

After years of haggling, Fillmore nears fruition

New deal could lead to a concert hall in downtown Silver Spring

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Saturday, November 14, 2009

On one hand, you have Devo, Sonic Youth, Los Lobos, the Pixies and the world's biggest concert promoter, Live Nation.

On the other, \$4 million from Montgomery County taxpayers, millions more from the state and a host of uncommon legal guarantees for a longtime Maryland developer.

Together, that monster mash of music, cash and governmental wiggling could finally come together, after a deal late Thursday and years of haggling, to build a Fillmore-branded concert hall in downtown Silver Spring at the site of an abandoned J.C. Penney store on Colesville Road.

"This has survived two governors, two county executives, two park and planning boards, and three heads of economic development," said Bruce H. Lee, president of Lee Development Group, which reached the agreement with Montgomery officials and wants to start construction by next fall. "Everyone recognized that this was a great idea. The problem was there was not a process for it."

Now officials say they've figured out a way to make it work, and Live Nation is planning to have the latest younger sibling of the San Francisco-based original (once graced by Janis Joplin and Jimi Hendrix) open on the outskirts of the nation's capital by 2012.

Participants say they did it by flipping typical, and often arcane, land-use processes on their head. The county got Lee to agree to donate the site, which is worth \$3.5 million. In return, the company got a list of legal guarantees intended to help smooth the way for a broader, still-undefined hotel and office building project. If county officials later balk at the bigger project, even years from now, the company would be entitled to be paid back for its efforts.

The venue born of all that "will be a big boost to Silver Spring, particularly the restaurant and retail trade," said Montgomery Economic Development Director Steve Silverman. "We win all around," said County Executive Isiah Leggett (D), adding that the county-owned site will spur tax revenue. He said he would love to catch Sly and the Family Stone there.

Some critics and competitors criticized [the process used to choose Live Nation](#), which has a worldwide network of venues and performers, including Madonna and U2. The Bethesda-based owner of the 9:30 Club wanted a chance to bid on running the concert hall after talks with another club, the Birchmere, fell through. But county officials preferred Los Angeles-based Live Nation, which Lee calls the "Mercedes of music."

County Council member Marc Elrich (D-At Large) said the county should have driven a harder bargain. "I still think it's a bad deal," he said. Elrich said Live Nation's rent will be too low, although county officials point to renovations and other costs the company will cover.

Still, he said, he thinks it will be good for the neighborhood. "I'm sure I'll find myself there," he said. "I would go see They Might Be Giants. I'd go see Counting Crows. I'd go see Taj Mahal. . . . I'm definitely not looking for old boring music."