



Marc Elrich
County Executive

Christopher R. Conklin
Director

DEPARTMENT OF TRANSPORTATION

DECISION MEMORANDUM

June 15, 2020

TO: Adriana Hochberg, Assistant Chief Administrative Officer
Office of the County Executive

FROM: *for* Christopher R. Conklin, Director *Σ 94*
Department of Transportation

SUBJECT: **Decision Memorandum – Executive Order for Public Hearing Abandonment
Case No. AB 771 – Ellsworth Drive**

1. **PURPOSE**: The purpose of this memorandum is to request execution of the attached Executive Order authorizing a public hearing on the request to abandon two sections of the public right of way known as Ellsworth Drive in downtown Silver Spring.
2. **BACKGROUND**: Miles & Stockbridge, P.C., representing 8515 Georgia Avenue Associates LLC, PFA-A Silver Spring LC, PFA-B Silver Spring LC, PFA-C Silver Spring LC, PFA-D Silver Spring, PFA-H Silver Spring LC, and PFA Manager LC (the Applicants), has requested the abandonment of the following rights of way: (i) a 21,170 square foot portion of Ellsworth Drive that is currently subject to a vehicular and pedestrian access easement and P.U.E (“Access Easement”); and (ii) an 8,055 square foot portion of the improved public road known as Ellsworth Drive located along the northwestern border of the road (“Upper Ellsworth”) just south of the intersection with Fenton Street.

The Applicants are requesting the abandonment of the Upper Ellsworth area and the Access Easement area in connection with their plan to revitalize, expand, and upgrade the public use spaces and amenities located within Downtown Silver Spring. Additionally, the Applicants are seeking the abandonment of the two areas to formally restrict non-essential vehicular traffic on Ellsworth Drive, while continuing to allow emergency vehicles and deliveries.

Office of the Director

101 Monroe Street, 10th Floor, Rockville, MD 20850 · 240-777-7170 · 240-777-7178 Fax
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montgomerycountymd.gov/311



301-251-4850 TTY

A. Access Easement.

The majority of the Ellsworth Drive right-of-way between Georgia Avenue and Fenton Street was previously abandoned by County Council Resolution 13-1429 on September 22, 1998. However, the Council Resolution made it a condition of approval that the abandoned portion of the right of way be burdened with a Public Access Easement, providing both vehicular and pedestrian access. A Declaration of Easements for Section C of Downtown Silver Spring, recorded by the County among Land Records at Liber 21768, folio 658, established the Access Easement. Because the Applicant is now proposing certain changes to the access previously granted, including a change to formally restrict non-essential vehicular traffic on Ellsworth Drive, while continuing to allow emergency vehicles and deliveries, the Office of the County Attorney has advised that it must first abandon the Access Easement right of way.

B. Upper Ellsworth

The Upper Ellsworth abandonment area has an approximate 30-foot wide right-of-way, with the County owning the entirety of the properties abutting the right of way on all sides. The right of way was dedicated to the County by a subdivision plat recorded among Land Records at Plat No. 1602.

3. **ANALYSIS**: The request was made pursuant to provisions of the Montgomery County Code (2004) as amended. A public hearing is required to receive evidence and comments concerning whether the subject right of way is needed for present or future public use.
4. **RECOMMENDATION**: Execute the attached Executive Order authorizing a public hearing on the requested abandonment.

ATTACHMENTS:

1. Proposed Executive Order Number **084** -20 – Department Number PA 8-20
2. Letter from Applicant dated April 20, 2020
3. Exhibit C from Applicant Letter – Areas to be Abandoned
4. Exhibits K1 and K2 from Applicant Letter – Detailed Plan of Abandonments, and Illustrative Site Plan (respectively)

Further information is available upon request

Assistant Chief Administrative Officer Decision:

X Agree Disagree Schedule Briefing See/Call Me

Adriana V. Hochberg

Assistant Chief Administrative Officer

6/25/20

Date:



MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Abandonment - Ellsworth Drive in Silver Spring, MD	Executive Order No. 084-20	Subject Suffix
Originating Department: Transportation	Department Number PA 8-20	Effective Date 6/25/2020

1. Pursuant to Section 49-62 of Montgomery County Code (2014) as amended, the County Executive or his Designee shall conduct a virtual Public Hearing

At 12:00 p.m. on Monday, September 14th, 2020 via the internet-based platform known as Zoom™

to consider an application received from Miles & Stockbridge, PC, representing 8515 Georgia Avenue Associates LLC, PFA-A Silver Spring LC, PFA-B Silver Spring LC, PFA-C Silver Spring LC, PFA-D Silver Spring, PFA-H Silver Spring LC, and PFA Manager LC (the "Applicants"), seeking abandonment of Ellsworth Drive in Silver Spring.

2. The Hearing shall be conducted virtually via Zoom™. A link to the virtual meeting space will be provided to all registrants several days prior to the Hearing date. Special accommodations will be addressed as needed.
3. After the aforesaid Hearing, the presiding Hearing Officer shall report the Officer's findings and recommendations to the County Executive for further consideration as prescribed by County Code.

Approved as to Form and Legality:
Office of the County Attorney

By: Robert Birenbaum
Date: 6/10/2020

APPROVED:

Adriana V. Hochberg

Adriana Hochberg
Assistant Chief Administrative Officer
Date: 6/25/2020



Barbara A. Sears
301.517.4812
bsears@milesstockbridge.com

April 20, 2020

By Electronic Mail

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, Silver Spring, Maryland (the "Petition")

Dear Mr. Conklin:

Petitioners, 8515 Georgia Avenue Associates LLC, PFA-A Silver Spring LC, PFA-B Silver Spring LC, PFA-C Silver Spring LC, PFA-D Silver Spring, PFA-H Silver Spring LC, and PFA Manager LC ("Petitioners"), request the abandonment of (i) 8,055 square feet of right-of-way improved as a public road known as Ellsworth Drive along the northwestern border of property owned by Montgomery County, Maryland, located in Silver Spring, Maryland ("Upper Ellsworth"), and (ii) 21,170 square feet of a vehicular and pedestrian access easement and P.U.E. in the former Ellsworth Drive right-of-way ("Access Easement") previously abandoned by Montgomery County (the "County") on September 22, 1998, by Resolution 13-1430 (the "1999 Abandonment"), pursuant to Section 49-62, *et seq.*, of the Montgomery County Code (collectively, the "Abandonments").¹

Petitioners own or ground lease from the County certain property containing approximately 22.5 acres (the "Property") known as Downtown Silver Spring, a mixed-use urban renewal project constructed by Petitioners approximately seventeen (17) years ago ("Downtown Silver Spring" or "Project"). The Property includes the Access Easement and abuts Upper Ellsworth, as more fully described below and generally shown on the Local Area Map attached hereto as Exhibit "A" and Tax Maps attached as Exhibits "B1" and "B2". The area of the Access Easement (the "Access Easement Abandonment Area") and of Upper Ellsworth (the "Upper Ellsworth Abandonment Area") requested to be abandoned (collectively called the "Abandonment Areas") are shown on the Areas to be Abandoned Exhibit attached as Exhibit "C". Legal descriptions and sketches of the Abandonment Areas are attached as Exhibit "D". The record plats covering the Abandonment Areas (Plat No. 21283 and Plat No. 1602) are attached as Exhibit "E" (the "Parcel D Plat") and

¹ For ease of reference, a list of the exhibits referenced in this letter, as well as all exhibits, have been attached.

Exhibit "F", respectively. A list of owners whose property abuts the Abandonment Areas is contained in the Adjoining and Confronting Property Owners List attached hereto as Exhibit "G".

The County owns the entirety of the properties abutting the Upper Ellsworth Abandonment Area by deed recorded among the Land Records of Montgomery County ("Land Records") at Liber 3177, folio 466, attached hereto as Exhibit "H", and the Parcel D Plat. The County also owns the entirety of the property subject to the Access Easement Area. See the Parcel D Plat. The Access Easement Abandonment Area is leased to Petitioners pursuant to a ground lease agreement between Montgomery County, Maryland, and PFA Silver Spring LC dated September 5, 2002 (the "Ground Lease"). A Declaration of Easements for Section C Downtown Silver Spring, recorded by Montgomery County as the Declarant among the Land Records at Liber 21768, folio 658 (the "Declaration"), established the Access Easement. As discussed in greater detail below, the Abandonments are requested to facilitate the much needed upgrade, refresh and expansion of the public use spaces and amenities located within Downtown Silver Spring.

Section 49-62 of the Montgomery County Code (the "Code") authorizes the County Council, by adopting a resolution, to close or abandon the County's right to use any right-of-way. The Code defines "right-of-way" to include, among other things, any road, sidewalk, pedestrian walkway or shared use path used by the public, including by pedestrians and bicyclists. Pursuant to Section 49-63(c)(1)-(2) of the Code, the Council may abandon a right-of-way if the Council 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 and closing is necessary to protect the health, safety and welfare of the residents near the right-of-way to be abandoned or closed." 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.

BACKGROUND

A. Ellsworth Drive

Upper Ellsworth was dedicated to the County by a subdivision plat recorded among the Land Records of Montgomery County at Plat No. 1602 (Exhibit "F"). The Access Easement was created by the Declaration. The legal description and sketch of the Access Easement contained in the Declaration are attached as Exhibit "I". The location of these areas, previously defined as the "Abandonment Areas," are shown on Exhibit "C". The existing conditions within and around the Abandonment Areas are shown on Exhibit "J" (the "Existing Conditions Plan").

B. The Property

The Property is located within an area generally bounded by Colesville Road, Georgia Avenue, Cedar Street, and Wayne Avenue in Silver Spring and is more particularly described as follows:

- Parcel A, Block A, as shown on Plat No. 21017 recorded among the Land Records on April 15, 1999.
- Parcel A, Block E, and Parcel B, Block A, as shown on Plat No. 22598 recorded among the Land Records on June 17, 2003.
- Parcel A Block D as shown on Plat No. 21284 recorded among the Land Records on January 4, 2000.
- Parcels D, E, F, G and H, Block B, as shown on Plat No. 21573 recorded among the Land Records on September 1, 2000.
- Parcels A, B, C, and D, Block C, as shown on Plat No. 22271 recorded among the Land Records on August 13, 2002.

The Property lies within the boundaries of the Amended Silver Spring Urban Renewal Plan ("Urban Renewal Plan") approved by County Council Resolution No. 13-186 on March 11, 1997, and the Silver Spring CBD Sector Plan, Approved and Adopted in February 2000 ("Sector Plan"). Development approvals applicable to the Property consist of Project Plan No. 9-98005 ("Project Plan"), Preliminary Plan No. 1-98107, and Site Plan No. 8-99002 ("Site Plan"), all approved on March 2, 1999, and subsequently amended several times (the "Previous Entitlements"). The Site Plan permits 1,173,054 square feet of total development, including 288,931 square feet of office, 507,340 square feet of mixed-use retail, 151,130 (242 rooms) of hotel, 48,000 square feet of civic building, 236,320 square feet of residential (222 units), and 232,320 square feet of public use space (see Site Plan Amendment No. 8-99002B, which relevant conditions regarding use and density remained unchanged by subsequent amendments 81999002C, 81999002D, 81999002E, and 81999002F). Existing development on the Property consists of approximately 1,153,635 square feet of total development, including 228,931 square feet of office, 507,340 square feet of retail mixed use (retail, restaurants, and theater), 151,130 square feet of hotel, 40,000 square feet of civic building, and 226,234 square feet of residential. Existing development also includes 268,758 square feet of public use space, which includes Veterans' Plaza at the corner of Ellsworth Drive and Fenton Street, Silver Plaza, and Gateway Plaza.

Since the approval of the Previous Entitlements, Montgomery County has comprehensively revised its Zoning Ordinance (ZTA 13-04, adopted on March 4, 2014 and effective October 30, 2014) and zoning map (District Map Amendment G-956, adopted on July 15, 2014, the "2014 District Map Amendment"). These processes resulted in rezoning the Property to CR-3.0 C-2.0 R-2.75 H-145 T; CR-5.0 C-4.0 R-4.75 H-200 T; CR-1.5 C-1.0 R-1.5 H-90 T; and CR-1.5 C-1.0 R-1.5 H-60 T, as shown on the Zoning Map for Montgomery County.

On November 19, 2019, Applicants filed amendments to the Project Plan and Site Plan (the "Amendments"). The Amendments propose to amend the Site Plan to reflect, among other things, (i) changes to hardscape and landscape design to improve the quality and quantity of available

outdoor space, including changes within the Abandonment Areas: (ii) minor reductions in parking; and (iii) installation of new art.

The improvements included in the Amendments will take place on (1) Parcel C, Block C ("Gateway Plaza") located in the southeastern quadrant of the intersection of Georgia Avenue and Colesville Road, (2) Ellsworth Drive between Georgia Avenue and Fenton Street, and (3) Parcel D, Block C ("Silver Plaza"). The purpose of the Amendments is to significantly enhance and refresh the public use space on the Property in a manner that conforms to the Sector Plan, is compatible with the character of the Project and surrounding area, and complies with the applicable zoning standards. The Amendments increase public use space and include the removal of four on-street parking spaces along Ellsworth Drive at its intersection with Georgia Avenue. No changes to the density, height or footprint of existing buildings are proposed.

Ellsworth Drive runs east to west through the Property from Georgia Avenue to Fenton Street. As explained above, the majority of Ellsworth Drive between Georgia Avenue and Fenton Street was abandoned pursuant to the 1999 Abandonment, and has been closed to all non-essential vehicular traffic for many years. The remainder of Ellsworth Drive (previously defined as "Upper Ellsworth") at Fenton Street has also been closed to all non-essential vehicular traffic for several years.

This Petition seeks to abandon the Access Easement which was created after the 1999 Abandonment and Upper Ellsworth, which remained a public street after the 1999 Abandonment, to formally restrict non-essential vehicular traffic on Ellsworth Drive while allowing emergency vehicles and deliveries. Petitioners propose to modify the hardscape, streetscape, and landscaping within the Abandonment Areas to create a comfortable and inviting urban space where the community may gather, stay for varying periods of time and enjoy. This pedestrian friendly zone will be delineated by a raised brick walkway at the Fenton Street intersection and the installation of stone paving and synthetic turf within the Abandonment Areas. Mountable curbs and collapsible bollards to restrict vehicular access at both ends of Ellsworth are proposed. The brick paved sidewalks on either side of existing Ellsworth Drive will remain, but portions of the sidewalk paving will be changed to match the Silver Spring Standard brick. Additionally, in-grade placards will be installed to indicate that the walk on the southern side of Ellsworth will accommodate bicycles, as well as pedestrians, in conformance with the Bicycle Master Plan, approved and adopted in 2018 ("Bicycle Master Plan"). Existing tree pits along the southern side of Ellsworth Drive will be expanded to allow for the planting of more perennials and shrubs. Existing street trees shall remain, and additional new trees will be planted. A detailed drawing showing the Amendments is attached as Exhibit "K1" (the "Detailed Plan"). An illustrative site plan showing these improvements is attached as Exhibit "K2" (the "Illustrative Plan"). Finally, a Post-Abandonment Conditions Plan is attached as Exhibit "L" (the "Post-Abandonment Conditions Plan").

Vehicular access will be provided from Georgia Avenue to the alley between Parcel E, Block B, and Parcel F, Block B, as a one-way street leading to the parking garage. Vehicles

entering from Georgia Avenue will be directed to the alley from which they can enter the Wayne Avenue Garage or access Wayne Avenue. In this area, Petitioners propose to widen the adjacent sidewalk and install three new street trees on the northern side of the street by removing four existing off-street parking spaces. This new access pattern is shown on the Circulation Plan attached as Exhibit "M" (the "Circulation Plan").

Petitioners further propose to modify Silver Plaza to enlarge the usable space, enliven the area, and create more flexibility. Silver Plaza currently includes raised outdoor planters, lighting, benches for seating, dining areas, a splash fountain, large outdoor staircase and an exterior elevator. The Amendments propose to remove the existing elevator and locate a new elevator in the interior space, replace the splash fountain with a new sculptural water feature, replace the staircase with a more compact and lighter staircase to be erected closer to the existing building, and replace the pavers throughout the plaza. A significant new feature within Silver Plaza will be several wooden benches of varying geometric shapes that can transform into a covered stage for special events and gatherings by sliding together along metal tracks. This system and the changes to the staircase and elevator achieve more usable open area in the plaza and provide increased flexibility for event planning. Additional colorful and fun seating in the form of movable street furniture, benches, raised planters and a seat wall are also proposed. Outdoor dining in Silver Plaza will also be enhanced and expanded by adding an outdoor dining space in the northwestern area of Silver Plaza, and adding new pavers, furniture and landscaping to the existing outdoor dining space associated with the restaurant uses. The above-described improvements will enhance, expand, and modernize Silver Plaza, the Ellsworth Drive area, and the Project, making it a more attractive and flexible space which appeals to all age groups and encourages people to visit, enjoy, spend time, and return to Silver Spring.

Events which currently take place on the Ellsworth Drive area and in the Silver Plaza will be better accommodated by the Abandonment. For example, the proposed stage within the expanded Silver Plaza will create a defined space for community gatherings such as concerts and yoga. Additionally, the farmers market, which currently takes place each Saturday along Ellsworth Drive, will still be accommodated on the Property.

In portions of the Abandonment Areas, synthetic turf will be placed over the existing asphalt paving generally from the eastern edge of Silver Plaza to Fenton Street as shown on the Illustrative Plan (Exhibit "K2"), the Detailed Plan (Exhibit "K1"), and the Post-Abandonment Conditions Plan (Exhibit "L"). 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 as shown on the Utilities Plan attached as Exhibit "N". 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, while allowing the existing brick walks and tree pits to remain. The underlying asphalt base, which will remain, allows emergency and delivery vehicles to continue to access the space.

C. Circulation

(1) **Vehicular**

Petitioners will continue to restrict vehicular traffic on Ellsworth Drive between Georgia Avenue and Fenton Street to essential vehicles, with the exception of the vehicular connection from Georgia Avenue to the alley to access the Wayne Avenue Garage and Wayne Avenue as discussed above and shown on the Circulation Plan. As previously stated, Ellsworth Drive has been restricted to vehicles for several years without causing any negative impacts to vehicular circulation.

(2) **Pedestrian**

The Petition will substantially enhance onsite pedestrian circulation. The proposed improvements in the Abandonment Areas will clearly delineate the area as a pedestrian zone and encourage walking by making the area more attractive, comfortable and inviting. Silver Plaza will be re-graded to remove the existing steps that flank the plaza on its western perimeter, which will improve pedestrian circulation. Implementation of the Amendments creates a prominent pedestrian friendly zone beginning in Gateway Plaza and extending to the intersection of Fenton Street and Ellsworth Drive. The synthetic turf, special pavers, seating and other amenities define the area as a pedestrian realm to be participated in and enjoyed.

(3) **Bicycle**

Bicycling markers clearly delineate the integration of bikes into and through the areas. This design, together with additional bike parking, encourage and accommodate biking. Additionally, bike circulation through the property provides connectivity to other bike routes.

D. Sector Plan

(1) **Recommendations for the Core**

The Sector Plan locates the Property within the “Core” neighborhood of the CBD. The Previous Entitlements achieved the urban renewal and revitalization goals of the Urban Renewal Plan and Sector Plan. The Abandonment, by facilitating the full implementation of the Amendments, will enhance the existing development approved under the Previous Entitlements in furtherance of the goals of the Sector Plan. The overarching vision of the Sector Plan for the Core was to create a vibrant, mixed-use center for the Silver Spring community (p. 13). The modifications proposed by the Amendments and facilitated by the Abandonments create a nearly exclusive pedestrian zone extending from Gateway Plaza through Silver Plaza to the intersection of Fenton and Ellsworth by restricting Ellsworth Drive to only essential vehicles and making numerous improvements to the open space as described above. Within this area, the Amendments propose a series of detailed enhancements from special seating to private dining to new public art and landscaping. Together, these improvements contribute to the Project as the “center of the

community.” As further stated in the Sector Plan: “The Core will be rejuvenated as Silver Spring’s varied and active town center, with housing, office, and retail development in a pedestrian-friendly environment, enhanced with parks and open spaces.” (p. 36) The Sector Plan further explains that the “Core will be reborn as the commercial, civic, and entertainment center of Silver Spring and its surrounding neighborhoods.” (p. 36) The proposed improvements further these goals and keep the Project competitive and fresh, attracting new tenants that serve the public interest and by lifting and refreshing existing tenants to ensure the longevity and success of this important Project to the health and vibrancy of Silver Spring.

The implementation of the improvements will continue the rejuvenation of the Core and its status as the “commercial, civic, and entertainment center of Silver Spring.” *Id.* For the Property specifically, the Sector Plan recommends “mix of public and private uses, special events, and daily shopping will serve the community and its visitors.” *Id.* The Amendments maintain and expand upon the success of the Previous Entitlements by enhancing and expanding the public use space in a contemporary fashion. The modifications create a more flexible and attractive pedestrian area. The Project is already the commercial heart of the Core with its varied shops and retail services, restaurants, hotel, entertainment and residential uses. After some seventeen (17) years, the status of the area as a vital urban center will be improved and perpetuated by the increase in the amount of public use space and extensive enhancements to that space. The Amendments also contribute to the status of the Core as the entertainment center of Silver Spring by permitting a new, innovative seating element that doubles as a stage in Silver Plaza in order to facilitate special events and several new areas for games and activities. The synthetic turf to be placed within the Abandonment Areas provides more seating areas of varied types and room for games or relaxation and many other amenities.

The Sector Plan also specifically recommends that “Development on the Urban Renewal site will be in a pedestrian friendly, town center pattern with stores and streetscape that encourage people to walk.” Sector Plan, p. 36. As outlined above, the Abandonments and formal restriction of Ellsworth Drive to all but essential vehicular traffic and proposed improvements create a distinct and varied pedestrian friendly area extending from Gateway Plaza to the intersection of Fenton Street and Ellsworth Drive.

The Sector Plan acknowledges the importance of the design of the Project, stating: “[d]esign of individual projects within the Urban Renewal Area should contribute to the greater urban environs.” *Id.* at 80. The Abandonments further this recommendation by allowing for the modernization of the design of two of the Property’s key open space areas, Gateway Plaza and Silver Plaza, placing an iconic new artwork on Gateway Plaza and new amenities of wider appeal in Silver Plaza, as well as significant upgrades to their hardscape and landscaping and transformation of portions of the asphalt paving in the Abandonment Areas to artificial turf.

(2) Area-Wide Recommendations

The Abandonments are in conformance with the Sector Plan's vision of rejuvenation, revitalization, and investment in the Core through mixed-use activity centers.

(a) *Rejuvenation, Revitalization, and Investment through Urban Mixed-Use Activity Centers*

A vision of the Sector Plan is "to create a downtown for Silver Spring that will be the focal point of community life, offering a variety of activities where residents can work, live, play, and socialize." (Sector Plan, p. 3). This vision is best achieved by permitting the upgrading, modernizing and expansion of the public open space on the Property, as proposed by the Amendments within the Abandonment Areas. The Project serves as Silver Spring's main town center and the proposed improvements keep it attractive and competitive. In particular, the changes within the Abandonment Areas to Ellsworth Drive by the addition of synthetic turf and the enhancements to Silver Plaza will create more modern and updated open space opportunities in the heart of the CBD where residents and visitors can continue to gather to enjoy the place or special events.

(b) *Civic Downtown*

The Sector Plan emphasizes that "civic presence in the CBD will be formed by the concentration and proximity of plazas, recreation facilities, community centers, historic buildings, police and fire facilities, adding to downtown's convenience and texture. The proximity of these varied activities draws people to the downtown and creates opportunities for economic and social connections." (p. 21) The Abandonments facilitate achievement of these goals. They enhance the Project in ways that will continue to create new opportunities for "economic and social connections."

(c) *Pedestrian Friendly Downtown*

The Sector Plan explains: "An urban area's greatest economic asset and strongest physical definition comes from its pedestrian environment." Sector Plan, p. 24. The Amendments enhance and modernize the pedestrian realm and provide flexible and fun public use spaces.

THE PETITION FOR ABANDONMENT

Section 49-63(c)(1) of the Code permits the County Council to abandon a right-of-way if it finds that the same is no longer necessary for present public use or anticipated public use in the foreseeable future. As detailed above, the Abandonments facilitate many recommendations of the Sector Plan, including maintaining and strengthening the Project role as the centerpiece of Silver Spring.

Mr. Christopher Conklin
April 20, 2020
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The overall configuration is shown on the Post-Abandonment Conditions Plan (Exhibit "L"), which depicts, among other things, the revised public areas from Georgia Avenue to the Wayne Avenue garage, and the proposed improvements within the Abandonment Areas in conjunction with the other major enhancements to the public use space. Anticipated emergency access is also illustrated on the Circulation Plan (Exhibit "M").

As noted above, all public utilities that currently exist in the Abandonment Areas are shown on the public Utilities Plan (attached as Exhibit "N") and remain unchanged. Therefore, the Abandonment Areas will continue to accommodate public utilities as they currently exist. Finally, as required by Section 49-63(d) of the Code, the rights-of-way to be abandoned are not the sole means of access to any property.

Accordingly, the Abandonments are appropriate as the Abandonment Areas are no longer necessary for present public use or anticipated public use in the foreseeable future.

Very truly yours,

MILES & STOCKBRIDGE P.C.

A handwritten signature in blue ink that reads 'Barbara A. Sears' followed by a stylized monogram or initials.

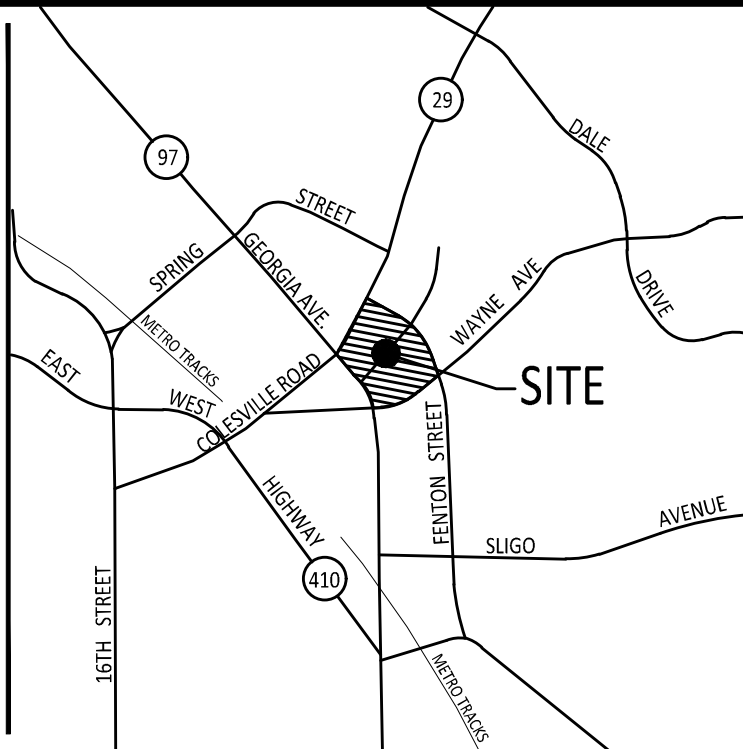
Barbara A. Sears

Enclosures

cc: Eric Willis
Tina Benjamin
Bryant Foulger
Paul Weinschenk
Garry Witt

PLAN LEGEND

PROPERTY LINES		PROPOSED WATER LINE		EXISTING GUY POLE		EXISTING BOLLARD		BUILDING HEIGHT MEASURING POINT	
CTV	CTV	EXISTING CABLE TELEVISION CONDUIT		PROPOSED SIGN POST		EXISTING SIGN POST		PROPOSED BIKE RACKS	
	CTV	EXISTING ELECTRICAL CONDUIT		WITH STRUCTURE		EXISTING WOOD POST		PEDESTRIAN LIGHTS	
		EXISTING EDGE OF PAVEMENT		PROPOSED STORM DRAIN		EXISTING CURB INLET		PEDESTRIAN LIGHTS	
		EXISTING FENCE LINE		PROPOSED LIMITS OF DISTURBANCE		EXISTING CONCRETE		PROPOSED PARKING LABELS	
		EXISTING NATURAL GAS CONDUIT		PROPOSED STORM WATER EASEMENT		EXISTING CURBS AND GUTTER		PROPOSED HARDSCAPE	
		EXISTING OVERHEAD WIRES		EXISTING PARKING LABEL		EXISTING BUILDING		PROPOSED FIRE HYDRANT	
		EXISTING TELEPHONE CONDUIT		EXISTING SANITARY CLEANOUT		EXISTING STORY		DOOR LOCATION	
		EXISTING PUBLIC UTILITIES EASEMENTS		EXISTING STORM DRAIN MANHOLE		EXISTING ELECTRICAL TRANSFORMER		PROPOSED SWM FACILITY	
		EXISTING SANITARY SEWER CONDUIT		EXISTING ELECTRICAL JUNCTION BOX		EXISTING ASPHALT		PROPOSED SWM FACILITY	
		EXISTING STORM DRAIN CONDUIT		EXISTING ELECTRICAL MANHOLE		EXISTING REINFORCED CONCRETE PIPE		PROPOSED SWM FACILITY	
		EXISTING WATER CONDUIT		EXISTING FIRE DEPARTMENT CONNECTION		EXISTING CORRUGATED METAL PIPE		PROPOSED SWM FACILITY	
		EXISTING ZONE LIMITS		EXISTING FIRE HYDRANT		EXISTING BUILDING RESTRICTION LINE		PROPOSED SWM FACILITY	
		PROPOSED 1'0" CONTOUR		EXISTING GAS MANHOLE		EXISTING RIGHT-OF-WAY		PROPOSED SWM FACILITY	
-520		PROPOSED 2'0" CONTOUR						PROPOSED SWM FACILITY	
-524								PROPOSED SWM FACILITY	



ENGINEERS PLANNERS
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Paul S. Weinschenk

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Ian P. Duke

REVISIONS	DATE
PER INTAKE REVIEW	2019-11-11

[illegible]

PROFESSIONAL SEAL

DOWNTOWN
SILVER SPRING

13TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 210NW01
TAX MAP: JN343

AREAS
TO BE
ABANDONED

DRAWN BY: _____
DESIGNED BY: _____
DATE ISSUED: _____

DATE ISSUED: _____
VIKA
PROJECT

AGENCY NO. 81999002M

SP. 2

SHEET NO. 3F-3

LAYOUT: abandonment areas, Plotted By: Duke

[illegible]

PROFESSIONAL SEAL

DOWNTOWN
SILVER SPRING

13TH ELECTION DISTRICT
MONTGOMERY COUNTY,
MARYLAND
WSSC GRID: 210NW01
TAX MAP: JN343

DRAWN BY: _____
DESIGNED BY: _____
DATE ISSUED: _____

VIKA
PROJECT

AGENCY
NO. 81999002M

SHEET NO. SP-3