



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

MCPB
ITEM #
12/6/07



MEMORANDUM

DATE: November 21, 2007

TO: Montgomery County Planning Board

VIA: Rose Krasnow, Chief *RK*
Development Review Division

Catherine Conlon, Subdivision Supervisor *CAC*
Development Review Division

FROM: Richard A. Weaver (301-495-4544) *RAW*
Development Review Division

REVIEW TYPE: Preliminary Plan of Subdivision

APPLYING FOR: One lot for 317 multi family units including a minimum of 12.5% MPDU's and one open space parcel.

PROJECT NAME: Midtown Silver Spring

CASE NO. 120060540

REVIEW BASIS: Pursuant to Chapter 50, the Subdivision Regulations

ZONE: CBD-2 zone

LOCATION: On the north side of Ripley Street, approximately 500 feet west of Georgia Avenue (MD 97)

MASTER PLAN: Silver Spring

APPLICANT: Ripley Street, L.L.C..

ATTORNEY: Linowes and Blocher

ENGINEER: Loiederman Soltesz Associates, Inc.

FILING DATE: November 8, 2005

HEARING DATE: December 6, 2007

Staff Recommendation: Approval, subject to the following conditions:

- 1) Approval under this preliminary plan is limited to a maximum of 317 high-rise, multi-family residential units, including a minimum of 12.5% moderately priced dwelling units (MPDUs), and 5,946 square feet of retail.
- 2) The applicant must comply with the conditions of approval for the preliminary forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or Montgomery County Department of Permitting Services (MCDPS) issuance of sediment and erosion control permits, as applicable.
- 3) Applicant must comply with the conditions of approval of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated March 17, 2007, unless otherwise amended.
- 4) Applicant must comply with the MCDPS stormwater management approval letter dated October 5, 2005 and amended December 21, 2005.
- 5) The applicant must dedicate all road rights-of-way shown on the approved preliminary plan to the full width mandated by the Master Plan unless otherwise designated on the preliminary plan.
- 6) Applicant must construct all roads shown on the approved preliminary plan to the road standards dictated by the Montgomery County Department of Public Works and Transportation or as otherwise specified in this report.
- 7) Record plat to reflect the following road dedications:
 - 80 feet of right-of-way across the property frontage to accommodate the extension of Dixon Avenue between Ripley Street and Bonifant Street; and
 - additional 20 feet of right-of-way along the frontage of the site to equal 35 feet as measured from the centerline on Ripley Street.
- 8) The Applicant must construct Dixon Avenue between Public Garage No. #55 and Ripley Street in accordance with MCDPWT approval letter dated March 17, 2007 to include the following (from west side of R.O.W. to east side):
 - 2 foot wide brick pavement
 - 12 foot wide scored concrete off-street bike path
 - 6 foot wide brick sidewalk with tree boxes (with amended soil panels and underground watering system for tree boxes)
 - 50 foot pavement width with concrete curbs and gutters
 - 6 foot wide brick sidewalk with tree boxes (with amended soil panels and underground watering system for tree boxes)
 - 8 foot wide brick sidewalk (4 feet of which will be located in Public Improvements Easement)

These improvements must be complete and open to traffic prior to issuance of the initial occupancy permit for the residential component.

- 9) The Applicant must construct Ripley Street along Property frontage in accordance with MCDPWT approval letter dated March 17, 2007 to include a twenty-foot wide paved section and interim access to the businesses on the south side of Ripley Street. This improvement must be complete and open to traffic prior to issuance of the initial occupancy permit for the residential component.

- 10) The Applicant must construct the typical section of Dixon Avenue within the Public Garage #55 as the continuation of the cross section described in condition #9 above with the exception of the eastern brick sidewalk pavement which must be 4-feet wide with no tree boxes or amended soil panels. This improvement must be complete and open to traffic prior to issuance of the initial occupancy permit for the residential component, unless DPWT requests delay in construction of the project for permitting and bonding as a future MCDPWT project.
- 11) The Applicant must construct the retrofit of the DPWT parking garage as envisioned in the Silver Spring CBD Sector Plan to allow for continued use of the structure while Dixon Avenue is extended through to Ripley Street; details and agreements for this retrofit to be addressed through the Mandatory Referral process. Implementation of an agreement between the applicant and DPWT for completion of this project must be finalized before issuance of any occupancy permit.
- 12) Applicant must dedicate 25 foot truncations at all intersections. Revise building locations accordingly.
- 13) No clearing, grading or recording of plats prior to certified site plan approval.
- 14) Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, sidewalks, and bikepaths will be determined at site plan.
- 15) Final number of MPDU's as per condition #1 above to be determined at the time of site plan.
- 16) At site plan review, the applicant must submit a noise analysis that addresses the following:
 - Specifications from an acoustical engineer for the design of the building shells for all residential dwelling units being constructed within the projected 65 dBA Ldn noise contour to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
 - The builder must provide a signed commitment at site plan to construct the impacted units in accord with the acoustical design specifications. Any changes to the building shell construction that may affect acoustical performance after issuance of building permit must be approved by an acoustical engineer and M-NCPPC Environmental Planning staff prior to their implementation.
- 13) The Adequate Public Facility (APF) review for the preliminary plan will remain valid for sixty-one (61) months from the date of mailing of the Planning Board opinion.
- 14) The record plat must show necessary easements.

SITE DESCRIPTION:

The subject property "Subject Property" or "Property", as shown in figure 1, is located on the north side of Ripley Street, 500 feet west of Georgia Avenue. The 1.8 acre site is currently identified as lots 10, 12, 14, 16, 18, 20, 24, 26, and part of lot 28, Block 3, Lee's Addition to Silver Spring, as shown on tax map JN33 (see Attachment A). The Property is bound by Ripley Street to the south and will be bifurcated by the extension of Dixon Avenue to the east. Both Ripley Street and Dixon Avenue are not built to County standards. The site is currently occupied

by one story buildings used for automotive type repairs with parking lots surrounding them. The Property is immediately south of the seven story, Montgomery County Parking Garage #55. There are numerous automobile repair businesses to the south of the site along Ripley Street. A small, two story office building abuts the site to the east and the CSX railway lines generally abut the site to the west. The Silver Spring METRO station is located approximately 800 feet to the northwest. The Property slopes from its highest elevation in the northeast corner to its lowest in the southwest corner.



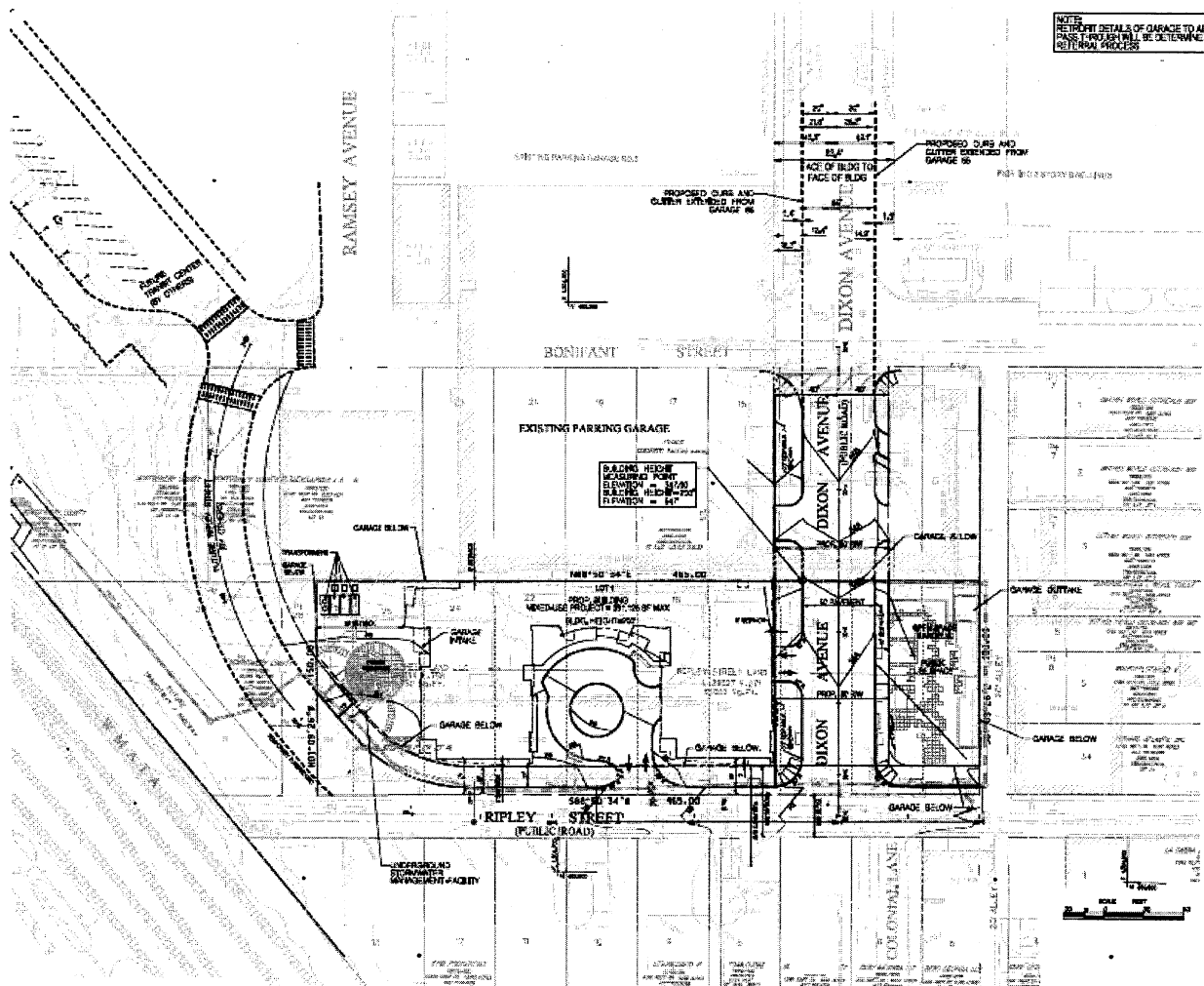
Figure 1

PRIOR PLANNING BOARD ACTION

On March 30, 2006 the Montgomery County Planning Board considered Project Plan 92004006A, an amendment to the previously approved Project Plan for this site using the optional method of development. The amendment sought to increase the building height from 190 feet to 200 feet and to reorient the structure toward Ripley Street. The Project Plan amendment was approved by the Planning Board; the preliminary plan reflects the same features as the Project Plan. The preliminary plan has been reviewed for compliance with the approved Project Plan.

PROJECT DESCRIPTION

This preliminary plan illustration, shown below, proposes a 391,125 square foot, two-tower, 20-story (200 foot), "U" shaped residential building containing 317 multi-family units and approximately 5,380 square feet of ground floor retail uses, including 369 underground parking spaces. The plan proposes that 39.25% of the site will be public open space with public amenities such as a plaza, landscaping, public art, benches and special lighting. Significant improvements to Ripley Street, the public garage and Dixon Avenue are also proposed as part of the Project Plan and will be appropriately reviewed as part of the required site plan review. Ripley Street will continue around the southwest corner of the property to eventually be extended by other projects into the Silver Spring Transit Center. This project makes the necessary on-site dedications to accommodate that eventual connection.



UNRESOLVED ISSUE

Corner Truncation

The preliminary plan does not show required dedication for truncation at the corners of Dixon Avenue and Ripley Street. Pursuant to Section 50-26(E)(3) of the Subdivision Regulations, a 25 foot truncation at the corners must be shown as part of the dedication for right-of-ways to accommodate safe sight distance and, if necessary, traffic channelization. In this case there will be no traffic channelization other than a standard curbed corner with appropriate radii. Staff presumes, therefore, that the truncation is to accommodate safe sight distance.

MCDPWT did require truncation as a comment at the time of the Development Review Committee. In their approval memorandum dated March 17, 2007, MCDPWT made no suggestion that they supported waiving the truncation. Further, the applicant has not demonstrated, through a waiver request, that a demonstrated practical difficulty or unusual circumstance exists for the Planning Board to consider waiving the truncation, pursuant to Section 50-38 of the Subdivision Regulations. Therefore, staff recommends that there be a condition to dedicate the necessary truncation as part of the preliminary plan approval. At the time of site plan review, staff will have the ability to review a revised building layout that respects the truncation line, or if at that time, the applicant can demonstrate that a practical difficulty or unusual circumstance exists, the Planning Board may be in a position to waive truncation. The preliminary plan would need to be amended to remove the condition for truncation prior to action on the site plan.

STAFF ANALYSIS AND FINDINGS

Compliance with the Silver Spring Central Business District and Vicinity Sector Plan

Attachment B of this report is the staff memorandum from Community Based Planning staff on the Project Plan and Preliminary Plan. Staff finds that the Preliminary Plan is in conformance with the Master Plan.

Roads and Transportation

Site Location, Access, Circulation, and Parking

The applicant will be required to reconstruct Dixon Avenue through the property to provide access to Bonifant Avenue from Ripley Street. This will require improvement to, and through, Parking Garage #55. The proposed Silver Spring Transit Center will serve as the western terminus of Ripley Street. Access to the property for tenants will be from Ripley Street. Service vehicle access will be located on the extension of Dixon Avenue near the entrance to the public parking garage.

All parking for the development will be provided from the structured underground parking garages. According to the current design, a section of the parking garage will be located beneath the Dixon Avenue right-of-way. The applicant and DPWT are negotiating the terms of

this arrangement with written confirmation to be provided at the time of site plan. Parking for both vehicles and bikes is deemed to be adequate based on the staff review of the facilities.

Local Area Transportation Review

The development was required to submit a traffic study in accordance with LATR guidelines. The development is estimated to generate 99 vehicle trips during a typical weekday peak hour. Five nearby intersections were studied to determine the likely impact to local transportation infrastructure resulting from this development. None of the studied intersections showed a calculated future Critical Lane Volume (CLV) in excess of the adopted Silver Spring CBD threshold of 1800 vehicles; therefore, no local intersection improvements are required of this project. Vehicular and pedestrian access to the site will be safe and adequate.

Master Plan Roadways and Bikeways

Ripley Street is classified as a Business Street with a right-of-way width of 70 feet. Dixon Avenue is shown as a Business Street with a right-of-way width of 80 feet. The applicant must dedicate up to 35 feet as measured from the centerline along Ripley Street to provide for the required right-of-way, and must dedicate an appropriate amount right-of-way to provide 80 feet for the Dixon Avenue extension across the site. Written agreements confirming the terms of access for these dedications are to be provided at the time of site plan.

Pedestrian Access

The applicant proposes to construct sidewalks and a shared use path on Dixon Avenue in accordance with the Silver Spring CBD Sector Plan. Pedestrian access to and across the site will allow for movements between the new Silver Spring Transit Center and the Georgia Avenue business district. In addition, the proposed design includes provision for access to the public parking garage on Bonifant Street as well as for improved access to the future Georgetown Branch Trail along the CSX railroad.

Environment

Environmental Guidelines

There are no trees, forest, streams, wetlands or other environmental features on this property, therefore, the environmental guidelines do not apply.

Forest Conservation

The application is subject to the Montgomery County Forest Conservation law. The preliminary forest conservation plan shows a requirement to reforest or afforest 0.24 acres. The applicant may meet this through credits using the proposed landscaping and/or off-site planting. This will be determined at the time of site plan as part of the review for the final forest conservation plan. The preliminary plan is in conformance with Chapter 22A of the County Code, the Forest Conservation Law.

Stormwater Management

Pursuant to Chapter 19 of the Montgomery County Code, the Planning Board must not consider a preliminary plan of subdivision until such a time as the Montgomery County Department of Permitting Services has approved a conceptual stormwater management Plan for the development. On October 5, 2005 and as amended December 21, 2005, MCDPS did issue approval letters for the project. The project anticipates using StormFilters to treat water quality. On site channel protection is waived because this is redevelopment of an existing impervious site.

Noise

This plan envisions a residential development approximately 200 feet away from the WMATA train tracks. These train tracks are used for MARC and Metro trains, as well as freight trains. These trains generate a high degree of noise that will need to be abated through architectural means. Staff has recommended the appropriate conditions to assure the project will meet MNCPPC noise compatibility guidelines.

Compliance with the Subdivision Regulations and Zoning Ordinance

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. Access and public facilities will be adequate to support the proposed lots and uses. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision.

The lot was reviewed for compliance with the dimensional requirements for the CBD-2 zone as specified in the Zoning Ordinance. The lot as proposed will meet all the dimensional requirements for area, frontage, width, and setbacks in that zone. A summary of this review is included in attached Table 1. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.

Public facilities and services are available and will be adequate to serve the proposed development. The Property will be served by public water and public sewer. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the plan will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as schools, police stations, firehouses and health services are operating according to the Growth Policy resolution currently in effect and will be adequate to serve the Property. All public utilities are available to the property including gas, electrical, water, sewer and telecommunications.

Community Concerns

This plan submittal pre-dated any requirements for a pre-submission meeting with neighboring residents; however, written notice was given by the applicant and staff of the plan submittal and the public hearing date. No letters of correspondence have been received.

CONCLUSION

The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and complies with the recommendations of the Silver Spring Central Business District and Vicinity Sector Plan. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan. Therefore, approval of the application, including the preliminary water quality plan, with the conditions specified above is recommended.

Attachments:

Attachment A – Vicinity Map

Attachment B – Community Based Planning Memorandum

Attachment C – Referenced Agency Letters

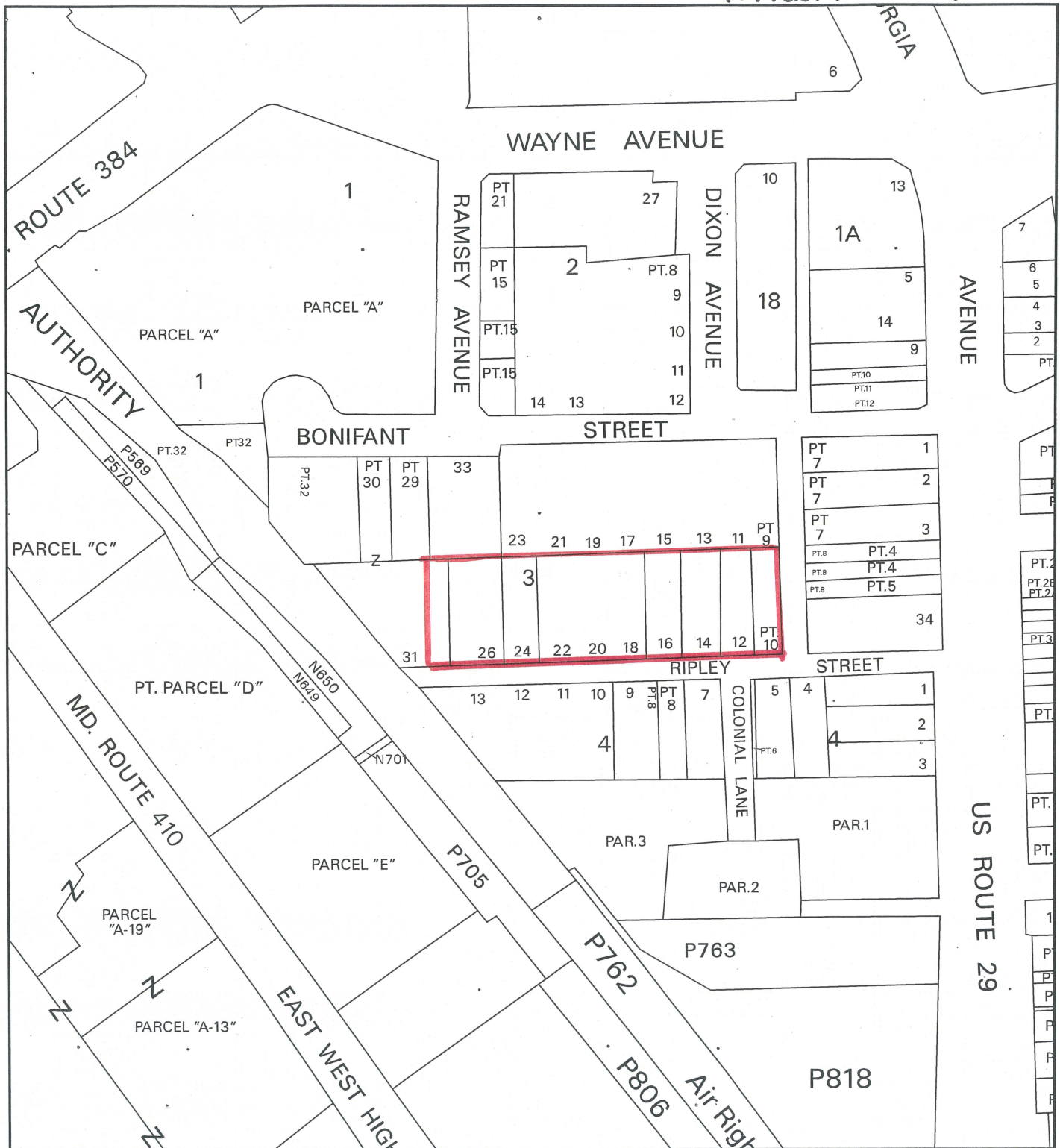


MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Table 1: Preliminary Plan Data Table and Checklist

Plan Name: Midtown Silver Spring				
Plan Number: 120050540				
Zoning: CBD-2				
# of Lots: 1 and 1 open space parcel				
# of Outlots: 0				
Dev. Type: Optional				
PLAN DATA	Zoning Ordinance Development Standard	Proposed for Approval by the Preliminary Plan	Verified	Date
Minimum Lot Area	18,000	32,223 sq. ft.	RW	11/20/07
Lot Width	None	280 ft.	RW	11/20/07
Lot Frontage	None	320 ft.	RW	11/20/07
Setbacks				11/20/07
Front	None.	At Site Plan	RW	11/20/07
Side/Rear	None	At Site Plan	RW	11/20/07
Height	200 feet	May not exceed maximum ¹	RW	11/20/07
Max 5FAR	5.0 FAR	5.0 FAR	RW	11/20/07
Public Use Space	20% of gross tract	At Site Plan (24% shown)	RW	11/20/07
TDRs	No			
MPDUs	Yes	12.5% (40)	RW	11/20/07
Site Plan Req'd?	Yes		RW	11/20/07
FINDINGS				
SUBDIVISION				
Lot frontage on Public Street	Yes		RW	11/20/07
Road dedication and frontage improvements	Yes		Agency letter	3/17/07
Environmental Guidelines	N/a			
Forest Conservation	Yes		Staff memo	11/20/07
Master Plan Compliance	Yes		Staff memo	3/20/06
ADEQUATE PUBLIC FACILITIES				
Stormwater Management	Yes		Agency letter	10/5/05
Water and Sewer (WSSC)	Yes		Agency comments	2/6/06
10-yr Water and Sewer Plan Compliance	Yes		Agency comments	2/6/06
Well and Septic	N/a			
Local Area Traffic Review	Yes		Staff memo	11/16/07
Fire and Rescue	Yes		Agency letter	2/6/06

¹ As determined by MCDPS at the time of building permit.



Map compiled on November 21, 2007 at 1:36 PM | Site located on base sheet no - 210NW01

NOTICE

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Property lines are compiled by adjusting the property lines to topography created from aerial photography and should not be interpreted as actual field surveys. Planimetric features were compiled from 1:14400 scale aerial photography using stereo photogrammetric methods.

This map is created from a variety of data sources, and may not reflect the most current conditions in any one location and may not be completely accurate or up to date. All map features are approximately within five feet of their true location. This map may not be the same as a map of the same area plotted at an earlier time as the data is continuously updated. Use of this map, other than for general planning purposes is not recommended. - Copyright 1998

Key Map



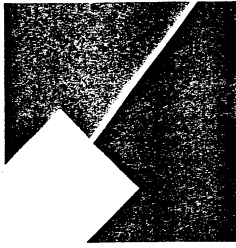
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Research & Technology Center

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1 inch = 200 feet
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March 20, 2006

MEMORANDUM

TO: Douglas Johnsen, Planner Coordinator
Development Review Division

FROM: Glenn Kreger, Team Leader, Silver Spring/Takoma Park Team *gk*
Community-Based Planning Division

SUBJECT: Project Plan Review No. 9-2004006OA
Preliminary Plan No. 1-20060540
Ripley Street Condominiums (Midtown Silver Spring)

The Community-Based Planning staff has reviewed the above referenced Preliminary Plan and Project Plan Amendment for conformance with the Silver Spring Central Business District and Vicinity Sector Plan (Approved February 2000). The subject property is located on Ripley Street north of the intersection with Colonial Lane in the Ripley District of Silver Spring. Community-Based Planning recommends the approval of this Project Plan with the following conditions needed to ensure consistency with the approved CBD Sector Plan:

1. Provide a Class1 bikeway (off-road) on the west side of Dixon Avenue.
2. Dedicate additional street right-of-way and construct the street improvements on the north side of Ripley Street equal to 35 feet measured from the centerline of the existing street.
3. Dedicate 80 feet of street right-of-way and construct the street improvements for Dixon Avenue from the face of Garage 5 to Ripley Street.
4. Enter into an agreement with the Silver Spring Urban District for maintenance of all or some of the streetscape improvements.
5. Coordinate with the Montgomery County Department of Public Works and Transportation during Facility Planning for the Ripley District regarding the street and bikeway design for Ripley Street and Dixon Avenue. Provide a plan for the connector between these two streets that demonstrates that the vertical and horizontal alignments are feasible given the planned development at both ends; this plan should be approved by all interested parties before either project is approved by the Planning Board.

B. Sector Plan Bikeways: The Sector Plan recommends a Class 1 bikeway (off-road) for Dixon Avenue. Staff recommends that at the time of Preliminary Plan review, the applicant provide a Class 1 bikeway on the west side of Dixon Avenue from Ripley Street through Garage 5 to Bonifant Street.

C. Sector Plan Street Rights-of-Way: The Sector Plan recommends the street right-of-way for Ripley Street as 70 feet. Staff recommends that the applicant dedicate additional street right-of-way and construct the street improvements on the north side of Ripley Street equal to 35 feet measured from the centerline of the existing street. The Sector Plan also illustrates a conceptual alignment of Ripley Street connecting to Bonifant Street through a portion of the future Transit Center project. The Ripley Street to Bonifant Street connection will provide additional street connectivity from the CBD core to the Ripley District. It is critical that the feasibility of this connector be demonstrated before the development at either end is approved.

The Sector Plan recommends an 80-foot street right-of-way for Dixon Avenue from Wayne Avenue to Silver Spring Avenue. Dixon Avenue will provide additional street connectivity from the CBD core into the Ripley District. The public parking (Garage 5) located to the north of the proposed development is designed to allow for the extension of Dixon Avenue through it. The applicant has coordinated with DPWT regarding improvements to the garage such as opening the southern end and constructing vehicular and pedestrian improvements through the garage. (This will be a future Mandatory Referral.) Staff recommends that the applicant dedicate 80 feet of street right-of-way and construct the street improvements for Dixon Avenue from the face of Garage 5 to Ripley Street.

D. Streetscape: The applicant proposes to improve Ripley Street and Dixon Avenue using the Type B treatment recommended in the *Silver Spring Streetscape* (April 1992) technical manual. The staff recommends that the applicant enter into an agreement with the Silver Spring Urban District for maintenance of all or some of the streetscape improvements.

COORDINATION WITH OTHER INITIATIVES

The Montgomery County Department of Public Works and Transportation conducted the initial phase of a facility plan for the Ripley District infrastructure improvements (CIP 509337). The study area included portions of the proposed street improvements associated with the proposed development. Staff recommends that the applicant continue to coordinate with DPWT during the Facility Planning for the Ripley District regarding the street and bikeway designs for Ripley Street and Dixon Avenue.

COMMUNITY OUTREACH

The applicant has met with various civic and business groups regarding this proposal. These groups include the Greater Silver Spring Chamber of Commerce, the Silver Spring



Attachment C

DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes, Jr.
Director

March 17, 2007

Ms. Catherine Conlon, Subdivision Supervisor
Development Review Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Preliminary Plan #1-20060540
Midtown Silver Spring

Dear Ms. Conlon:

We have completed our review of the updated preliminary plan signed and sealed on October 5, 2006. An older version of this plan was reviewed by the Development Review Committee at its meeting on February 6, 2006. We recommend approval of the plan subject to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to DPS in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

This letter addresses the private development that is proposed adjacent to the County's Garage No. 55. Since the extension of Dixon Avenue (from Bonifant Street to Ripley Street) extends through Garage No. 55, the design elements of Dixon Avenue Extended (horizontal alignment, profile, and typical section) must be coordinated between the sections within and beyond the public garage. Applicant to refer to the Planning Board comments on Mandatory Referral No. "0618-DPW&T-1," as they relate to the alignment and typical section of Dixon Avenue Extended within Garage No. 55.

Prior to the issuance of any permits to reconstruct Garage No. 55, the applicant will need to obtain a Right-of-Entry Agreement from this Department that includes all elements of the Parking Garage Reconstruction Agreement.

1. Show all existing planimetric and topographic details specifically paving, storm drainage, driveways adjacent and opposite the site, sidewalks and/or bikeways as well as existing rights of way and easements on the preliminary plan.
2. Dedicate rights-of-way along Dixon Avenue Extended and Ripley Street in accordance with the master plan and DPWT's approved Phase 1 Facility Planning Study for the Ripley District (CIP Project No. 509337). A volumetric dedication (on Dixon Avenue Extended) will be allowed under a separate Agreement above the proposed private underground parking garage. Clarify the location of the proposed 70 feet R/W for Ripley Street by showing the pavement and R/W centerlines for the existing Ripley Street east of existing alley.

Division of Operations

101 Orchard Ridge Drive, 2nd Floor • Gaithersburg, Maryland 20878
240-777-6000 • 240-777-6013 TTY • 240-777-6030 FAX
www.montgomerycountymd.gov

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3. We have accepted a 1.5' easterly shift of the curblines of proposed Dixon Avenue Extended (in comparison to the existing segment north of Bonifant Street) to better accommodate the proposed off-road bikepath on the west of this street.
4. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
5. A Public Improvements Easement may be necessary along the east side of Dixon Avenue, in order to accommodate the required sidewalk construction. Prior to submission of the record plat, the applicant's consultant will need to determine if there is sufficient right of way to permit this sidewalk construction. If not, the applicant will need to either dedicate additional right of way or execute a Declaration of Public Improvements Easement document. That document is to be recorded in the Land Records of Montgomery County, with the liber and folio referenced on the record plat. Unless otherwise noted, the Public Improvements Easement (PIE) is to be a minimum width of four (4) feet wide. If the sidewalk does not abut the face of a building, provide a two (2) foot wide sodded maintenance strip and increase the width by an additional two (2) feet.
6. Prior to the issuance of any permits to reconstruct Garage No. 55, the applicant's consultant will need to obtain approval of the grade establishment for Dixon Avenue Extended (between Bonifant Street and Ripley Street).

Prior to approval of the record plat by the Department of Permitting Services (DPS), the applicant's consultant will need to obtain the approval of the grade establishments for Ripley Street.
7. We are in receipt of the engineer's sketches indicating that impervious area will be reduced as a result of this development (these sketches have not accounted for the Ripley Street T-turnaround, nevertheless it seems still impervious is reduced). As a result, we will not require downstream storm drain capacity and impact analyses. Please note any changes in the proposed layout of the site or increases to the future impervious area will necessitate this study.
8. Provide centerline curve data for the horizontal curve proposed on Ripley Street.
9. Our policy on the spacing of commercial driveway aprons is to have a minimum of one hundred (100) feet of tangent distance between the curb returns of adjacent driveways and intersections – taking into consideration other issues such as sight distances, operational characteristics of the frontage road, opposite and/or adjacent driveways and/or intersections, property frontage limitations, etc. We accept the location of the proposed driveway on Dixon Avenue cannot be shifted to meet this minimum, due to the limited distance between Ripley Street and the existing driveway within the parking garage. Prior to the Site Plan stage, applicant's engineer will need to investigate the feasibility of relocating the proposed entrance on Ripley Street to achieve this separation. If this shift is not feasible, the applicant will need to provide acceptable supporting documentation and justification (of design rational, alternatives considered, impact on the project if the design exception is not accepted, etc.).
10. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site.

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11. At the Site Plan stage, the applicant will need to submit a truck circulation plan for review by the M-NCPPC and MCDPS. This plan should delineate the proposed movements on-site between the anticipated access locations, the proposed truck loading spaces, and the proposed dumpsters. The truck circulation pattern and loading position should be designed for counter-clockwise entry and for a left-side backing maneuver. Passenger vehicle travel ways should be separated from the expected truck patterns and storage areas.
12. Truck loading space requirements to be determined in accordance with the County's "Off-Street Loading Space" policy. On the site plan, delineate the location and dimensions of the proposed truck loading and/or dumpster spaces.
13. Provide on-site handicap access facilities, parking spaces, ramps, etc. in accordance with the Americans With Disabilities Act.
14. The owner will be required to submit a recorded covenant for the operation and maintenance of private streets, storm drain systems, and/or open space areas prior to MCDPS approval of the record plat. The deed reference for this document is to be provided on the record plat.
15. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
16. If the proposed development will alter any existing street lights, signing, and/or pavement markings, please contact Mr. Fred Lees of our Traffic Control and Lighting Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
17. Prior to submission of the issuance of permit(s) to connect Dixon Avenue Extended with Ripley Street, the applicant's traffic engineer will need to obtain a final decision from this office on their traffic signal warrant analysis for the intersection of Dixon Avenue and Bonifant Street. If a traffic signal is warranted, the applicant will be responsible for the design and construction of that signal.

If the proposed development will alter or impact any existing County maintained transportation system management component (i.e., traffic signals, signal poles, handboxes, surveillance cameras, etc.) or communication component (i.e., traffic signal interconnect, fiber optic lines, etc.), please contact Mr. Bruce Mangum of our Traffic Systems Engineering Team at (240) 777-6000 for proper executing procedures. All costs associated with such relocations shall be the responsibility of the applicant.
18. Trees in the County rights of way - species and spacing to be in accordance with the applicable Silver Spring streetscape guidelines. A tree planting permit is required from the Maryland Department of Natural Resources, State Forester's Office [(301) 854-6060], to plant trees within the public right of way.
19. Please coordinate with Department of Fire and Rescue Services about their requirements for site access by emergency vehicles.

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- D. Erosion and sediment control measures as required by Section 50-35(j) and on-site stormwater management where applicable shall be provided by the Developer (at no cost to the County) at such locations deemed necessary by the Department of Permitting Services (DPS) and will comply with their specifications. Erosion and sediment control measures are to be built prior to construction of streets, houses and/or site grading and are to remain in operation (including maintenance) as long as deemed necessary by the DPS.
- D. Developer shall ensure final and proper completion and installation of all utility lines underground, for all new road construction.
- E. Developer shall provide street lights in accordance with the specifications, requirements, and standards prescribed by the Traffic Engineering and Operations Section.

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact me at greg.leck@montgomerycountymd.gov or (240) 777-6000.

Sincerely,



Gregory M. Leck, Manager
Development Review Group
Traffic Engineering and Operations Section

m:/subdivision/gml/docs/pp/ 1-20060540, Midtown Silver Spring, FINAL.doc

cc: Thomas Malone, Ripley Street LLC
Daniel Pino, Loiederman Soltesz Associates
Robert Dalrymple, Linowes and Blocher
Anne Martin, Linowes and Blocher
Gary Stith, Silver Spring Regional Center
Robert Kronenberg; M-NCPPC DRD
Shahriar Etemadi; M-NCPPC TPD
Larry Cole, M-NCPPC TPD
Glenn Kreger; M-NCPPC CBP
Capt. John Feissner, MCFRS
Joseph Y. Cheung; DPS RWPPR
Sarah Navid; DPS RWPPR
John Fisher; Office of the County Attorney
Edgar Gonzalez, DPWT Director's Office
Bruce Johnston, DPWT DCD
Donald Scheuerman, DPWT DCD
Aruna Miller, DPWT DCD
Al Roshdieh, DPWT Operations
Rick Siebert, DPWT POS
Jeff Riese, DPWT POS
Emil Wolanin, DPWT TEOS
Sam Farhadi, DPWT TEOS