

**THE  
SILVER SPRING WAR  
AND  
REBIRTH:  
*THE FALL AND RISE  
OF AN  
AMERICAN DOWNTOWN***

*Location is destiny.*

by Gus Bauman

**Makeover Montgomery Conference  
Civic Building  
Silver Spring, Maryland  
April 14-16, 2011**

**I. THE PRELUDE**

June 1956	Interstate Highway System Act signed
February 1960	Wheaton Plaza (now Westfield Wheaton) opens
August 1964	Capital Beltway final segment opens
Summers 1964-68	Urban riots culminate in nationwide rioting after Dr. King assassination
1970's	Middle class and business abandonment of cities becomes a flood
February 1978	First Metrorail Station in Maryland opens in downtown Silver Spring

**II. THE WAR**

August 24, 1984 (Friday)	<b>Demolition commences</b> of 1938 Silver Theater and Shopping Center art deco elements (as County historic designation hearing is scheduled for September 5)
August 27, 1984	Montgomery County issues demolition <b>Stop-Work Order</b>
1985	Silver Theater, last remaining downtown movie house, closes

December 1986	Silver Triangle regional mall/office towers/hotel project proposed for CBD's core by local developer
September 1987	Hecht's department store leaves downtown for Wheaton Plaza
September 29, 1988	Planning Board approves Silver Triangle project after <b>contentious hearings</b>
November 8, 1988	County voters defeat <b>referendum</b> that would prevent funding of County garage necessary for Silver Triangle
December 1988	Opposition citizens groups <b>file lawsuit</b> to overturn Silver Triangle approval
June 1989	Nordstrom backs out of Silver Triangle project, Macy's remains
July 5, 1989	<b>Circuit court overturns</b> Planning Board approval of Silver Triangle project
September 1989	JCPenney, last remaining major retailer downtown, closes
December 14, 1989	Planning Board approves Silver Triangle with revisions and conditions
1980's	Several office towers built near Metro Station (NOAA HQ consolidation completed 1993)
September 11, 1990	<b>County Executive loses in Democratic primary election</b> to Councilmember over Executive's strong Silver Triangle support; Councilmember elected County Executive in November
January 7, 1991	Maryland <b>high court reverses</b> circuit court, reinstates 1988 Silver Triangle project approval
March 1991	Planning Board holds hearings on Draft Silver Spring CBD Sector Plan
June 1991	JCPenney signs on with Macy's at Silver Triangle project

### III. THE TRUCE

- December 1991      **County-initiated mediation** leads to announcement by County, citizens, Silver Triangle developer of compromise plan, Silver Triangle II, for radically revised project
- January 1992      Macy's files for bankruptcy protection
- February 1992      Urban Land Institute submits to County its Downtown Silver Spring report, evaluating the Silver Triangle sites
- April 1992      City Place opens at Hecht's site
- August 1992      County adopts 29-acre **Urban Renewal Plan** for CBD core (CBD encompasses 360 acres)
- April 1993      County adopts **CBD Sector Plan for the Revival of Downtown Silver Spring**
- February 1994      Per the Sector Plan, County places Silver Theater and Shopping Center on Historic Preservation Master Plan
- JCPenney, in financial turmoil, withdraws from Silver Triangle II project
- December 1994      **Silver Spring Alternatives Working Group** (21 members) issues Report to County Executive on retail development alternatives for east side of urban renewal area
- Macy's emerges from bankruptcy protection
- January 1995      **Greater Silver Spring Committee** (19 members) issues Report to new County Executive recommending termination of County's development agreement with Silver Triangle developer
- January 9, 1995      **County and Silver Triangle developer terminate relationship**
- May 1995      County issues Request for Expressions of Interest for portion of east side of urban renewal area (14 acres)
- February 1996      **Silver Spring Redevelopment Advisory Board** (48 members) recommends County negotiate with Canadian development company for American Dream retail/entertainment mall proposal

November 1996	<b>County terminates development agreement with American Dream developer</b> for inability to secure required private financing
December 1996	State designates Silver Spring Enterprise Zone offering employment and property tax credits, administered by the County
1988-96	More than 220 businesses leave downtown Silver Spring; office vacancy rate reaches 39% in 1996, store vacancy rate 25%

#### IV. THE RECONSTRUCTION

February 1997	<b>Silver Spring Redevelopment Steering Committee</b> (31 members) appointed by County Executive to advise County and developers on concepts for urban renewal area
May 1997	Executive enters into exclusive negotiation with joint venture development team to craft “town center” project plan
April 1998	<b>County signs development agreement with joint venture developers for town center concept</b> “Downtown Silver Spring” on urban renewal area’s east side  County agrees to purchase, restore and expand Silver Theater into film complex, AFI agrees to be the operator
October 1998	<b>Discovery Communications agrees to move to Silver Spring on urban renewal area’s west side</b>
February 2000	County adopts Silver Spring CBD Sector Plan, a refinement of the 1993 Plan
August-October 2000	Phase I of Downtown Silver Spring project opens with several retailers
January 2002	State designates Silver Spring Arts & Entertainment District offering financial assistance and tax benefits
March/April 2003	Discovery Communications HQ opens  AFI Silver Theater and Cultural Center opens  Round House Theater opens

- 2004-10 New County, State Buildings:
- Silver Spring Innovation Center (2004)
  - Court House; Fire Station
  - Montgomery College Health Sciences Center, Cafritz Foundation Arts Center, Cultural Arts Center
  - Civic Bldg. and Veterans Plaza/Ice Rink (2010)
  - Transit Center (opens 2012); Library (under construction)

June 2006 Phase I of United Therapeutics HQ and labs opens (phase II under construction)

September 2011 Live Nation's Fillmore Music Hall to open at vacant JCPenney building under public-private partnership agreement

## V. THE OUTCOMES

- 2000-10 Over \$450 million in public investments leveraged to support some \$2.0 billion in private investments
- 2000-11 Some 2,500 new residential units built; hundreds more under construction; some 1,500 more approved
- Dozens of restaurants, three hotels open; more planned
- 1995-2007 CBD tax base grows 62%
- January 2007 Maryland Youth Ballet moves to downtown Silver Spring
- 2007 Silver Spring 20910 becomes highest median home price area of Greater Silver Spring's eight zip codes
- 2010 Office vacancy rate second lowest in county (only Bethesda-Chevy Chase is lower)

## VI. THE LESSONS

1. The community must coalesce on a vision and its master plan adhere to that vision, yet be ever nimble when opportunity comes calling.
2. Through governmental administration after administration after administration, never waver from the plan's vision and creative multi-front implementation.
3. There is no silver bullet for success, only dozens of bullets of every description and caliber.
4. Public investments and incentives are necessary to leverage greater private investments and achieve a healthier tax base.
5. Mix the old with the new, mix the uses, mix private with public facilities, mix transportation options, stir and shake and watch the people come.
6. None of the above is politically sustainable without the engagement of a strong middle class base.

## VII. THE MORAL

Persist, persist, persist.

*"Downtown" (1965)*

*When you're alone  
And life is making you lonely,  
You can always go downtown  
When you've got worries,  
all the noise and the hurry  
Seems to help, I know, downtown*

*Just listen to the music of the traffic in the city  
Linger on the sidewalk where the neon signs are pretty  
How can you lose?*

*The lights are much brighter there  
You can forget all your troubles, forget all your cares and go  
Downtown, things'll be great when you're  
Downtown, no finer place for sure,  
Downtown, everything's waiting for you  
(Downtown)*

*Don't hang around  
and let your problems surround you  
There are movie shows downtown  
Maybe you know  
Some little places to go to  
Where they never close downtown*

*Just listen to the rhythm of a gentle bossanova  
You'll be dancing with 'em too before the night is over  
Happy again*

*The lights are much brighter there  
You can forget all your troubles, forget all your cares and go  
Downtown where all the lights are bright,  
Downtown, waiting for you tonight,  
Downtown, you're gonna be alright now*

*-- by Tony Hatch  
-- artist, Petula Clark*

## **Gus Bauman**

Gus Bauman is an attorney at Beveridge & Diamond, P.C. focusing on land use and environmental issues, advising clients on such matters as comprehensive planning, project development, and natural resource regulation. From 1989 through 1993, Gus was full-time Chairman of the Maryland-National Capital Park & Planning Commission, the regional land use and parks authority for Montgomery and Prince George's Counties. He received the 1995 Garrott Award for outstanding service by a public official in Montgomery County. He was a partner at Beveridge & Diamond during 1988-89, representing public and private clients. Before joining Beveridge & Diamond, Gus was legal department director for the National Association of Home Builders. He has been deeply involved as co-counsel or amici counsel in Supreme Court land use and wetlands cases since 1980, including landmark decisions on regulatory takings of property and development exactions. His writings have been cited in several Supreme Court cases. From 1974 through 1978, he was legal counsel for the Park & Planning Commission.

Gus served as a member of the Maryland Greenways Commission and a reviewer of the Growing Smart model code project led by the American Planning Association. He is a highly-rated faculty member of the annual Land Use Institute for the American Law Institute-American Bar Association. In 2004, he was appointed to the D.C. region's blue ribbon commission charged with recommending a funding solution for Metro, the regional transit agency. In 2006-07, Gus chaired the Joint Development Task Force to the Washington Metropolitan Area Transit Authority, which recommended major reforms (since adopted) to how D.C.-area Metrorail station areas should be developed. He currently chairs, by appointment of the Governor, the Maryland Blue Ribbon Commission on Transportation Funding.

Regarding Silver Spring, Gus served as County Executive appointee to the Silver Spring Revitalization Blue Ribbon Committee (1981-83), organizer of the Downtown Silver Spring Study by the Harvard Design School (1987), chairman of the Silver Spring CBD Sector Plan Advisory Committee (1988), and chairman of the Greater Silver Spring Committee (1994-95). As Chairman of the Park & Planning Commission, Gus led the effort to formulate and adopt the 1993 CBD "Sector Plan for the Revival of Downtown Silver Spring, Maryland."