



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 20-046
Project Plan No. 91998005C
Downtown Silver Spring
Date of Hearing: June 18, 2020

JUL 07 2020

RESOLUTION

WHEREAS, under Section 59-D-2 of the Zoning Ordinance in effect on October 29, 2014, the Montgomery County Planning Board is authorized to review project plan applications; and

WHEREAS, under Section 59-7.7.1.B.3, the Planning Board reviewed this site plan under the procedures and standards of the Zoning Ordinance in effect on October 29, 2014; and

WHEREAS, on September 17, 1998, the Planning Board, by opinion mailed on March 2, 1999, approved Project Plan No. 91998005C for the Combined Urban Renewal Project Plan consisting of 1,175,935 gross square feet of retail, office, entertainment, restaurant, hotel, and housing uses and 354,023 square feet of public amenities on 22.5 acres of CBD zoned-land, located at the corner of Colesville Road and Georgia Avenue ("Subject Property"), in the Silver Spring Central Business District Sector Plan ("Sector Plan") area; and

WHEREAS, on July 22, 1999, the Planning Board approved an amendment to the previously approved project plan, designated Project Plan No. 91998005A, for 1,240,198 gross square feet of retail, office, entertainment, restaurant, hotel, and housing uses and 379,731 square feet of public amenities; and

WHEREAS, on July 13, 2006, the Planning Board approved an amendment to the previously approved project plan, designated Project Plan No. 91998005B, for 62 multi-family units and 228,931 square feet of office space; and

WHEREAS, on November 19, 2019, 8515 Georgia Avenue Associates LLC, PFA-A Silver Spring LC, PF A-B Silver Spring LC, PF A-C Silver Spring LC, PF A-D Silver Spring LC, PF A-H Silver Spring LC, PF A Silver Spring Manager LC ("Applicant") filed an application for approval of an amendment to the previously approved project plans to redesign and increase public use space by 10,242 square feet, from 268,758 square feet to 279,000 square feet on Block C of the Subject Property; and

Approved as to 8787 Georgia Avenue, Silver Spring, Maryland 20910 Phone: 301.495.4605 Fax: 301.495.1320
Legal Sufficiency: www.montgomeryplanningboard.org E-Mail: mcp-chair@mncppc.org
M-NCPPC Legal Department

WHEREAS, Applicant's application to amend the project plan was designated Project Plan No. 91998005C, Downtown Silver Spring ("Project Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated June 5, 2020, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on June 18, 2020, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on June 18, 2020 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Verma, seconded by Commissioner Cichy, with a vote of 3-0; Commissioners Verma, Cichy, and Chair Anderson voting in favor, with Vice Chair Fani-Gonzalez and Patterson abstaining.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Project Plan No. 91999005C to redesign and increase public use space by 10,242 square feet, from 268,758 square feet to 279,000 square feet on Block C by adding Condition 1:¹

1. Department of Transportation

The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated June 1, 2020 and hereby incorporates them as conditions of the Project Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT provided that the amendments do not conflict with other conditions of the Project Plan approval.

BE IT FURTHER RESOLVED that all other project plan conditions of approval for this project remain valid, unchanged and in full force and effect

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 91998005C, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

¹ For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

BE IT FURTHER RESOLVED, that, having given full consideration to the recommendations and findings of its Staff as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference, the Montgomery County Planning Board FINDS, with the conditions of approval, that this Amendment does not alter the intent, objectives, or requirements in the originally approved project plan, and that all findings remain in effect; and

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site, and all findings not specifically addressed remain in effect.*
- (a) *As conditioned, the proposed development complies with all of the intents and requirements of the CBD zones.*

The Project Plan complies with all intents, requirements, and standards in the respective zones comprised within the Property. This Amendment proposes to increase the amount of public use space from the previously approved 268,758 square feet to 279,000 square feet. This is an increase of 10,242 square feet, which is a result of enhancing public use plaza to Ellsworth Drive right-of-way.

- (b) *As conditioned, the proposed development conforms to the applicable Sector Plan.*

The Subject Property and Amendment are subject to the 2000 *Silver Spring CBD Sector Plan* (Sector Plan). As proposed, the Amendment is in conformance with the Sector Plan, which specifically envisioned this area to develop as key revitalization of Downtown Silver Spring. The Sector Plan defines this area as the Core, which 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. The originally approved project was in keeping with the Sector Plan and was key to the revitalization of Downtown Silver Spring, and the Amendment proposes to further increase the public use space area to allow for a more friendly pedestrian environment in a linear park-like connection. As conditioned, the proposed Amendment conforms to the Sector Plan.

The Amendment is also subject to the recently adopted 2018 *Bicycle Master Plan* (Bicycle Master Plan) which identifies Ellsworth Drive as a shared street. While the Amendment would restrict vehicles from Ellsworth Drive, the Amendment remains in keeping with the shared street concept as it will encourage the coexistence of bicycles and pedestrians. The Bicycle Master Plan states that each shared street will be based on the roadway, land use contexts, and the specific recommendations contained within the area Sector Plan. As previously stated, the Sector Plan envisioned an active town center in a pedestrian-friendly

environment and as proposed, Ellsworth Drive will further activate the pedestrian realm. While the turf material in the roadway is not typical in a shared street environment, the Applicant proposes to install markers within the existing sidewalk, delineating a minimum clear width of 12-feet for bicyclists, on the southern portion of Ellsworth Drive to ensure bicyclists are intended users of the sidewalk and have proper circulation within the area. As conditioned, the Subject Amendment is consistent with the shared street recommended in the 2018 Bicycle Master Plan.

(h) Any applicable requirements for forest conservation under Chapter 22A are met.

The Forest Conservation Plan was reviewed under the original Site Plan approval (819990020), which required 3.08 acres of afforestation and was originally met through providing 3.25 acres of planting landscape trees and receiving credit for saving existing trees. This Project Plan Amendment does not change the existing limits of disturbance (LOD), however the Applicant proposes to amend the Forest Conservation Plan to remove four landscape trees and plant an additional nine landscape trees. This results in an additional 0.08 acres of landscape trees, bringing the total afforestation to 3.33 acres, exceeding the original 3.08 acre requirement.

(i) Any applicable requirements for water resource protection under Chapter 19.

The Project was not subject to stormwater compliance review as the Amendment consists of less than 5,000 square feet of land disturbance, per Article II, 10-31(c), which was confirmed by the Montgomery County Department of Permitting Services – Water Resources Section on October 30, 2019.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Project Plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Planning Board and that the date of this Resolution is JUL 07 2020 (which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Verma, seconded by Commissioner Cichy, with Chair Anderson and Commissioners Cichy and Verma voting in favor, Vice Chair Fani-González abstaining, and Commissioner Patterson absent at its regular meeting held on Thursday, July 2, 2020, in Silver Spring, Maryland.



Casey Anderson, Chair
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**81999002M & 91998005C – Downtown Silver
Spring**