

- (2) *“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 plan responds to the need for housing in south Silver Spring and addresses the need for smart growth policies where infrastructure, community facilities and elements of an urban district already exist. The Sector Plan encourages housing as an important component to the revitalization efforts and specifically identifies a portion of the site for residential development.

Under the optional method, this project encourages the development of active urban streets by providing public spaces near street edges and improves the quality of the pedestrian environment within the improved streetscapes. The improved streetscape, along with the amenities addressing the need for public interaction, enhance the downtown Silver Spring area. The project supports the economic base in the downtown by making it easier for workers in Silver Spring to live near their jobs. This project will also increase the vitality of south Silver Spring and add an economic infrastructure for commercial and retail businesses in the Ripley/South Silver Spring district.

- (3) *“To encourage designs which produce a desirable relationship between the individual buildings in the central business district, between the buildings and the circulation system and between the central business district and adjacent areas.”*

The proposed project strengthens the Ripley/South Silver Spring district by complementing the scale and mix of existing design elements along the Georgia Avenue corridor while respecting the Overlay Zone height limitations and providing a compatible and desirable relationship with adjacent and surrounding uses. Consistent to the conditions, this proposal provides the pedestrian friendly environment envisioned in the Sector Plan.

The design recommended by staff creates an effective relationship with adjacent uses and amenities and allows for a more interactive pedestrian and vehicular pattern.

The proximity of the Silver Spring Metro provides a pedestrian destination and enhances and activates the streets that contain commercial and retail establishments leading to the transit center and toward the downtown core area of Silver Spring.

- (4) *“To promote the effective use of transit facilities in the central business district and pedestrian access thereto.”*

The proposed development is located approximately 3000 feet from the Silver Spring Metro Station. The proximity to transit facilities, as well as the downtown employment core, will reduce the dependency on the automobile for the residents of

the development. The streetscape improvements along Georgia Avenue facilitate the desire for pedestrian connectivity to the metro station core areas of development within Silver Spring. Staff is recommending modifications to enhance a continuous streetscape along Burlington Avenue that does not involve the ingress and deceleration lane. The future streetscape improvements will also complement the improvements planned for the Montgomery College campus across Burlington Avenue to the south. The proposed streetscape improvements along both streets will promote pedestrian circulation along Georgia Avenue and direct pedestrian circulation to other businesses and retail establishments in the downtown corridor. The inclusion of on-site private parking spaces in the CBD will also facilitate parking needs for the expanding residential base.

The applicant will also enter into a traffic mitigation agreement (TMA) with the Planning Board to help the Project achieve the non-driver commuting goal for development in the Silver Spring CBD. The TMA will outline possible transit alternatives, monitoring of the program and commuter display information.

(5) *"To improve pedestrian and vehicular circulation."*

This project plan encourages the development of active urban streets and improves the quality of the pedestrian environment by providing the enhancement to the streetscape as prescribed in the Silver Spring Streetscape Plan (April 1992) Technical Manual, as amended.

The Applicant is proposing a right-in (ingress only) driveway and deceleration lane from Burlington Avenue and a full service access driveway from Stoddard Place into the parking garage. A deceleration lane and raised diverter island is proposed for the access onto Burlington Avenue. The final design of this access must be reviewed and approved by the Maryland SHA. Staff is not in support of the deceleration lane on Burlington Avenue, primarily due to conflicts with pedestrian circulation and the loss of a consistent streetscape along Burlington Avenue.

The proposed point of access from Burlington would serve as an alternate entrance for the parking garage in addition to the full access proposed from Stoddard Place. SHA conceptually agreed to the alternative, provided certain design criteria were met, including safe sight distance, adequate lane widths and turning radii. The resulting design reconfigured the frontage along Burlington Avenue to provide for sidewalks, streetscape and access; however, the alternative was not completely compliant with SHA design standards nor the streetscape standards and pedestrian circulation. Staff determined that based upon the proposed design, there would be a loss in the ultimate streetscape improvements, public use space and diminished levels of access for pedestrian and vehicular circulation. Elimination of the proposed ingress from Burlington Avenue would allow for improved pedestrian access and standard Silver Spring streetscape design elements.

Consistent to an agreement with Montgomery County DPWT, Stoddard Place is proposed for reclassification as a public alley in order to preserve the location and

integrity of historic structures on the site property. Staff contends that the primary access should be from Stoddard Place. There is no proposed access point on Georgia Avenue.

The Applicant has dedicated right-of-way to provide 40 feet from the centerline of Burlington Avenue to ensure compliance with the Sector Plan. Stoddard Place is a Business Street of substandard width of 30 feet. Due to the historic buildings located on the site, the Applicant cannot dedicate right-of-way on Stoddard Place to provide the recommended minimum right-of-way for a standard Business Street cross section.

The parking garage is a 1 level below grade and 2-level above grade structure planned to accommodate 200 parking spaces for use by the residents. Signs indicating traffic circulation in and out of the garage will promote safety for pedestrian activity in the public use space. The applicant proposes to reclassify Stoddard Place as an alleyway for a total width of 30 feet, thereby enabling its current dimensions and existing site elements to remain unchanged.

The full streetscape improvements along the north side of Burlington Avenue and the east side of Georgia Avenue will complete an extremely visible portion of a major intersection and gateway into Montgomery County.

- (6) *“To assist in the development of adequate residential areas for people with a range of different incomes.”*

The objective of Montgomery County for moderately priced housing is to provide Moderately Priced Dwelling Units (MPDUs) in the Central Business District (CBD) zones where public facilities, services and transit options are readily available. Consistent with Chapter 25A, the applicant is committed to providing 27 MPDUs within the buildings, which represents 12.5% of the total number of dwelling units (12.5% is required). The applicant is proposing a mix of studio, 1 and 2-bedroom MPDUs. The Department of Housing and Community Affairs (DHCA) will decide the final breakdown and location of the MPDUs during the building permit application.

- (7) *“To encourage land assembly and most desirable use of land in accordance with a sector plan.”*

The project plan responds to the need for housing in downtown Silver Spring and addresses the need for smart growth policies where infrastructure, community facilities and elements of an urban district already exist. The project assembles fourteen recorded lots to allow for the unified redevelopment of the currently vacant and underutilized site. The Sector Plan encourages housing as an important component to the revitalization efforts for downtown Silver Spring. The project plan introduces market-rate condominium units into an existing fabric of residential, commercial and retail use in downtown Silver Spring, further encouraging revitalization in the downtown corridor.

Requirements of the CBD-1 Zone

The following table demonstrates the conformance of the Project Plan with the development standards under the Optional Method of Development.

PROJECT DATATABLE

	Zoning Ordinance Development Standard	Proposed for Approval
Gross Tract Area (sf./ac.):	22,000 (0.51 ac.)	82,077 (1.88 ac.)
Prior Dedication (sf./ac.):		23,753 (0.55 ac.)
Proposed Dedication (sf./ac.):		4,044 (0.09 ac.)
Area to be Retained by WMATA (sf./ac.):		<u>3,145 (0.07ac.)</u>
Net Lot Area (sf.):		55,179 (1.266 ac.)
Residential Density (du/ac.):	125	111
Total Number of Units:	235	210
MPDUs (%):	12.5 27 MPDUs	12.5 27 MPDUs
On-site Public Use Space (sf):	10,227 (20%)	10,227 (20%)
Off-site Public Use Space (sf):		<u>6,648 (13%)</u>
Total On and Off-Site Public Use Space (sf):	10,227 (20%)	16,875 (33 %)
Max. Building Height (ft.):	90	90 (as measured From Burlington Avenue)
Min. Setbacks (sf.):		
<u>Existing Structures</u>		
Building 'A'	not specified in CBD	18 from Ga. Ave., 8 from Burlington Ave.
Building 'B'	not specified in CBD	17 from Ga. Ave. 12 from Stoddard Pl.
<u>Proposed Structure</u>		
Burlington Avenue	not specified in CBD	0
Stoddard Place	not specified in CBD	0
Rear (CSX tracks)	not specified in CBD	0
Parking:		
Residential Uses (Mkt. Rate)		
1 BR/Studio @ 1.00 sp./unit (7 x 1.00)	7 spaces	
1 BR @ 1.25 sp./unit (138 x 1.25)	173spaces	
2 BR @ 1.50 sp./unit (38 x 1.50)	57 spaces	
Residential Uses (MPDUs)		

1 BR/Studio @ 0.50 sp./unit (1 x 0.50)	1 spaces
1 BR @ 0.625 sp./unit (20 x 0.625)	13 spaces
2 BR @ 0.75 sp./unit (6 x 0.75)	5 spaces
(10% credit for residential in CBD 256 x .10 = 25)	

Total parking spaces required by the Zoning Ordinance for residential uses: 231 spaces

Total min. parking spaces provided on-site: 200 spaces

Note: The site is within the limits of the Parking Lot District and not required to satisfy the full requirement of parking spaces on site.

Amenities and Facilities Summary

On-Site Improvements

Georgia Avenue and Burlington

- Expand the existing streetscape improvements along Georgia Avenue and Burlington Avenue to include specialty pavers.
- Provide landscape planters, ornamental landscaping and seating areas between the walk and buildings.
- Existing overhead utilities shall be installed underground consistent with the Silver Spring Master Plan.
- Make available a space for public outdoor interaction and activities in all public use areas.
- Make available a space for entertainment, as needed in conjunction with the Silver Spring Urban District (SSUD), and accommodations for outdoor entertainment in all public use areas.

Off-Site Improvements

Georgia Avenue Right-of-Way

- Replace the existing streetscape and install streetscape (Type B) on the east side of Georgia Avenue along the entire property frontage to be expanded to include Street trees, Brick Pavers and Street Lights (Washington Globe) Brick Pavers, consistent with Silver Spring Streetscape Plan Technical Manual.
- Granite sets within the tree pits as specified in the Silver Spring Streetscape Plan Technical Manual.
- Brick driveway aprons to be flush with pedestrian circulation.
- Existing overhead utilities and street level meters to be installed underground consistent with the Silver Spring Master Plan.

Burlington Avenue Right-of-Way

- Install streetscape (Type B) on the north side of Burlington Avenue, along the entire property frontage, to include Street trees, Brick Pavers and Street Lights (Washington Globe) consistent with Silver Spring Streetscape Plan Technical Manual.
- Granite sets within the tree pits as specified in the Silver Spring Streetscape Plan Technical Manual.
- Existing overhead utilities to be installed underground consistent with the Silver Spring Master Plan.

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

The approved CBD Sector Plan recommends the CBD-1 zoning for this site, which was applied through the Sectional Map Amendment (SMA) adopted July 18, 2000, consistent to County Council Resolution 14-600. The property is within the Ripley/South Silver Spring Overlay Zone, which provides for flexibility of development standards to encourage innovative design solutions.

The proposed mixed-use development is comprised of 210 residential units with a private structured parking structure. High-rise multi-family units are permitted uses under the CBD-1 Zone. The proposal will be implemented under the optional method of development. The maximum density allowed on this site is 125 dwelling units per acre or 235 dwelling units.

The minimum required public use space for this project is 10,227 square feet (20% of the net lot). The applicant is proposing 10,227 square feet of public use space and amenities provided on-site and an additional 6,648 square feet of off-site streetscape improvements within the respective fronting public rights-of-way. In total, the applicant proposes 16,875 square feet of on-site public use space, amenities and off-site improvements or 33.00 % of the net lot area. In addition to the public use space, amenities and off-site improvements, the applicant proposes to make a contribution to the M-NCPPC toward park land acquisitions or improvements in the Silver Spring CBD in the amount of \$140,000.

Sector Plan Conformance:

The Silver Spring Central Business District and Vicinity Sector Plan, approved by the County Council on February 1, 2000, outlines six themes, which articulate the shared goals and vision for a revitalized Silver Spring. Three of these themes (i.e., a residential downtown; a green downtown; and a pedestrian-friendly downtown) apply to this proposed project. The Sector Plan does not specifically identify this site as a potential housing site; however, housing opportunities are encouraged in the CBD to contribute toward revitalization efforts. This project is being developed under the optional method of development and proposes new opportunities for landscaped public open spaces, public art and streetscapes. This project encourages the development of active urban streets by providing building entrances along the public streets and easily accessible

public spaces with public art components as activity generators. This proposal improves the quality of the pedestrian environment by providing the optional method streetscape treatment and other amenities along Georgia Avenue and Burlington Avenue.

The Silver Spring CBD Sector Plan also includes an objective for reuse, preservation and integration of existing structures into new development in order to preserve Silver Spring's history. The proposal is an impressive example of adaptive reuse and it satisfies the intent of the Legacy Open Space Program by preserving the building façade without encumbering public funds.

- (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.*

The proposed residential use is compatible with the surrounding neighborhood and potential development within the Georgia Avenue (MD 97) and Burlington Avenue (MD 410) corridors. The renovations to the existing buildings on Georgia Avenue are in scale with the surrounding development and are sympathetic to the surrounding community. The proposed residential component creates a backdrop that is representative of the historic structure and emphasizes the intensity of the development toward the railroad tracks. The height and mass of the buildings from Georgia Avenue are less intense to avoid competition with the historic structures. The proposed structure is recessed from the existing buildings to visually promote the restoration efforts and ensure the integrity of the existing architecture with the proposed structure.

The buildings have been sensitively designed to ensure compatibility with the surrounding development and the general neighborhood. The existing buildings fronting on Georgia Avenue will not be modified to increase the height, only restored to prominence of the original design. The buildings transition in height from the existing height to 90 feet, as permitted by the zone.

- (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.*

The use will not overburden existing public services or facilities. The project proposes residential units within an emerging mixed-use area and existing commercial retail area of south Silver Spring. Parking is proposed at approximately a 1 space per unit ratio for the 210 units in the subject site within a structured parking facility. The Applicant is providing 200 spaces in the parking garage with access from Burlington Avenue and Stoddard Place. The site is located within the Silver Spring Parking Lot District. Sites within the Parking Lot District are permitted to minimize the number of spaces provided on-site to take advantage of the County's facilities. The final number of required parking spaces or minimum/maximum range of spaces will be determined at Site Plan based on the unit mix.

There is adequate water and sewer capacity within the Silver Spring CBD Policy Area to accommodate the proposed increase in residential units. The Annual Growth Policy (AGP) Schools Test for FY2005 indicates that there is adequate capacity within the Montgomery Blair cluster to accommodate the student generation attributable to the proposed development.

The 8021 Georgia Avenue development submitted an LATR traffic impact study in accordance with M-NCPPC policies stated in the LATR Guidelines adopted in July of 2004. The proposed development is estimated to generate 71 additional trips during the AM and PM weekday peak periods of travel.

Three signalized intersections adjacent to the development were selected for analysis: Georgia Avenue (US 29) at Sligo Avenue, Georgia Avenue (US 29) at East-West Highway (MD 410)/Burlington Avenue/13th Street, and Burlington Avenue/Philadelphia Avenue at Fenton Street. All intersections are estimated to operate at or below the 1800 CLV threshold. Therefore, no trip mitigation measures are required for this proposed development.

The Applicant will enter into a Traffic Mitigation Agreement (TMA) with the Planning Board to help the Project achieve the non-driver commuting goal for development in the Silver Spring CBD. A draft TMA has been submitted for review by M-NCPPC and the Montgomery County Department of Public Works and Transportation.

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

The Optional Method of Development permits a more efficient and desirable product than by using the standard method of development. The Project Plan proposes to use the optional method of development and is in conformance with the goals and objectives of the Silver Spring Sector Plan. The proposed development intends to maximize its potential by providing the 111 dwelling units per acre (125 dwelling units per acre permitted in the zone) and maximize the number of Moderately Priced Dwelling Units to 12.5% provided on-site. The standard method of development permits a maximum of 43 dwelling units per acre, which would equal a maximum yield of 80 dwelling units and 10 MPDUs.

In addition to the provision of additional market-rate and MPDU units in south Silver Spring, the project promotes the restoration and reuse of an existing historic structure in south Silver Spring. The cost of the restoration may not have been feasible under the standard method of development. The project also includes significant new public open space and an art amenity package on the site. The project is providing over 34% of new on and off-site public use space, which would not have been possible through the standard method of development. A financial contribution to the M-NCPPC toward park land acquisitions or improvements in the Silver Spring CBD in the amount of \$140,000.

The applicant is close to maximizing their density for residential development, and providing public amenities on the site that would not have been possible through a standard method project.

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

This application requires twenty-seven (27) Moderately Priced Dwelling Units (MPDUs) or 12.5 percent of the proposed residential dwelling units within the development.

- (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 one 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:*

The project assembles fourteen recorded lots to allow for a unified redevelopment of existing structures for an underutilized site. The project will result in an overall land use configuration that is significantly superior to that which could otherwise be achieved. The transfer of public open space or density is not applicable to this proposal.

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

A Natural Resource Inventory/Forest Stand Delineation (NRI/FSD #42005265E) was approved on December 5, 2005 for an exemption of the forest conservation requirements.

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

A stormwater management concept plan has been submitted to the Montgomery County Department of Permitting Services (DPS) for conditional approval. The project plan is proposing on-site quality control through the use of quality control structures for storage and filtration, and a waiver of the Channel Protection Volume (CPV). Approval of the Stormwater Management concept is required prior to submittal of the Site Plan application.

APPENDIX A

JUL 19 2005



Mr. Derrick Berlage, Chairman
Montgomery County Planning Board
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, MD 20910

Re: 8021 Georgia Avenue, Silver Spring, MD
Project Plan and Preliminary Subdivision Applications

Dear Mr. Berlage:

Enclosed is the Owner's Statement signed by the Washington Metropolitan Area Transit Authority (WMATA) which authorizes Cypress Realty Investments, LLC to submit applications on behalf of WMATA for Project Plan and Preliminary Subdivision Plan approvals for the referenced property.

Please be advised that these actions on WMATA's part are not a commitment to sell or lease the property to Cypress Realty Investments, LLC. As stated in the Owner's Statement, the sale of WMATA's property will be contingent on the negotiated agreement of sale and WMATA's approval of the final subdivision plan showing the area to be reserved by WMATA for rail operations.

Please keep us informed as to the schedule of events and the progress of the Project Plan and Preliminary Subdivision Plan applications.

Sincerely,

Gary Malasky
Managing Director
Office of Property Development
and Management

Enclosure

Washington
Metropolitan Area
Transit Authority

600 Fifth Street, NW
Washington, DC 20001
202/962-1234

By Metrorail:
Judiciary Square—Red Line
Gallery Place-Chinatown—
Red, Green and
Yellow Lines
By Metrobus:
Routes D1, D3, D6, P6,
70, 71, 80, X2

OWNER'S STATEMENT

The Washington Metropolitan Area Transit Authority (WMATA), title owner of the property identified as 8021 Georgia Avenue, Silver Spring, Montgomery County, Maryland consisting of lots 1-11, 21, 22, and 23, Block M (the "Property"), hereby authorizes Cypress Realty Investments, LLC, its affiliates, successors and assigns, as awardee and prospective purchaser under WMATA public auction no. 05-01 dated November 17, 2004, to file applications and pursue Project Plan and Preliminary Subdivision Plan approvals for the Property. This statement constitutes owner's endorsement of such applications.

This action on WMATA's part is not a commitment to sell or lease the Property to Cypress Realty Investments, LLC. The sale or lease of the Property will be contingent on the execution of an agreement of sale and WMATA's approval of the final subdivision plan showing the area to be reserved by WMATA for rail operations.

7/19/05
DATE

By: Gary Malasky
NAME: Gary Malasky
TITLE: Managing Director
Office of Property Development
and Management

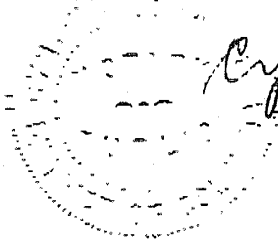
District of Columbia to wit:

I, the undersigned Notary Public in and for the jurisdiction aforesaid, do hereby certify that Gary Malasky, whose name is signed to the foregoing as Managing Director, Office of Property Development and Management of the Washington Metropolitan Area Transit Authority, personally appeared before me, and acknowledged the same to be his/her act and deed.

Given under my hand and seal this 19th day of July, 2005.

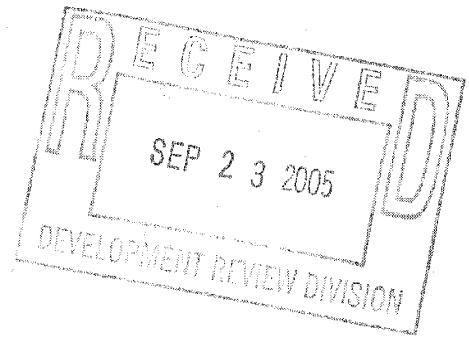
My commission expires _____
Cynthia G. Jacobs
Notary Public District of Columbia

Cynthia G. Jacobs 2/28/09



APPENDIX B

LINOWES
AND **BLOCHER LLP**
ATTORNEYS AT LAW



September 21, 2005

Stephen Z. Kaufman
301.961.5156
skaufman@linowes-law.com

Mr. Sogand Seirafi
Chief of Planning Division
Montgomery County Dept. of Public
Works and Transportation
101 Monroe Street, 10th Floor
Rockville, MD 20850

Dear Mr. Seirafi:

I want to thank members of your staff for meeting with my client, Doug Cooper, representing Cypress Realty Investments, L.L.C. ("Cypress Realty"), Nancy Randall, Bill Landfair and me on September 9, 2005 to discuss the status of Stoddard Place in relation to the proposed redevelopment of 8021 Georgia Avenue in south Silver Spring, Maryland (the "Property"). The purpose of this letter is to review our discussions at this meeting and to confirm how best to proceed.

At our meeting, we discussed the following points and courses of action:

- Given the historical significance of the structures to be preserved on the Property, there is no room for additional right-of-way dedication to expand Stoddard Place to the standard 60 foot public street dimension.
- Property owners adjacent to Stoddard Place include Cypress Realty, Stoddard LLC, and WMATA.
- The arrangement or agreement that Stoddard LLC (a/k/a ACECO) has with the Montgomery County Parking Department with relation to the metered parking along Stoddard Place and maintenance of Stoddard Place needs to be confirmed.
- Ms. Navid and Ms. Contreras expressed doubts about whether the County ever recognized or acknowledged Stoddard Place as a public street, despite the 1925 subdivision dedication. Ms. Navid stated that she checked the records twice and never found any documentation of the County ever maintaining the street.

L&B 510010v1/04863.0005

Mr. Sogand Seirafi
September 21, 2005
Page 2

- Both representatives from the Department of Public Works and Transportation (“DPW&T”) and the Department of Permitting Services (“DPS”) were in agreement that they would like to either see Stoddard Place abandoned altogether or reclassified as a public alleyway and agreed that Cypress Realty could seek project plan, preliminary plan, and site plan approvals conditioned upon pursuit of the most appropriate alternative post site plan approval.
- Accordingly, should abandonment prove unpredictable, for reasons beyond the control of Cypress Realty, DPW&T and DPS agree that designation of Stoddard Place as a public alleyway, rather than a public street, would be appropriate.
- Abandonment of only the southern portion of the dedicated, but never constructed, cul-de-sac is another possibility Cypress Realty is considering. We believe that Cypress Realty may also have an adverse possession claim for this portion of the cul-de-sac.
- Cypress Realty will pursue a waiver of the truncation requirements at Georgia Avenue and Stoddard Place as part of its preliminary and project plan applications.
- VIKA will provide DPW&T and DPS with the turning radius of larger vehicles on Stoddard Place, as it currently exists, to mitigate any concerns about trash/moving/fire trucks navigating this right-of-way.

Although we agree with the consensus at our meeting that an abandonment of Stoddard Place would be preferable, upon further reflection, we believe that such an abandonment may not be feasible, given the possibly conflicting interests of the adjacent property owners, the need for approval from all utilities, and the length of time needed for the abandonment process. We therefore believe that a reclassification (or initial classification) of Stoddard Place as a public alley may be the best course of action. We believe it was the consensus at our meeting that Stoddard Place does not, in fact, function as a street, but rather as an alley. Therefore, such a classification appears appropriate in this case. Moreover, such a classification would be consistent with Sections 49-39(G) and 59-A-2.1 of the Montgomery County Code, which define an alley as “a right of way which provides secondary access for vehicles to the side or rear of abutting properties.” Minimum requirements for public alleys include a 20-foot right-of-way (as opposed to 60 feet for a public street) and a 16-foot pavement width. We further understand that there are no traffic volume requirements for an alley. If successful in such a classification, Cypress Realty would enter into a Operations and Maintenance Agreement with