCray, Tiara
Subject: Case AB-771, Synthetic Turf on Ellsworth Drive

[EXTERNAL EMAIL]

Dear Ms. McCray,

I hope this email finds you safe and healthy. I'm a resident of Montgomery County, and it's come to my attention that Ellsworth Drive may soon be covered with synthetic turf. I spent several years working at an international disability nonprofit, and based on that work, synthetic turf may be difficult to navigate for several different types of people with disabilities, including cane users (who are blind), wheelchair users, and walker users. Even if it is "accessible" by the book definition, it may not be easily "usable" for people with disabilities.

I strongly urge you to consult local disabled people who utilize Ellsworth Drive for their expert opinions before covering it in synthetic turf.

Pandemically yours,

[REDACTED]

McCray, Tiara

From: [REDACTED]
Sent: Wednesday, September 2, 2020 9:14 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

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I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C13690163192847931a5708d84fa77bf0%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637346928053812732&data=XLlrAg25hVqb564%2BtDd63A6Giqz10yFLREdeHTIVM6A%3D&reserved=0>.

Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20901

McCray, Tiara

From: [REDACTED]
Sent: Friday, September 11, 2020 11:37 AM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friend outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

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Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20903

McCray, Tiara

From: [REDACTED]
Sent: Saturday, September 12, 2020 10:15 PM
To: McCray, Tiara
Subject: Ellsworth drive abandonment

[EXTERNAL EMAIL]

Hello,

I'm writing to request that the county council approve the ellsworth drive abandonment only if there is no fake plastic grass installed. Synthetic turf is bad for us humans and the ecosystems around us. Please stop microplastic pollution and the pollution that comes from plastic production, and instead have real living breathing plants that are good for humans' psyches and cool the city rather than heat it up. Did you know that synthetic fields are some of the hottest places in a city? <https://www.npr.org/templates/story/story.php?storyId=93364750>

I say yes to pedestrian oriented spaces, but not if they are just sidewalk with plastic glued into them!

Sincerely,

[REDACTED]

Takoma Park, Md 20912

McCray, Tiara

From: [REDACTED]
Sent: Sunday, September 6, 2020 1:37 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7Caab45fe996ca415ead1d08d8528be235%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637350108072868288&sdata=ij9DNMDSaGZD3QO5p89m6%2F2beYgm9nmQRmQ793XHPz4%3D&reserved=0>

Sincerely,

[REDACTED]

Silver Spring, MD 20901

McCray, Tiara

From: [REDACTED]
Sent: Wednesday, September 2, 2020 2:49 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20906

From: [REDACTED]
Sent: Thursday, September 3, 2020 7:04 PM
To: Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear President Katz,

Our family uses the area around Ellsworth and the civic center plaza in dtss as a "third space" frequently. We heartily support the Plans to transform the asphalt area of Ellsworth into further permanent green and public pedestrian space.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friend outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit
<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7Ccouncilmember.katz%40montgomerycountymd.gov%7C5659e0b02c7c47737e0808d8505e7ccb%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637347714031661768&sddata=%2BDkcQzA5QqvLIMi5VSOZ9MEZ01I%2FDYJggfKYI0OQotY%3D&reserved=0>.

Thank you,

Sincerely,

[REDACTED]

Takoma Park, MD 20912

McCray, Tiara

From: [REDACTED]
Sent: Friday, September 11, 2020 7:48 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Wednesday, September 2, 2020 2:13 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friend outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7Cd33a36e2f99247e7466008d84f6cd059%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637346676054304952&sdata=W%2F0zdwdZ6vrag3voZPfKSIJYkQbG4s4TR5TJPKI7d3s%3D&reserved=0>.

Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20902

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 7, 2020 4:33 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

Yes to more outdoor space that offers something back to the community. The original turf in front of the civic building was a testament that green spaces work.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C85d6a9d431be4258834208d8536e31f5%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637351080042699716&sdata=rUsu9nB9dYP5SuWILZMVfD8xz5ik8K11X%2B%2Bwq6meW3M%3D&reserved=0>

Sincerely,

[REDACTED]

Silver Spring, MD 20910



GBT REALTY CORPORATION

September 9, 2020

Mr. Sidney Katz
Montgomery County Council President
100 Maryland Avenue
Rockville, Maryland 20850

Mr. Marc Elrich
Montgomery County Executive
8787 Georgia Avenue
Silver Spring, Maryland 20910

Mr. Christopher Conklin
Director
Montgomery County Dept. of Transportation
101 Monroe Street, 10th Floor
Rockville, MD 20850

**Re: Petition for Abandonment of Portions of Ellsworth Drive – Downtown Silver Spring
Case Number: AB 771 (Ellsworth Drive)**

Dear Mr. Katz, Mr. Elrich, and Mr. Conklin:

GBT Realty Corporation ("GBT") is writing, on behalf of Avante Ellsworth Venture I LLC ("Ellsworth Place Owner"), the owner of Ellsworth Place in Silver Spring. A portion of Ellsworth Place borders part of Ellsworth Drive. GBT is the manager of Ellsworth Place and supports PFA's request to abandon its remaining section of the existing Ellsworth Drive right-of-way as it intersects with Fenton Street, and a public access easement that currently includes the balance of Ellsworth Drive.

Ellsworth Place Owner has previously written to the Maryland-National Capital Park and Planning Commission in support of PFA's project plan and site plan amendments and the requested abandonment. The amenities and improvements proposed by PFA are extensive and will greatly enhance both Ellsworth Place and Downtown Silver Spring. For full implementation of the amenities proposed, the abandonment to Ellsworth Drive is required. Ellsworth Drive has been closed to non-essential traffic for many years with positive impacts for pedestrians, tenants, patrons, and visitors. Ellsworth Place has not experienced any negative vehicular access or circulation issues as a result of the closure, nor has the general area. We believe the formal closure and improvements proposed in the amendments and by the abandonment will best position Ellsworth Place and Downtown Silver Spring for continued success and community support.

Sincerely,



Trey Culpepper
Vice President Capital Holdings
GBT Realty Corporation
On behalf of
Avante Ellsworth Venture I LLC
cc: Paul Weinschenk, Peterson Cos.

Tiara McCray
Real Estate Specialist
Department of Transportation
Division of Transportation Engineering
Property Acquisition Section
100 Edison Park Drive, 4th Floor
Gaithersburg, Maryland 20878



GBT REALTY CORPORATION

June 9, 2020

Mr. Casey Anderson, Chair
And Members of the Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Mr. Christopher Conklin, Director
Montgomery County Dept. of Transportation
101 Monroe Street, 10th Floor
Rockville, MD 20850

Re: Project Plan Amendment 91998005C, Site Plan Amendment 81999002M, and
Petition for Abandonment of Portions of Ellsworth Drive – Downtown Silver Spring

Dear Mr. Anderson, Planning Board Members, and Mr. Conklin:

GBT Realty Corporation ("GBT") is writing, on behalf of Avante Ellsworth Venture I LLC ("Ellsworth Place Owner"), the owner of Ellsworth Place in Silver Spring. A portion of Ellsworth Place borders part of Ellsworth Drive. GBT is the manager of Ellsworth Place and has had the opportunity to review the proposals of PFA to amend its project plan and site plan for Downtown Silver Spring, including PFA's request to abandon its remaining section of the existing Ellsworth Drive right-of-way as it intersects with Fenton Street, and a public access easement that currently includes the balance of Ellsworth Drive.

Ellsworth Place Owner supports PFA's project plan and site plan amendments and the requested abandonment. The amenities and improvements proposed by PFA are extensive and will greatly enhance both Ellsworth Place and Downtown Silver Spring. For full implementation of the amenities proposed, the abandonment to Ellsworth Drive is required. Ellsworth Drive has been closed to non-essential traffic for many years with positive impacts for pedestrians, tenants, patrons, and visitors. Ellsworth Place has not experienced any negative vehicular access or circulation issues as a result of the closure, nor has the general area. We believe the formal closure and improvements proposed in the amendments and by the abandonment will best position Ellsworth Place and Downtown Silver Spring for continued success and community support.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Trey Culpepper', with a stylized, cursive script.

Trey Culpepper
Vice President Capital Holdings
GBT Realty Corporation
On behalf of
Avante Ellsworth Venture I LLC

cc: Paul Weinschenk

McCray, Tiara

From: [REDACTED]
Sent: Wednesday, September 2, 2020 4:04 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

Follow Up Flag: Flag for follow up
Flag Status: Completed

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C9d540d9c0a2842d5a5e708d84f7c2d55%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637346742055405410&sdata=z4aKH6c3a13XFdy9hKSsYZm%2B%2FLF%2BUx96ugNUKaTWnDk%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20910



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.

September 4, 2020

County Executive Marc Elrich
Executive Office Building
101 Monroe Street, 2nd Floor
Rockville, MD 20850

Re: Submitted for the record - CASE AB771 (Ellsworth Drive)

Dear County Executive Elrich:

On behalf of the leadership of the Greater Silver Spring Chamber of Commerce, I am writing to express enthusiastic support for the proposed changes to refresh Downtown Silver Spring, as approved by the Montgomery County Planning Board. We believe that the planned changes will only enhance this important and prominent attraction in Silver Spring.

We are writing today to specifically support the abandonment of the portion of Ellsworth Drive that will allow the property owner/developer to create a world class outdoor pedestrian friendly space. This portion of Ellsworth Drive has been traditionally closed to traffic. Allowing it to be transformed from the current strip of asphalt to an open, clean, and green area will create an environment that will give Silver Spring visitors an attractive place to not only shop and enjoy a meal, but also relax, enjoy the surrounding artwork, socialize, enjoy a concert or other small performance, or even play on new outdoor amenities like ping-pong tables. Altogether, the proposed changes will make this centerpiece of Silver Spring's past redevelopment an even more attractive destination that will draw patrons to Silver Spring for more years to come.

We urge you to recommend to the Council the abandonment of the portion of Ellsworth Drive that will make this transformation possible. Should you have any questions, do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jane Redicker".

Jane Redicker
President & CEO

cc: Tiara McCray

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 7, 2020 4:26 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C626db548ac9b4034882808d8536ccd2e%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637351074056965693&sdata=Wbl%2FVKCJmnzFsUzIn6ng5Au6BiocLDV9G9v2B27rjc%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Sunday, September 13, 2020 7:13 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 3:02 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

Hi, I am a life long resident and am excited to see downtown silver spring continually change for the better. Thank you.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

Montgomery County Planning Board

July 28, 2020

Dear Chair and Commissioners,

I oppose the Board sending to the Hearing Examiner and MCDOT any approval of the Right-of-Way Abandonment case 77-1 (Ellsworth Drive). I oppose the abandonment of Ellsworth Drive because I strongly oppose the installation of artificial turf as approved in Site Plan Amendment 81999002M. I oppose the artificial turf installation for all the reasons detailed by environmentalists in written and oral testimony presented at the June 18 2020 Planning Board meeting. Also, until proven otherwise, I consider the Board's vote on Site Plan Amendment 81999002M to be illegitimate because Commissioner Patterson was denied a vote.

Thank you for considering my views.



Silver Spring, MD

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 1:04 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I have loved the car-less Ellsworth Drive and have been distressed by the recent move to enable driving on the road again. please allow this to be permanently shut to car traffic.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 3:52 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I moved to Woodside neighborhood just a week ago (bought our first house!) and for our family, the proximity to downtown SS was the main reason.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

j

McCray, Tiara

From: [REDACTED]
Sent: Friday, September 11, 2020 11:09 AM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I live in Silver Spring outside the beltway but come often into downtown to shop and eat and visit the farmer's market.

That's why I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20904

McCray, Tiara

From: [REDACTED]
Sent: Wednesday, September 2, 2020 2:29 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friend outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7Ce25f7d74810d49e9610208d84f6e3688%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637346682077287306&sdata=zXXrLMRiifz5RPg9X8R%2Fwqcl30w%2Bu%2B9Vu7ZS6U4EIKw%3D&reserved=0>.

Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Saturday, September 12, 2020 8:57 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C2c0ba6a40dd24a6c57bb08d85780595e%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637355556055511277&data=W%2BMbKjy7hQPKfk3JvykwLkFaQX%2B8FqJTGXLf%2Bjh608Q%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20910

From: [REDACTED]
Sent: Wednesday, September 09, 2020 11:28 AM
To: County.Council@MontgomeryCountyMD.gov
Cc: [REDACTED]

Subject: Closing Silver Spring Fountain - Stop Urban Vandalism

The Racial Justice Circle of Christ Congregational Church UCC has learned that Downtown Silver Spring has asked Montgomery County to allow them to make major changes to Ellsworth Drive between Fenton Street and Georgia Avenue including ripping out the beautiful mosaic fountain that has been used by neighborhood kids as a summer wading pool for over 15 years. This fountain has been an attractor for maintaining the rich diversity of Silver Spring. In addition the changes call for covering the street, sidewalk-to-sidewalk with synthetic turf, which would take away the street from the young neighborhood skaters and skateboarders who practice their skills there now. It also includes reducing bike access. Downtown Silver Spring claims they will maintain an open path for bikes, but their renderings in Project Plan Amendment 91998005C, Site Plan Amendment 81999002M show the bike path obstructed by benches and tables.

Downtown Silver Spring is clearly trying to attract a more up-scale, genteel clientele to Ellsworth Drive. But this is exactly how gentrification happens - pushing people of color (Black, Latinx, etc.) and lower-income community members out of the area, reducing the rich diversity that makes Silver Spring what it is today.

if these changes were vetted for racial equity and social justice as required by bill 27-19 that was passed by the County Council last December with an implementation date of August 1, 2020, they would not pass the test of reducing racial inequality. Reducing options for foot, skating, and bike traffic, as well as a free alternative in the fountain to the high cost of many local - and often privatized - pools, runs counter to these proclaimed ideals of diversity and inclusion.

Some developments are supportive of the growth of our community, but they cannot be at the expense of the diversity of our community. Let's keep Silver Spring and the County equitable, inclusive, and for the people.

With deep concern,

[REDACTED] for the Christ Congregational Church UCC Racial Justice Circle

[REDACTED]

Silver Spring, MD 20904-082

McCray, Tiara

From: [REDACTED]
Sent: Saturday, September 12, 2020 10:54 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C258dda789ee94a53da9108d857911cf2%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637355628126571916&sdata=DfsM7cgfO4gn3CfE5dvhWHJ9WemFzn%2BZxPMgk2bXQPQ%3D&reserved=0>.

Sincerely,

[REDACTED]

Rockville, MD 20852

McCray, Tiara

From: [REDACTED]
Sent: Saturday, September 12, 2020 5:23 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friend outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7Cf70b8a11ab2443d7534508d8576302f0%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637355430052263183&sdata=5vBwteR6U3Ck8jF3wLusVgm4553E0XmuuggVb4K1Eys%3D&reserved=0>.

Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Sunday, September 13, 2020 2:32 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C22f0ee97a80940ca771508d858146cf4%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637356192035536509&sdata=%2BJfYXK94qTjdZ54fw%2BROzH9YOQPvMGH34MIOGRrRiYs%3D&reserved=0>.

Sincerely,

[REDACTED]
[REDACTED]
Silver Spring, MD 20904

McCray, Tiara

From: [REDACTED]
Sent: Wednesday, September 9, 2020 9:54 AM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I truly enjoy how Downtown Silver Spring has transformed. It looks vastly different from when I was a teenager in the 80's. I look forward to any other improvements that can be made.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7Cdf7264b6a8df403f48fc08d854c8ab2c%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637352568139774511&data=Argr9Dkwlr%2BMYePYg5BwUszrQQm%2BZVLbtvUq0I5pbDg%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20902

McCray, Tiara

From: [REDACTED]
Sent: Wednesday, September 2, 2020 2:17 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C64769f93da874d4ca76608d84f6cd084%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637346676057432756&sdata=3B1pb4g2D87halpMDB6%2BLGkHZGhKWHwZGs2op1lBww%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Wednesday, September 2, 2020 8:14 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7Ccbaa731dda724ebe513608d84f9f1a2d%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637346892044905463&sdata=OPT17TH9xmUpxaOG%2FBqmlEDiZhNiaVKOyq7ZTXkfB5s%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20910

From [REDACTED]

Sent: Friday, September 4, 2020 5:32 AM

To: Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>

Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear President Katz,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7Ccouncilmember.katz%40montgomerycountymd.gov%7Cf9809e03faa1474cd90108d850b67f23%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637348092037217292&sdata=FeaXbucOPbdEeKLXmEntw5F8Gdk4zYvQBpfCKv1t9PM%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 12:04 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

This pandemic has shown how important pedestrian friendly outdoor spaces are. In Europe you find them everywhere and they create a happy community place for neighborhoods to grow together and for businesses to thrive. We need more places like this without cars to attract businesses, customers, and create a neighborhood community feeling outside.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C8dfc85d39b8a49b87afe08d855a3fae1%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637353510073437267&data=X%2BkE1j%2BT%2FjoPoMpMAdVZqtR4WkIB872jgp1zQ2rrvc4%3D&reserved=0>

Sincerely,

[REDACTED]

Silver Spring, MD 20902

McCray, Tiara

From: [REDACTED]
Sent: Saturday, September 12, 2020 6:24 PM
To: McCray, Tiara
Subject: Case AB-771, the abandonment of Ellsworth Drive

[EXTERNAL EMAIL]

Dear Ms. McCray,

I am writing in advance of the hearing on Monday at noon to raise my concern with a specific aspect of the plan for Ellsworth Drive: the diminished accessibility of the space for disabled people (and others) if it is fully surfaced with synthetic turf. The property owners have stated that this will be compliant with the Americans with Disability Act requirements. I doubt that is possible, and am writing to request that the concerns I list below be addressed before the County and the property owners take further action to assess whether this surfacing will be compliant.

I am disabled and sometimes walk with a cane. I live just outside the Downtown area and, pre-Covid-19, spent several hours a week in DTSS, including on Ellsworth Drive. I experienced pain and difficulty every time I tried to enter a store because none of their doors are push-button accessible. That aside, the streetscape itself was fully accessible.

I have personally had a bad experience maintaining stability and balance while using a cane on wet synthetic turf. Cane tips don't anchor as well to surfaces that aren't uniform. Wet plastic is slippery. That is just one experience, but was challenging enough that I am confident that the property owners would face accessibility complaints from disabled members of the Silver Spring community if they proceed with synthetic turf.

This material would also pose challenges for some people using the following mobility aids:

- manual wheelchairs (takes more effort to push your chair)
- walkers (no longer possible to simply slide forward)
- crutches (same challenges as canes)
- manual scooters for healing foot/leg injuries (harder to maneuver on wheels with uneven surface)

This can be addressed by adding paving around the perimeter of the space that is surfaced with turf. There are surely other solutions. Given that there is at least one simple and inexpensive way to ensure that the space remains accessible to people like me, Peterson and Foulger-Pratt should be required at this time to: 1) have an independent firm do an accessibility audit; 2) proactively address issues identified; 2) identify alternatives to fully surfacing Ellsworth Drive with synthetic turf.

Finally, I would encourage the property owners to embrace accessibility standards that rise above the legal bare minimum. Nothing else about Ellsworth Drive is the bare minimum. Being ADA compliant is the *baseline*, the equivalent of a C, should not be the goal. That is not an issue to be resolved in this hearing, but a message they need to hear before this project develops further.

Thank you for the opportunity to weigh in on this issue.

Sincerely,

[REDACTED]

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 7, 2020 5:30 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I moved to Silver Spring with my family 16 years ago because of the beautiful and diverse downtown.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friend outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C953d6b52c1434bea2d8e08d8537693aa%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637351116044249370&msdata=71InoKs2XKPskoQN6Fjq1E%2B6sFCDp%2FBWLcnC6hHifE%3D&reserved=0>.

Thank you,

Sincerely,

[REDACTED]
Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 12:43 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring. Wonderful idea!

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7Cbc7581f4b7d4949be0008d850296740%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637347486041361609&sdata=%2FlixKANvf13M6s1SqRREF85x0XWHPEU8T6kOMV%2FCjVIU%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Sunday, September 13, 2020 4:26 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 4:40 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

Do it! It'd be great for DTSS. Saying this as a lifelong SS resident. :)

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20901

McCray, Tiara

From: [REDACTED]
Sent: Sunday, September 13, 2020 1:50 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7Ce5a9641c6278465f97d908d8580ed91d%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637356168081416111&sd=3lgRhRkUQYFzabe8Ab2kfRXkKudv2a7vV%2FoOP%2FVM9tA%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 11:36 AM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I strongly support this plan. As a resident of the area, I already appreciate the vibrant atmosphere of Downtown Silver Spring, and I believe these plans will greatly enhance the area. Pre-COVID, this portion of Ellsworth was closed the vast majority of the time, and I don't think there's a need to have it available to be reopened again. The abandonment is a good move. Please support this project!

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friend outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C782bc280b5d54deaa39608d8501f9feb%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637347444054295294&sdata=ksQfMa%2FsKQeLf%2BKFWjmVvtTm9hY9XFI8uQh6xOJrmek%3D&reserved=0>

Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 4:21 PM
To: McCray, Tiara
Subject: I Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am in Full support of a family friendly area. The civic center is very nice, but not very kid friendly.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Friday, September 11, 2020 11:51 AM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

This is a wonderful gathering place informally and for great city events. Silver spring needs this area and why not give up the road that will never be a road again- it's just a hazard with the curbs!

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20901

McCray, Tiara

From: [REDACTED]
Sent: Sunday, September 13, 2020 1:07 PM
To: McCray, Tiara
Cc:
Subject: Case AB-771, the Abandonment of Ellsworth Drive: No synthetic turf on Ellsworth!

[EXTERNAL EMAIL]

Dear County Council members,

I support the conversion of Ellsworth Drive to a permanent pedestrian mall. This is in keeping with creating a vibrant downtown Silver Spring and a walkable, lively, environmentally friendly Montgomery County. However, these benefits will be severely undermined if synthetic turf is permitted to be used. Please approve the abandonment only if the synthetic turf element is eliminated.

Plastic grass creates health, safety and environmental hazards both where it is used (excessive heat, need for toxic chemicals to keep it sanitary) and within the watershed as the turf inevitably breaks down and washes into our waterways, including Sligo Creek. There are no cost-effective and environmentally sound options for disposing of the material at the end of its life. Why create a current and future problem? The use of synthetic turf on Ellsworth is in no way essential to the project and should be eliminated.

Thank you for your attention!

[REDACTED]

Silver Spring, MD 20902

From: [REDACTED]
Sent: Thursday, September 3, 2020 2:22 PM
To: Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear President Katz,

I've been a regular since there was nothing but grass at Georgia and Wayne and Thursday night concerts, we sat on the ground. I love the new look. Can't wait. I hope the concerts, block parties, Zombie walks, etc... continue. It looks as though the stage area and dancing area(the street) is not included.. I hope there will be ample seating, benches or a low wall like now. There are older and handicapped citizens such as myself who will need seating.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7Ccouncilmember.katz%40montgomerycountymd.gov%7C6870bc9d6edf458ee05908d850375fb0%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637347546070127479&sdata=V7AAnGk6Gbd6vFj8D1LuUrm0PDWZNaeS7GNtcvtZs8Y%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20902

McCray, Tiara

From: [REDACTED]
Sent: Friday, September 11, 2020 10:19 AM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I personally believe that this would be exactly what this city needs. It would give residents/non residents more of an opportunity to connect and for families to spend time outside, rather than in front of their computer/tv screens.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friendly outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

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Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20906

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 7, 2020 4:56 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring. However, I strongly oppose the use of artificial turf for many reasons...exposure to more plastics and glue, the harm it does the the stormwater runoff, the loss opportunity of dirt and real grass to help storm water runoff. We live in such an urban environment, every opportunity to use real grass should be made a priority.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7Cab5a69c41259459c879408d85370fe6e%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637351092066544374&sdata=RvkO9FTvx3Y2YUL3ETVE%2B9s3mdxHOsMj6WP6%2BfYEd%2F0%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Wednesday, September 9, 2020 3:31 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring. It is key to the economic health and well being of so many in the larger community.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20906

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 12:33 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

The revitalized downtown Silver Spring area was what drew us to Silver Spring from DC 10 years ago. This new proposal for continued improvement, in our eyes, to the space on Ellsworth Drive will keep us coming back and supporting the businesses in this area.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7Caa5e1b4a8bf74ca4a53808d855a82ac6%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637353528042987293&sdata=Svesso%2Ffli3kMyS7YflmAekmzrZVF0t7TFwK%2F33YDo%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20901

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 1:47 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friend outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7Cb171cf81de5645694bd208d855b1f2e8%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637353570059823275&sdata=ZtBDPWwRFezQds4UGha35oTjKlILVvZADQNz6VDXJqc%3D&reserved=0>.

Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20902

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 12:59 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Sunday, September 13, 2020 1:49 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 1:23 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

This is so important to the vibrancy of downtown Silver Spring! Please approve it!

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friend outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

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Thank you,

Sincerely,

[REDACTED]
Kensington, MD 20895

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 3:45 PM
To: McCray, Tiara
Subject: Add a dance space to Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

Please add an outdoor dance space- with stage and dancing on the ground as well. It has to be a good 'soft' floor not concrete or we cant jump. I promise that space will draw so many people! There are few enough dance gathering and performance spaces and now that we need to be outside - even tho covid will pass, its still needed- theres even more beed for dance spaces. Everything from classes to improvisation dance jams to site specific performances. Ask me more im happy to help w planning!

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

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I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

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Thank you,

Sincerely,

[REDACTED]

Chevy Chase, MD 20815

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 2:01 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor, local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

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Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 1:30 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C6bd63bbe32d647c4a8a408d855b08ce4%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637353564065495557&sdata=n%2BOGCDzWE5Cp3rGOBEkJB9mfOuUzV4qaaW39dsMW3BU%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20906

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 1:31 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

This is a smart move that will not materially affect traffic (as the last few years have shown). It allows for more outdoor dining, which is crucial now -- and perhaps going forward -- as we make adaptations for COVID-19.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 12:19 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I live in the 900 block of Wayne Ave and spend a lot of time in the Downtown Silver Spring area. Closing Ellsworth and turning it into a space for all to enjoy will be a huge asset to our neighborhood. Please support this!

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friend outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7Cc572109374e4459fadd08d85025363d%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637347468078902122&data=ilHF3WP4rKGN5Oz%2FABYCSyzawSycCYyM0uMCTUGGdHU%3D&reserved=0>.

Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 1:21 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

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Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20901

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 7, 2020 5:05 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 12:45 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

This is an opportunity to transform downtown into a lively, fun and attractive community space that we can be proud of. Please support this venture.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C1067a8dc277a4491d2d408d855a98ff7%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637353534036618335&sdata=S7c%2F0B8Y4ejyjp9PFJF%2FXkPPaYiigdUhJuZnEKcG7w%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20906

McCray, Tiara

From: [REDACTED]
Sent: Sunday, September 13, 2020 11:37 AM
To: McCray, Tiara
Subject: AB-711, Abandonment of Ellsworth Drive: No Plastic Turf on Ellsworth

[EXTERNAL EMAIL]

Re: AB-711, Abandonment of Ellsworth Drive: Approve Only With Condition: NO PLASTIC TURF

On behalf of the Neighbors of the Northwest Branch (NNWB), I urge you **to condition approval of the abandonment of the subject portion of Ellsworth Drive on Foulger-Pratt's providing a surface *other than artificial turf* for the road.** Artificial turf may be dyed green, but it is the antithesis of "green" in the environmental sense. It is a hazard to human and aquatic health. Even its soft appearance is false.

The NNWB, an all-volunteer nonprofit organization with members in Montgomery and Prince George's counties, is dedicated to the ecological restoration of the Northwest Branch of the Anacostia River. Since Sligo Creek is a major tributary of the Northwest Branch, what flows into Sligo Creek makes its way to the Northwest Branch, and of course to the Anacostia, Potomac, and Chesapeake Bay. Plastic pollution, whether large pieces or microplastics, is already a problem in our waterways. New research shows that microplastics are even in the wind (<https://www.scientificamerican.com/article/microplastics-are-blowing-in-the-wind/>) and the rain (<https://earthsky.org/earth/rain-microplastic-rocky-mountains-colorado>). It makes no sense to add to local and global pollution by coating a street with plastic.

I respectfully draw to your attention the following:

1. Artificial turf is a petroleum-based product (polypropylene backing, polyethylene blades). It will burn. Should vehicles using combustion for energy drive on it as planned? It can be doused with flame retardants, but of course these would run off into Sligo Creek.
2. This is a product not designed for vehicular traffic, even if limited to farmers' market trucks, store resupply trucks, and emergency vehicles. Those trucks would tear it up, loosen it from the pavement, and hasten disintegration of plastic blades, plastic backing, and the glue into Sligo Creek.
3. Artificial turf contains chemicals related to higher cancer rates and hormone disruption. As the plastic blades degrade with wear and sun exposure, these chemicals would leach into the runoff--and into Sligo Creek. These chemicals include PFAS, or "forever chemicals," used to make the plastic more slippery and hence easier to extrude. (Think Teflon.) Will de-icers be used in the winter, and aren't these likely to hasten disintegration of the blades?
4. The stormwater management system for Ellsworth Drive, dating from about 2005, was not designed to filter plastic particles or chemicals. It cannot be counted on to keep these pollutants out of Sligo Creek, and on the contrary, would likely be overwhelmed.
5. Finally, what are plans for disposal when the carpet starts looking ratty and no longer anywhere close to attractive? The product is not recyclable because of the mixture of kinds of plastic. Most often used artificial turf is simply dumped, where it continues to degrade and pollute, or it goes into a landfill. (See <https://www.theatlantic.com/science/archive/2019/12/artificial-turf-fields-are-piling-no-recycling-fix/603874/>) How often would replacement be needed? How many of these plastic rugs would be headed for a field or a landfill?

6. The Neighbors of the Northwest Branch fully support the well-researched arguments provided to you by the Friends of Sligo Creek.

Montgomery County is proud of being environmentally progressive. Now that we know much more about the exceedingly widespread harm of plastic pollution, it is clear that the responsible action is to *reduce, not increase*, sources of environmental plastic contamination. **I therefore urge you to reject this request for abandonment unless it is conditioned on application of a surface other than artificial turf.**

Thank you for the opportunity to comment.



McCray, Tiara

From: [REDACTED]
Sent: Saturday, September 12, 2020 11:45 AM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

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Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Saturday, September 12, 2020 10:54 AM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

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Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Friday, September 11, 2020 4:08 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 11:28 AM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 12:23 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I love this idea it will be a great way for our community to enjoy the space.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

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Thank you,

Sincerely,

[REDACTED]
Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Tuesday, September 8, 2020 10:32 AM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I am excited for this Downtown Silver Spring needs An update. And more exciting retailers

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

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Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 2:54 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I've had a love affair with Silver Spring long before I was a resident and now that I live here, anything that will make it better, I'm all for it! This is a beautiful plan for the residents as well as those who tour and visit! Please get behind this and let's make this wonderful city even more amazing! Thank you!

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Saturday, September 5, 2020 3:52 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

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Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20901

McCray, Tiara

From: [REDACTED]
Sent: Friday, September 11, 2020 11:55 AM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

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Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Wednesday, September 9, 2020 2:17 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

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Sincerely,

[REDACTED]
Silver Spring, MD 20906

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 12:17 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

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I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

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Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine. The proposed plan will create such a space and provide a new, family-friendly outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

Please do not throw turf down once you close the street to cars. It is in extremely poor taste and does not align with the character of our community. I encourage you to consider a more natural material (brick, cobblestone, other type of paver) so that the area has more appeal. Turf is simply grotesque and outdated, and if used (does anyone actually still use fake grass) it belongs in a park or athletic field, NOT a commercial area. In addition it will only invite the kind of sideshows we currently see in DTSS (children doing risky acrobatics for donations -- this is a major lawsuit waiting to happen). YOU CAN DO BETTER!

Also, please rethink some of the activities. Ping pong?! Who is going to police the tables? How long do you envision these tables would last? I think you've all overcomplicated this. Look to other revitalized areas for ideas - Pike and Rose, the Wharf. Please design something that will withstand the test of time. And please, could you please ban smoking? Heaven forbid your plastic grass catches on fire!

Thank you,

[REDACTED]
Property owner in Silver Spring

Sincerely,

[REDACTED]

McCray, Tiara

From: [REDACTED]
Sent: Sunday, September 6, 2020 2:23 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C0527bcd5717495e567908d85292de8d%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637350138051375959&sdata=ygHk20kzSYPntHmLUQuOK%2Bk0sELB6%2FE5r%2FVahVVCoyA%3D&reserved=0>

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Wednesday, September 2, 2020 3:47 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 2:23 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

On the weekends, a non-motorized Ellsworth Drive has been a fun and safe place for my family to enjoy - please make it pedestrian friendly all week long!

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friend outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C1ea2f5b5866648fb383d08d855b78b90%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637353594094254013&data=zypDref%2BhjMdsbg%2FENjsFRhvfBbLA2lvwe6ONyeMs%3D&reserved=0>.

Thank you,

Sincerely,

[REDACTED]

Washington, DC 20015

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 1:47 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

SS Farmer's market and this area is our go-to weekend morning plan. Even in the winter when the rink was open. Just shutting down one street has made such a difference. This would make it even lovelier so we can support local businesses and artists!

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C06cfbbeafb754ddd2fcc08d85031c979%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637347522050691836&data=hOt2XldSsRpsmgcCmZNpOipOSkyNCX12A9wh9v4H%2BDU%3D&reserved=0>

Sincerely,

[REDACTED]

Kensington, MD 20895

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 4:03 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

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I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

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Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20910

Virtual Public Hearing - AB 771 (Ellsworth Drive)
September 14, 2020

[REDACTED]
Approval with condition

Hearing Examiner,

My name is [REDACTED] and my family has lived in Silver Spring for over 45 years. We have visited downtown Silver Spring many times, including breakfast at Tastee Diner on Georgia Ave and now in it “new” location up the street.

We have enjoyed the redevelopment of downtown Silver Spring and look forward to its re-development. I support the plan and urge approval of the abandonment of Ellsworth Drive as part of that effort – WITH A CONDITION.

I am familiar the artificial turf proposed has increased risk to people and the environment. The record is full of evidence that artificial turf is hotter than black asphalt next to it, the toxins in petroleum based plastic rug have elevated risks to people and environment, etc. In addition, the dead plastic rug is semi-permeable and acts like a petri nurturing MRSA bacteria and bacteria from animal droppings. The mitigation for these risks introduces different risks and pollutants.

My testimony is one sentence. I agree with the Montgomery County Department of Environmental protection recommends instead of the proposed artificial turf on Ellsworth Avenue, “a more environmentally preferable alternative should be utilized.”

Attached is their full statement.

Please recommend approval of this abandonment with the condition that a more environmentally preferable alternative should be utilized for Ellsworth.

Sincerely

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Marc Elrich
County Executive

Adam Ortiz
Director

July 13, 2020

Councilmember Sidney Katz, President
Montgomery County Council
Council Office Building
100 Maryland Avenue
Rockville, MD 20850

Dear President Katz,

The Department of Environmental Protection (DEP) has received numerous letters from concerned citizens about the proposed use of artificial turf on Ellsworth Avenue and believes that a more environmentally preferable alternative should be utilized.

The proposed application is unusual in that the turf will be applied directly to the underlying pavement. In addition to concerns raised about increased wear and tear on the turf, this proposal misses an opportunity to remove the existing impervious cover and provide treatment of runoff from the impervious surfaces. The preferred option for this site would be to replace the existing impervious surface with pervious alternatives such as permeable pavers. If this option is determined to not be feasible, consideration should be given to eliminating the use of artificial turf on this section of Ellsworth Drive for what appear to be aesthetic considerations.

Although engineered synthetic materials may have some limited appropriate public applications, turf in a high traffic pedestrian area introduces the likelihood of fugitive non-degradable particles into the stormwater envelope, which can end up in local streams and waterways. Consistent with the principles of low impact development, a preference for natural features and permeable hardscape can achieve aesthetic and ecological benefit as well as placemaking.

Issues have also been raised to DEP concerning human health issues which would need to be addressed by Health and Human Services, and safety issues which have already been addressed by Department of Transportation. These are not issues, that DEP has the expertise to address.

I look forward to the opportunity to discuss this issue with County Council. Thank you for your consideration of our concerns.

Sincerely,

Adam Ortiz

c: Mitra Pedoeem, Department of Permitting Services

255 Rockville Pike, Suite 120 • Rockville, Maryland 20850 • 240-777-0311
www.montgomerycountymd.gov/dep

McCray, Tiara

From: [REDACTED]
Sent: Friday, September 11, 2020 3:13 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

As a resident of downtown Silver Spring, improving the pedestrian and gathering areas I believe will invigorate businesses, especially those independent businesses that we all love.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friend outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C8a04e79e8f80472a50c608d85687af60%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637354488103443438&data=hPUVn4NvzNEBAAQ0nWosylJkmM7XhdfG%2BhXYKKJ1%2FKc%3D&reserved=0>.

Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 1:41 PM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I would like to see more actives .

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

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Thank you,

Sincerely,

- [REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Tuesday, September 8, 2020 10:33 AM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

This is beautiful and I fully support it. I think it is a great way to promote unity among the diverse Silver Spring community.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20906

From: [REDACTED]
Sent: Thursday, September 3, 2020 6:48 PM
To: Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear President Katz,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

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I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

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Thank you,

Sincerely,

[REDACTED]

SILVER SPRING, MD 20901

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 2:14 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

Please consider closing Ellsworth Drive to automobiles as bicycles are ok ...also drivers routinely ignore crosswalks on Colesville Road

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C99285304aa39446a401808d85035f987%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637347540037797542&data=TtkF8s3gQjAqHv2sVloI%2BX%2BvGNkXcYAPqhmwyaoqhog%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 7:31 PM
To: McCray, Tiara
Cc: County Council; Marc Elrich
Subject: Case AB-771, the Abandonment of Ellsworth Drive

[EXTERNAL EMAIL]

I am writing to register my strenuous opposition to the proposal to 1) use synthetic turf on Ellsworth Drive and 2) "abandoning" Ellsworth Drive. As to the synthetic turf proposal, there are too many negatives and too many unanswered questions to allow this to go forward. These concerns have been made known to all concerned and **many better solutions** have been suggested by a number of my neighbors.

As for the possible abandonment of Ellsworth Drive--**Do not allow this.** Ellsworth should remain public space and as such, be subject to uses, rights, and regulations that are determined by the citizens through their elected representatives, not subject to the wishes of a private company whose only interest in the site is profit.

Our public officials, not a private company, should have the duty and responsibility of making all decisions regarding paving, green space, and other practical and aesthetic matters **guided by the wishes of their constituents.**

In the early days of the Ellsworth area redevelopment there was an attempt by private security guards to prevent a photographer from taking pictures. We simply cannot have a repeat of that or anything similar that would restrict the public from engaging in any lawful activity that would be permitted on any public street. Ellsworth is public space and should remain public space.

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 11:43 AM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Friday, September 11, 2020 3:16 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

A community atmosphere to get to know our neighbors.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 10, 2020 9:51 AM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

Someone who lives less than a mile and visits DTSS often. It is wonderful to see the proposed ideas of a modified modernization of public space for families and visitors. I do have concerns of not having a splash pad for kids and space for farmers market. Improve it, not remove it!!!

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

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Sincerely,

[REDACTED]

Silver Spring, MD 20901

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 3, 2020 4:07 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I grew up in nearby Rockville and I now reside within walking distance of downtown Silver Spring. The downtown Silver Spring area is unique to almost anywhere in the surrounding area in its offerings as a community gathering area. This proposal would continue to improve this area and encourage local businesses to thrive in this area.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C89c3abadc56648e5234908d85045582f%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637347606046500295&sdata=LNPKf7u4b0X7dnNRLrZUH85NreeBiR7ZR7NXe1kh%2BwA%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Sunday, September 6, 2020 8:13 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C987c36049aff4298876108d852c3c2e9%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637350348045730616&sdata=P2QjW%2Bz1zVi76R9rbBMYPfzTAKYXRTpdZJb7xGBMILo%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20901

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 7:58 AM
To: McCray, Tiara
Cc: shpfc.contact@gmail.com
Subject: No artificial turf re: Case AB-771, the Abandonment of Ellsworth Drive

[EXTERNAL EMAIL]

Esteemed County Council Members:

I lived in downtown Silver Spring for many years and now live in Wheaton. Ellsworth Drive has been an important area for my family all these years, and prior to the pandemic, we visited almost weekly and sometimes more often.

I urge you **NOT to approve abandonment of Ellsworth Ave UNLESS there is a condition that synthetic turf NOT be allowed there.** Artificial turf is a source of physical and chemical pollution to air, water, and soil; a threat to public health, and a major waste issue, both in terms of large amounts of continuously shedding, non-recoverable microdebris and in terms of end of life waste disposal. There are no good waste disposal solutions for artificial turf, and turf disposal sites take up a massive amount of space.

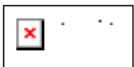
I have read extensively on this issue, including the "better" type of turf proposed to be used on Ellsworth. Whether backed with crumb rubber or no, that artificial turf still has nearly all the same adverse effects of other turfs and **presents serious risks to public health and safety. As a mother, I am especially concerned about the idea of toddlers and children on and around artificial turf.**

Please approve abandonment of Ellsworth Ave ONLY IF synthetic turf is NOT allowed there.

With my sincere thanks for your leadership and concern for the best interests of residents of Montgomery County,

Paula

--



[REDACTED]
Maryland Sierra Club

sierraclub.org/maryland

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Working toward zero waste, renewable energy, and cleaner transportation
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[Donate to the Maryland Chapter today!](#)

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 8:37 AM
To: McCray, Tiara
Subject: Case AB-771: Abandonment of Ellsworth Drive

[EXTERNAL EMAIL]

We write to request that MCDOT not approve the application from from Miles & Stockbridge P.C., on behalf of several Applicants, seeking the abandonment of two sections of the public right of way known as Ellsworth Drive in downtown Silver Spring, unless the application is revised to eliminate applicants' ability to replace normal street surface material with artificial turf. The presence of artificial turf will impede the ability of people with mobility issues to safely navigate one of the most important commercial and civic gathering places in Montgomery county.

Thank-you for your consideration.

[REDACTED]
Silver Spring, MD 20910

OBJECTION
TO THE
PETITION FOR THE ABANDONMENT OF
A PORTION OF ELLSWORTH DRIVE
PETITION AB-771
BEFORE THE HEARING EXAMINER OF THE
COUNTY DEPARTMENT OF TRANSPORTATION

I. Montgomery County Lacks the Authority to Approve the Petition That it Abandon Its Right To use the Right-of-Way at Issue In The Petition.

The Petitioner seeks to have the County abandon its right to use its right-of-way on the portion of Ellsworth Drive between Georgia Avenue and Fenton Street as described in its Petition of April 20, 2020.

Article 49 of the Maryland Code sets out the limits of the County's authority to approve petitions for abandonment. Section 49-62(a) of the Maryland Code annotated provides that the "The County Council, by adopting a resolution, may close to public use or abandon the County's right to use any right-of-way. As used in this Article, right-of-way means any road, street, alley, crosswalk, pedestrian walkway, shared use path, ... used at any time by the public, including use by pedestrians and bicyclists."

Section 49-63(c) provides that "A right-of-way may be abandoned or closed if the Council by resolution finds that:

- (1) the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or
- (2) the abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed.

In making its request, the Petitioner relies on Section 49-62 and Section 49-63(c) of the Maryland Code for the legal basis of its petition for the authority of the County Council to abandon its right of way in certain portions of Ellsworth Drive. It admits that section 49-63(c)(2) is not applicable to its Petition.

Somewhat remarkably, the Petitioner asserts that "As described more fully below and in the attached materials, the Abandonments requested by this Petition satisfy Section 49-63(c)(1) of the Code as the Abandonment Areas will no longer be necessary for present public use or anticipated public use in the foreseeable future." This assertion seems remarkable to me because the entire purpose of the proposed abandonment is to enhance and increase the public's current use of the abandoned areas. In short, the proposed abandonment does not meet the criteria justifying the abandonment of a right of way under State law.

II. Unanswered Essential Questions about Fair Market Value and Benefit.

One central question concerns the value of the property that the Petitioner seeks to have abandon to it. This question is important because the County is giving up real property and receiving some improvements in return, but is it receiving fair value? Decision-makers need to determine whether the public is being properly compensated for the giving up of its rights in the Ellsworth Drive property. Ceding ownership of property without adequate consideration is not in the public interest.

This in turn raises the related question of how the Petitioner expects to be compensated for the improvements that it proposes to make. What is the property worth to the Petitioner and why is it engaged in this project? Until these questions are answered and evaluated, it is premature to turn public property over to a private entity. If the Petitioner's goal is to turn the Ellsworth Drive area, which is at the heart of the central business district of Silver Spring, into its own private mall or to gain extraordinary returns on its investment, the government should make an informed evaluation of the cost and benefit of those plans before it decides to relinquish its property interests. If for no other reason, the government will want to avoid the perception that it has granted substantial wealth to a private party without adequate consideration, a type of favoritism that government should avoid.

III. Alternatively, The County Must Condition Any Abandonment on Enforceable Means to Protect the Public Use of Ellsworth Drive if the Petitioner (i) Should Fail in the Future to Develop and Maintain the Property in Accordance with the Terms of the Petition, (ii) Should Administer the Property in a Manner Detrimental to the Public's Needs, or (iii) Sell the Property to a Subsequent Purchaser that has Different Plans.

Public-private partnerships seem to be quite popular these days. Consider, for instance, the Purple Line and the proposed Beltway expansion. The proposed abandonment is a species of such a partnership. The government is giving up its interest and control in valuable real estate to a private entity that has made a number of promises to entice the government's abandonment of the property.

It is quite evident, however, that these types of partnerships carry special risks peculiar to the trust that each party extends to the other. What happens when the private entity cannot keep its promises, or shifts its views about what it intends to do or is prepared to do? How does the public entity protect itself? Enforceable contractual provisions are needed to ensure that if the private entity changes its plans after the government has ceded ownership and control of the property, the government and the public it represents have effective remedies. No abandonment of the County's right-of-way should be made until there has been a full examination of the types of problems that can occur in a project of this nature and specific enforceable remedies have been crafted to address those issues.

The strategy of privately owned public spaces (POPS) have been employed in the United States and many other countries for many years. They have their advantages and their disadvantages. One of the main disadvantages comes from the failure of a POPS owner to develop and maintain the property in the manner promised.

In an article entitled “A Bundle of Rights and Obligations: Privately Owned Public Spaces,” published in *Autoportret Magazine*, November 1, 2017, the author, Levente Polyak, an inspector on behalf of the New York Department of City Planning’s Manhattan Office, examined whether owners of buildings fulfilled their POPS obligations. He concludes, in part, that

“Any property is a bundle of rights and obligations. And although POPS ... try to build on owners’ obligations and turn them into public value, many property owners try to avoid fulfilling their obligations towards the public. The key to assure private property’s contribution to public wealth is making these arrangements as transparent as possible, reinforcing agreements through regular scrutiny and making owners accountable for their attitude towards their obligations.”

These are precisely the kinds of conditions that must be integrated into any proposed abandonment by the County before the property is abandoned. The County must retain the right to evaluate whether the Petitioner as a recipient of valuable public rights is carrying out its promises and the County must retain the right to take effective action if the recipient of the abandoned property fails to live up to its promises.

In addition, the experience of many jurisdictions with POPS around the world is not only that many fail to deliver the services they promised, but that they may manage the property in way that they believe is in their own best interest, and which may not be in the interest of the public. Thus, a private corporation owning and controlling a public space might well restrict the right of free speech, assembly and association on its property in a manner that the County would never permit if it owned and controlled the space as public property. Not only could this affect the right of public protest in the area, such as picketing a company located in the privately controlled right of way, for instance, but it could end up adversely affecting the rights of the homeless and minority groups. POPS proprietors are known to hire their own private security forces to create and enforce their desired sense of order.¹ In the sensitive area of free speech and other First Amendment rights, the County must not abandon the Ellsworth Drive property without clearly delineated protections of the rights of the people who will use this area.

Finally, the County must retain control over any disposition of the property to any party that is not a signatory to an abandonment agreement. No entity should be permitted to evade its responsibilities to the public by sale, lease, gift or abandonment of its interest in the property to another private party unless that stranger to this transaction shall accept all of the conditions that the County has required of the original recipient of rights in the abandoned property. At any time, the Petitioner or its assignee does not live up to the County imposed conditions, the abandoned property should be required to revert to the County.

¹ The Guardian, November, 23, 2017: “London mayor to draw up charter regulating pseudo-public space. Earlier this year, the Guardian revealed an almost complete lack of transparency over the rules governing “pseudo-public spaces”: open land that is accessible to citizens but is actually classed as private property, enabling security guards to eject members of the public on a whim and bar them from taking photographs or holding protests.” The Guardian has ran a series of articles in 2017 about the dangers and extent of the creeping privatization of public space.

IV. Petitioner's Proposal to Place Synthetic Turf over Existing Asphalt Paving Is Objectionable For Environmental and Aesthetic Considerations.

For the reasons submitted by objecting parties about the proposed use of synthetic turf in the area proposed to be abandoned to the Montgomery County Planning Department of the Maryland-National Capital Park and Planning Commission and in this instant proceeding, I submit that the Petition should not be approved if it permits the Petitioner to install synthetic turf over the existing asphalt paving on Ellsworth Drive.

Respectfully Submitted,

A solid black rectangular box used to redact the signature of the petitioner.

Silver Spring, MD 20910

From: [REDACTED]

Sent: Monday, September 14, 2020 12:30 AM

To: Councilmember.Hucker@montgomerycountymd.gov;

Councilmember.Jawando@montgomerycountymd.gov;

Councilmember.Albornoz@montgomerycountymd.gov;

Councilmember.Albornoz@montgomerycountymd.gov;

Councilmember.Glass@montgomerycountymd.gov;

Councilmember.Rierner@montgomerycountymd.gov

Cc: County.Council@montgomerycountymd.gov

Subject: Against AB 771, abandonment of Ellsworth Drive right-of-way

Honorable Councilmembers,

I'm writing to say I am *against* the abandonment of the Ellsworth Drive right-of-way (AB 771). I say that as a homeowner in Silver Spring; a 50-year resident of the area; and a former local elected official who made decisions on many planning and zoning proposals. We should not give up any public control of the space.

We're giving up "a seat at our own table" in control of how it's used, as well as the rights of the public to use it. You might recall an incident back in 2007 regarding Peterson banning photography there. They also banned candidates like you from handing out fliers. They've wanted to treat it as their own indoor mall.

Public or Private Space? Line Blurs in Silver Spring, Washington Post, June 20, 2007

<https://www.washingtonpost.com/wp-dyn/content/article/2007/06/20/AR2007062002354.html>

Don't be lured into thinking it's a worthwhile trade because of the supposed benefits. First of all, I have to question whether it's really needed for this plan, or for alternates that could be developed. Second, keep in mind that any project like this is a gamble that's often lost. Remember the earlier attempts to revitalize the area that cost a lot and failed. City Place was supposed to be a "refresh." Remember how many problems the Sarbanes Transit Center (another Foulger-Pratt project) had. You have to take claims about a project's costs and benefits with a big grain of salt.

The taxpayers put at least \$100 million into the revitalization, not counting costs since. We should not give away what we paid for, especially not for a gamble on something else. Thank you for your time and consideration.

Sincerely yours,

[REDACTED]

Silver Spring, MD 20910

From: [REDACTED]
Date: September 14, 2020, 10:40 AM EDT
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)
To: councilmember.hucker@montgomerycountymd.gov

[EXTERNAL EMAIL]

Dear Vice President Hucker,

I love downtown Silver Spring as it is but also think the proposed changes sound great. I live in downtown Silver Spring. I would like there to be places for skateboarders but I don't think it's necessary that they be right in front of businesses so I'm fine with replacing that stretch with something more inclusive. Similarly, removing the stairs and fountain could allow for more flexible uses that would be more inclusive for all ages.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit
<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7Ccou...>

Sincerely,

[REDACTED]

Silver Spring, MD 20910

From: [REDACTED]
Date: September 14, 2020, 10:40 AM EDT
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)
To: councilmember.hucker@montgomerycountymd.gov

[EXTERNAL EMAIL]

Dear Vice President Hucker,

The new plans for the downtown SS Plaza Ellsworth looks exciting and I cast my vote and support for th changes.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit
<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7Ccou...>

Sincerely,

[REDACTED]

Silver Spring, MD 20901

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 11:27 AM
To: McCray, Tiara
Subject: Against abandonment of Ellsworth Drive, Case AB-771

[EXTERNAL EMAIL]

Dear Hearing Examiner,

The problems with private ownership of the roadway are that the priorities of the private owner replace the priorities of the public.

In the short term, the problems with the private company's cheap alternative to real green space become the public's to bear (long term polluted water, persistent air pollution, and enduring human and wildlife contamination and health impacts) and the public's to clean up or mitigate at public expense.

In the long term, the private company is likely to decide to junk the short term solution since it is not durable and will require ongoing personnel time to apply hazardous solvents to clean. Instead, Silver Spring may end up with a regular paved roadway along this stretch of Ellsworth. Or another deleterious short term covering. For what public gain?

The public invests in public green spaces, parks, protected forests, the Chesapeake Bay, etc. on one hand, with policies and protections implemented by DEP, Parks and other public agencies, yet on the other follows the poor choices of a private company that does not act primarily for the public interest.

The proposed transfer of ownership would reward a poorly thought out proposal that does not weigh in the public interest. There are other ways to create popular gathering space. Many examples are available.

Before you relinquish public benefits, please take the public perspective you are voted into office to uphold.

[REDACTED], resident of downtown Silver Spring

Dear President Katz,

I am writing to support the Downtown Silver spring project

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7Ccouncilmember.katz%40montgomerycountymd.gov%7C1c9fd016806b425f075108d858b514d6%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637356882045845359&am;odata=79KfcnN6SiGEAcDiwazFVq8Ga5cbKsuXub2c6CSkFvc%3D&reserved=0>

Sincerely,

A black rectangular box used to redact the signature of the sender.

Silver Spring, MD 20904

From: [REDACTED]

Sent: Monday, September 14, 2020 9:56 AM

To: Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>

Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear President Katz,

I am writing in support of the transformation of Ellsworth drive into a fun activity space. It has been more or that during the pandemic, except for those who pick up food from the restaurants.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7Ccouncilmember.katz%40montgomerycountymd.gov%7C642cfd59c4104cf4073808d858b679e3%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637356888046725417∓sdata=fEWjWLMoyCFgTHK2I%2FIILgl1QFiD%2F740huOXDoFIQrl%3D&reserved=0>

Sincerely,

[REDACTED]

Silver Spring, MD 20910

From: [REDACTED]

Sent: Monday, September 14, 2020 10:00 AM

To: Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>

Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear President Katz,

I am very excited!

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7Ccouncilmember.katz%40montgomerycountymd.gov%7C7a02fd197e5e4613553208d858b7df5f%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637356894038078091&sdata=qOIHsAa6uxL%2FLzl4j7ZUOSb7RPSIOLUx4I%2FVTuHNFjc%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20910

From: [REDACTED]

Sent: Monday, September 14, 2020 9:29 AM

To: Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>

Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear President Katz,

We need your support for a more community-based downtown SS, one that is less like an outdoor mall and more like community space. Abandoning the portion of Ellsworth Drive in question will help us get there.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provide a new, family-friendly outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7Ccouncilmember.katz%40montgomerycountymd.gov%7C6512454dfd894894480d08d858b24918%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637356870040025910&sd=f5spEd7lWB9PxD%2F4%2FcNIFjL%2F%2Bon%2FphyojixJXruxjUk%3D&reserved=0>.

Thank you,

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 1:02 PM
To: McCray, Tiara
Cc:
Subject: Case AB-771, the Abandonment of Ellsworth Drive

[EXTERNAL EMAIL]

I am opposed to the abandonment of any portion of Ellsworth Drive in Silver Spring. The company running the business environment there and security have been involved in several regrettable incidents that have harassed individuals and detracted from the public goods aspects of this public space. If the street ROW is abandoned, there will be nothing the public can do to preserve these public goods, because the street will be private property.

I am also opposed to closing the fountain, which has been both great public art and a space for fun. It's been a joy to watch children and adults play there, many of which do not have resources to attend private venues. It is important to provide free and accessible public spaces for children and adults to find joy, whether for hours or minutes.

Finally, I am completely opposed to the proposal to install plastic "turf" which will be an environmental and health hazard from the time it is installed to the time it is discarded. The hazards will extend from the site to every downstream site and the material degrades and poisons our waterways.

Please reject the proposal from the business association.

[REDACTED]

Takoma Park, MD 20912

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 1:54 PM
To: McCray, Tiara; Hucker's Office, Councilmember; Riemer's Office, Councilmember; Glass's Office, Councilmember
Cc: [REDACTED]
Subject: Citizen opinion on Ellsworth Ave. abandonment (Case AB-771)

[EXTERNAL EMAIL]

To Councilmembers Huck, Glass and Riemer,

Please don't approve of any road abandonment plan that would result in re-development that would put synthetic turf on Ellsworth Ave.

I approve the city abandoning Ellsworth Ave. for foot traffic as part of making a more walkable, safer and more beautiful public space for community-making in downtown Silver Spring.

However, **I oppose the use of any artificial turf** on Ellsworth Ave. as part of the abandonment.

The county should only approve abandoning the Ellsworth Ave. right-of-way *IF no synthetic turf will be used EVER*. There are other ecologically-benign and non-toxic options that can also handle the foot traffic and stormwater needs.

Synthetic turf is unhealthy and unsafe for both humans and the environment. It is **hot, toxic, hard, unsanitary, and polluting**. The plastic fake grass carpet contains microplastic fibers that will shed into our waterways and also be picked up by shoes, children and pets -- leading to possible ingestion and health problems. The adhesives and other materials also contribute chemical pollution to the air, soil and water.

Aside from environmental impacts, there are aesthetic and commercial-value concerns: Do you really want to walk on artificial turf that will quickly stain and collect soil and germs from dog feces, infants, food waste, etc? How will that synthetic plastic surface be kept clean and nice-looking? Answer: it won't. Let's invest in permanent solutions that are healthy for our bodies, community, economy and environment.

Please force the developer to use environmentally-approved and safe-for-human options like permeable pavers and greenscaping -- please see your own Rainscapes experts and other planning experts in your own county government -- you have the expertise you need right there, and for free.

Sincerely,

[REDACTED]

Silver Spring, MD 20901

Case AB-771, the abandonment of Ellsworth Drive

9/14/2020

Updated Testimony-Oral

Good afternoon I'm [REDACTED] I've been a resident of Silver Spring for 4 years. In my professional life I work to support access and inclusion for people with disabilities specifically people with physical disabilities and health conditions. As a community member and member of the County's Pedestrian Master Planning committee, I bring this lens to my advocacy in Silver Spring.

I'm speaking with you today to ask that the county only abandon Ellsworth Dr if synthetic turf is not allowed there. In addition to the numerous and valid environmental concerns around synthetic turf in this street space, I believe there are also Americans with Disabilities Act (ADA) compliance issues with the use of synthetic turf. The ADA requires that surfaces be "firm, stable, and slip resistant." and although the developers claim that turf is ADA compliant, I have serious concerns about turf meeting those compliance standards.

Mr. Hoover and the petitioner mentioned access ramps and curbless entry to the turf, and they appear to maintain that wheelchairs would be able to move freely on the turf, but they didn't provide any data to support that aside from their word. Turf material would pose challenges for some people using mobility aids and devices. Let me give you some examples:

- Manual wheelchairs/strollers/grocery carts (takes more effort to push your chair/stroller/or your cart)
- Walkers (no longer possible to simply slide forward)
- Crutches/canes don't anchor well to surfaces that are not uniform
- Manual scooters for healing foot/leg injuries (harder to maneuver on wheels with uneven, textured surfaces)

Silver Spring prides itself on it's diversity. Disability is an aspect of diversity. People with disabilities are the largest minority group in the United States and it's a group that anyone can become a part of at any point in their lives. If our county believes in equal access then we can't allow developers to implement plans that would present a barrier to accessing goods and services. That's why we can only allow the abandonment if synthetic turf is not allowed there.

The ADA just celebrated its 30th anniversary in July. We all benefit from the ADA. Parents with strollers, the elderly, people w/ mobility impairments, and who are temporarily disabled and using crutches. We can't abandon a public space that everyone can currently access and have it turned into a space that excludes. I think we can do better to create spaces that are equitable and universally designed. I urge you again to only abandon Ellsworth Dr if synthetic turf is not allowed there.

[REDACTED]

From: [REDACTED]
Sent: Monday, September 14, 2020 4:05 PM
To: County.Council@montgomerycountymd.gov
Subject: AB 771, Abandonment of Ellsworth Drive

Dear County Council,

I hope this message finds you all well and in as good spirits as can be expected.

I'm writing regarding the proposed changes by Peterson Companies to Ellsworth Drive in downtown Silver Spring. As a Silver Spring resident, I really treasure this street as our community's public square. This area should remain accessible and welcoming to all of our community members. At the same time, we should ensure that we adhere to goals for environmental sustainability.

As such, I would like that that Ellsworth Drive between Wayne Ave and Fenton St:

- is closed to motorized vehicle traffic *except* as necessary to provide deliveries to businesses or access to the Wayne Avenue garage (as it was before March 2020) in order to provide a safe, welcoming space for pedestrians
- contains accessible, safe, and welcoming level paved access for bicycles, scooters, skateboarders, and wheelchair users to move through this space
- provides public seating and tables for eating food, people watching, etc.
- uses a combination of permeable pavers and natural surface (e.g. turf grass and plants) in lieu of artificial turf, which can slough off into our streams (no astroturf!)
- does not have a visible police presence in order to avoid causing a chilling effect on residents travelling using skateboards or scooters or expressing themselves via dress or speech or taking photos
- a water feature that can be used by young children would be a bonus!

Unless these conditions can be met by Peterson Companies, I recommended that the county maintain ownership of this space so that it can be developed in accordance with county priorities to equitably serve all residents.

Best regards,

[REDACTED]

[REDACTED]

Silver Spring MD 20901

From: [REDACTED]

Sent: Monday, September 14, 2020 11:03 PM

To: County.Council@montgomerycountymd.gov

Subject: Feedback on changes to Ellsworth

Hello,

I've lived here for close to 13 years now and love the community. I wanted to provide some feedback on the current plan to make changes to Ellsworth Drive. I noticed the proposal to remove the splash fountain that kids play in during the summer and instead have a sculptural fountain. I would strongly urge this part to be reconsidered. The splash fountain is a great spot for kids when it is hot out, and it feels like taking that away and just putting something to look at but not splash in is a way to say that kids (and the adults with them) aren't as welcome. I feel like it's taking something away but not really giving something back. Plus, it is likely that some kids will still get in the new fountain because it's there and if it is not designed for that it won't be safe. I don't have children but my husband and I still appreciate that there's a nice spot for kids to play. If the old splash area is removed, please replace it with an updated water feature that still allows children to play and get in the water.

Thank you for your consideration.

Best,

[REDACTED]

Silver Spring, MD 20910

Re: Abandonment of Ellsworth Drive

After having watched both the Planning Department hearing on Ellsworth Drive and the County hearing on Monday, September 14, and reading various documents; I've concluded that it is in the County's best interest to not abandon Ellsworth Drive in Silver Spring.

I'm a neighbor in Silver Spring and often walk to Ellsworth, the Silver Spring Civic Building and of course the library, shops and markets downtown. Ellsworth Drive looks like a pedestrian street with shops alongside. Fortunately, the stores have curb appeal, the splash pool for children enlivens the plaza area and people view the street as a public area. Legally, of course, the space is leased to a realty company with Montgomery County owning the ground beneath it. Peterson Company has given the area curb appeal that it certainly never had previously.

This curb appeal to the public also came with public funds. Taxpayers have invested (according to what I found) over \$187 million. We county residents helped to create the space with taxpayer funds and certainly should enjoy this new space, but also retain ownership of it. The roadway should remain a public space with public rights where commercial use enlivens the area.

Many questions arose at the hearings about the proposed plan to "spruce up" Ellsworth. Whether it is storm water management, artificial turf, bicycle routes, or seating, etc., what the primary concern is that a public area comes under public rules with greater accountability. If the county abandons this road, they will also abandon greater oversight of the area.

Time changes circumstances. When Ellsworth was conceived of and developed more than fifteen years ago, the county had a different population with a different focus. Has the Peterson lease changed with the times? It's important to keep a balance between public liberty and our government's dealing with private entities. Now is a good time to look at the Ellsworth lease and update it without abandoning the public street.

Ellsworth Drive is a Silver Spring street with much public life. Despite the conflict, let's build in tolerance and keep it a public street.

[REDACTED]

Silver Spring, MD 20910

From: [REDACTED]
Sent: Tuesday, September 15, 2020 8:54 AM
Subject: AB 771

[EXTERNAL EMAIL]

Councilmembers:

Montgomery County SHOULD NOT turn over the Ellsworth space to private developers. Developers already have too much influence and too much wealth compared to the rest of us. This belongs to us the taxpayers and people of Montgomery Council and should remain that way.

[REDACTED]

Silver Spring, MD 20910

From: [REDACTED]

Sent: Tuesday, September 15, 2020 8:28 AM

To: Albornoz's Office, Councilmember <Councilmember.Albornoz@montgomerycountymd.gov>; Friedson's Office, Councilmember <Councilmember.Friedson@montgomerycountymd.gov>; Glass's Office, Councilmember <Councilmember.Glass@montgomerycountymd.gov>; Hucker's Office, Councilmember <Councilmember.Hucker@montgomerycountymd.gov>; Jawando's Office, Councilmember <Councilmember.Jawando@montgomerycountymd.gov>; Katz's Office, Councilmember <Councilmember.Katz@montgomerycountymd.gov>; Navarro's Office, Councilmember <Councilmember.Navarro@montgomerycountymd.gov>; Rice's Office, Councilmember <Councilmember.Rice@montgomerycountymd.gov>; Riemer's Office, Councilmember <Councilmember.Riemer@montgomerycountymd.gov>

Subject: item AB 771, Abandonment of Ellsworth Drive

[EXTERNAL EMAIL]

Hello County Council Members,

I'm adding my voice to the choir about downtown Silver Spring, specifically Ellsworth Drive. Here's what I hope can happen, and I've written to the developer as well:

- Please keep the splash pad - my kids (and many others) love it.
- Please don't install the artificial turf - there's lots of doubt about its safety, it's unattractive in general, and not always easy to navigate.
- I do hope it stays closed to cars, making it a nice stretch for families and bicycles.

In general, downtown Silver Spring is in rough shape right now. Between 2+ years of construction on Fenton, the Purple Line construction, and all the other paving/building/construction, it's hard to find a block that is pleasant to be on these days. I hope we can keep the community-oriented, open feel Ellsworth currently has.

Thank you,

[REDACTED]

Mississippi Ave in Silver Spring

From: [REDACTED]
Sent: Tuesday, September 15, 2020 11:51 AM
To: County.Council@montgomerycountymd.gov
Subject: AB 771, Abandonment of Ellsworth Drive

Dear members of the MoCo Council,

Upon reading about the current state of Ellsworth Drive here: <https://ggwash.org/view/78972/ellsworth-drive-abandonment-peterson-companies>

I am writing to register my concern with the current and future plans for this public street. Why hasn't Ellsworth been closed down like the other streeteries during the pandemic? It's silly that it's being done at the busiest parts of Bethesda, Rockville and Takoma Park, but not on Ellsworth in Silver Spring. I've seen what's been done on GA Ave, and, while laudable, I don't see lots of people wanting to sit for dinner next to a travel lane where cars routinely speed and a patron could be hit, or worse, die.

As for the future of Ellsworth, I support the idea of closing Ellsworth entirely to everything but pedestrians, but I don't think the way to do that is to abandon the street and give full control to the property owner(s). Instead, be creative and give the property owners the ability to bring ideas to you, but retain some control so that you can consider what the public wants Ellsworth to become in the future.

Ellsworth has become one of the best public spots in all of MoCo. The pandemic will end someday, but don't mess up Ellsworth in the name of short-term thinking.

In any case, good luck with your decision.

Kind Regards,

Takoma Park, MD (formerly of Silver Spring)

McCray, Tiara

From: [REDACTED]
Sent: Wednesday, September 16, 2020 3:28 PM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I grew up in this area, and I would mean a lot to me if this project was passed.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C966d997a47364f9be3da08d85a76ea04%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637358814076379432&sdata=H2o%2Fhui8xx6aN3hUN%2Fb3apsAeOjKwJdRsYB1TVUlfgg%3D&reserved=0>

Sincerely,

[REDACTED]

Adelphi, MD 20783

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 3:30 PM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I so agree with the vibrant renewal of Ellsworth Av. You have my support.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C849ce6246f6a4aa75dd608d858e5f9eb%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C637357092063985465&sdata=J6KX4HsxJvQNyEx2ZqVXbPluKqsxWBFIWtM%2FCs6AzyY%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20910

ACLU Maryland

Montgomery County Chapter

To: Michael L. Paylor, Hearing Examiner for AB-771
By email and snail mail.

September 22, 2020

Subject: Save the Silver Spring Fountain! (AB-771, Executive Order 084-20 q.v.)

Dear Mr. Paylor,

Plans to commit Civic Vandalism and violate racial justice and social equity have been proposed for the Ellsworth Drive area between Fenton Street and Georgia Avenue. (AB 771, Exec. Order 084-20).

In response, a petition: "Save the Silver Spring Fountain" has been circulated by the Montgomery County Chapter, ACLU of Maryland. The petition, as of today has over 500 signatures, and hundreds of comments asking to Save the Fountain.

<https://www.ipetitions.com/petition/save-silver-spring-fountain-plaza>

The developers, who call themselves "Downtown Silver Spring" propose [the plans](#) that include:

1. Ripping out the beautiful mosaic fountain that has been used by neighborhood kids as a summer wading pool for over 15 years. This is Civic Vandalism.
2. Covering the street, sidewalk-to-sidewalk with synthetic turf, which would take the street away from the young neighborhood skaters and skateboarders who practice and display their skills there.
3. Reducing bike access. The developers claim they will maintain an open path for bikes, but their renderings in [Project Plan Amendment 91998005C](#), Site Plan Amendment 81999002M show the bike path obstructed by benches and tables.

The developers are clearly trying to attract a more up-scale, genteel clientele to Ellsworth Drive. But this is exactly how gentrification happens: pushing out people of color (Black, Latinx, etc.) and lower-income community members from the area, reducing the rich diversity that makes Silver Spring what it is today.

Our requests are: Please recommend to Mr. Elrich that instead of forwarding AB-771 to the County Council, please send it back to the DOT and the Planning board with instructions to:

- 1 Save the beautiful Silver Spring Mosaic Fountain for the kids.
- 2 Protect the environment. No synthetic turf. Keep a surface suitable for skates, skateboards, wheelchairs and walkers.
- 3 Require a dedicated bikeway.
- 4 Include a Racial Equity and Social Justice Impact Statement*.

We request and look forward to a chance to discuss our requests and petition with you.

For the Montgomery County Chapter, ACLU of MD:

[Redacted Signature]

* Additional comment on request #4.

Bill 27-19 requires Racial Equity and Social Justice Impact Statements for bills, not resolutions. True.

When passed by the County Council and signed by the County Executive, bills become laws.

Resolutions like AB-771 deal with substantive changes. They are not mere expressions of opinion. When passed by the County Council after pre-approval by the County Executive, they have the force of law. In other words, they are de-facto laws.

For this reason, although not formally required, we request that Resolution AB-771 be accompanied by a Racial Equity and Social Justice Impact Statement, to ensure that its wider implications be carefully weighed.

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 21, 2020 1:13 PM
To: Downtown Silver Spring
Cc: SOECA@groups.io; McCray, Tiara; Hucker's Office, Councilmember; Albornoz's Office, Councilmember; Glass's Office, Councilmember; Jawando's Office, Councilmember; Riemer's Office, Councilmember
Subject: Re Abandonment of Ellsworth Drive: Interesting Contrasts in Language

[EXTERNAL EMAIL]

Dear info@downtownsilverspring.com,

On September 2 I received your message urging me (and, presumably, other Montgomery County neighbors) to "Write the County Council in Support of our Plans for Ellsworth Drive." That message included the following description concerning those plans:

...we are now formally seeking the abandonment of a portion of Ellsworth Drive which will allow us to create a world class outdoor pedestrian friendly **green** space.

You must have thought it important to refer to "green," as your message repeated this word:

This portion of Ellsworth Drive which is traditional
be transformed from the current strip of asphalt to
green, and attractive area

I was struck by this repetition which, from what I'd heard, clashes with your real intentions. So I wrote you, noting the word **green** in this kind of context generally refers to natural vegetation, e.g., *plants, grass, flowers*. I asked if this was what you really had in mind and requested that you clarify what "a world class outdoor pedestrian friendly **green** space" meant -- *natural* vegetation or *artificial* turf?"

You did not respond to this request. Nonetheless clarification, of sorts, came in your repeat "Write the County Council" message of September 11. The word **green** does not appear in that second message, which merely said: "With a focus on open space and sustainable transit, our plan **transforms the asphalt on Ellsworth Drive into a vibrant, walkable community space.**"

I've since read the April 20, 2020 *Petition for Abandonment of Portions of Ellsworth Drive, Silver Spring, Maryland* submitted by Barbara A. Sears (of MILES & STOCKBRIDGE P.C), providing detailed background on your plans. It forms a curious contrast with your September 2 and 11 messages to our community. Perhaps I missed something but, looking through the petition's nine pages, I didn't once come across the word **green**. What I did find were five references to "**synthetic turf**" (pp 4,5,6,7 and 8), one to "**artificial turf**" (p 7) and one simply to "**turf**" (p 5).

The petition, however, as with your September 2 and 11 "Write the County Council in Support of our Plans" messages, was replete with language identifying multiple benefits your Ellsworth abandonment proposal will bring to the community.

In this regard: DTSS has become a welcome asset -- to Montgomery County and Silver Spring in general, to our local community in particular. Your upgrading plans should prompt community support. Which is why it would be a shame, given local community views, to squander goodwill by ignoring community "synthetic" (or "artificial") turf concerns and, worse, taking a "talking out of two sides of your mouth" approach when dealing on the one hand with County officials in Rockville and your DTSS neighbors on the other.

My suggestion: The investment of "Peterson Companies in partnership with Foulger-Pratt" in DTSS is, presumably, long-haul in nature. So why put it at risk due to short-term disagreement over synthetic/artificial turf? Is it worth generating an image of companies using double-talk, uninterested in community concerns if contrary to elements in your proposal? In that event a "victory," should that be the outcome in your dealings with County officials, may prove Pyrrhic indeed.

Sincerely,

[REDACTED]

County Council District 5



September 21, 2020

The Hearing Examiner, Department of Transportation
Montgomery County Maryland
cc: The Montgomery County Council

Reference: AB-771, Abandonment Hearing, September 14, 2020

FOSC written testimony on abandonment of Ellsworth Drive

Friends of Sligo Creek is a nonprofit community organization dedicated to protecting, improving, and appreciating the ecological health of Sligo Creek Park and its surrounding watershed.

We oppose abandonment of the roadway of Ellsworth Drive between Georgia Avenue and Fenton Streets. Our reasons:

1. Abandonment is allowed for public safety and/or lack of public use reasons. Neither is the case here. In fact, the space has had, is and is projected and planned to encourage significant public use. This should be sufficient reason not to authorize abandonment.
2. The Planning Board required, as a position of its approval of plastic turf, that the developer submit an alternate proposal. This has not happened. No additional related approvals should be passed at least until such an alternative is proposed by the developer.

"The Abandonment is requested at the direction of other County agencies such as the Montgomery County Department of Transportation (MCDOT) and Montgomery County Department of Permitting Services (MCDPS), in coordination with Site Plan Amendment No. 81999002M, to allow the Applicant's design which includes numerous non-standard pavement treatment types."

County asks applicant to apply for abandonment, using nonstandard and nontraditional paving material/roadway material language

3. Why would the county remove jurisdiction from the street when the developer's argument for approval is that the expected pollution will be captured by county run stormwater facilities? Intentional polluting isn't legal, and should definitely not be pre-authorized. This is illegal. Even the manufacturer doesn't recommend the type of stormwater system in place to handle plastic turf.
4. The significant health, heat, hardness, stormwater and other issues with plastic on Ellsworth will become more difficult to address if the road becomes entirely private.

As had been documented in other testimony, gluing plastic turf directly to asphalt is non-standard methodology – not recommended by the manufacturer for heavy foot traffic or vehicular. This setup can be expected to exacerbate degradation of the surface, increasing the burden on the stormwater filtration system. It will be harder than it is typically (which already is harder than grass turf. Experts have estimated it is expected to be hotter than asphalt. It will be exceptionally difficult to keep clean. It is not designed for heavy vehicle use – fire trucks, etc. Why would the county in effect endorse this scenario by abandonment?

Don't abandon this roadway – make it be environmentally friendly and safe. This position should be the baseline position for the county regarding a prime public space in a major population center.



Advocacy Director

Friends of Sligo Creek

advocacy@fosc.org, www.friendsofsligocreek.org

PO Box 15672, Takoma Park MD 20913

McCray, Tiara

From: [REDACTED]
Sent: Saturday, September 19, 2020 2:00 PM
To: McCray, Tiara
Subject: opposition to synthetic turf

[EXTERNAL EMAIL]

I want to state my clear and strong opposition to the installation of synthetic turf on Ellsworth. With growing awareness and alarm about the negative and nearly everlasting effects of plastic waste on the environment, I cannot think of a worse idea for DTSS than adding to the plastic problem. PLEASE FIND AN ALTERNATIVE.

[REDACTED]

McCray, Tiara

From: [REDACTED]
Sent: Saturday, September 19, 2020 11:43 AM
To: McCray, Tiara
Subject: Ellsworth synturf

[EXTERNAL EMAIL]

Dear Ms. McCray,

Developers want to put in on-trend touches to their projects but the Ellsworth synturf must be vetoed. The environmental impact and safety of the materials used is foremost. Clearly, the synturf fails this bar. Pellets come loose and end up in the watershed. The science is clear that micro plastics are bad. Small children can also swallow the plastic beads and choke. This is a very real safety consideration. If the county moves forward with the turf, they could be sued by parents when a child chokes on the plastic balls.

Sincerely,

[REDACTED]

From: [REDACTED]
Sent: Thursday, September 17, 2020 3:37 PM
To: County.Council@montgomerycountymd.gov
Subject: Downtown Silver Spring

Dear County Council,

My name is Michael Arden, a lifelong resident and now English teacher in Montgomery County. I am writing to ask you to carefully consider the plans to "renovate" Downtown Silver Spring to better meet the needs of our community. The best available research into truly welcoming public spaces and green building shows that native landscaping and open, public features are superior to manicured and managed turf along a storefront walk. The public feels very strongly that natural landscaping and the maintenance of the public fountain is crucial to their support of this plan.

But of course, the most updated available version of the Site Plan includes these listed concerns -- and so I merely write as a supportive citizen that you hear these concerns and guarantee these changes will be part of the final approved Site Plan for Ellsworth Dr. Gentrification begins when the community no longer benefits as much from public space as private enterprises do -- please ensure the people of Silver Spring, and not potential clientele, are the focus of your deliberations.

Thank you,
[REDACTED]

From: [REDACTED]

Sent: Saturday, September 19, 2020 7:52 AM

To: County.Council@montgomerycountymd.gov

Subject: redevelopment of Ellsworth Drive

Hello! As a long-time resident of downtown and East Silver Spring I have a few comments regarding the redevelopment of Ellsworth Drive.

The fountain should not be eliminated - it is a great public amenity that is just exactly the sort of family-friendly gathering place we need in our neighborhood.

And artificial turf in the street is a cheap-looking material that will not wear gracefully and will be more difficult than hard paving for use for those using strollers and mobility devices.

We can and should do better.

Thanks for your time and consideration.

[REDACTED]

Silver Spring

From: [REDACTED]
Sent: Sunday, September 20, 2020 1:39 PM
To: County.Council@montgomerycountymd.gov
Subject: Comments on AB 771, Abandonment of Ellsworth Drive

I am a resident of Silver Spring and greatly enjoy the activity that one can find on Ellsworth Drive (well, outside of the current pandemic anyway) and I am a bit concerned by the proposed changes to it.

As detailed in [this GG Washington article](#), I'm generally not a fan of the proposed changes by lessee Peterson Companies, the addition of the artificial turf in particular sounds like it would cause issues for anyone using mobility devices and provide a way to "kick out" skateboarders, but I am even less a fan of the county abandoning this space to a private company holder. Without strong and comprehensive regulations in place, any capitalistic organization will try to do what's best for them even if it's not the best for the "customer," in this case every resident of the area who uses Ellsworth drive, and this is already being demonstrated with the re-opening of the area to cars and the aforementioned proposed artificial turf installation (which comes with [even more issues that are familiar to the DMV](#)).

At this point in time, I am not in favor of "abandoning" the road and letting the Peterson Company take control of it wholesale, I would much rather prefer a public-private partnership with the county to continue (although you really should charge them more than \$1 for the lease, it's clear that the company is invested in the area and we can always put additional revenue to good use!)

Thank you for your time,
[REDACTED]

From: [REDACTED]
Sent: Wednesday, September 16, 2020 5:40 PM
To: County.Council@MontgomeryCountyMD.gov
Subject: Livability in Silver Spring

The current configuration for downtown Silver Spring provides a place to gather, a place for children to play, and a place where teenagers can gather safely and wholesomely. The new configuration looks like a plan to eliminate these community benefits in favor of corporate interests. I expect our government to continue to prioritize quality of life first. It is what makes this county great. Please don't ruin it!

From: [REDACTED]

Sent: Thursday, September 17, 2020 9:50 AM

To: County.Council@montgomerycountymd.gov

Subject: Comments on item AB 771, Abandonment of Ellsworth Drive

Good afternoon,

I am writing to express my displeasure with the plans for Ellsworth Drive in downtown Silver Spring. Rather than abandon Ellsworth Drive, the county should sell the land to obtain much-needed revenue during a time of economic downturn or require that the developer continue to provide public amenities that benefit the surrounding community such as open space, seating, trees, plantings, the farmer's market, space for creatives, and the splash pool. With retail and commercial real estate floundering and many of the developer's large tenants experiencing financial hardship (i.e. AMC Theaters, etc), now is not the time for the city to abandon Ellsworth Drive. In addition, retail has evolved and the likelihood of attracting more brick and mortar retailers diminishes. The retailers on Ellsworth are not enough of a draw for retail consumers alone. Part of the allure of Ellsworth is the fragmented activation that occurs, which brings excitement and enjoyment to many.

The idea of having artificial turf is a terrible idea. Not only will artificial turf increase the temperature of Ellsworth Drive during the summer but the turf will also make it difficult for vendors to set up for the Silver Spring Farmer's Market, which brings much needed pedestrian-oriented retail to downtown Silver Spring.

Long story short, if it ain't broke, don't fix it!

--

[REDACTED]

McCray, Tiara

From: [REDACTED]
Sent: Tuesday, September 15, 2020 10:38 AM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

We as citizens need to spread more love release stress through more outdoor and safe activities, an outdoor centric community would also encourage the young ones to get away from the electronic devices. More people outdoor would mean more support to downtown business, healthier bodies for walkers and cyclists. I strongly support silver spring plan - Ellsworth Drive into a pedestrian friendly and outdoor centric community space.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C88ba2f7e8e1849be1ee308d859853e1f%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637357776095264191&sdata=VPmEiXdHPU3GPJGfEEu5p6LyHZ7igv6QVOhYrQIEWFs%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 8:08 AM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I work in Downtown Silver Spring and have been a patron of the area as a result for the last 14 years.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C9cf72470c6454bc326ec08d858a71bc4%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637356822034957468&sdata=MPW6N2Qxx5WsvhKo3nVlqN4Ba9eIWkp4wYNiUGu9AUc%3D&reserved=0>

Sincerely,

[REDACTED]

Silver Spring, MD 20903

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 8:05 AM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist MCcray,

I am writing to support the abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C69379223c80f43145b5d08d858a71b8a%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637356822039683713&sdata=H75tfvO0R6PFU%2B0giTteDIE0zH5dlyxrCpixkrY4C%2Bo%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20904

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 9:28 AM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

This is so important! I've lived in Silver Spring for 20 years—only left for college, but I came back—and it's so important for residents to have this kind of space.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

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Sincerely,

[REDACTED]

Silver Spring, MD 20906

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 9:29 AM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I've frequently visited Ellsworth Drive since I moved to Silver Spring in 2017. The space feels natural as a walkable area in an urban hub that has a severe lack of open space away from traffic. Now that we're living with COVID, an outdoor space is even more vital --- now for the continued economic vitality of the area.

I'd like to note that I am a frequent purchaser of take-out from downtown Silver Spring; and should there be any perceived conflict between an open-space and the use of rideshare/delivery; I think it's important to prioritize the open space and identify workarounds for vehicle-based delivery drivers. The open space concept is the more unique, more precious element. It would be a enormous upgrade in the quality of life for nearby residents. Let's see it happen!

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C1f291fd689eb40bbc91d08d858b24960%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637356870082594144&sdata=yNnyJuxxyHSxLANdK08XyVVt9MIZXTUXYVIRiuzgvos%3D&reserved=0>.

Sincerely,

[REDACTED]

Takoma Park, MD 20912

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 9:47 AM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I spent 3 years living in Silver Spring and know how vital the Ellsworth area was to the overall community. Now, in this new time of Corona, that space has become even more important. As I consider moving back to Silver Spring in the next couple months, knowing this update is on the horizon makes me more likely to choose Silver Spring over Arlington.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Rockville, MD 20852

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 10:01 AM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I've lived in the Silver Spring area for almost 10 years. A new pedestrian space is a must, especially with the pandemic. We need more room to connect outdoors. Even once the pandemic is over, it will be great for us to interact outside.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20902

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 10:14 AM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I am supporting to make Ellsworth Drive to pedestrian friendly place.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7Ce3bbcedd54044db3a80108d858b94516%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637356900047656078&data=MWE1Sp8NG7g68F2i0pM8HdTlzZU8JsuNYRv%2FpMsatCA%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20904

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 10:40 AM
To: McCray, Tiara
Subject: Support a Pedestrian Friendly Community Space for Downtown Silver Spring CASE AB 771

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I support Downtown Silver Spring's redesign

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

As you may know, the Montgomery County Planning Board approved moving forward on a proposed \$10 million redevelopment of downtown Silver Spring in July. Downtown Silver Spring has not undergone a significant update since it was built 20 years ago. The plan would reinvigorate our public spaces by making it easier and safer for outdoor dining, provide family-friendly entertainment, and transform underutilized asphalt into a vibrant gathering space for the community to enjoy. New tenants like The Eleanor - an innovative space that features bowling lanes, an arcade, and outdoor dining - along with local favorites Loyalty Books and Locavino wine shop and restaurant will keep downtown Silver Spring relevant for the next 20 years.

Downtown Silver Spring is now seeking the formal abandonment of a portion of Ellsworth Drive. Ellsworth Drive is envisioned as a pedestrian friendly outdoor gathering space to encourage visitors and families to stay awhile, shop and dine, and even play on new outdoor amenities like ping-pong tables. The proposed plan will create such a space and provided a new, family-friend outdoor gathering area.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of Downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C4374e833367142c320fe08d858bc14ef%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637356912113228588&data=aKRq9Spf8bBSQ1wk4Nnz1Mtx6i8AgRnuonlO8irwyAg%3D&reserved=0>

Thank you,

Sincerely,

[REDACTED]
Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 10:52 AM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

We love downtown Silver Spring but are quite concerned that with the Discovery Business gone and the pandemic, it will become a ghost town. Silver spring had experienced a rejuvenation that was incredible and really invigorated the real estate market as well. This is a wonderful space and it would be unfortunate to have it go to waste.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20905

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 10:51 AM
To: McCray, Tiara
Subject: Support Ellsworth Drive Abandonment CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

I want improvements to come to Ellsworth. I think it would be great to have an updated pedestrian friendly space for families to utilize in downtown Silver Spring.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

It is my understanding that there is a formal public hearing process that is largely driven by your office.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

<https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.downtownsilverspring.com%2F&data=02%7C01%7CTiara.mccray%40montgomerycountymd.gov%7C2a2493ce63564ba6636408d858bedd75%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C1%7C637356924081932887&data=FYPGSnnRbXtK11%2BKmqixpui1lxJBsOLF4gBqTQc08%3D&reserved=0>.

Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 14, 2020 10:58 AM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

We need to fully support the efforts to revitalize downtown Silver Spring. We are losing too many businesses to a more supportive DC and Prince George's county. We must actively compete to ensure the ongoing viability of the area. This effort is a huge part of that.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Tuesday, September 15, 2020 10:23 AM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

Love to go to downtown. With the revitalization, it will be even more hip. Please support the transformation.

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Tuesday, September 15, 2020 10:30 AM
To: McCray, Tiara
Subject: Support Downtown Silver Spring's Revitalization CASE AB 771 (Ellsworth Drive)

[EXTERNAL EMAIL]

Dear Real Estate Specialist McCray,

After we get through Covid-19 - what else could you do, but this project!! What a gift to the people of Maryland heralding a return to somewhat normal activities with a nod to the need for outdoor space and the encouragement for continued healthy lifestyles. This includes walking, moving, being together!!! Yes -- do this and celebrate 2021!

I am writing to support the County's abandonment of a portion of Ellsworth Drive and to support the proposed modernization and update of downtown Silver Spring.

The proposed \$10 million investment in downtown Silver Spring will remodel public spaces and create new, modern outdoor amenities for Silver Spring families and visitors to enjoy. As a Silver Spring resident, I am glad that my community is working to create vibrant and diverse urban spaces.

I encourage your office to support a clean abandonment of Ellsworth Drive and support of the proposed revitalization of downtown Silver Spring.

For more information please visit

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Sincerely,

[REDACTED]

Kensington, MD 20895

AMENDED OBJECTION
TO THE
PETITION FOR THE ABANDONMENT OF
A PORTION OF ELLSWORTH DRIVE
PETITION AB-771
BEFORE THE HEARING EXAMINER OF THE
COUNTY DEPARTMENT OF TRANSPORTATION

This AMENDED OBJECTION replaces in its entirety the Objection filed on September 14, 2020, in connection with Petition AB-771.

This Amended Objection argues that the County Council lacks the legislative authority to approve the proposed abandonment. In the event that you find otherwise, the Amended Objection argues that the Hearing Examiner, and the County, each has the power and the responsibility to rule against and prevent the installation of synthetic turf on Ellsworth Dive because of the toxic and polluting effect it would have on the environment of the street and beyond. In addition, the Amended Objection argues that the Hearing Examiner, and the County, has the power and responsibility to ensure that the civil rights, civil liberties and other important rights of the public will be protected in the event that control of the property is transferred out of the hands of the County and into the hands of private entrepreneurs.

I. Montgomery County Lacks the Authority to Approve the Petition That it Abandon Its Right To use the Right-of-Way at Issue In The Petition.

The Petitioner seeks to have the County abandon its right to use its right-of-way on the portion of Ellsworth Drive between Georgia Avenue and Fenton Street as described in its Petition of April 20, 2020.

Article 49 of the Montgomery County Code (the Code) sets out the limits of the County's authority to approve petitions for abandonment. Section 49-62(a) of the Code annotated provides that the "The County Council, by adopting a resolution, may close to public use or abandon the County's right to use any right-of-way. As used in this Article, right-of-way means any road, street, alley, crosswalk, pedestrian walkway, shared use path, ... used at any time by the public, including use by pedestrians and bicyclists."

Section 49-63(c) provides that "A right-of-way may be abandoned or closed if the Council by resolution finds that:

(1) the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or

(2) the abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed.

In making its request, the Petitioner relies on Section 49-62 and Section 49-63(c) of the Code for the legal basis of its petition for the authority of the County Council to abandon its right of way in certain portions of Ellsworth Drive. It admits that section 49-63(c)(2) is not applicable to its Petition.

Somewhat remarkably, the Petitioner asserts that "As described more fully below and in the attached materials, the Abandonments requested by this Petition satisfy Section 49-63(c)(1) of the Code as the Abandonment Areas will no longer be necessary for present public use or anticipated public use in the foreseeable future." This assertion is remarkable because the entire purpose of the proposed abandonment is to enhance and increase the public's current use of the right of way known as Upper Ellsworth Drive. Under the plain meaning of the statute, a right-of-way cannot be abandoned if it is necessary for present public use or anticipated public use, and under the facts known to all, the right-of-way will be needed for precisely these reasons. It is clear that the proposed abandonment of this right-of-way does not meet the criteria justifying its abandonment under the governing law.

It may be asserted that the previous partial abandonment of Ellsworth Drive was permitted under the same provisions of the Code. Previous actions that have been taken despite their inconsistency with clear and governing contrary law cannot be used as a justification for ignoring or violating the law again. Such previous actions cannot be claimed as valid legal precedent to justify this proposed abandonment.

II. The Hearing Examiner Has the Duty to Protect the Community from Any Environmental Harm That Would Be Caused by the Abandonment of a Right-of-Way.

At the September 14 hearing and at the July 30 hearing of the Planning Board, members of the public and governmental agencies presented evidence and argument concerning the environmental harm that would be caused by Petitioner's plans to cover the right-of-way with synthetic turf.¹ There was some concern raised about the relevancy of these environmental concerns to the issue of whether the right-of-way could or should be abandoned.

Protecting the County from environmental harm has been established as a high priority by Montgomery County Government. On July 29, 2003, for instance, the County Council adopted Resolution: 15-313, entitled County Environmental Policy. The resolution was introduced by the Transportation and Environment Committee at the request of the County Executive.

Resolution 15-313 states that the resolution was proposed and adopted, in pertinent part, because

"2. The County wishes to be recognized as a leader in the area of environmental policy by other public and private organizations that operate both in the County and in the region.

¹ See, in particular, the comments filed by the Montgomery County Department of Environmental Protection, the Montgomery County Department of Transportation, Friends of Sligo Creek, Stormwater Partners Network, Healthy Safe Playing Fields Coalition, Neighbors of the Northwest Branch, and Sierra Club of Montgomery County, whose comments and objections are part of the record of this hearing.

3. The County desires to increase the awareness of all county agencies, departments, and employees that their actions have environmental consequences and that we all have a responsibility to promote public health, environmental resource management, and environmental protection.”

(Emphasis added)

The provisions of this Resolution impose a duty of the Montgomery County Department of Transportation to carry out the County’s policy to “promote public health ... and environmental protection” in all its decision-making, including the environmental issues raised in this hearing.

Not only does Resolution 15-313 raise a duty for all county agencies and departments to promote the environmental health of the County, but the language of Article 49 of the County Code governing the abandonment of rights-of-way at issue here raises the same environmental concerns.

As noted above, there are two acceptable reasons for seeking an abandonment of a right-of-way. The second of the two directly raises the County’s concerns about the environmental health of the County’s roadways and the health of our community. It states, in pertinent part, that the Council may authorize an abandonment of a right-of-way if “the abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed.” Section 49-63(c)(2) of the County Code.

This is evidence of the Council’s legislative intent, when it considered and approved the law governing abandonments of rights-of-way to protect the health and safety of the residents affected by a proposed abandonment. True, this concern is expressed relative to a reason to justify the abandoning of a right-of-way, and not as an explicit reason to prevent the abandonment of a right of way. Yet it is inconceivable that the County Council meant that it would only permit decision-makers to protect the community from established environmental concerns, but that the Council would not permit decision-makers to consider the environmental harm to the community that would likely ensure from the granting of a petition for abandonment.

Taken together with the County’s Environmental Policy, the statute governing abandonments makes it unmistakably clear that the Hearing Examiner and the County’s Department of Transportation, has a duty to assess the evidence and arguments regarding the environmental pollution, harm and distress that would occur if the proposed abandonment of Ellsworth Drive were approved without the placement of limitations concerning the use of synthetic turf on the abandoned right-of-way.

For the reasons submitted by objecting parties at the hearing to the proposed use of synthetic turf in the area, I submit that the Petition should not be approved if it permits the Petitioner to install synthetic turf over the existing asphalt paving on Ellsworth Dive.

III. The Hearing Examiner Has a Duty to Protect the Community from Any Loss of Civil Rights or Civil Liberties That Could Be Caused by the Abandonment of this Right-of-Way.

At the September 14 hearing, questions were raised about the continuing applicability of the First Amendment guarantee of the right of the public to protest, assemble, and engage in free speech activities in the area of the right-of-way if it were abandoned to private interests who could argue that the First Amendment does not apply to property under their private legal control. At present, the property is under the control of the County and is subject to the full effect of the First Amendment of the U.S. Constitution. It may be that even if the right-of-way were abandoned to private entrepreneurs that it would still be subject to the right of people to enjoy the rights guaranteed under the First Amendment. But County policy with respect to civil rights and civil liberties clearly calls for this proposed abandonment to be subject to the rights of the people under the First Amendment, without the need for engaging in expensive clarifying litigation at some later date.

This proposition is clearly supported by the following County policies and enactments:

First. On September 30, 2003, the Montgomery County Council overwhelmingly approved a Resolution, entitled "Montgomery County Council Support for Protection of Civil Liberties." The Council took a strong position against the needless infringement on individuals' rights. Specifically, the Council announced that it was taking the following action:

"The County Council calls upon all County departments, agencies, officials and employees to continue to respect all residents' freedoms of speech, religion, and assembly, and right to privacy, in keeping with our County's distinguished practice of protecting human rights."

Second. On June 1, 2020, Montgomery County Executive Elrich and the Montgomery County Council issued a "Statement Supporting Freedom of Assembly and Public Safety." In this statement, these elected leaders of our County announced that "We fully support the constitutional rights of our residents to express their views peacefully without fear of bodily harm or aggressive suppression tactics from law enforcement. We County leaders and the Montgomery County Police Department will continue to respect, listen to, and work with individuals expressing their opinions through peaceful assembly across our community; and the County will continue to provide a protected environment for memorials, rallies, and nonviolent protests."

It is the clear and consistent policy of this County to protect and permit peaceful civil protest. At present the rights of residents to engage in such activities on Ellsworth Drive are protected by the First Amendment and County policy. If complete authority is given to Petitioner' over this area, such activities they may seek to suppress protest if it comes in conflict with their profit interest. As outlined more completely in the next section, private entrepreneurs in charge of public interest should be constrained from acting only in their own perceived best interest to the neglect of the public's sometimes countervailing interests.

Pursuant to the policies of the County Executive and the County Council, the Hearing Examiner should take every step to ensure that if the property is transitioned completely to private authority, that such an abandonment comes with enforceable conditions to protect the public from any future loss of their civil rights and civil liberties in the abandoned area.

IV. The County Must Condition Any Abandonment on Enforceable Means to Protect the Public Use of Ellsworth Drive if the Petitioner (i) Should Fail in the Future to Develop and Maintain the Property in Accordance with the Terms of the Petition, (ii) Should Administer the Property in a Manner Detrimental to the Public's Needs, or (iii) Assign its Interest the Property to a Subsequent Purchaser that has Different Plans.

Public-private partnerships seem to be quite popular these days. Consider, for instance, the Purple Line and the proposed Beltway expansion. The proposed abandonment is a species of such a partnership. The government is giving up its interest and control in valuable real estate to a private entity that has made a number of promises to entice the government's abandonment of the property.

It is quite evident, however, that these types of partnerships carry special risks peculiar to the trust that each party extends to the other. What happens when the private entity cannot keep its promises, or shifts its views about what it intends to do or is prepared to do? How does the public entity protect itself? Enforceable contractual provisions are needed to ensure that if the private entity changes its plans after the government has ceded ownership and control of the property, the government and the public it represents have effective remedies. No abandonment of the County's right-of-way should be made until there has been a full examination of the types of problems that can occur in a project of this nature and specific enforceable remedies have been crafted to address those issues.

The strategy of privately owned public spaces (POPS) have been employed in the United States and many other countries for many years. They have their advantages and their disadvantages. One of the main disadvantages comes from the failure of a POPS owner to develop and maintain the property in the manner promised.

In an article entitled "A Bundle of Rights and Obligations: Privately Owned Public Spaces," published in *Autoportret Magazine*, November 1, 2017, the author, Levente Polyak, an inspector on behalf of the New York Department of City Planning's Manhattan Office, examined whether owners of buildings fulfilled their POPS obligations. He concludes, in part, that

"Any property is a bundle of rights and obligations. And although POPS ... try to build on owners' obligations and turn them into public value, many property owners try to avoid fulfilling their obligations towards the public. The key to assure private property's contribution to public wealth is making these arrangements as transparent as possible, reinforcing agreements through regular scrutiny and making owners accountable for their attitude towards their obligations."

These are precisely the kinds of conditions that must be integrated into any proposed abandonment by the County before the property is abandoned. The County must retain the right to evaluate whether the Petitioner as a recipient of valuable public rights is carrying out its promises and the County must retain the right to take effective action if the recipient of the abandoned property fails to live up to its promises.

In addition, the experience of many jurisdictions with POPS around the world is not only that many POPS fail to deliver the services they promised, but that they may manage the property in way that they believe is in their own best interest, and which may not be in the interest of the public. Thus, a private corporation owning and controlling a public space might well restrict the right of free speech, assembly

and association on its property in a manner that the County would never permit if it owned and controlled the space as public property. Not only could this affect the right of public protest in the area, such as picketing a company located in the privately controlled right of way, for instance, but it could end up adversely affecting the rights of the homeless and minority groups. POPS proprietors are known to hire their own private security forces to create and enforce their desired sense of order.² In the sensitive area of free speech and other First Amendment rights, the County must not abandon the Ellsworth Drive property without clearly delineated protections of the rights of the people who will use this area.

Finally, the County must retain control over any disposition of the property to any party that is not a signatory to an abandonment agreement. No entity should be permitted to evade its responsibilities to the public by sale, lease, gift, assignment or abandonment of its interest in the property to another private party unless that stranger to this transaction shall accept all of the conditions that the County has required of the original recipient of rights in the abandoned property. At any time, the Petitioner or its assignee does not live up to the County imposed conditions, the abandoned property should be required to revert to the County.

Respectfully Submitted,

[REDACTED]

Silver Spring, MD 20910

[REDACTED]

² The Guardian, November, 23, 2017: "London mayor to draw up charter regulating pseudo-public space. Earlier this year, the Guardian revealed an almost complete lack of transparency over the rules governing "pseudo-public spaces": open land that is accessible to citizens but is actually classed as private property, enabling security guards to eject members of the public on a whim and bar them from taking photographs or holding protests." The Guardian ran a series of articles in 2017 about the dangers and extent of the creeping privatization of public space.

McCray, Tiara

From: [REDACTED]
Sent: Wednesday, September 23, 2020 6:51 PM
To: McCray, Tiara
Cc: Hucker's Office, Councilmember; County Council LMHosted
Subject: Abandonment Proceeding AB-771 and objections to the Abandonment

[EXTERNAL EMAIL]

Dear Ms. McCray,

I am a homeowner in Silver Spring, walking distance from downtown Silver Spring where I spend time almost everyday shopping, going to the movies, eating out, or just passing through on my walk home from my commute on the Metro. I am writing to you in your role as Hearing Examiner to express my strong objection to the proposal that Montgomery County would abandon its authority over Upper Ellsworth Drive to local real estate developers.

First of all, the County has the obligation to protect all people from toxic chemicals. The Peterson Companies and Foulger-Pratt want to install synthetic turf -- a known carcinogen -- in the area. This is not good for people, for the environment, and for Silver Spring's future as a model of sustainable suburban living. It goes against Montgomery County's stated vision as "A Greener County".

Further, it is anti-democratic to give up the control of our streets to private companies, rather than to keep this control in the public domain. It is the kind of sell-out that as a tax-paying longtime County resident seems to me to be going in the wrong direction. Silver Spring has strong civic pride and a strong identity that should be respected and cultivated and not placed in the hands of companies whose allegiance is to the bottom line. I am also concerned that abandonment of control by the County would diminish the First Amendment rights of the public to protest, assemble and freely associate in the area. Downtown Silver Spring is a gathering spot for diverse people and causes, a right that we can count on the County to protect.

I am very concerned about this proposal as are many of my friends and neighbors. I hope that you will seriously consider the quality of life for Silver Spring residents and visitors and stand up for their health and well-being in this important case.

Sincerely,

[REDACTED]

From: [REDACTED], Silver Spring

To: Tiara McCray, Real Estate Specialist
Department of Transportation
Division of Transportation Engineering
Property Acquisition Section
100 Edison Park Drive, 4th Floor
Gaithersburg, Maryland 20878

Re: Abandonment of Ellsworth Drive, Downtown Silver Spring

Date: September 24, 2020

Germane Issue. I support abandonment of Ellsworth Drive to allow the revitalization, expansion and upgrading of public use spaces ONLY IF natural surface materials are allowed to be used on this site, and Synthetic turf or similar synthetic polymer materials are prohibited.

Violation of the County's MS4 Permit. The installation of synthetic carpet plus use of the adhesive proposed would violate Montgomery County's MS4 Permit as a prohibited "non-stormwater discharge." As DEP explained in their July 13, 2020 letter to Council President Katz, the application of synthetic turf "in a high traffic pedestrian area introduces the likelihood of fugitive non-degradable particles into the stormwater envelope, which can end up in local streams and waterways. Consistent with the principles of low impact development, a preference for natural features and permeable hardscape can achieve aesthetic and ecological benefit as well as placemaking."

Synthetic turf is comprised of plastic blades, is glued down using toxic adhesives, contains highly toxic flame retardant chemicals, and requires solvent-based cleaning products. All of these toxic compounds leach out to contaminate people and waterways. We do not know if the stormwater facilities under Ellsworth that now protect Sligo Creek can filter the runoff runoff from the adhesives and solvent-based wash products, as well as the particulate deterioration of the Synturf.

Public Health and Safety Concerns. The "blades of grass" in this SynTipe 343 "plastic carpet" contain PFAS (PFAS stands for a broad group of perfluoroalkyl and polyfluoroalkyl substances), which have been associated with multiple health problems, including cancer. Without independent testing, we do not know the other toxic compounds that are in this product because the manufacturer (SYNLawn.com) considers this proprietary information and has not released this information vital to our health and well-being. It is critical that we prohibit the installation of any products containing PFAS chemicals that drain into Sligo (or any other) Creek.

The Public Good. With abandonment, the County would be giving away a public good, and in return, according to the County Code, the County must require that the public good, i.e. the public's health, safety, and welfare, be protected. What the applicant proposes for Ellsworth Dr. is a key consideration in the abandonment decision. There are many other alternative surface treatments that are safe for people and the environment.

"Do No Harm" to those who would otherwise enjoy Downtown Silver Spring, and **"Do No Harm"** to Sligo Creek and the Anacostia Watershed and the Chesapeake Bay.

Thank You for considering my comments.

[REDACTED]
Silver Spring, MD

McCray, Tiara

From: [REDACTED]
Sent: Thursday, September 24, 2020 3:10 PM
To: Albornoz's Office, Councilmember; Hucker's Office, Councilmember; Friedson's Office, Councilmember; Glass's Office, Councilmember; Jawando's Office, Councilmember; Navarro's Office, Councilmember; Katz's Office, Councilmember; Rice's Office, Councilmember; Riemer's Office, Councilmember; Marc Elrich
Cc: McCray, Tiara
Subject: Support for Abandonment of Ellsworth Drive

[EXTERNAL EMAIL]

Councilmembers and County Executive Elrich --

I am writing in support of abandonment of Ellsworth Drive in Silver Spring. As part of a \$10 million investment in the street and its surrounds by Peterson Companies and Foulger-Pratt, I recognize that this strip of roadway is crucial to achieving their vision, which I believe will unlock tremendous value for downtown-adjacent residents, such as my family.

While a member of the Seven Oaks Evanswood Citizens Association (SOECA), I write purely as an individual and wish to remind project leaders and stakeholders that SOECA has not taken a formal policy position. Having seen past correspondence, I echo concerns from neighbors about the environmental impact of synthetic turf, but do not believe it alone should be the cause for abandonment to fail. Numerous sports fields -- professional and amateur, including (as you know) 10 high schools, one middle school and two elementary schools in the county -- have used turf successfully and my expectation is that project stakeholders and the county will apply due environmental scrutiny to the material used.

Further, as a daily pedestrian of the downtown core, I urge abandonment for reasons including:

- 1. Traffic Flow Control** -- Ellsworth's previous closure to cars and even its current limited use likely pushes traffic to arteries more well-designed for traffic, making the downtown more walkable and pedestrian safe.
- 2. Positive Environmental Impact** -- The current partial reopening of Ellsworth has led to "curb-side pickup" vehicles idling, a phenomenon that will likely increase with cold weather as the pandemic persists. Idling carries serious environmental costs. With the roadway no longer existing, curb-side pickup will no longer be possible -- emphasizing the area's pedestrian focus and steering drivers to adjacent county parking lots.

With synthetic turf in place that meets rigorous environmental standards and is regularly monitored and kept up, a greater public space can be created on Ellsworth -- perhaps even allowing for a three-season "streeterly."

My assumption is that natural grass rather than turf would not be feasible, as its growth would be nearly impossible given expected foottraffic. However, I urge all parties to incorporate living landscaping to the project where feasible, for both aesthetics and its positive environmental impact.

An important consideration is the fate of the turf that used to be present at Veterans Plaza. While its removal predates my arrival to the area, I am hopeful that whatever lessons learned from the decision to remove it will be applied with respect to turf on Ellsworth.

Purely as a resident and a champion of the downtown area, I urge abandonment so this project can move forward. The council and the county should not, and I'm confident will not, approve all aspects of this renovation without scrutiny or

conditions. However, provided the turf is environmentally safe, its presence should not derail or unduly delay this project.

I urge the county to move forward with abandonment.

Sincerely,



Pershing Drive



MONTGOMERY
COUNTY, MARYLAND

WOMEN'S
DEMOCRATIC CLUB

9-24-20

RE: AB-771 Ellsworth Drive Abandonment

To Whom It May Concern,

My name is Diana Conway and I am writing on behalf of the Women's Democratic Club of Montgomery County MD (WDC). We are a non-profit club of over 600 politically active women and men dedicated to addressing issues disproportionately affecting women and children.

WDC's position on AB-771, abandonment by the Department of Transportation of Ellsworth Drive, is **Support With CONDITIONS.**

WDC opposes, specifically, any use of synthetic turf (synturf) on Ellsworth Drive. If the applicant insists on using synturf, WDC opposes the abandonment.

The proposal is to apply voluminous quantities of industrial-strength glue over more than 8,000 square feet of roadbed on Ellsworth Drive, and to cover it with plastic synturf. The list of defects below provides ample reasons for denying that aspect of the proposal. Each point is based on extensive research, built on years of reporting and studies.

The proposed synturf would create unsafe conditions for public health because it is toxic, hot, unsanitary, and would create an ongoing violation of water discharge permits. Applicant's promises of a safe surface with attentive cleanings using gentle products are imprecise and therefore unverifiable, and in any event do not cure the issues of toxicity, heat, MS4 and water quality.

The process to date:

- A majority of the Planning Board (3 of 5) opposed synturf on Ellsworth. The minority (2 of 5) were silent on the merits, stating only that theirs was the wrong venue for deciding the matter. See attached letter of 7-30-20.
- The Director of the County Department of Environmental Protection wrote in opposition to the use of synturf on Ellsworth. See attached letter of 7-13-20.

Water - MS4: The proposed synturf will violate relevant MS4 permits and the NPDES (National Pollution Discharge Elimination System). Runoff will carry bits and tufts of the plastic blades, the plastic backing, and particles of glue into the storm drain over the life of the synturf. Each of these

plastic fragments, singly and in combination, will affect buoyancy unpredictably for purposes of settling or retention. The existing infrastructure is over 15 years old and was not designed in contemplation of micro-plastic debris and multiple toxicities.

Toxicity - Lead: The presence of the neuro-toxic heavy metal, lead (Pb), is a near-certainty.

- We've known there is lead in synturf for nearly 20 years. A set of 2007 lawsuits by the State of California against three large synturf manufacturers showed that the plastic carpet itself (as distinct from any infill) contained up to 5,000 ppm of lead, 100 times the then-legal limit.
- The ongoing presence of lead was confirmed in March 2016 by industry testimony before the Maryland legislature that "Yes there is lead in our product." That statement has remained, for close to five years, without clarification or rebuttal despite being cited repeatedly in our testimony at hearings attended by industry.
- The presence of lead was tacitly confirmed in March 2020 when the President of the Synthetic Turf Council again declined to rebut our testimony citing the facts above from 2016 and 2007.
- The CDC and the American Academy of Pediatrics have stated for years that there is NO safe level of lead exposure; that claims of lead content below a safety threshold are "illusory;" and that the only strategy is prevention.
- Harm from lead is not only irreversible, it is exponentially cumulative. Persons, especially children, already exposed and with an elevated BLL (blood lead level) are at a dramatically higher risk of harm than a similarly-situated person or child with a baseline BLL of zero. There is a markedly higher incidence of elevated BLL among Black, Brown and/or lower-income communities.
- We are unable to find a synturf vendor presenting a lead-free product that has been verified by an independent 3rd-party, certified lab.

Toxicity - PFAS: The presence of PFAS is very likely. Poly- or perfluoroalkyl substances.

- PFAS is a class of over 6,000 'forever chemicals.' PFAS is highly toxic. Exposure presents elevated risk for testicular cancer, kidney cancer, liver damage, low birth weight, high blood pressure, pre-eclampsia in pregnant women and more.
- PFAS is linked to reduced effectiveness of vaccines.
- PFAS is used in synturf for its flame retardancy.
- PFAS is used in synturf during the extrusion process, to keep the plastic from sticking to itself.
- Splashy claims like "PFOA-free" amount to a tacit, carefully omitted concession that any of the other 5,999+ other PFAS may be present.
- We are unable to find a synturf vendor presenting a PFAS-free product that has been verified by an independent 3rd-party, certified lab.
- There are lawsuits around the US by states and municipalities for PFAS pollution of public water sources from manufacturers like 3M and Dupont.

Toxicity - Cleaning chemicals: Synturf requires biocides, fungicides, disinfectants and sterilizers.

- Notwithstanding the applicant's airy statements about attentive cleanings using unnamed common household cleansers, the record is clear that synturf needs aggressive cleaning.
- It is commonplace for public areas, whether a sports field or a street, to be subject to spit, sweat, blood, vomit, snot, bird or dog feces, dog or other urine, gum, cigarettes, sticky food and drinks, candy and more.
- The CDC has said Covid can live on plastic for three or more days.

- Studies show that as synturf ages it is increasingly hospitable to colonies of staph infections like MRSA and other pathogens.
- Recently a playgrounds trade publication reported on dog feces in play areas: “Children not only fall, roll, and crawl on the ground outside, they also will sometimes put things in their mouths that they find on the ground. It’s gross to think about a baby eating your dog’s leavings, but it’s also dangerous. Dogs may shed parasites including roundworms, E. coli, and hepatitis in their feces, which if consumed, may lead to an infection called toxocariasis.”
PlaygroundProfessionals.com

Realities of cleaning synturf on Ellsworth: Many of these deposits will not be visible to the naked eye. The likely result is either heavy and indiscriminate prophylactic use of cleansers, or inadequate cleaning resulting in an unsanitary, possibly pathogenic surface that disingenuously presents as clean.

Heat:

- Synturf in sun is reliably five to 20 degrees hotter than adjoining blacktop in sun.
- Synturf in sun is reliably 35 to 70 degrees hotter than adjoining grass in sun.
- Even if “excessive” heat is limited to a few hours on warm days, those hours present a heat-related hazard to vulnerable populations.
- Excessive heat will make the area less attractive for lingering and shopping.
- Synturf is associated with a dramatically higher incidence of EHS – exertional heat stroke – including numerous cases of kidney damage and death.

Flammability:

- Synturf –both the plastic blades and the backing-- is a petroleum product and so is inherently flammable.
- Manufacturing efforts to make the product non-flammable require toxic chemicals like PFAS or other flame retardants.
- The synturf industry has a large and growing array of products with competing claims on which products are how flammable. What is NOT at issue is that when exposed to fire or extreme heat, synturf does melt. In many cases it also burns and in fact spreads to adjoining areas.
- Less than a year ago downed power lines in CA fell onto synturf, caught fire and burned. The fire spread to an adjoining field as documented in helicopter video and in print reporting by NBC among others. The massive clouds of billowing black smoke over many hours were not from mere melting.
- Synturf fields are frequent targets for vandals with blow-torches, a gallon of gas, fireworks, etc., precisely because the surface responds dramatically.
- As proposed, the synturf on Ellsworth would be more flammable than when used on a sports field: a synturf field typically has three to six pounds of silica sand, per square foot, as part of the infill mix. The silica is there to serve as ballast but also reduces the material’s flammability.
- It is entirely foreseeable that people sitting on the synturf will engage in “casual destruction” such as using cigarettes and lighters to watch the blades burn or melt, and other creative activities.

ADA: Activists from the disability community have raised objections based on ADA compliance. Specific concerns are for persons using wheelchairs, walkers, canes or crutches, or with other mobility challenges.

Poor product choice:

- The marketing materials of the selected manufacturer describe the product as appropriate for dog runs, rooftops etc., not thousands of pedestrians per day, Thanksgiving parades, farmers markets, and heavy delivery and emergency vehicles.
- Synturfs sold for athletic uses usually contain warranty exclusions for activities like band drills in place. That effect is comparable to the patterns of heavy pedestrian wear. Many communities that held car-based graduation ceremonies on their synturfs are finding they may have voided their warranties.
- Regardless of how long the synturf is deemed “usable,” at some point it must be removed, and possibly replaced. The process of unsticking 8,000 square feet of old synturf will generate particulate from the glue and plastic carpet that will wind up in the storm drains.
- There is NO recycling of used synturf in the US or Europe. A single plant in Europe has suspended its activity, and has cancelled plans for a plant in the US.

Climate:

- The County-declared climate emergency should be grounds for blocking the gratuitous installation of over 8,000 square feet of plastic carpet and untold quantities of industrial glue.
- This volume of unrecyclable, un-reusable mixed-plastic waste undoes, in one length of street, County-wide efforts to recycle plastic bottles and containers, to promote use of reusable bags or straws, and to keep plastic debris out of our waters.
- The proposed synturf is a completely unnecessary petroleum product that will continually shed microplastic, toxic off-gassing and debris, will generate heat and can serve as a petri dish of pathogens, all harming the public’s health, water and environment.

The developer’s wish for a visually attractive space is appropriate and welcome. We believe that goal can be met with a combination of creative street art, movable planters, more street trees, thoughtful seating types and placement, and other features. It could include sweeping areas of painted or mosaic surfaces down the length of Ellsworth, as seen in European and South American cities. This abandonment request presents a terrific opportunity for community engagement with a public design contest for achieving the developer’s stated wish of an attractive and welcoming space.

The County is in a position to lead by example and show responsible management of public spaces, public health and environmental stewardship. While the existing blacktop is hardly environmentally friendly, this proposal would significantly exacerbate that issue, in a space designed to appeal and attract. The impulse for a visually appealing space should be met, but without this We can do better, and we deserve better.

The Women’s Democratic Club urges that AB-771 be approved only if the synturf feature is removed.

Respectfully,


[Redacted Signature]

[Redacted Address Line]



www.womensdemocraticclub.org

September 27, 2020


Hearing Examiner
Department of Transportation
Montgomery County, Maryland
Via: Ms. Tiara McCray

Cc: Montgomery County Council via the Hearing Examiner's Official Record

AB-771, Proposed Abandonment of Ellsworth Drive
Additional Remarks following September 14, 2020 hearing

Dear Mr. Paylor:

During the September 14 proceeding, you raised the question of whether the synthetic turf issue was germane to the hearing on the abandonment of Ellsworth Drive in Downtown Silver Spring. The following are the points on germaneness I raised in my oral remarks at the time, with elaboration. These points are not in my original written submission.

Why are synthetic turf concerns germane in this abandonment hearing ?

1. The Planning Board explicitly links the two issues.

On June 18, the Planning Board voted to require the developer to come up with an alternative to synthetic turf for its Certified Site Plan, in case the County Council rejects AB-771 because of opposition to synthetic turf. [My underlining.]

This condition is clearly stated in the final Planning Department staff report approved by the Planning Board, as excerpted below (condition 1.b):

"Site Plan Amendment 81999002M

Staff recommends approval of Site Plan Amendment 81999002M, to redesign and increase public use space by 10,242 square feet, from 268,758 square feet to 279,000 square feet, restrict Ellsworth Drive access for non-essential vehicles, reduce parking by 11 spaces, decommission previously approved public art and install new public art, and update data table to reflect past amendments. The site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the conditions below.

The following conditions are in addition to all other conditions, which remain in full force and effect:

1. Abandonment of Public Right-of-Way

- a. Prior to issuance of right-of-way permit, the Applicant must receive approval from County Council for the Abandonment Application No. AB-771 for the public right-of-way within Ellsworth Drive.
- b. The Certified Site Plan must include an alternative design for Ellsworth Drive without synthetic turf, to be implemented if the County Council does not approve Abandonment Application No. AB-771."

<https://montgomeryplanningboard.org/wp-content/uploads/2020/06/DTSS-project-and-site-plan-amendment-final-staff-report.pdf> , p. 2

I did not hear the applicants' attorney mention this at the September 14 hearing.

2. The Planning Board again links the abandonment bill and synthetic turf in its July 30 letter of transmittal to you of its official records from its hearing on abandonment.

A majority of the Planning Board stated their "serious concerns" about synthetic turf in the letter of transmittal, p. 1:

"Although the abandonment was recommended for approval, Vice Chair Fani-González, Commissioner Patterson, and Commissioner Cichy wanted to make it clear that, while they voted in favor of the abandonment, they have serious concerns about the potential impacts synthetic turf can impose on public health and the environment.

3. At least one key part of the County in this decision has also linked the two issues. The linkage is so critical that the Right-of-Way Division of the Department of Permitting Services told the Planning Board that it would oppose the synthetic turf unless Ellsworth was abandoned.

"4) The proposed Synthetic Turf installation on top of the existing roadway pavement, is conditioned on the approval of Ellsworth Drive abandonment by the County Council."

<https://eplans.montgomeryplanning.org/UFS/29273/84369/81999002M-DPS-RPP.pdf/81999002M-DPS-RPP.pdf> V3/81999002M-DPS-RPP.pdf , p. 2

4. The need to protect the public through any abandonment decision is in fact embodied in the abandonment criteria in the Montgomery County Code.

The principles implicit at the heart of the abandonment provisions of the County Code are the health, safety and well-being of the public (Section 49-63(c)(2). Permitting the proposal to go forward with the synthetic turf component will increase risks for the health and well-being of the many people that will still be using Ellsworth, and violate the County's MS4 Permit enforcing the Clean Water Act by permitting illegal prohibited toxins to enter our storm drains and water ways.¹

5. The applicant's argument for abandonment under Section 49-63c1 simply does not make sense.

The abandonment criteria Section 49-63(c) provides that "A right-of-way may be abandoned or closed if the Council by resolution finds that: (1) the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future". In fact, an important part of the present or anticipated public use will continue and cannot be abandoned with their plan. Even if normal vehicle traffic will no longer be on Ellsworth, that is only part of the public use. People will still use Ellsworth Drive; delivery trucks and maybe farmers' market trucks will still use Ellsworth; emergency vehicles will be able to still use it; and water will still run off Ellsworth into the storm drain system, which will make its way quickly to Sligo Creek, draining eventually into the Anacostia and the Chesapeake Bay.

¹ These arguments in opposition to the installation of synthetic turf on Ellsworth Drive are in my initial written submission, the submissions of the Sierra Club Montgomery County, the watershed group Friends of Sligo Creek, Stormwater Partners Network, Safe and Healthy Playing Fields, the watershed group Neighbors of the Northwest Branch, and other members of the environmental community - who have all voiced their opposition.

In closing, I urge you to recommend in your report to the County Executive:

- That synthetic turf be considered germane to the abandonment proceedings, which means that the merits of the environmental community's opposition be seriously considered.
- That the County Executive recommends to the County Council that the developer's proposal to install synthetic turf on Ellsworth be dropped from its Certified Site Plan in the abandonment resolution that the Council will vote on, on health and safety grounds.
- That the developer be required instead to install environmentally friendly and healthy materials on Ellsworth Drive, which will be beneficial to the health and safety of the public on-site at Ellsworth Drive and in our waterways and air.

Moreover, as part of your fact finding, I urge you to broaden the list of those you consult beyond what is listed under the County Code.

- That the County's health officer, Dr. Travis Gayles, be consulted on the health and safety of synthetic turf, including recent research published in the New England Journal of Medicine that COVID19 can stay on plastic surfaces for up to 3 days. The synthetic turf proposed is essentially plastic.
- That the views of the Department of Environmental Protection on this matter be taken into account. DEP has written the Council about its concerns. This view was not correctly described by the applicant at the September 14 hearing.
- That the Department of Permitting Services' Right-of-Way Division be consulted on whether the synthetic turf would be durable – or not. Flammable – or not. Regardless of whether Ellsworth was abandoned.

Thank you for your consideration.

Sincerely,


Silver Spring

McCray, Tiara

From: [REDACTED]
Sent: Friday, September 25, 2020 3:35 PM
To: McCray, Tiara
Subject: Re: Reclosing Ellsworth Drive in Silver Spring (fwd)

[EXTERNAL EMAIL]

You need to address these issues also.

Stuart Barkley
Silver Spring MD

----- Forwarded message -----

Date: Fri, 25 Sep 2020 15:26:50
From: Stuart Barkley
To: Councilmember.Katz@montgomerycountymd.gov
Subject: Re: Reclosing Ellsworth Drive in Silver Spring

Apparently this is Project Plan Amendment 91998005C and Executive Order 084-20. Ellsworth Drive needs to remain under the control of Montgomery County and not abandoned. The current "curb side pickup" and new blue paint should be removed. Replacement of the fountain with a silly spiral should not be done. It should have real grass not astroturf.

[REDACTED]

On Fri, 25 Sep 2020 at 12:40 -0000, Stuart Barkley wrote:

> Date: Fri, 25 Sep 2020 12:40:31
> From: [REDACTED]
> To: Councilmember.Katz@montgomerycountymd.gov
> Subject: Re: Reclosing Ellsworth Drive in Silver Spring
>
> In addition to my concerns below, you need to reject AB 771. The
> recent problems with the Purple Line show the folly of private control
> of public resources.
>
> [REDACTED]
> Silver Spring, MD
>
> On Tue, 22 Sep 2020 at 12:37 -0000, [REDACTED] wrote:
>
>> Date: Tue, 22 Sep 2020 12:37:48
>> [REDACTED]
>> To: Councilmember.Katz@montgomerycountymd.gov
>> Subject: Reclosing Ellsworth Drive in Silver Spring
>>
>> Ellsworth Drive in Silver Spring between Fenton St and Georgia Ave
>> has long been closed to vehicle traffic. Six months ago it was

> > opened for limited curb side pickup from restaurants due to the
> > COVID-19 pandemic. I'm sure this was helpful to many people and the
> > restaurants in that area.
> >
> > However, with the reopening of Montgomery County it is time to
> > return Ellsworth Drive to it's previous status. In fact, with the
> > fall weather it would be desirable to allow the various restaurants
> > to expand their outdoor dining into part of the street area (leaving
> > a lane open for emergency services).
> >
> > I notice that someone has recently painted blue markings on
> > Ellsworth that seem to indicate the curbside pickup will remain for a long time.
> > This paint needs to be removed or covered over and should not have
> > been done.
> >
> > Please reverse any decisions which have been made about Ellsworth
> > Drive and stop the curbside pickup. There are other options for car
> > parking. There are several parking lots in the area and there
> > appears to be some curbside pickup locations on Fenton Street.
> >
> > When will this restoration of Ellsworth Drive to pedestrian use
> > happen?
> >
> > Thanks you,
> > [REDACTED]
> >
> > Silver Spring, MD 20910
> >
> > P.S. I have heard rumors that Ellsworth Drive might be turned over
> > to a non-public party for development. This should NOT happen.

McCray, Tiara

From: [REDACTED]
Sent: Sunday, September 27, 2020 7:52 PM
To: McCray, Tiara
Subject: Reference: AB-771, Abandonment Hearing, September 14, 2020

[EXTERNAL EMAIL]

The Hearing Examiner, Department of TransportationMontgomery County Maryland
cc: The Montgomery County Council

Reference: AB-771, Abandonment Hearing, September 14, 2020

Written testimony regarding the abandonment of Ellsworth Dr. between Georgia Ave. and Fenton St.

I am a 20+ year resident of Montgomery County. I live at the headwaters of Sligo Creek. I get great enjoyment from the creek and the surrounding parkland for exercise and the ability to relax near nature.

I oppose the current proposal the abandonment of Ellsworth Dr. and the proposal to replace the roadway with artificial turf, particularly in regards to the damage it will cause to Sligo Creek. I am not an expert but have followed the debate. I have the following concerns:

1. The developer Foulger Pratt has stated that they plan to depend on the county's stormwater system to capture any pollution. I read that the stormwater system currently in place cannot properly handle chemical pollution caused by runoff from the artificial turf. The product's manufacturer agrees that the current system is inadequate. Since Montgomery County will be financially responsible for mitigating any pollution why should they give up control of the source of the pollution? If abandonment is granted Foulger Pratt would not be under obligation to voluntarily work with the County to mitigate pollution problems at the source. Without control of the street the County's costs could be much higher.
 2. I have concerns that the developer will not maintain the artificial turf properly, leading to increased pollution and hastening the need to replace the non-recyclable turf. My concerns are based on the Foulger Pratt's actions so far. The most significant factor to my concerns is that Foulger Pratt plans to install the artificial turf by gluing it to the existing asphalt, which goes against standard practice. This plan also contradicts the manufacturer's advice that gluing the turf to asphalt is unsuitable for areas with heavy foot traffic and vehicular traffic such as the farmer market's merchants' trucks. They also have not complied with the Planning Board's requirement to submit a proposal with an alternative to the artificial turf. Th developer's reluctance to comply with planning requirements and to follow the manufacturer's advice causes me to wonder what other issues they will ignore, such as proper maintenance.
 3. The Montgomery County government has spent a great deal of money and effort to restore Sligo Creek. I fear that granting the abandonment with the permission to install the artificial turf will reverse years of work.
- As I stated, I am not an expert on this issue. I am sure you will receive written testimony from many people who are. I am just expressing my concerns as someone who enjoys Sligo Creek and does not want to see it harmed.

I copied the Montgomery County Council on these remarks. Please forward to them.

[REDACTED]

Wheaton, MD 20902

McCray, Tiara

From: [REDACTED]
Sent: Sunday, September 27, 2020 1:55 PM
To: McCray, Tiara
Subject: Abandonment Proceeding AB-771

[EXTERNAL EMAIL]

Dear Ms. McCray

We will have resided within walking distance of downtown Silver Spring for 45 years this November. Through all the changes that have happened to the CBD during that time we have looked forward to a livable urban experience within a natural green environment. The proposal to install artificial turf on Ellsworth Drive is a terrible threat to the environment and public health. Also, the abandonment of the street to private ownership restricts our public pedestrian life and threatens our rights to public assembly. We implore you to keep the street as part of our community under public ownership.

Respectfully,

[REDACTED]

Silver Spring

McCray, Tiara

From: [REDACTED]
Sent: Sunday, September 27, 2020 1:24 PM
To: McCray, Tiara
Subject: Re: Case AB-771 The abandonment of Ellsworth Drive

Categories: Important / Action Item

[EXTERNAL EMAIL]

Dear Ms. McCray,

Thank you for your response to my Sept. 13th comment about Case AB-771. This is to refine that comment to advocate for any resolution that explicitly prohibits synthetic turf-like material from being used as part of the proposed plan - whether or not the abandonment is approved. If we proceed with the synthetic turf option we'll clog up the storm drains (as suggested even by the developer) introduce more plastic into the Sligo creek and Anacostia waterways, reduce the environmental quality and biodiversity of those waterways, and unnecessarily introduce a health hazard to the densely populated section of downtown Silver Spring. Once again, thank you for considering this comment.

Best regards,

[REDACTED]

Silver Spring MD

Sent from my iPhone

> On Sep 13, 2020, at 11:41 AM, McCray, Tiara <Tiara.McCray@montgomerycountymd.gov> wrote:

>

> Good morning [REDACTED],

>

> I hope this email finds you in good health. Thank you for your comment concerning the application for abandonment case AB 771 (Ellsworth Drive). Your comment has been added into the record and will be mentioned during the Virtual Public Hearing on September 14th, 2020 at 12 P.M, via Zoom. If you are interested in participating in the hearing or presenting an oral statement in addition to your written comment, please complete the following registration form linked below:

>

> <https://gcc01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fform>

> s.office.com/%2FPages%2FResponsePage.aspx%3Fid%3D-bEBbuWxc0Csl3eAaaCtZJ

> [QPIG345aZCsoLMC_OZIPJUNzhXSUVaMEIYMzFEU0VDRzU3MEdGQIY2My4u&data=02](https://qpiG345aZCsoLMC_OZIPJUNzhXSUVaMEIYMzFEU0VDRzU3MEdGQIY2My4u&data=02)

> %7C01%7CTiara.McCray%40montgomerycountymd.gov%7Ce5036d7d499b423cf68808

> d8630a11ba%7C6e01b1f9b1e54073ac97778069a0ad64%7C0%7C0%7C63736824218632

> 1072&sdata=sLxcWk4EGeSf6Vg%2BWEsCEIGDZMhQ%2BIgA04%2Ftlwh6Uml%3D&am

> p;reserved=0

>

> Please be advised that completion of the registration form is required to participate in the Hearing.

>

> Thank you again for your submission. If you have any further questions, please do not hesitate to give me a call or send me an email.



**Statement of [REDACTED], resident of Chevy Chase,
Maryland and president of the National Center for Health Research**

**Re: AB-771, Abandonment of Ellsworth Drive: Approve Only With
Condition: NO PLASTIC TURF OR RUBBER SURFACES**

I am pleased to provide this written comment in my capacity as a long-time resident of Montgomery County and the president of the nonprofit National Center for Health Research. I have lived in Montgomery County for almost 30 years and raised my children here. I am proud to live in a county whose leadership cares about our planet, the environment of our communities, and the health of our family members.

I was shocked to hear at the recent hearing that some county officials may believe that the safety of artificial turf is not germane to the Abandonment of Ellsworth Dr. The criteria for abandonment is clear in the Montgomery County Code: abandonment must benefit the public, not just small groups of interested parties. The principles that are key to the abandonment provisions are the health, safety, and well-being of the public. Synthetic turf would not be installed on Ellsworth Dr. unless limited abandonment is approved, so the applicant's planned use of artificial turf if Ellsworth is abandoned is clearly germane to the abandonment decision. The space currently has significant public use, so the County is responsible for ensuring that the public is protected if Ellsworth is abandoned.

I am a scientist trained at Yale School of Public Health, I am widely published in the medical and public health literature. I was formerly Chair of the Women's Health Promotion Council for the State of Maryland, and I have testified about the risks of artificial turf and playground surfaces at federal, state, and local hearings and meetings in this area and across the country. I am very knowledgeable about the risks that the lead and toxic chemicals in artificial turf pose to our children and families, and how directly germane they are to the proposed abandonment.

Because abandonment must benefit the public good, I strongly urge you **to condition approval of the abandonment of the subject portion of Ellsworth Drive on Foulger-Pratt's providing a surface *other than artificial turf or artificial rubber products such as PIP***. Artificial turf may be green, and rubber surfaces may look attractive, but they are a hazard to human health and bad for our environment.

It makes no sense for our communities to restrict plastic bags in grocery stores or plastic straws in restaurants and then add to local and global pollution by covering huge areas with plastic grass or rubber surfaces, both of which are made from petroleum and are being dumped when they deteriorate, rather than being recycled.

I'm an epidemiologist currently focused on Covid-19 issues that have turned our lives upside down in Montgomery County, but when Covid-19 is a distant memory we would still be living with the harm caused by artificial turf and rubber surfacing if our county doesn't get smarter about these decisions. A list of some (but not all) of the ways that artificial turf or rubber surfaces would harm the public if used on Ellsworth Drive is below:

1. Artificial turf contains lead as well as chemicals that disrupt hormones, and as a result can exacerbate early puberty, obesity, asthma, and attention deficit disorder. Over the long-term, they can be carcinogenic. As the plastic blades degrade with wear and exposure to the sun, the lead and chemicals would get into the air, into nearby land, and into Sligo Creek. These chemicals include PFAS, also known as "forever chemicals" because they aren't biodegradable. Lead can cause permanent cognitive damage, and once it is in the environment it lasts for decades.
2. When dogs, squirrels, or other animals relieve themselves on what they think is grass, bacteria is likely to fester. A local college student almost lost her leg – and her life – as a result of an infection with flesh-eating bacteria that resulted from her playing Frisbee on artificial turf.
3. Artificial turf is a petroleum-based product, with polypropylene backing and polyethylene blades of "grass." Rubber is also petroleum-based; it is made from latex from a rubber plant, but mostly from petroleum. These surfaces get very hot – on a pleasant sunny summer day, when the air is 85 degrees, the temperature from artificial turf or rubber surfaces is usually 140-160 degrees Fahrenheit – or even hotter. (Imagine what happens when the temperature is in the 90's for weeks, as it was this past summer.) The heat retained by these petroleum products contributes to heat exhaustion for anyone spending time on these surfaces. In addition, these surfaces can burn, creating a fire hazard. Although the surfaces can be doused with flame retardants to reduce (but not eliminate) the chance of a fire, flame retardants are also toxic chemicals, and would also run off into Sligo Creek.
4. Artificial turf and rubber surfaces are not designed for traffic -- not even for farmers' market trucks. Those trucks would tear it up, loosen it from the pavement, and hasten disintegration of plastic blades of artificial grass, plastic backing, and the glue. That too would end up in Sligo Creek. Meanwhile, the storm water management system for Ellsworth Drive was not designed to filter plastic particles or chemicals. It is likely to be overwhelmed, resulting in high levels of these pollutants in Sligo Creek.
5. After a few years, when these surfaces have deteriorated or torn, how will the county deal with disposal? Artificial turf is not recyclable because of the mixture of different kinds of plastic. Used artificial turf and synthetic rubber surfaces are usually dumped or it go into a landfill. (See <https://www.theatlantic.com/science/archive/2019/12/artificial-turf-fields-are-piling-no-recycling-fix/603874/>) How often would the turf need to be replaced and where would the old turf go since it can't be recycled? This is obviously a big problem that is relevant to artificial fields at schools and parks as well, but in this case, the county has a specific responsibility regarding whether to abandon Ellsworth Drive and allow toxic materials to be used in an area that is supposed to be enjoyed by the community.

Moreover, the Planning Board required, as a condition of its approval of plastic turf, that the developer submit an alternate proposal. They apparently have not done so; in fact, their comments at the recent public meeting urged the County to ignore the public health concerns about artificial turf expressed at the meeting by many citizens of Montgomery County. At the very least, an alternative proposal should be required and discussed by the public before any approval occurs.

In conclusion, Montgomery County is making laudable efforts to reduce the use of toxic chemicals, lead, tire crumb, and other dangerous materials. As presented before the County by Foulger-Pratt's plan, AB-771 would move the county in the opposite direction, by intentionally giving up public land that is going to be used in a way that is dangerous to the public health and harmful to our environment.



September 27, 2020

The Hearing Examiner, Department of Transportation
Montgomery County Maryland
cc: The Montgomery County Council

Reference: AB-771, Abandonment Hearing, September 14, 2020

FOSC written testimony on abandonment of Ellsworth Drive

Friends of Sligo Creek is a nonprofit community organization dedicated to protecting, improving, and appreciating the ecological health of Sligo Creek Park and its surrounding watershed.

We oppose abandonment of the roadway of Ellsworth Drive between Georgia Avenue and Fenton Streets. Our reasons:

1. Abandonment is allowed for public safety and/or lack of public use reasons. Neither is the case here. In fact, the space has had, is and is projected and planned to encourage significant public use. This should be sufficient reason not to authorize abandonment.

“Chapter 49 Findings

Section 49-63(c)(1) -(2) of the Montgomery County Code (the “Code”) authorizes the County Council to abandon a right-of-way, including a public road, upon a finding that:

1. The right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future, or
 2. The abandonment or closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed. “
2. The Planning Board required, as a position of its approval of plastic turf, that the developer submit an alternate proposal. This has not happened. No

additional related approvals should be passed at least until such an alternative is proposed by the developer.

From Planning Board Approval, Attachment D

1. Abandonment of Public Right-of-Way
 - a. Prior to issuance of right-of-way permit, the Applicant must receive approval from County Council for the Abandonment Application No' AB-771 for the public right-of-way within Ellsworth Drive.
 - b. The Certified Site Plan must include an alternative design for Ellsworth Drive without synthetic turf, to be implemented if the County Council does not approve Abandonment Application No' AB-771.

3. Why would the county remove jurisdiction from the street when the developer's argument for approval is that the expected pollution will be captured by county run stormwater facilities? Intentional polluting isn't legal, and should definitely not be pre-authorized. This is illegal. Even the manufacturer doesn't recommend the type of stormwater system in place to handle plastic turf.

"p, 8 Existing concrete gutters will remain exposed and all stormwater facilities and inlets will continue to function as they do now, as will existing utilities and manholes shown on the Utilities Plan included in the Applicant's submission. The turf will be maintained by Petitioners and will provide an expanded seating area where games and other activities/amenities can be located for enhanced enjoyment of visitors and patrons of all ages ..."

4. The significant health, heat, hardness, stormwater and other issues with plastic on Ellsworth will become more difficult to address if the road becomes entirely private.

As had been documented in other testimony, gluing plastic turf directly to asphalt is non-standard methodology – not recommended by the manufacturer for heavy foot traffic or vehicular. This setup can be expected to exacerbate degradation of the surface, increasing the burden on the stormwater filtration system. It will be harder than it is typically (which already is harder than grass turf. Experts have estimated it is expected to be hotter than asphalt. It will be exceptionally difficult to keep clean. It is not

designed for heavy vehicle use – fire trucks, etc. Why would the county in effect endorse this scenario by abandonment?

Don't abandon this roadway – make it be environmentally friendly and safe. This position should be the baseline position for the county regarding a prime public space in a major population center.



Friends of Sligo Creek

advocacy@fosc.org, www.friendsofsligocreek.org

PO Box 15672, Takoma Park MD 20913

McCray, Tiara

From: [REDACTED]
Sent: Saturday, September 26, 2020 11:04 PM
To: McCray, Tiara
Subject: Abandonment of Ellsworth Drive

[EXTERNAL EMAIL]

Ms McCray,

I would like to submit the following comments regarding the Abandonment Proceeding in the subject above.

Along with my neighbors, I am against the abandonment being considered, for several reasons.

First, the Ellsworth area is not an old established Main Street (like many others in Maryland), but a development. As such, it is likely to change over time and not be a permanent fixture. We should preserve the flexibility for the community and government to evolve its use.

Second, as the key area where SS residents gather, it is a key public use area--whether for concerts, dances, and other entertainment and gathering. Importantly, It is also essential that the area be accessible for free speech and peaceful protest. That use must be retained; abandoning the space would be greatly to the detriment of the public, leaving them at best entirely dependent on the wishes of the developers, and at worst without constitutional rights to use the areas.

Third, developers do not have the interests of the area in mind, or take into account the preferences and community spirit and diversity of Silver Spring in their decisions. The desire to install artificial turf is clearly against the environmental spirit of Silver Spring, a topic I have also written to the county on.

The splash fountain is a wonderful thing for children (and parents), and my children love watching it even when they are not in the water. Planning to replace this with a conventional fountain would remove much of the charm of the development (which already has little charm). Given these types of unilateral decisions that are possible, the county and the public must retain some influence and control over the decisions that are made for Ellsworth Drive.

For these reasons, I strongly urge that the Abandonment petition not be granted, and that Ellsworth Drive remain under County control, and able to retain its public use character.

Respectfully,

[REDACTED]

McCray, Tiara

From: [REDACTED]
Sent: Saturday, September 26, 2020 1:34 PM
To: McCray, Tiara
Cc: Lorr, Richard; parkhillscivic@groups.io; SOECA@groups.io
Subject: Abandonment of Ellsworth Drive, Petition AB-771

[EXTERNAL EMAIL]

Dear Hearing Examiner Tiara McCray,

I am a resident of Takoma Park, Maryland and my law office, Andalman & Flynn, opened in the Lee Building in downtown Silver Spring in 1998. I have watched with pride the rebound of downtown Silver Spring since that time. And I appreciate that Folger Pratt's development of Ellsworth Ave is responsible for a large part of that progress.

But I disagree with the above-described petition pending before you and write to oppose the petition for the abandonment of a portion of Ellsworth Drive in the heart of Silver Spring. A number of significant problems with the proposal have been presented at the hearing before you that cause me to join the objectors. In addition I want to specifically state my support for the Amended Objections to the Petition filed by Richard Lorr. I agree with both Mr. Lorr's objections and, in the alternative, the conditions that must be included in any approval or partial approval of the petition.

I respectfully request that the Petition before you be denied.
Thank you for your careful consideration of this matter.

[REDACTED]
Takoma Park, MD 20912

From: [REDACTED]

Sent: Friday, September 25, 2020 11:28 AM

Subject: Hold Peterson Companies accountable before abandoning Ellsworth Drive, AB 771

[EXTERNAL EMAIL]

Dear County Executive Elrich, Council President Katz, and members of the County Council:

My name is Dan Reed. I grew up in downtown Silver Spring, I'm a homeowner here, and my partner and I both work in downtown Silver Spring. I'm asking the Council to reject AB 771, the abandonment of Ellsworth Drive, as currently proposed.

Ellsworth Drive has basically been a pedestrian street since it was rebuilt in 2004. It hosts big events like the Thanksgiving Parade and the Zombie Walk. But it's also a space that this community embraced and make their own: kids playing on the splash pad, old friends running into each other, buskers and street performers, and skateboarders. In 2007, the Montgomery County attorney found that Ellsworth Drive, despite being leased to the Peterson Company, was a public forum.

I grew up hanging out on Ellsworth Drive. It's one of the most important places in my life, and one of the reasons my partner and I chose to make our home in Silver Spring. My partner even works at a locally owned restaurant on Ellsworth. As an urban planner, I like many of the applicant's proposals, particularly the new murals and new street furniture.

However, I am seriously worried by the Peterson Companies' indifference to the public's role in this public street, and their ability to maintain this space as a public venue in the future. Peterson security has unfairly policed the public's access to this space, from attempting to arrest people for taking pictures or handing out campaign literature to kicking out a young girl from the fountain for wearing "inappropriate" swimwear.

Since announcing their proposed redesign last fall, Peterson has completely ignored and brushed off the public's concerns about it: that it could impede accessibility for bicyclists or people using mobility devices, prevent the farmers' market from operating, or that it's a ploy to kick skateboarders or "undesirables" out.

This spring, Peterson turned Ellsworth into a parking lot to allow curbside pickup for businesses. My neighbors and I have talked to businesses and residents who want a "Streeterly" on Ellsworth, like in Bethesda on Woodmont Avenue. I want to thank Councilmember Glass in particular for trying to make this happen. Peterson has rejected our attempts to work with them. One staff person told us we should just be grateful they're investing in our community.

What an insult! How many people pay rent or mortgage to live close to and enjoy Ellsworth Drive? How many people spent money on Ellsworth while enjoying this thriving public space, or would spend money now if they had a safe outdoor space for social distancing, which Peterson took away with no end date in sight?

I urge the Council to reject this abandonment unless with the following conditions, proposed by my friend and neighbor Alison Gillespie:

1. Approve abandonment only if it comes with a pledge to remove artificial turf from their scheme.
2. Appoint a BETTER, STRONGER oversight board or urban partnership that will actively manage public spaces in downtown Silver Spring so that citizens and businesses, particularly small businesses, can thrive without being beholden to the will of any single corporate entity. The “red shirts” who apparently take care of the downtown aren’t really doing much to help.
3. Consider the implications of having so many decisions regarding the growth of Silver Spring left in the hands of private corporations when you review the Silver Spring master plan in coming years

If Peterson wants more control of this street, they must be accountable to the community that owns it and makes it such a great place to be. This is one of the most important public spaces in Montgomery County, and we must hold this company to a high standard befitting of this space’s significance. Thank you for your consideration.

Sincerely,



Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Saturday, September 26, 2020 10:45 AM
To: McCray, Tiara
Subject: Abandonment Proceeding AB-771

[EXTERNAL EMAIL]

Dear Ms McCray,

I would like to submit the following comments regarding the Abandonment Proceeding in the subject above. I write from the perspective of a long time Silver Spring resident (almost 35 years) who has seen the stages that the downtown development has gone through.

I am against the abandonment being considered, for several reasons.

First, the Ellsworth area is not an old established Main Street (like many others in Maryland), but a development. As such, it is likely to change over time and not be a permanent fixture. Relinquishing our right to return this to a through street in the future, if the pattern of development in the area changes, is a foolish step.

Second, as the key area where SS residents gather, it is a key public use area--whether for concerts, dances, and other entertainment and gathering. Importantly, It is also essential that the area be accessible for free speech and peaceful protest. That use must be retained; abandoning the space would be greatly to the detriment of the public, leaving them at best entirely dependent on the wishes of the developers, and at worst without constitutional rights to use the areas.

Third, I do not think we can fully trust the developers to have the interests of the area in mind, or to take into account the preferences and community spirit and diversity of Silver Spring in their decisions.

The desire to install artificial turf is clearly against the environmental spirit of silver spring. The splash fountain is a wonderful thing for children (and parents), and always makes me smile when I see it. Planning to replace this with a conventional fountain would remove much of the charm of the development (which already has little charm). Given these types of unilateral decisions that are possible, the county and the public must retain some influence and control over the decisions that are made for Ellsworth Drive.

For these reasons, I strongly urge that the Abandonment petition not be granted, and that Ellsworth Drive remain under County control, and able to retain its public use character.

Respectfully,

--
[REDACTED]

Silver Spring, MD 20910

McCray, Tiara

From: [REDACTED]
Sent: Friday, September 25, 2020 11:27 PM
To: McCray, Tiara
Cc: County Council
Subject: AB-771 Plastic Turf at Ellsworth Drive
Attachments: PlasticTurf,shards

[EXTERNAL EMAIL]

To the MC Department of Transportation Hearing Examiner:

These photos taken at a recent installation of artificial turf at the Discovery Building vividly make the point to me that we shouldn't be using plastic turf any more.

We can't always catch environmental mistakes before they're made, but in this case we have a chance to stop the artificial turf at Ellsworth Drive before it is installed.

Based on reports from Friends of Sligo Creek and Neighbors of Northwest Branch, and on casual newspaper reading and on-line, I think the issue of artificial turf needs our attention quickly before final decisions are made. If the turf is as bad as is said, the county needs to outlaw it.

I don't know what can be used in place of plastic grass, but even concrete is better than bits of plastic going into the air or eventually out to sea. Commercial interests that may profit from artificial turf are less important than environmental damage, and citizens are in control of decisions, aren't we? - we can do better.

For everyone's good, please read about the effects of plastic and then outlaw the use of artificial turf at Ellsworth (and countywide). It isn't enough any longer to say "what's a little more."

May I ask you to please pass this letter on to County Council members. Thank you.

[REDACTED]
Silver Spring

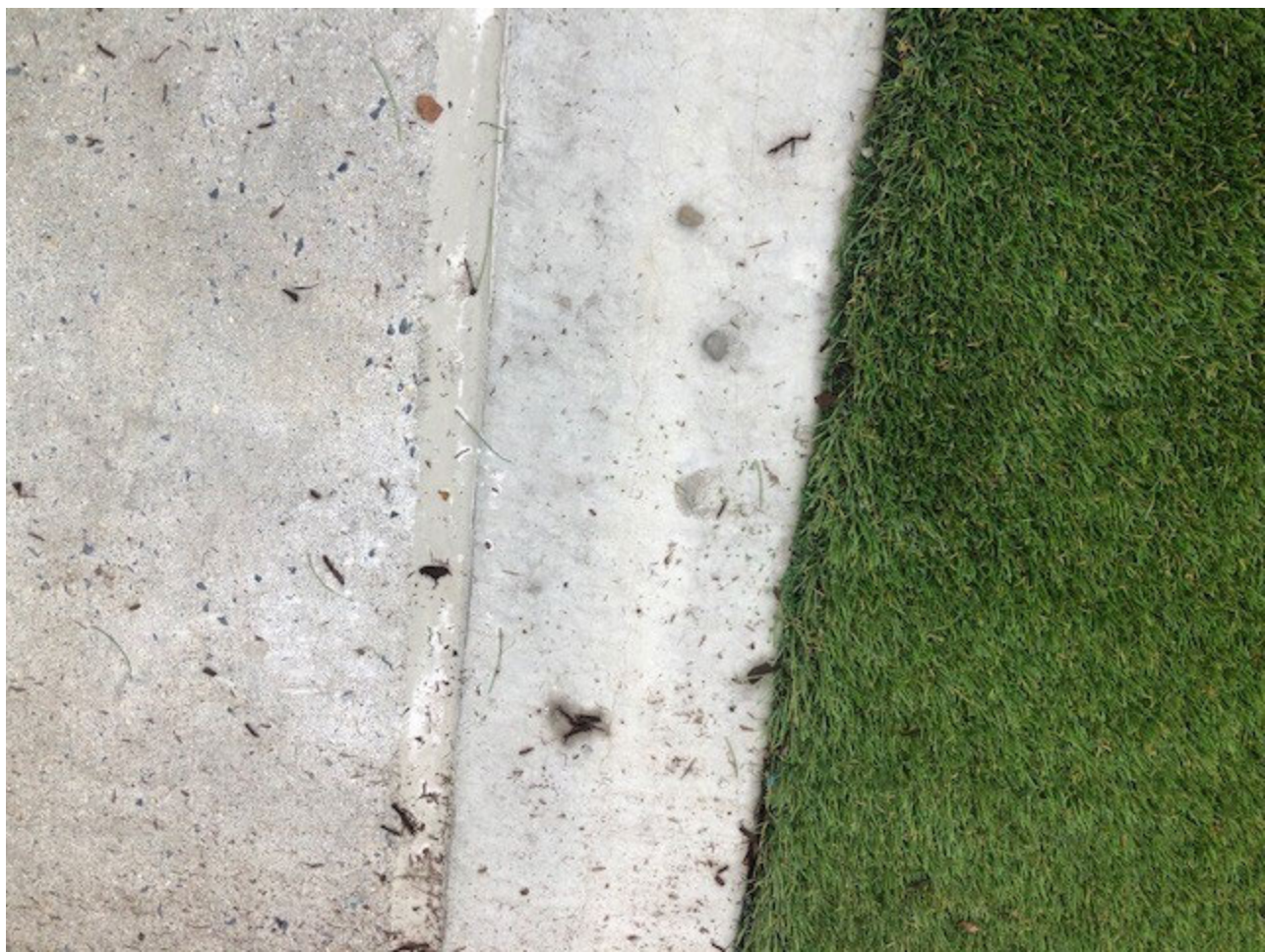
Photos taken about September 2020 of a recent installment of artificial turf at the Discovery Building

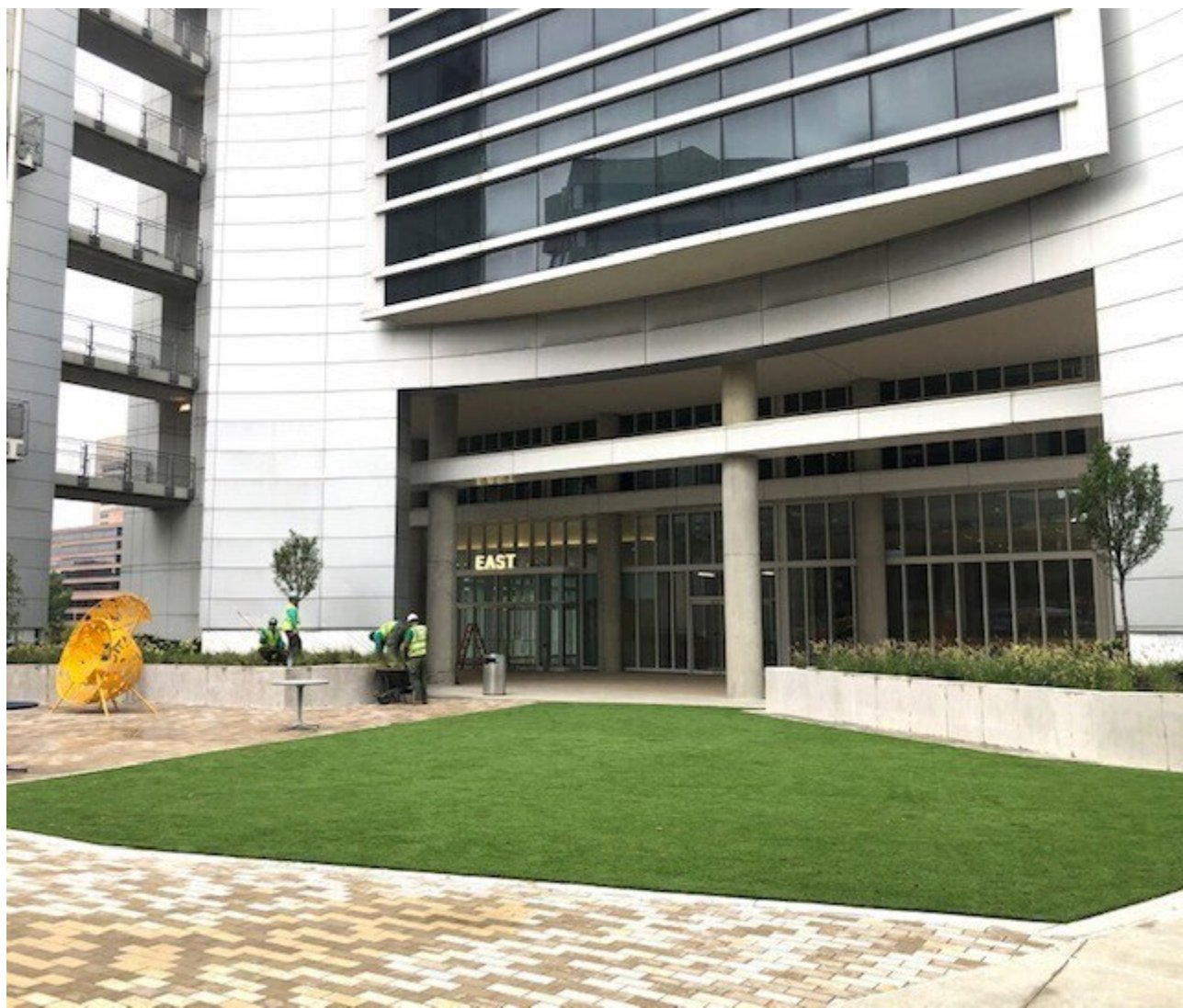


Plastic beads









McCray, Tiara

From: [REDACTED]
Sent: Monday, September 28, 2020 11:00 AM
To: McCray, Tiara
Subject: I oppose artificial turf or rubber surfaces on Ellsworth Avenue

[EXTERNAL EMAIL]

Dear Ms. McCray,

I live adjacent to Sligo Creek in Takoma Park. My daughter and her family live nearby.

I am so glad that stretch of Ellsworth is primarily pedestrianized and have been delighted with the rich community life there, especially with the children's fountain and play area.

I grew up in toxicity—in Los Angeles many years ago—and then moved to toxicity—in Fresno, CA, which has significant air pollution. One of my grand pleasures living here, since 2006, is to know that the air is reasonably clean and that Montgomery County and other jurisdictions take seriously their commitment to work towards a hazard-free environment for their citizens.

We can continue that commitment by keeping artificial turf out of Ellsworth Avenue.

The health of our children depends on it.

I fully agree with the statement of Dr. Diana Zuckerman, below.

Sincerely yours,

[REDACTED]
[REDACTED]
Takoma Park, MD 20912

Statement of [REDACTED], resident of Chevy Chase, Maryland and president of the National Center for Health Research

Re: AB-711, Abandonment of Ellsworth Drive: Approve Only With Condition: NO PLASTIC TURF OR RUBBER SURFACES

I am pleased to provide this written comment in my capacity as a long-time resident of Montgomery County and the president of the nonprofit National Center for Health Research. I have lived in Montgomery County for almost 30 years and raised my children here. I am proud to live in a county whose leadership cares about our planet, the environment of our communities, and the health of our family members.

I was shocked to hear at the recent hearing that some county officials may believe that the safety of artificial turf is not germane to the Abandonment of Ellsworth Dr. The criteria for abandonment is clear in the Montgomery County Code: abandonment must benefit the public, not just small groups of interested parties. The principles that are key to the abandonment provisions are the health, safety, and well-being of the public. Synthetic turf would not be installed on Ellsworth Dr. unless limited abandonment is approved, so the applicant's planned use of artificial turf if Ellsworth is abandoned is clearly germane to the abandonment decision. The space currently has significant public use, so the County is responsible for ensuring that the public is protected if Ellsworth is abandoned.

I am a scientist trained at Yale School of Public Health, I am widely published in the medical and public health literature. I was formerly Chair of the Women's Health Promotion Council for the State of Maryland, and I have testified about the risks of artificial turf and playground surfaces at federal, state, and local hearings and meetings in this area and across the country. I am very knowledgeable about the risks that the lead and toxic chemicals in artificial turf pose to our children and families, and how directly germane they are to the proposed abandonment. Because abandonment must benefit the public good, I strongly urge you **to condition approval of the abandonment of the subject portion of Ellsworth Drive on Foulger-Pratt's providing a surface other than artificial turf or artificial rubber products such as PIP.** Artificial turf may be green, and rubber surfaces may look attractive, but they are a hazard to human health and bad for our environment.

It makes no sense for our communities to restrict plastic bags in grocery stores or plastic straws in restaurants and then add to local and global pollution by covering huge areas with plastic grass or rubber surfaces, both of which are made from petroleum and are being dumped when they deteriorate, rather than being recycled.

I'm an epidemiologist currently focused on Covid-19 issues that have turned our lives upside down in Montgomery County, but when Covid-19 is a distant memory we would still be living with the harm caused by artificial turf and rubber surfacing if our county doesn't get smarter about these decisions. A list of some (but not all) of the ways that artificial turf or rubber surfaces would harm the public if used on Ellsworth Drive is below:

1. Artificial turf contains lead as well as chemicals that disrupt hormones, and as a result can exacerbate early puberty, obesity, asthma, and attention deficit disorder. Over the long-term, they can be carcinogenic. As the plastic blades degrade with wear and exposure to the sun, the lead and chemicals would get into the air, into nearby land, and into Sligo Creek. These chemicals include PFAS, also known as "forever chemicals" because they aren't biodegradable. Lead can cause permanent cognitive damage, and once it is in the environment it lasts for decades.
2. When dogs, squirrels, or other animals relieve themselves on what they think is grass, bacteria is likely to fester. A local college student almost lost her leg – and her life – as a result of an infection with flesh-eating bacteria that resulted from her playing Frisbee on artificial turf.
3. Artificial turf is a petroleum-based product, with polypropylene backing and polyethylene blades of "grass." Rubber is also petroleum-based; it is made from latex from a rubber plant, but mostly from petroleum. These surfaces get very hot – on a pleasant sunny summer day, when the air is 85 degrees, the temperature from artificial turf or rubber surfaces is usually 140-160 degrees Fahrenheit – or even hotter. (Imagine

what happens when the temperature is in the 90's for weeks, as it was this past summer.) The heat retained by these petroleum products contributes to heat exhaustion for anyone spending time on these surfaces. In addition, these surfaces can burn, creating a fire hazard. Although the surfaces can be doused with flame retardants to reduce (but not eliminate) the chance of a fire, flame retardants are also toxic chemicals, and would also run off into Sligo Creek.

4. Artificial turf and rubber surfaces are not designed for traffic -- not even for farmers' market trucks. Those trucks would tear it up, loosen it from the pavement, and hasten disintegration of plastic blades of artificial grass, plastic backing, and the glue. That too would end up in Sligo Creek. Meanwhile, the storm water management system for Ellsworth Drive was not designed to filter plastic particles or chemicals. It is likely to be overwhelmed, resulting in high levels of these pollutants in Sligo Creek.

5. After a few years, when these surfaces have deteriorated or torn, how will the county deal with disposal? Artificial turf is not recyclable because of the mixture of different kinds of plastic. Used artificial turf and synthetic rubber surfaces are usually dumped or it go into a landfill. (See <https://www.theatlantic.com/science/archive/2019/12/artificial-turf-fields-are-piling-no-recycling-fix/603874/>) How often would the turf need to be replaced and where would the old turf go since it can't be recycled? This is obviously a big problem that is relevant to artificial fields at schools and parks as well, but in this case, the county has a specific responsibility regarding whether to abandon Ellsworth Drive and allow toxic materials to be used in an area that is supposed to be enjoyed by the community.

Moreover, the Planning Board required, as a condition of its approval of plastic turf, that the developer submit an alternate proposal. They apparently have not done so; in fact, their comments at the recent public meeting urged the County to ignore the public health concerns about artificial turf expressed at the meeting by many citizens of Montgomery County. At the very least, an alternative proposal should be required and discussed by the public before any approval occurs.

In conclusion, Montgomery County is making laudable efforts to reduce the use of toxic chemicals, lead, tire crumb, and other dangerous materials. As presented before the County by Foulger-Pratt's plan, AB-711 would move the county in the opposite direction, by intentionally giving up public land that is going to be used in a way that is dangerous to the public health and harmful to our environment.

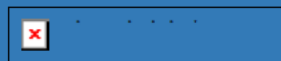
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 Attachments:



[NCHR statement re Abandonment of Ellsworth Dr.pdf](#)

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1707 Florin Street
Silver Spring, MD
20902

September 27, 2020

Members of the Montgomery County Council

To Those It May Concern,

It has come to my attention that the section of Ellsworth Drive in which Montgomery County holds title is proposed for abandonment leading to the developers of Downtown Silver Spring, PFA Silver Spring LC's acquisition of this property.

As some of you may be aware, back in 2007 many legal questions were raised as to the public's First Amendment Rights when public money and public property were involved a public private partnership after PFA Silver Spring LC's security guards asked me to leave the property for taking photos on Ellsworth Drive. On this day I also asked PFA Silver Spring LC's representatives if people were allowed hand out political leaflets, actively ask folks to sign petitions, and gather on Ellsworth Drive to protest issues of the day. I was told no, not only by the security guards but by PFA Silver Spring's Marketing Director who was in charge of the office where the guards took me that day. Day's later when this story ended up on the front page of the Washington Post's Metro Section PFA Silver Spring LC doubled down on this issue in statements to the media saying that Downtown Silver Spring was considered private property and theirs to run as they see fit and they were standing by their guards orders not to allow people to express their First Amendment Right in the publicly financed Downtown Silver Spring Shopping Center.

This drew attention from far and wide. I had raised a very important question. Media attention spread nationally. My self and others organized a march on Ellsworth Drive on July 4th, 2007 in which photographers and many concerned citizens from Montgomery County not only marched down Ellsworth Drive taking pictures, but gathered to protest, handed out literature and asked passer's by to sign a petition in regards to this issue. Then State Senator and Constitutional Scholar Jamie Raskin gave a rousing speech to the crowd noting our rights in public space and how obvious it was that Downtown Silver Spring was public space. The ACLU showed up to march with us and offer legal representation. We had, in fact, exercised our First Amendment Rights on Ellsworth Drive.

I need to note that a few days prior to the march a "Proposed Deal" was delivered to those of us organizing the march via future council staff member Adam Pugnucco from PFA Silver Spring LC in which they offered me the role of a photo contest judge for a photo contest they were suddenly planning on the day of our march as well

“allowing” us to take pictures on Ellsworth as long as we stopped talking about First Amendment Rights on Ellsworth. We immediately turned down such an offer and had our Fourth of July March because we knew then as we do today that we don’t get our First Amendment Rights on a public street from PFA Silver Spring LC, we get these rights from the law based on the Constitution.

We weren’t going to quit.

The Following Sunday this issue was the Editorial in The Washington Post, which I have attached here for you.

That week I appeared on NPR’s “All Things Considered”.

Things started to move rapidly soon after that. Having ACLU representation was a big part of that. On July 20th 2007 then County Executive wrote a letter to PFA Silver Spring LC expressing his legal interpretation of how the law related to this issue. (Attached)

Only July 30th 2007 The County Attorney’s office weighed in with a “legal finding” noting that in their legal view Ellsworth Ave and several other areas are legally considered Public Space and it was PFA Silver Spring LC’s obligation by their lease to make sure these areas were respected. (Attached)

Over the years since these events were settled PFA Silver Spring LC has not done this very well as the following Spring they asked me to leave while passing out campaign materials (article attached) , and have asked a religious man to leave, and further , along with the police , issued an order for him to never come back resulting in a lawsuit that Montgomery County lost and cost the taxpayers of Montgomery County an undisclosed chunk of money.

Now as Montgomery County considers moving forward with the abandonment of Ellsworth Drive, I ask that you consult with The County Attorney’s office and others to make certain we understand how this gift to PFA Silver Spring LC affects the public’s right to their First Amendment rights in this publicly funded shopping center.

Thank you,





OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

July 20, 2007

BY FACSIMILE AND FIRST CLASS MAIL

PFA Silver Spring, LC (240-499-9601)
c/o Foulger Pratt Companies
9600 Blackwell Road, Suite 200
Rockville, Maryland 20850

The Peterson Companies (703-631-6481)
12500 Fair Lakes Circle
Suite 400
Fairfax, Virginia 22033

Dear Messrs. Bryant F. Foulger, Clayton F. Foulger, Richard Perlmutter and James W. Todd:

As you are no doubt aware, the permitted use of Ellsworth Drive by Montgomery County residents and visitors has gained a good deal of attention recently. I wish to make clear the County's position regarding Ellsworth and other areas whose use is similarly governed under the agreements between the County and PFA Silver Spring LC (PFA) (hereinafter collectively identified as "Ellsworth") and their use by the residents and visitors to the County as informed by a forthcoming memorandum from our County Attorney's Office.

The County considers Ellsworth to be a public forum permitting the free and unfettered exercise of First Amendment rights by residents of the County and its visitors to the same extent as those rights are exercisable by residents and visitors to the County on any public sidewalk or public street within the County, subject only to narrowly drawn time, place and manner restrictions which are content neutral and narrowly directed to achieve their intended purpose.

Although the County acknowledges that the agreements between the County and PFA permit the adoption of rules and regulations by PFA regarding Ellsworth necessary to maintain order and to promote the safety, security and economic success of the Downtown Silver Spring Project and further authorize the closing of Ellsworth Drive to vehicular (but not pedestrian) traffic from time to time, these rights do not change the character of Ellsworth as a public forum, nor countenance violation of the First Amendment rights of residents and visitors to Montgomery County who use Ellsworth.

PFA Silver Spring, LC
The Peterson Companies
July 20, 2007
Page 2

I trust you will agree with me and will ensure that your rules and regulations for the use of Ellsworth by the public appropriately recognize and protect the First Amendment rights of residents and visitors.

Sincerely,

Isiah Leggett
County Executive

IL:tjs

Man decides to test Ellsworth Drive petition policy

■ **Photographer who prompted center's management to loosen restrictions months ago was told Friday he could not pass out campaign literature; company says its workers were in error**

BY AGNES JASINSKI
STAFF WRITER

While passing out campaign literature Friday on Ellsworth Drive, Silver Spring resident Chip Py was surprised but prepared when he was asked by a security guard to stop distributing his fliers.

It was an effort by Py to campaign for his candidate of choice while testing the Peterson Cos. management of a policy passed last September, which recognized Ellsworth Drive as a public space.

"They came up to me within three minutes. I passed out four fliers," said Py, who was told last summer by a Downtown Silver Spring security guard that he could not take photographs. Py brought his grievance to the county, pointing out that Ellsworth Drive was a public street and the land on which Downtown Silver Spring was built was purchased with taxpayer money.

Afterward, a policy allowing photogra-

phy and videography, as well as petitioning, assembling and the distribution of written materials — with some limitations — was approved in September by The Peterson Cos., the Fairfax, Va.-based developer that leases the property from the county.

The policy change came after a letter by County Executive Isiah Leggett (D) and an opinion issued by the county attorney's office that Ellsworth Drive was a public space.

But Py was skeptical. He said he was carrying with him the letter written by Leggett last summer to the holding company that developed Downtown Silver Spring, which includes The Peterson Cos., the Foulger-Pratt Co. and Argo Investment Co., when he arrived to hand out his fliers on Friday.

On Monday evening, Jack Garson, a Bethesda lawyer representing Downtown Silver Spring, told the Silver Spring Citizens Advisory Board at its meeting Monday that

the company "dropped the ball" on the implementation of the policy and staff training.

"We did have some turnover in staffing and security," Garson said at the meeting. "A mistake was made, and we recognize that."

Montgomery County Attorney Leon Rodriguez said the county's stance has not changed. Despite Ellsworth Drive's location within a private development, it is a public forum, he said on Monday afternoon.

"I gather that The Peterson Company has taken steps to educate their staff to make sure an instance like this doesn't happen again. ... We will follow up with them to make sure of that," Rodriguez said.

At the meeting Monday night, Garson distributed copies of a letter to Rodriguez sent that day that stated the developer was committed to fixing the mistake, and copies of The Peterson Cos. policy. Garson said staff orientation will now include a review of the policy.

Following a heated discussion between Py, who also attended the meeting, and Garson, Py told the board he would continue to test the policy up to three times a year.

Py, a former advertising employee for The Gazette, also refused a statement released by The Peterson Cos. to media outlets that said he had been eventually allowed back on the street Friday, after a property manager found the appropriate policy. Py said he was only allowed to return to passing out fliers after an argument with a property manager and security officers, who never found the appropriate documents.

"A mistake on their part would be one of the people there not knowing what the policy is. Nobody there on site knew what the policy was," Py said before Monday's meeting. "This leads me to believe that they have not taken this seriously."

David Rocah, a staff attorney with the American Civil Liberties Union in Baltimore, said while what happened Friday was unfortunate, it seemed that the developer was on the right track to make sure the incident did not happen again.

"What concerned us originally was that these are public streets, and as such, people should have the right to engage in the same First Amendment protected activities there that they enjoy on any other street in Montgomery County," Rocah said Tuesday.

Private Rules, Public Space

In Silver Spring, parsing a blurry line

THE DEVELOPERS who manage the heart of Silver Spring's vibrant new downtown have backed away from their silly stance discouraging some sorts of street photography and video-making there, even going so far recently as to put up a banner over Ellsworth Drive welcoming picture-taking. That's an encouraging step, or rather half step. By continuing to insist that the area is private property and therefore subject to such prohibitions and policies as they see fit, the developers misread both the legal arrangements and what should be the governing spirit of the place.

First, the law. The developers, the Peterson Cos., insist that Ellsworth Drive is the legal equivalent of a mall, in this case a roofless one. The Supreme Court has held that constitutional guarantees of free expression do not apply to privately owned shopping centers, and Montgomery County has granted the developers the exclusive right to oversee the project to safeguard its commercial success.

But as The Post's Marc Fisher has noted, Ellsworth Drive in fact remains a public street, albeit one under private management — open to traffic, protected by the county's police and fire departments and integrated into the surrounding neighborhood. It was developed with the help of tens of millions of taxpayer dollars, and no posted signs alert pedestrians or motorists that they are leaving the county's jurisdiction. Unlike a privately owned mall, the street is not the developers' property; rather, it was leased to

them. And while the terms of that lease allow the developers to impose "reasonable rules" necessary "to promote the safety, security and economic success" of downtown Silver Spring, that does not imply the abridgement of constitutional guarantees.

Nor should it. The developers say that political rallies and campaigning, petition-signing, leafleting and who knows what else are banned on the street (they have published no list). But since when are those sidewalk activities antithetical to the commercial vibrancy? Last we checked, Saks and Tiffany's were thriving in midtown Manhattan despite the petition-gatherers working Fifth Avenue.

The developers seem to imagine that pedestrians and shoppers on an open public street yearn for the same sterile environment offered by a standard mall, in which the vitality and spice of public space are kept at bay. A better posture would be a bias in favor of free expression and public-spiritedness, provided it does not interfere with others.

The dispute in Silver Spring reflects a broader one in a nation where private concerns are rapidly supplanting public space. The courts have rendered conflicting rulings that leave the lines and rules blurry in these public-private hybrids. In general the developers of downtown Silver Spring have done an exemplary job of reinvigorating what was a shabby area. They say they are reviewing their policies governing which activities are permitted on Ellsworth Drive, which is encouraging. Let them hew to tolerance as the governing principle.



OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

July 20, 2007

BY FACSIMILE AND FIRST CLASS MAIL

PFA Silver Spring, LC (240-499-9601)
c/o Foulger Pratt Companies
9600 Blackwell Road, Suite 200
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Although the County acknowledges that the agreements between the County and PFA permit the adoption of rules and regulations by PFA regarding Ellsworth necessary to maintain order and to promote the safety, security and economic success of the Downtown Silver Spring Project and further authorize the closing of Ellsworth Drive to vehicular (but not pedestrian) traffic from time to time, these rights do not change the character of Ellsworth as a public forum, nor countenance violation of the First Amendment rights of residents and visitors to Montgomery County who use Ellsworth.

PFA Silver Spring, LC
The Peterson Companies
July 20, 2007
Page 2

I trust you will agree with me and will ensure that your rules and regulations for the use of Ellsworth by the public appropriately recognize and protect the First Amendment rights of residents and visitors.

Sincerely,

Isiah Leggett
County Executive

IL:tjs

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 28, 2020 2:11 PM
To: McCray, Tiara
Subject: AB-771. Duplicate Submission of my comments

[EXTERNAL EMAIL]

Dear Ms. McCray:

It has come to my attention that you may not be able to open the document I sent in "Pages" (an Apple word processing program). Accordingly, I have pasted my document below for your convenience.

Best regards,

[REDACTED]

[REDACTED]
Silver Spring, MD 20901

September 27, 2020

To: The Hearing Examiner, Department of Transportation
Montgomery County Maryland

Cc: The Montgomery County Council

Re: Case AB-771, the Abandonment of Ellsworth Drive

Comments on the Proposed Abandonment:

I grew up in Silver Spring and have lived within walking distance of downtown Silver Spring for decades. **I oppose the abandonment of the Ellsworth Drive area between Georgia Avenue and Fenton Street.** I do not believe that the developer will be a good steward of the roadway.

My reasons are as follows:

1. The developer is adamant about installing synthetic turf for this project, despite the following problems which should absolutely rule out its use:

- Synthetic turf is not eco friendly. It begins to degrade as soon as it is installed, and will send toxic chemical compounds and plastic bits into Sligo Creek, and ultimately into the Chesapeake Bay and Atlantic Ocean.
- Synthetic turf is difficult to clean, and is not a friendly play surface. It reaches high temperatures in sunlight which may cause burns, and the rough texture may cause abrasions to playing children.

- Synthetic turf cannot be recycled at the end of its useful life, which usually comes far sooner than promised by the manufacturer.
- Disposal of synthetic turf is a serious problem, and synthetic turf "dumps" are proliferating day by day.

In short, synthetic turf is not a wise choice for this project. Alternatives, including paving stone, wooden decking, and even natural grass, should be considered. Many citizens have raised strong objections to the use of synthetic turf, but the developer stubbornly clings to its position.

2. "Privatization" of even a portion of the roadway has already resulted in restrictions on public activity that are not in the public interest, such as a reported attempt to forbid photography on the property, and refusal to allow tables to be installed for outdoor dining during the Covid-19 pandemic. This can only get worse, once the developer obtains complete control and has made the proposed "improvements". The proposed plan will impede bike through-traffic and likely result in the exclusion of skates and skateboards.

I strongly urge you to recommend against the proposal to abandon Ellsworth Drive between Georgia Avenue and Fenton Street.

Thank you,

██████████

From: [REDACTED]
Sent: Saturday, September 26, 2020 1:30 PM
Subject: Concerns Regarding AB 771, Abandonment of Ellsworth Drive

[EXTERNAL EMAIL]

Dear President Katz, Councilmembers and County Executive Elrich:

I am writing to let you know that I have serious concerns about the abandonment of Ellsworth Drive in Silver Spring. I do not believe that the Peterson Companies have the best interests of the community at heart, and I believe they will do a lot of things that will help their business but may be bad for our citizens' needs, or just not meet the needs of those who actually live here.

I've been working all spring and summer on advocating for "open streets" to help Montgomery County recover from COVID's toll. Repurposing under-used street space for things like recreation or outdoor eating space has been very beneficial for people's health and for local businesses.

As someone who has lived in the Takoma Park/Silver Spring area for more than two decades I've been excited to watch the transformation and rebirth of downtown Silver Spring. I love the new development and the changes that have occurred have been very positive all the way around. I am very much for more development of the areas near Metro.

Ellsworth Drive especially means a lot to me. Before my mom died last year, she lived in a facility two blocks away from that street, and each week I would put her in a wheelchair and take her over to see free concerts in front of the Civic Center and/or to go to dinner at the restaurants near the fountain on Ellsworth. We often would sit for hours watching kids play in the water, and as her dementia got worse, I came to appreciate the local business owners enormously. Many of the staff of the restaurants knew us well and knew to have a wheelchair accessible table waiting on Thursdays. The street musicians would start playing the "Pink Panther" theme song when they saw us because they knew my mom would always request it each week. Without that feeling of community, her care in the months before she passed would have been much harder.

All of this is to say that I consider that street our Main Street and it means a lot to my family, and I know how important handicapped accessibility and the survival of those small businesses that rent from Peterson and other developers are for everyone.

Over the last few months, I have watched how the rest of the county has responded to COVID and helped businesses survive. In Bethesda, Wheaton, Rockville, and Takoma Park people have used street space to balance curbside pick-up with socially distanced table space to make places inviting and safe for potential customers.

Meanwhile, Peterson took Ellsworth backward in time, taking it from what had been a splendid space for people to play and eat and walk safely without car traffic and turning it into a parking lot next to a parking garage. They claimed that this was to increase curbside pick-up and that

the cars were only allowed to park for ten minutes at a time, but repeatedly I watched and noted many cars would come and sit for hours unoccupied. It was nothing more than a scam for those who did not want to bother with the garage and potential fees.

We made many attempts at reaching out to officials and to Peterson about this. The company grudgingly did begin to enforce parking at ten-minute intervals eventually, some six months after lockdown and COVID restrictions began. They refused to consider many alternatives we posed to them about how to balance curbside pick-up and table seating. When asked if they had seen what was done in Bethesda to balance both needs the response from the Peterson representative was: "I live in Bethesda."

We also spoke to several businesses in the area who indicated that more outdoor dining space would help them enormously and that having Ellsworth be changed had impacted them in a negative way.

Even more troubling, our attempts at working with the Silver Spring Urban district were completely frustrating. We were repeatedly told that Peterson wanted it to be open to cars so they would continue to keep it open to cars and not push for any other options. The staff was set and determined to obey what the company wanted and said so explicitly despite many requests from citizens to consider alternatives. This means that a private interest has, in essence, co-opted the way that one of our most public spaces in Silver Spring is being run, and that same private interest has shown a disdain for public opinion.

I live here in Silver Spring and I care about this place and its economic survival intensely. I am not confident that the downtown area will be best managed under the umbrella of one particular corporation or entity. As a company, they have a goal of making a profit for themselves. Someone needs to be looking out for the community. During the recent hearing on this topic, one of their representatives actually bragged about not having to deal with planning and the planning process when the company was originally given the street years ago.

As the company moves now toward their plan for "sprucing up" the area along the stretch of Ellsworth between Georgia Avenue and Fenton, they say they will be closing the street to car traffic, which is good. But have decided to put in artificial turf and add a "bike lane" that will run along the south side of the street in what is currently the sidewalk.

I see several problems with this plan that would be bad for the community.

1) **Artificial turf failed** when it was used in the area that is now the courtyard in front of the Civic Center. Although it was a popular space for people to lounge, it was often dirtied by people vomiting, dogs urinating and defecating, and dirt from people walking. The turf often had to be cleaned at great cost to the community, and in a way that may have added detergents to the wastewater stream and thus to our local watershed. I see no benefit to using turf again here and suspect it is a way to control what the company sees as "unwanted use" by skateboarders and scooter riders. If skateboarding and scooter-riding are an issue we should address that head-on and directly and not do it in this backdoor manner.

2) **Turf is often NOT maintained in a way that is ADA-compliant.** Even when glued to the concrete it wrinkles, is hard for wheelchair users and users of other assistance devices to traverse, and can become frayed, causing a tripping hazard. Again, I see no benefit to its use here.

3) **The bike lane will pose a conflict with those walking in and out of stores as they open doors.** This is why things like bike lanes should be planned and constructed by transportation officials who are used to managing for such problems. I worry both as a shopper on that street and a bike rider about the potential for crashes when doors open suddenly.

I believe this entire situation signals a need for better oversight of Silver Spring's business interests. We must do a better job of balancing the needs of the community with the needs of the businesses. We must see these two things in alignment and not set up situations where one company can become a sort of paternalistic overseer that gets to jump around long-established codes and methods for managing public spaces. Perhaps it is time for a strong Business Improvement District (BID) in Silver Spring, one that would do as good a job as the Bethesda Urban Partnership is doing for that area.

I am calling upon you now to do what is best for the community.

I ask that you:

1) Approve abandonment ONLY if it comes with a pledge to remove artificial turf from their scheme.

2) Appoint a BETTER, STRONGER oversight board or urban partnership that will actively manage public spaces in downtown Silver Spring so that citizens and businesses, particularly small businesses, can thrive without being beholden to the will of any single corporate entity. The "red shirts" who apparently take care of the downtown aren't really doing much to help.

3) Consider the implications of having so many decisions regarding the growth of Silver Spring left in the hands of private corporations when you review the Silver Spring master plan in coming years.

While I do not see developers as uniformly bad, all should be held to the same standards in terms of planning and community well-being.

Thanks for your time and attention.

[REDACTED]

Silver Spring, MD 20902

From: [REDACTED]

Sent: Sunday, September 27, 2020 1:05 PM

Subject: Please reject AB 771 regarding abandonment of Ellsworth Drive

[EXTERNAL EMAIL]

To the Montgomery County Council,

I respectfully request that you reject AB 771 regarding the abandonment of Ellsworth Drive in its current form.

I am a homeowner in Silver Spring, and my family greatly enjoys the downtown area. The redevelopment has created a public space we can enjoy with our neighbors in many ways—the fountain, the farmers market, outdoor music, dining, shopping, and great public facilities like the civic center at Veteran's Plaza.

As proposed, the abandonment would cede control over the public space without ensuring ongoing community input into its use. This seems ripe for abuse, exclusion, and indifference, a concern reinforced by Peterson Company's recent choice to open Ellsworth to car traffic indefinitely during the pandemic. The proposed redevelopment seems out of touch with the vitality I see in downtown.

I recognize that public spaces require periodic reinvestment to stay vital. Encouraging private business to make those investments can work well, and I am hopeful that the County can work with the Peterson Company to reinvest in ways guided by the needs of the community.

The County should only approve abandonment if it includes ongoing community oversight and participation in planning for the space to ensure that it remains a welcoming place for all. Such community engagement requires full transparency by the Peterson Company about what public facilities need refurbishment or replacement and what the ongoing cost of maintaining proposed new public areas. Surely they have done a capital needs assessment—why not make it public?

The current proposal is inadequate and I hope you will reject it.

[REDACTED]

From: [REDACTED]
Sent: Sunday, September 27, 2020 4:31 PM
Subject: Reject AB 771, the abandonment of Ellsworth Drive

[EXTERNAL EMAIL]

Dear County Executive Elrich, Council President Katz, and members of the County Council:

My name is Melanie Powers. My husband, Eriq Powers, has lived in the Wheaton and Silver Spring area since he was a teenager in the 1980s. I moved here permanently in 2007. We have been homeowners in Silver Spring for 10 years and are self-employed, working with many other members of our community, where we also shop, eat, use local parks and libraries, and enjoy downtown Silver Spring.

I am asking the Council to reject AB 771, the abandonment of Ellsworth Drive, as currently proposed.

Ellsworth Drive has been an important part of the revitalization and of community activities in Silver Spring since it was rebuilt. It is a great place for our very diverse community to gather, meet up with friends, people-watch, enjoy watching street performers and skateboarders, stroll in the evenings and visit the Saturday farmers market — even now, as long as we all social-distance.

However, I am very concerned about the Peterson Company's indifference to the public's role in this street and their ability to maintain this space as a public venue in the future. In fact, it's ridiculous that a private company is allowed to own a "street" and such an important part of our downtown community and atmosphere.

Peterson has shown an authoritative, controversial "rule" over the street, not fitting in with the friendly, welcoming vibe that Silver Spring and its downtown offer to a wide variety of people of all ages and from all cultures and backgrounds. They have tried to arrest people for taking photos or handing out campaign materials. They have judged small children's swimwear attire, seeming to focus their sexist views on little girls. They have ignored community concerns that an abandonment of the street could halt the farmers market and ban skateboarders or others they don't seem to like for no real reason.

During the pandemic, it's outrageous that Peterson turned this street into a parking lot for curbside pickup. The street would have been used by more people in the community if it had been turned into a "Streeterly" like Woodmont Avenue in Bethesda. Or, the company could have worked with the community to create a few designated parking spots to help with curbside pickup while also providing a Streeterly atmosphere. Instead of compromising though, it embraced cars, not community, essentially blocking the road from pedestrians and the community atmosphere.

Peterson has never shown that it wants to be a friend and partner to the people who make up the Silver Spring community and embrace the downtown atmosphere. I urge you to reject this abandonment. And please reconsider the larger picture here of the implications of having private corporations make too many decisions about the Silver Spring master plan.

Thank you,

A solid black rectangular box used to redact the signature of the sender.

September 27, 2020

Mr. Michael Paylor
Hearing Examiner
Department of Transportation
Montgomery County, Maryland
Via: Ms. Tiara McCray

Cc: County Executive
CC: Montgomery County Council via the Hearing Examiner's Official Record

AB-771, Proposed Abandonment of Ellsworth Drive
Written Remarks following verbal remarks during September 14, 2020 hearing

Dear Mr. Paylor:

Thank you for this opportunity to weigh in on the Proposed abandonment of Ellsworth Dr. My family and I few concerns as a 30 year observer and users of this site and current community members, we have seen all the iterations and facilities the petitioners refer to.

1) On the abandonment itself:

A) *OPPOSE unless clear provisions for public use in perpetuity are placed as a condition, since given the abandonment language in in section 49-63(c) the applicant's argument for abandonment simply does not make sense.*

The abandonment criteria Section 49-63(c) provides that "A right-of-way may be abandoned or closed if the Council by resolution finds that: (1) ***"the right-of-way is no longer necessary for present public use or anticipated public use in the foreseeable future"***. Most of those commenting are assuming that the abandonment is actually necessary because of the change in use proposed from past to future **public use**. They are not aware that the abandonment language actually states that there be NO PUBLIC USE in the future. In fact, since important parts of the present AND new anticipated public use will continue and cannot be abandoned with the current plan, abandonment is not justified. For example, on vehicular use: even if normal vehicle traffic will no longer be on Ellsworth, that is only part of the public use. The whole premise is that people will still use Ellsworth Drive; delivery trucks and farmers' market trucks will still use Ellsworth and emergency vehicles will be able to still use it. In addition these uses are incompatible with other of the elements proposed – specifically synthetic turf – which is a problem in and of itself because of hazards to people and the environment. (see below).

B) If abandonment is to proceed, OPPOSE abandonment unless the synthetic turf is prohibited and clear plans are advanced for natural materials, new facilities and practices to improve or a least not add to the pollution load from Ellsworth.

As outlined by the applicant themselves, stormwater will still run off Ellsworth into the storm drain system and facilities with no additional interception or remediation and picking up any additional materials added as part of the new plans. All of which will make its way quickly to Sligo Creek, draining eventually into the Anacostia and the Chesapeake Bay. We agree with the DEP

comments to the County council as attached and also to the concerns outlined in letters from Friends of Sligo Creek, community members, Sierra Club Montgomery County, Stormwater Partners and the Dept of Environmental Protection itself among others, the proposed plan does NOT take the opportunity to improve the quantity and quality of stormwater run-off into Stormwater facilities and Sligo Creek and instead inappropriately and illegally (under the MS4 permit) adds ADDITIONAL physical and chemical pollutants to the storm water from plastic carpeting (synthetic turf) and glues.

2) Why are synthetic turf concerns germane in this abandonment hearing ?

In regards to the synthetic turf discussion, during the September 14 proceeding, the petitioner and you as hearing Examiner raised the question of whether the synthetic turf issue was germane to the hearing on the abandonment of Ellsworth Drive in Downtown Silver Spring. It is because synthetic turf is not just “a design element” but in fact is central to the abandonment. The following are the points on germaneness. .

a) The Right-of-Way Division of the Department of Permitting Services told the Planning Board that it would oppose the synthetic turf, which could then only be considered if Ellsworth was abandoned.”) *The proposed Synthetic Turf installation on top of the existing roadway pavement, is conditioned on the approval of Ellsworth Drive abandonment by the County Council.*”https://eplans.montgomeryplanning.org/UFS/29273/84369/81999002M-DPS-RPP.pdf/81999002M-DPS-RPP.pdf_V3/81999002M-DPS-RPP.pdf , p. 2

b) The Planning Board explicitly links the two issues.

On June 18, the Planning Board voted to require the developer to come up with an alternative to synthetic turf for its Certified Site Plan, in case the County Council rejects AB-771 because of opposition to synthetic turf. [My underlining.]

This condition is clearly stated in the final Planning Department staff report approved by the Planning Board, as excerpted below (condition 1.b):

<https://montgomeryplanningboard.org/wp-content/uploads/2020/06/DTSS-project-and-site-plan-amendment-final-staff-report.pdf> , p. 2

“Site Plan Amendment 81999002M (Excerpt):

Staff recommends approval of Site Plan Amendment 81999002M, to redesign and increase public useThe site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the conditions below. The following conditions are in addition to all other conditions, which remain in full force and effect:

1. Abandonment of Public Right-of-Way

a. Prior to issuance of right-of-way permit, the Applicant must receive approval from County Council for the Abandonment Application No. AB-771 for the public right-of-way within Ellsworth Drive.

*b. The **Certified Site Plan must include an alternative design for Ellsworth Drive without synthetic turf, to be implemented if the County Council does not approve Abandonment Application No. AB-771.***”

c) The Planning Board again links the abandonment bill and synthetic turf in its July 30 letter of transmittal to you of its official records from its hearing on abandonment. A majority of the Planning Board stated their “serious concerns” about synthetic turf in the letter of transmittal, p. 1: “Although the abandonment was recommended for approval, Vice Chair Fani-González, Commissioner Patterson, and Commissioner Cichy wanted to make it clear that, while they voted in

favor of the abandonment, they have serious concerns about the potential impacts synthetic turf can impose on public health and the environment.

The applicants' attorney did not mention this at the September 14 hearing.

3) *The need to protect the public through any abandonment decision is in fact embodied in the abandonment criteria in the Montgomery County Code.*

The principles implicit at the heart of the abandonment provisions of the County Code are the health, safety and well-being of the public (Section 49-63(c)(2). Permitting the proposal to go forward with the synthetic turf component will increase risks for the health and well-being of the many people that will still be using Ellsworth, and violate the County's MS4 Permit enforcing the Clean Water Act by permitting illegal prohibited toxins to enter our storm drains and water ways.¹

IN summary:

- 1) Please consider not recommending abandonment to retain full public use opportunities. .**
- 2) If abandonment is recommended- than only if synthetic-turf is not used.**

The only rationale Foulger Pratt has been able to give for gluing a plastic bladed carpet onto Ellsworth Avenue is the VISUAL ILLUSION of a soft, cool, healthy space for people to congregate. The reality is the exact opposite - plastic synthetic-turf carpeting, especially glued to anything hard is hard, hotter than asphalt, toxic and polluting. According to current studies it will leach chemicals and shed tons of microplastic and associated pathogens and pollutants. A dangerous illusion indeed.

The majority of the planning Board recommended against synthetic-turf because of heat, health and sanitation/ contamination concerns. One of the issues the planning board identified as a concern with Synthetic-turf is the difficulty in cleaning a plastic tufted outdoor carpet when people with animals and food and occasional vehicles will be on it.

The Department of Environmental protection has also come out against synthetic-turf as inappropriate for this use since it adds to the physical and chemical pollution load from this site instead of improving it.

The developer has publically posted misleading and incorrect information in response about cleaning synthetic-turf. They say they can safely wash and spot clean the carpet with mineral spirits and detergents. That simply isn't the case when it comes to adding contaminants to the environment. The stormwater regulations are very clear that non-stormwater (non rainwater) discharges are illegal. ANY CHEMICAL (other than those used fire-fighting activities) is 100% illegal even if a stormwater facility is present.

A stormwater treatment facility is not permission to pollute. Water quality control stormwater facilities are intended for background pollution, for non-point sources, which are essentially impossible to prevent or in the process of being reduced through other actions. The MS4 stormwater regulations do not allow purposely adding NEW point sources of stormwater Pollution and the

¹ These arguments in opposition to the installation of synthetic turf on Ellsworth Drive are in my initial written submission, the submissions of the Sierra Club Montgomery County, the watershed group Friends of Sligo Creek, Stormwater Partners Network, Safe and Healthy Playing Fields, the watershed group Neighbors of the Northwest Branch, and other members of the environmental community - who have all voiced their opposition.

existence of a stormwater facility is not a license to pollute. Please approve abandonment ONLY if the dangerous illusion of. Synthetic turf is prohibited.

, I urge you to recommend in your report to the County Executive:

- That synthetic turf be considered germane to the abandonment proceedings, which means that the merits of the community's opposition be seriously considered.
- That the County Executive recommends to the County Council that the developer's proposal to install synthetic turf on Ellsworth be dropped from its Certified Site Plan in the abandonment resolution that the Council will vote on, on health and safety grounds.
- That the developer be required instead to install environmentally friendly and healthy materials on Ellsworth Drive, which will be beneficial to the health and safety of the public on-site at Ellsworth Drive and in our waterways and air.

Moreover, as part of your fact finding, I urge you to broaden the list of those you consult beyond what is listed under the County Code.

- That the views of the Department of Environmental Protection as written to the county council on this matter be taken into account. DEP has written the Council about its concerns. This view was not correctly described by the applicant at the September 14 hearing.
- That the Department of Permitting Services' Right-of-Way Division be consulted on whether the synthetic turf would be durable – or not, flammable or not
- Also on flammability -synthetic turf is plastic product that is flammable unless treated with toxic chemicals. **Either way the public is harmed.** the relevant parts of the county need (DPS if flammable, DEP if treated with flame retardant chemicals). Regardless of whether Ellsworth was abandoned.

Thank you for your consideration.

Sincerely,



Silver Spring, MD 20902

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Marc Elrich Adam Ortiz County Executive Director

July 13, 2020

Councilmember Sidney Katz, President
Montgomery County Council
Council Office Building
100 Maryland Avenue

Rockville, MD 20850

Dear President Katz,

The Department of Environmental Protection (DEP) has received numerous letters from concerned citizens about the proposed use of artificial turf on Ellsworth Avenue and believes that a more environmentally preferable alternative should be utilized.

The proposed application is unusual in that the turf will be applied directly to the underlying pavement. In addition to concerns raised about increased wear and tear on the turf, this proposal misses an opportunity to remove the existing impervious cover and provide treatment of runoff from the impervious surfaces. The preferred option for this site would be to replace the existing impervious surface with pervious alternatives such as permeable pavers. If this option is determined to not be feasible, consideration should be given to eliminating the use of artificial turf on this section of Ellsworth Drive for what appear to be aesthetic considerations.

Although engineered synthetic materials may have some limited appropriate public applications, turf in a high traffic pedestrian area introduces the likelihood of fugitive non-degradable particles into the stormwater envelope, which can end up in local streams and waterways. Consistent with the principles of low impact development, a preference for natural features and permeable hardscape can achieve aesthetic and ecological benefit as well as placemaking.

Issues have also been raised to DEP concerning human health issues which would need to be addressed by Health and Human Services, and safety issues which have already been addressed by Department of Transportation. These are not issues, that DEP has the expertise to address.

I look forward to the opportunity to discuss this issue with County Council. Thank you for your consideration of our concerns.

Sincerely,

[Redacted Signature]

c: Mitra Pedoeem, Department of Permitting Services

255 Rockville Pike, Suite 120 □ Rockville, Maryland
20850 □ 240-777-
0311 www.montgomerycountymd.gov/dep



montgomerycountymd.gov/311

301-251-4850 TTY

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 28, 2020 7:41 PM
To: McCray, Tiara
Subject: AB-771, Abandonment Hearing

[EXTERNAL EMAIL]

September 28, 2020

The Hearing Examiner, Department of Transportation
Montgomery County Maryland
cc: The Montgomery County Council

Reference: AB-771, Abandonment Hearing, September 14, 2020

I am writing to oppose the abandonment of Ellsworth Drive between Georgia Avenue and Fenton Street. The developer's plan to install plastic turf on top of the roadway is problematic for several reasons. Plastic turf is hot, difficult to clean, and disintegrates into tiny pieces that end up in the waterways, polluting our streams, rivers, and oceans. Montgomery County has made good progress on reducing plastic pollution with the ban on Styrofoam and the plastic bag fee; we should not be introducing new plastic that is not designed for heavy foot and vehicle traffic.

The lower portion of Montgomery County has been working hard to reduce stormwater runoff. The plan to abandon Ellsworth Drive will not reduce stormwater runoff but will increase polluted runoff. New projects should be part of the solution to reduce stormwater, not add to it. This is an opportunity to set a positive example of urban development and should be a sustainable solution. Surely there must be a better alternative for a pedestrian-friendly public space than gluing plastic turf to asphalt.

Please provide this correspondence to the County Council; it is my understanding that is the procedure regarding this particular matter.

Sincerely,

[REDACTED]

Silver Spring, MD 20901

McCray, Tiara

From: [REDACTED]
Sent: Monday, September 28, 2020 6:03 PM
To: McCray, Tiara
Subject: Ellsworth Avenue

[EXTERNAL EMAIL]

I am writing to object to the abandonment of Ellsworth Ave in Silver Spring as a county roadway, to be given to the developer.

I do not trust any developer to make changes to that public space which are in the interests of the Silver Spring public.

Montgomery county can issue easements if space is needed for restaurant spaced seating in this year of Covid-19.

I have enjoyed seeing my children and others play in the water fountain, which is a unique feature and one I would hate to see changed.

I want the county to have the ability to reinstate common vehicle passage on that street if deemed advisable in the future.

Residents really enjoy having the freedom now to walk the roadway and free-flow to the stores.

I personally enjoy hearing music in that common street area; Silver Spring needs some community gathering location and the businesses I bet appreciate the extra business from the crowd.

I have lived in Silver Spring since 1984 and am glad we have some semblance of a social center. I would not want to cede that space to the developer and their priorities.

[REDACTED]
Mansfield Rd, 20910

[REDACTED]