

MONTGOMERY COUNTY PLANNING BOARD

Draft O P I N I O N

DATE MAILED:

PROJECT PLAN REVIEW #: 9-04006

PROJECT NAME: Ripley Street

Action: Approval subject to conditions. Motion was made by Commissioner _____, seconded by Commissioner _____, with a vote of ____-____. Commissioners Bryant, Berlage, Robinson, Perdue and Wellington voting for, Commissioner(s) _____ voting against. Commissioner/s _____ was/were necessarily absent.

The date of this written opinion is _____ (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal, as provided in the Maryland Rules of Procedure, on or before _____ (which is thirty days from the date of this written opinion). If no administrative appeal is timely filed, then this Project Plan shall remain valid until ____ (24 months) _____ provided the applicant has submitted a site plan application, within 18 months of the original validity period and with site plan approval received within 6 months, as provided in Section 59-D-2.7.

On July 29, 2004 Project Plan Review #9-04009 was brought before the Montgomery County Planning Board for a public hearing. At the public hearing, the Montgomery County Planning Board heard testimony and received evidence submitted in the record on the application. Based on the testimony and evidence presented and on the staff report, which is made a part hereof, the Montgomery County Planning Board finds:

(a) As conditioned, the proposal complies with all of the intents and requirements of the zone.

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PROJECT DATA
TABLE CBD-2
ZONE

Required/Permitted		Provided
Current Site Area – Part of Lot 10, Lots 12, 14, 16, 18, 20, 22, 24, 26, and part of Lot 28		69,750 s.f.
Prior Dedications :		
Ripley Street		6,975 sf
Alley		<u>1,500 sf</u>
Total Prior Dedications		8,475 s.f.
Total Gross Tract Area (for FAR calculations)		78,225 s.f.
FAR	5 FAR	5 FAR
78,225 x 5 =	391,125 s.f.	391,125 s.f.
Proposed Dedications:		
Dixon Avenue		12,000 s.f.
Ripley Street		<u>10,319 s.f.</u>
Total Proposed Dedication		22,310 s.f.
Net Lot Area (total gross minus proposed dedications)		47,431 s.f.
Minimum on-site Public Use Space (20% of Net Lot Area)		
9,486 s.f.		
On Site Public Use/Amenity Space - 24.3%		11,524 s.f.
Off Site Public Public Use/Amenity Space - 27.8%		<u>13,171 s.f.</u>
Total on site and off site Pubic Use/ amenity Space - 52.1 %		24,695 s.f.
Dwelling Units	200/acre= 359 units	187/acre = 336 units
Non-Residential Space	234,675 s.f. maximum	5,946 s.f.
Maximum Building Height	143 ft.* - 200 ft. at Metro	190 ft.*

12.5% MPDUs to be provided on site in accordance with Chapter 25A.

* The Planning Board may approve height over 143 feet to a maximum of 200 feet for an optional method project that is in a designated Revitalization Area and within 800 feet of an entrance to a Metro Station, if the additional height is consistent with the guidelines for the property in the Sector Plan, if the proposed development is compatible with the surrounding development, and if the proposed development will provide additional public facilities and amenities beyond what would have otherwise been provided if additional height were not approved. The Project meets this criteria for eligibility because it is within 800 feet of the Silver Spring Metro Station and within the Silver Spring CBD Revitalization Area; the height is consistent with the guidelines for the Property to initiate redevelopment of the Ripley District with a mixed-use development near transit that will provide interconnectivity and public open spaces; the Project is compatible with the existing and potential surrounding development; and the Project will provide significant public facilities and amenities, approximately 52 percent of the site area, and on-site MPDUs that would not be economically feasible without the requested height.

Parking:

Residential units – Final Unit Mix to be Determined at Site Plan	
16 Studios @ 1.00 SP/DU	16 Spaces
170 One-Bedroom Units @ 1.25 SP/DU	213 Spaces
150 Two-Bedroom Units @ 1.50 SP/DU	225 Spaces
<u>Less MPDU Credit (1/2 spaces x 42 MPDUs - 16 studios/26 one-bedroom)</u>	<u>(25 Spaces)</u>
Required Residential Unit Parking	429 Spaces
Non-Residential (Retail)	
5,946 s.f. Retail @ 5 SP/1000	30 Spaces
Total Required Parking	459 Spaces
Total Vehicle Spaces Provided	480 Spaces
Motorcycle Spaces Required - 2%, 10 Max.	10
Motorcycle Spaces Provided in Garage	10
Bicycle Spaces Required - 5%, 20 Max.	20
Bicycle Spaces Provided in Garage	20

Further, the CBD-2 purpose clause requires the following:

- A. *To encourage development in accordance with an adopted and approved master or sector plan by permitting an increase in density, height and intensity where it is in conformity with the sector plan and the site plan is approved on review by the Planning Board.*

The project is in conformance with the Sector Plan goal to encourage flexibility for commercial, residential high-rise or mixed-use redevelopment that invites revitalization. Further, the new dedicated rights-of-way, the Dixon Avenue improvement, the streetscape

treatments, the public open spaces and parks, all address the Sector Plan recommendation to facilitate a new inter-connected street system and to upgrade the physical environment.

- B. To permit a flexible response of development to the market as well as to provide incentives for the development of a variety of land uses and activities in central business districts to meet the needs and requirements of workers, shoppers and residents.*

The project directly responds to the current market focus to provide high-rise residential development where the infrastructure, facilities and amenities already exist. The project will not only address the housing needs of the County, but it will also create new safe, efficient and attractive pedestrian and vehicular routes to the Silver Spring Metro Station and bus facility and provide amenity areas for the enjoyment of residents, employees and visitors of the Ripley District and Georgia Avenue corridor. The additional housing opportunities created by the project, including the affordable housing component, will compliment the other development occurring in the Silver Spring core and will help ensure that the downtown area will be vibrant beyond the workday.

- C. To encourage designs which produce a desirable relationship between the individual buildings in the CBD, between the buildings and the circulation system, and between the CBD and adjacent areas.*

The proposed design, scale, façade, park and streetscaping of the Project provide a desirable identity for the project and the precedent and beginning of the redeveloped Ripley District connecting the Metro, the CBD core and the other districts comprising downtown Silver Spring. The positioning of the buildings, location of the Urban Park and green spaces and attractive streetscape ensure a desirable relationship of the improvements and its surrounds. The provision of the new Dixon Avenue and the widening, enhancement and extension of Ripley Street with sidewalk improvements create the interconnected street system for improved vehicular and pedestrian circulation.

- D. To promote the effective use of transit facilities in the Central Business District and pedestrian access thereto.*

The project is accessible to the Silver Spring Metro station through the enhanced sidewalk and street system along Dixon Avenue and the extended Ripley Street that will connect in the future to the Silver Spring Transit Center as envisioned in the Sector Plan. The enhanced sidewalk connections will encourage transit use by providing a safer, more efficient, and attractive pedestrian corridor to access the Metro Station. Additionally, the project is near two stops on the route of the "Van Go" loop bus system (Bonifant Street and Georgia Avenue at Ripley Street) that circulates throughout the Silver Spring CBD to connect the Metro station, MARC station, the commercial and retail areas and parking facilities throughout the CBD.

- E. To promote improved pedestrian and vehicular circulation.*

The creation of and improvements to vehicular and sidewalk connections in the Ripley District will improve the interconnected street and circulation system and the improved

access to transit. The sidewalk improvements and streetscaping will vastly improve the current pedestrian circulation, and the enhancements such as street trees, lighting and benches will similarly promote the use of the pedestrian systems. Vehicular access to the underground parking garage on the Property for residents and visitors that do not utilize transit or one of the nearby public parking garages is provided off the new Dixon Avenue. The delivery and loading entrance on Ripley Street is separate from the residents entrance and is located to provide optimal service for the building and to avoid pedestrian and vehicular conflicts.

F. To assist in the development of adequate residential areas for people with a range of different incomes.

The moderately priced housing objective of Montgomery County is to provide MPDU units in the CBD's where high-rise developments are located and the transit options are available. The Applicant is committed to providing the MPDUs required by Chapter 25A on the property, provided the maximum residential density and the height proposed is achieved (making on-site MPDUs more economically feasible).

G. To encourage land assembly and the most desirable use of land in accordance with the Sector Plan.

The Sector Plan specifically intended to create an environment that invites land assembly and revitalization. Despite the Ripley District's central location and proximity to Metro, the only new development in the Ripley District over the past decade had been limited to a small social service center and new fire station under construction to the south. The Project represents consolidation of lots currently under two separate ownership entities and specifically and dramatically addresses the objective to provide for an inter-connected street system, public spaces, organization and a sense of place. Because of the necessary coordination with the future Transit Center development, the Project has already created the "jump start" for development in the Ripley District.

H. In the CBD-2 zone it is further the intent to promote the orderly development of the Central Business Districts of the county so that these areas will enhance the economic status of the county as well as providing an expanding source of employment and living opportunities for its citizens in a desirable environment.

The development of the high-rise residential development meets the need for more housing options in the CBD and it will lessen traffic congestion by providing opportunities for people to live near where they work or near transit facilities. Residential development within the CBD will also strengthen the economic status and patronage of the local restaurants, retail and service uses already existing in the area, and will assist in the emergence of the downtown core as a vibrant urban center. The living opportunities provided will enhance the quality of the community environment with the proposed streetscapes, park area, and landscaping that is integral to the project and to the successful redevelopment of the Silver Spring CBD. The Applicant will also explore opportunities to integrate the project into the Arts and Entertainment District theme, perhaps by providing art studios or live/work areas for artists in addition to potentially providing an art component for the public park.

I. *In the CBD-2 Zone it is further the purpose:*

- (1) *to provide a density and intensity of development which will permit an appropriate transition from the cores of central business districts to the less dense peripheral areas within, and adjacent to the district; and*

The property is located in the center of the CBD, approximately 800 feet from the Silver Spring Metro Station and future Transit Center and away from the periphery of the CBD boundary. This location demands that the full mixed-use CBD-2 optional method density be achieved as proposed with the project. The successful redevelopment of the Ripley District is an integral part of the success of the Silver Spring core, and the project will provide the impetus for other surrounding properties to redevelop and contribute to the success of the downtown.

- (2) *to provide an incentive for the development to residential uses to meet the needs of those employed with the central business districts and those who will be able to use the district transit facilities to travel and from places of employment.*

The primarily residential nature of the project, with 336 units including 42 MPDUs, provides a convenient housing option for the employees of the CBD and for those utilizing the adjacent Metro, Marc, or bus transit facilities.

(b) As conditioned, the proposal conforms to the approved and adopted Master or Sector Plan or Urban Renewal Plan approved under Chapter 56.

Section 59-C-18.20 of the Zoning Ordinance states the purposes that the Ripley/South Silver Spring Overlay Zone is designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

- (1) *to facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment;*

The Project will address the objectives of the Sector Plan and the Overlay Zone to provide the planned interconnected streets, the circulation, organization and sense of place for this urban environment in the center of the CBD and adjacent to the future Transit Center.

- (2) *to encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the overlay zone;*

The Project will provide significant park areas and new, widened and enhanced right-of-ways that create attractive and meaningful amenity space to be enjoyed by the public and the residents of the building. The enhanced right-of-way's also provide significant light and air within the Ripley District. The proposed building design creates an urban street edge, but is minimal in actual street frontage and it avoids creating a potential "canyon" appearance. The openness of the Dixon Avenue right-of-way and the Urban Park counterbalance building height and configuration. The integration of the Dixon Avenue right-of-way into the adjacent parking garage creates a functional compatibility to be made attractive by the integration of art work.

- (3) *to provide flexibility of development standards to encourage innovative design solutions;*

The applicant is utilizing the flexibility of the development standards for the project, including the recently approved increased building heights for mixed use buildings next to Metro station entrances and F.A.R. incentives for mixed use projects.

- (4) *to allow for the transfer of the public use space requirement to other properties within the Overlay District; and*

The project is providing more than the required public use space on the Property therefore no transfer is necessary.

(5) *to allow new uses.*

The project consists of uses permitted by right in the CBD-2 zone- residential and non-residential (commercial/retail) uses. The applicant intends to explore the concept (in conjunction with Site Plan reviews) and feasibility of live/work units in an effort to promote new uses of the ground level space which can integrate with the remaining residential and non-residential uses of the Project.

(c) *As conditioned, because of its location, size, intensity, design, operational characteristics and staging, it would be compatible with and not detrimental to existing or potential development in the general neighborhood.*

All of the attributes of the proposed project are compatible with and beneficial to existing and proposed development. These include its location adjacent to the Silver Spring Metro Station and the underdeveloped Ripley Street, its height that creates full use of new zoning initiatives, the design of the building and the surrounding public spaces that create a new block face within an undefined area, and the operational characteristics that allow for service and residential uses to coincide without conflict and that create a new pedestrian and vehicular interconnection within the neighborhood

(d) *As conditioned, the proposal would not overburden existing public services nor those programmed for availability concurrently with each stage of construction and, if located within a transportation management district designated under Chapter 42A, article II, is subject to a traffic mitigation agreement that meets the requirements of that article.*

Local Area Transportation Review

A traffic study was submitted to determine the impact of the proposed development on the local area transportation network. Five intersections were evaluated in the study area. The trips generated from the site were added to existing and background traffic (trips from approved but unbuilt developments in the area) to estimate the total future traffic. The total future traffic was assigned to the local roadway network and the affected intersections were analyzed for their level of performance. All five intersections in the area were determined to operate within the congestion standard of 1800 Critical Lane Volume (CLV) for the Silver Spring CBD.

The following table shows the results of the CLV analysis for intersections in the area.

INTERSECTIONS.	Existing		Background		Total Future	
	AM	PM	AM	PM	AM	PM
Colesville Road and Wayne Ave/2 nd Ave.	976	835	986	854	995	858
Georgia Avenue and Wayne Avenue	1,172	1,159	1,180	1,281	1,214	1,304
Georgia Ave. and Bonifant St./Thayer Ave.	966	1,022	981	1,055	994	1,069
Georgia Ave. and Ripley Street	724	768	738	799	859	855
Georgia Avenue and Sligo Avenue	828	1,022	859	1,138	866	1,151

Site Access and Circulation

The site will have one access to the underground garage from Dixon Avenue. The access will provide for safe and efficient movement of vehicular traffic. The single access point to the site minimizes the potential conflict between pedestrians and vehicular traffic. Due to the expected low traffic volume on Dixon Avenue, there is also minimum conflict between traffic entering and exiting the site and the traffic movement on Dixon Avenue.

The applicant has agreed to fund and construct the extension of Dixon Avenue from Ripley Street to Bonifant Street, including the Sector Plan retrofit of the County's Bonifant Street parking garage. This will create a business district street that was envisioned in the Sector Plan. The entire length of Dixon Lane will be provided with a 15-foot sidewalk on the east side and a 25-foot combined sidewalk/bikeway on the west side to accommodate pedestrian and vehicle traffic to and from the site. These improvements will provide a vital connection from the Ripley District to the Silver Spring CBD core.

Pedestrian Impact Analysis

The traffic study evaluated the pedestrian activities in the area. Construction of wide sidewalks along Ripley Street and Dixon Avenue will enhance pedestrian safety and movements. There will be sidewalks to the Metro station. A well-designed pedestrian and bikeway system in the vicinity of the site connects to existing facilities throughout the CBD.

Policy Area Review/Staging Ceiling Analysis

The site is located within the Silver Spring CBD Policy Area, which has a remaining capacity of 2,860 jobs, and 4,448 housing units as of June 30, 2004.

- (e) *The proposal will be more efficient and desirable than could be accomplished by the use of the standard method of development.*

The utilization of the full 5 FAR density permitted for mixed-use optional method projects creates opportunities for a project that will provide a full allocation of Moderately Priced Dwelling Units, on a site that is within the CBD and adjacent to mass transit and employment opportunities. The development maximizes the density and also allows this applicant to implement the Dixon Avenue connection from Ripley Street to Bonifant Street that provides a community-wide benefit and effects a Sector Plan recommended circulation pattern. Also the 52.1% public on and off site open space improvements will create pedestrian spaces that will transform this block from an overlooked industrial area within of Silver Spring to a fully contributing portion of the new Silver Spring CBD.

- (f) *The proposal will include moderately priced dwelling units in accordance with Chapter 25A of this Code, if the requirements of that chapter apply.*

As mentioned above, the project will provide the full number of MPDUs as required and they will all be provided on site.

- (g) *When a Project Plan includes more than one lot under common ownership, or is a single lot containing two or more CBD zones, and is shown to transfer public open space or development density from on lot to another or transfer densities, within a lot with two or more CBD zones, pursuant to the special standards of either section 59-C 6.2351 or 59-C 6.2352 (whichever is applicable), the Project Plan may be approved by the Planning Board based on the following findings:*

- (1) The project will preserve an historic site, building, structure or area as shown on the Locational Atlas and Index of Historic Sites or the Master Plan for Historic Preservation; and/or*
- (2) The project will implement an urban renewal plan adopted pursuant to Chapter 56 of the Montgomery County Code; and/or*
- (3) The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved.*

This section does not apply.

- (h) *As conditioned, the proposal satisfies any applicable requirements for forest conservation under Chapter 22A.*

This project will satisfy the applicable forest conservation requirements and they will be reviewed in conjunction with the Preliminary and Site Plan reviews.

- (i) *As conditioned, the proposal satisfies any applicable requirements for water quality resources protection under Chapter 19.*

This project will include the applicable water quality resources protection requirements and they will be reviewed in conjunction with the Preliminary and Site Plan reviews.

Therefore, the Montgomery County Planning Board APPROVES Project Plan # 9-04006, which proposes 336 dwelling units and 5,946 non-residential square feet on a net lot area of 47,431 square feet (78,225 gross lot), inclusive of 42 on-site MPDUs (final number to be determined at site plan) with the following conditions:

1. PUBLIC ON AND OFF SITE AMENITY AND FACILITY AREAS

The applicant will provide the following amenities that will be integrated in the Preliminary and Site Plan approvals:

On-Site Amenities

- **Silver Spring Streetscape** along all street frontages adjacent to the street level open space, to include paved walkways and plaza area with details to be developed with Site Plan
- **Urban Park** (approximately ¼ acre) to include artwork (as reviewed by the Montgomery County Arts Panel prior to site plan review), benches, plant material, special paving, lights, trash receptacles, etc.

Off-Site Amenities

- **Silver Spring Streetscape** (Type "B") along frontage of property adjacent to Ripley Street and both sides of Dixon Avenue inclusive of pavers, tree planters, light fixtures, benches and trash receptacles.
- **Continuation of streetscape along Ripley Street** right-of-way (absent road construction) to the walk that links to Bonifant, west of the property.
- **Interim Pedestrian amenities**, west of the property that create a pedestrian link from the Ripley Street right-of-way to Bonifant Street
- **Garage Façade Improvements on Dixon Avenue frontage**, to create an attractive façade as viewed from the Urban Park and Ripley Street District (subject to DPWT review).

Although not considered a public use space because it is a vehicular improvement, the applicant will provide:

- Dixon Avenue pedestrian and vehicular connection through the Parking Garage #5 from Ripley Street to link to Bonifant Street. The connection will include full improvements required to make the cut through the existing parking garage, reconfiguration of the parking garage and the development of a public street link through the garage to Bonifant Street. All details of construction subject to MCDPWT review and approval.

2. TRANSPORTATION IMPROVEMENTS

Preliminary Plan review to include the following:

- a. Limit development to 345 high-rise dwelling units and 6,000 square feet of retail use.
- b. Dedicate additional street right-of-way as required to create an 70 feet of right-of-way for Ripley Street as recommended in the Silver Spring Central Business District (CBD) Sector Plan. Construct the street improvements on the north side of Ripley Street equal to 35 feet measured from the centerline of the street at the time of Preliminary Plan review. Construct a 15-foot sidewalk on the north side of Ripley Street.
- c. Applicant to maintain coordination with the progress of the design of the Silver Spring Transit Center and Dixon Avenue connection through Parking Garage #5 to assure adequate street grades for the function of each property.
- d. Dedicate 80-foot right-of-way for Dixon Avenue per Silver Spring Central Business District (CBD) Sector Plan. Construct Dixon Avenue with a 40-foot roadway with a 15-foot sidewalk on the east side and a 25-foot combined sidewalk and bike path on the west side between Ripley Street and Bonifant Street (including the section through the parking garage), in coordination with the Department of Public Works and Transportation (DPWT).
- e. Construct Dixon Avenue from Bonifant Street to Ripley Street including the retrofit of Parking Garage #5 on Bonifant Street as envisioned in the Sector Plan. Refer to DPWT July 7, 2004 letter for detail. Phasing to provide for the completion the subterranean parking garage (under Dixon Avenue for the use of this project) prior to occupancy of the Ripley Street project and the completion of Dixon Avenue improvements prior to full occupancy of the project. Future Preliminary Plan grading studies to coordinate with the Bonifant street grades and the Ripley Street project as presented conceptually, to date, by the applicant.
- f. Coordinate with the Montgomery County Department of Public Works and Transportation (DPWT) during the Phase I Facility Planning for the Ripley District regarding the street and bikeway design for Ripley Street and Dixon Avenue. Construct the retrofit of the County's Bonifant Street parking garage as envisioned in the master plan when constructing the extension of Dixon Avenue through the county garage. (Refer to DPWT July 7, 2004 letter for detail.)
- g. Applicant to apply for a waiver of the truncation requirements per Chapter 50-26 (e) (3) of the lot line at the intersection of Dixon and Ripley Streets for approval with the Preliminary Plan review. This will allow the building to fully occupy the corner of the lot.

3. MAINTENANCE

- a. Enter into an agreement with the Silver Spring Urban District for maintenance of all or some of the streetscape improvements.

4. FUTURE SITE PLAN ISSUES

Prior to site plan submittal, the applicant shall include the consideration of the following issues:

- a. Applicant to prepare an exhibit that will illustrate the agreed upon responsibility of each party in the street improvements of Ripley Street and Dixon Avenue, the Transit Center and the Bi-County Transit Way project. This exhibit shall be used as a point of reference for the ongoing coordination of all the projects as each project moves forward with their development schemes.
- b. The art component for the public open spaces shall be a fully resolved concept reviewed by the Montgomery County Art Panel.
- c. The Applicant shall develop, per MCDPWT approvals, façade improvements and lighting plan for the façade and rooftop of the adjacent Parking Garage #5, so to minimize off site impact on this proposed project.