

ELLSWORTH PLACE – STATEMENT OF JUSTIFICATION

SKETCH PLAN

M-NCPPC FILE NUMBER 320240060

8661 COLESVILLE ROAD, SILVER SPRING, MD 20910

SUBMITTED JANUARY 12, 2024

I. INTRODUCTION

Applicant Avante Ellsworth Venture, LLC, a subsidiary of GBT Realty Corporation (Applicant), submits this application for approval of a Sketch Plan for a residential tower to be atop the existing Ellsworth Place (formerly City Place) in downtown Silver Spring, MD. When Ellsworth Place was approved by M-NCPPC in 1988 and 1990, it included an office tower to be built sometime in the future atop the shopping center. The center was constructed with additional structure to be able to support this future addition. Because of market conditions, an office tower was never built. This application is simply to convert the previously approved office tower into a residential tower.

II. THE PROPERTY AND NEIGHBORHOOD

The property is described as Lots 16 and 17 of Edward W. Byrn's Subdivision (Plat #17983), 91,248 SF or 2.0948 acres, Zone: CR 8.0, C8.0, R8.0, H300 located at 8661 Colesville Road in Silver Spring, MD. The gross tract area of the property is 103,132 SF. With the current CR 8.0 zoning, the property may yield as much as 825,056 SF of gross floor area (GFA). The existing 5 level shopping center is 399,463 SF of

commercial retail. Therefore, given the available density to maximize development of the property, an additional 425,593 SF may be built.

The property is located within the 2022 Downtown Silver Spring and Adjacent Communities Sector Plan (Downtown Plan or Plan). And within that Plan, the property resides in the Ellsworth District. According to the Downtown Plan: "The Ellsworth District is the heart of Silver Spring." (Plan page 20). The recommendations of the Downtown Plan call for maximum mixed-use density in the Ellsworth District, including a 300' height limit. The CR 8.0 zone was applied to this property and as "Justification" for that zone at this location, the Downtown Plan states: "Increase flexibility for mixed-use development". (Plan, page 41).

The property sits in a transit-rich environment. It is one block from the coming Silver Spring Library Purple Line Station. It is three blocks from the Silver Spring Transit Center and Metrorail Red Line. At the property's front door on Colesville Road/US 29 is the US 29 BRT Line. Numerous Metrobus and Ride On Bus lines traverse the adjacent Colesville Road and Fenton Street.

Not only does Ellsworth Place contain scores of shops, stores, restaurants, and services but it is also surrounded by a wealth of theatres (film, stage, concert hall), stores, restaurants, office buildings, hotel, apartments, and the world headquarters of an ever-expanding United Therapeutics Corporation. In addition, attached to Ellsworth Place, by a pedestrian overpass, is the County's Town Square Garage that contains 1,500+ parking spaces. And across from Ellsworth Place are the Silver Spring Civic Building, Veterans Plaza, and Ice-Skating Rink. For much of the year, the Silver Spring Farmers Market takes place weekly on Ellsworth Drive and Veterans Plaza. Annual events such as the Silver Spring Jazz Festival and County Thanksgiving Day Parade also take place there.

III. THE PROJECT

The project proposes a high-rise apartment building 20 stories above the existing 5-story shopping center. The total proposed height of the project with the shopping center beneath would not exceed 300 feet. Up to 450 apartments are proposed, which includes 15% MPDUs. Pedestrian access to the tower building was planned for and constructed as a lobby in 1991 (when the proposed office tower was approved), located on Colesville Road.

Because of the unique transit richness of the project area, the project proposes no onsite parking. The property sits within the Silver Spring Parking District. The prior approvals (of City Place Mall, later renamed Ellsworth Place) provided for an agreement for parking to be provided in nearby public parking garages (see 81988046C Site Plan Amendment cover sheet, signed in 2008).

A. Design Guidelines

The Downtown Silver Spring Design Guidelines outline the basic building massing components and their impact of the public realm, given the street level, in context of the broader area, significant view corridors, and the building's relationship of the urban environment. The Base, Middle and Top forms shall be distinct from each other and contribute to the overall experience of the building.

The Design Guidelines define the building base as the lowest 2-5 floors (with floor 1 being subterranean) of the building and includes the pedestrian zone. The existing Ellsworth Place Mall provides the project's base building form. The building's classification within the historic district recommends preservation of the building's materiality, scale, and massing. A pedestrian entrance for the residential tower is located

on Colesville Road, at the location previously intended for an entrance to the entitled office tower. This frontage has long been underutilized – the project would activate this portion of the Colesville streetscape with a new residential lobby to encourage pedestrian activity and engagement.

The Design Guidelines define the building middle as those floors that occur between the base and top forms. The proposed project is also defined as a tower per the Guidelines, as it exceeds the noted 120' building height. Above the building base, the middle tower form steps back a minimum of 15' as required by the Guidelines. A secondary step back occurs at a higher level of the tower, creating additional relief in the façade as well as a variety of views and amenity experiences for the building residents. The existing structural constraints result in multiple breaks in façade planes and provide opportunities for logical material changes.

The Design Guidelines define the building top as those floors that complete the architectural form. The building top also includes the cap. The project provides additional façade step backs at each leg of the tower, creating occupiable roof amenity space for resident use and further relief in the façade plane. The project proposes the entirety of the top level serve as the building “top” – illustrated through changes in proportion, materials, transparency, texture, etc.

At the Ellsworth Place roof level, additional existing structure creates an opportunity for elevated green roof spaces to enhance the residents' views and integrate sustainable strategies into the project.

Similar to the other façades, the building façade step back along the alley is constrained by the existing structural locations. The façade location is set based on these structural constraints, including the location of existing elevator bays, and establishing viable multifamily floor plate metrics while also

providing enough distance from the adjacent right-of-way to allow for a desirable quantity of openings in the facade.

Conformance with the Downtown Plan and its Streetscape Design Guidelines will be met in the limited area with elements at the new residential entry point. The balance of the existing streetscape is to be left in place and meets the former Silver Spring Streetscape Guidelines. The majority of the ground plane at grade along the existing project frontage will remain as it is today.

The applicant team met with the Design Advisory Panel (DAP) on November 15 and heard several suggestions. Applicant will be revising some of the concept and returning to the DAP for a follow up on January 17, 2024. The DAP and M-NCPPC staff stated the project could continue on track for submission and work towards agreeable resolution through the Sketch Plan review. These revised elements will make their way into the first resubmission to agency staff after Development Review Committee (DRC).

B. Stormwater Management

The scope of this project includes the construction of a residential building over an existing podium. At-grade disturbance is expected for this type of construction, and it is assumed that a sediment control permit will not be required for this project. Likewise, it is expected that a concept stormwater management approval will not be required. This project is being designed with these considerations in mind and will be reviewed by Montgomery County Department of Permitting Services (DPS) for concurrence.

If DPS determines that a stormwater management plan is required, the proposed development will be subject to the Maryland Stormwater Management Act of 2007 and Montgomery County Bill No. 40-10, which requires managing stormwater runoff by using Environmental Site Design (ESD) to the “Maximum Extent Practicable” (MEP). ESD utilizes small-scale stormwater management practices, non-structural techniques, and better site planning to mimic natural hydrologic runoff characteristics and minimize the impact of development on water resources. Pursuant to Chapter 19 of the Montgomery County Code, Applicant will provide sediment and erosion control and treatment for stormwater in accordance with applicable laws. The project development team will work with the County at each phase through the Stage 3 process.

C. Environmental

The project has an approved Natural Resource Inventory (NRI/FSD) plan that was signed November 15, 2023 (M-NCPPC file number 420240370). There are no planned environmental impacts to the site anticipated with the incoming development of the residential tower, and no land disturbance is planned. Therefore, no Limits of Disturbance (LOD) is required. Since the area limited to any streetscape associated with the residential entry point on Colesville Road is less than 5,000 SF, Stormwater Management (SWM) is not required. Landscape architecture is constrained to the limited area at grade on Colesville Road for the residential entry’s focal point and on top of the structure to assist in providing attractive amenity spaces for the residents.

D. Transportation

As stated in the submitted Transportation Study Exemption Statement, the proposed residential tower generates fewer trips than the entitled office tower, so a Local Area Transportation Review (LATR) is not required for the project. The Transportation Study Exemption Statement shows that as compared to the entitled tower the project will result in 409 fewer person trips and 202 fewer vehicle trips during the morning peak hour and 343 fewer person trips and 169 fewer vehicle trips during the afternoon peak hour. As a result, the project is not anticipated to increase traffic within the neighborhood from conditions that would exist if the entitled office tower was built and occupied, and instead will result in a net reduction of person and vehicle trips.

E. Public Benefit Points

The conceptual Public Benefits Points being considered at this time meet the direction of Optional Method Development, proposing a minimum of 100 points within five categories:

1. Connectivity & Mobility, through Minimum Parking the project proposes no onsite parking, continuing the encouragement to utilize close by public transit and nearby public parking garages;
2. Diversity of Uses & Activities, through Moderately Priced Dwelling Units, the math provides points for those units above what the ordinance requires;
3. Quality Building & Site Design, through the required Exceptional Design points and Public Open Space;
4. Protection & Enhancement of the Natural Environment, through the purchase of Building Lot Termination; and,

5. Building Re-Use, by retaining virtually all the existing structure and recycling the portion of the building elements to be demolished for the connection of the new tower.

With this initial review of available points, Applicant is in excess of the required points.

Public Benefits Summary	
59-4.7.3.C: Connectivity & Mobility	8
(2) Minimum Parking	8
59-4.7.3.D: Diversity of Uses & Activities	36
(6) Moderately Priced Dwelling Units	36
59-4.7.3.E: Quality Building & Site Design	22
(2) Exceptional Design	10
(4) Public Open Space	12
59-4.7.3.F: Protection & Enhancement of the Natural Environment	8
(1) Building Lot Termination (BLT)	8
59-4.7.3.G: Building Reuse	94
Building Re-use	94
Number of Categories	5
	Points Requested
	169

IV. THE PROJECT SATISFIES THE REQUIREMENTS FOR APPROVAL OF A SKETCH PLAN FOR OPTIONAL METHOD DEVELOPMENT IN THE CR 8.0 ZONE

The project fully conforms with the recommendations for land use, housing, zoning, density, transit accessibility, pedestrian accessibility, mixed uses, and minimal vehicle and parking impacts that run throughout the 2022 Downtown Silver Spring and Adjacent Communities Sector Plan, including especially the recommendations within that Plan’s Ellsworth District. The project also fully conforms with the Thrive 2050 General Plan for all the same reasons and recommendations. In short, Montgomery County desperately needs more housing, and more dense housing in urban locations. The proposed project directly satisfies these housing needs.

As noted earlier, “The Ellsworth District is the heart of Silver Spring.” (Downtown Plan, page 20). The proposed project simply substitutes an apartment building for the previously approved office building.

V. COMMUNITY OUTREACH

In conformance with County law, a meeting with the community was duly noticed and then held virtually on November 15, 2023. As required, meeting minutes of the topics and discussion are provided as part of this Sketch Plan submission, along with the required sign-in sheet, attendees invitation list, minutes, copy of the invitation letter, pictures of the signs posted at the site, along with affidavits for the sign posting and the meeting. To a person, every comment offered was positive toward the proposed project.

In addition, the project team met with the Silver Spring Urban District Advisory Committee on November 28, 2023. The comments offered by the advisory committee were very positive. The project team also met with the Silver Spring Citizens Advisory Board on December 11, 2023 and the Greater Silver Spring Chamber of Commerce on December 14, 2023. Comments from each of these groups were positive as well.

VI. CONCLUSION

For all of the above reasons, the Applicant respectfully requests the approval of its Sketch Plan for the Ellsworth Place apartment tower.

BEVERIDGE + DIAMOND, P.C.

By:  _____

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