



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

**Staff Report: 1050 Ripley Street**  
**Project Plan Amendment 92007004A**  
**Preliminary Plan 120080210**  
**Site Plan 820080150**

ITEM #: \_\_\_\_\_

**MCPB HEARING**

**DATE:** July 3, 2008

**REPORT DATE:** June 20, 2008

**TO:** Montgomery County Planning Board

**VIA:** Rose Krasnow, Chief  
 Robert Kronenberg, Supervisor  
 Development Review Division

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**APPLICATION DESCRIPTION:**

Amend the Project Plan to increase the number of multi-family dwelling units from 305 to 318 and the retail use area from 3,068 to 7,460 square feet. For the Preliminary and Site Plans, creation of one lot for the construction of 305,293 gross square feet of mixed-use development, including 297,833 square feet of multi-family residential uses with a maximum of 318 dwelling units including 48 MPDUs (15% of the total), and 7,460 square feet of retail uses, on 1.16 acres in the CBD-2 Zone; located in the southwest quadrant of the intersection of Ripley Street and Colonial Lane/Dixon Avenue, in the Silver Spring CBD Sector Plan.

**APPLICANT:** Washington Property Company

**FILING DATE:** May 2, 2008 (Project Plan Amendment); December 7, 2007 (Preliminary and Site Plans)

**RECOMMENDATION:** Approval with conditions

**EXECUTIVE SUMMARY:**

Staff reviewed the Project Plan Amendment, Preliminary Plan, and Site Plan concurrently. The proposed development would create one lot out of existing Lots 7 – 13, Block 4 for a 17-story multi-family building with 318 units, including 48 MPDUs. The subject project provides 309 parking spaces on site below grade, features desirable on-site public use space and amenities, and offers a contemporary design with frontages on both Ripley Street and Colonial Lane/Dixon Avenue. The adjacent streets will be upgraded to meet the Silver Spring Sector Plan streetscape standards and the Applicant is building the extension of Ripley Street to Bonifant Street.

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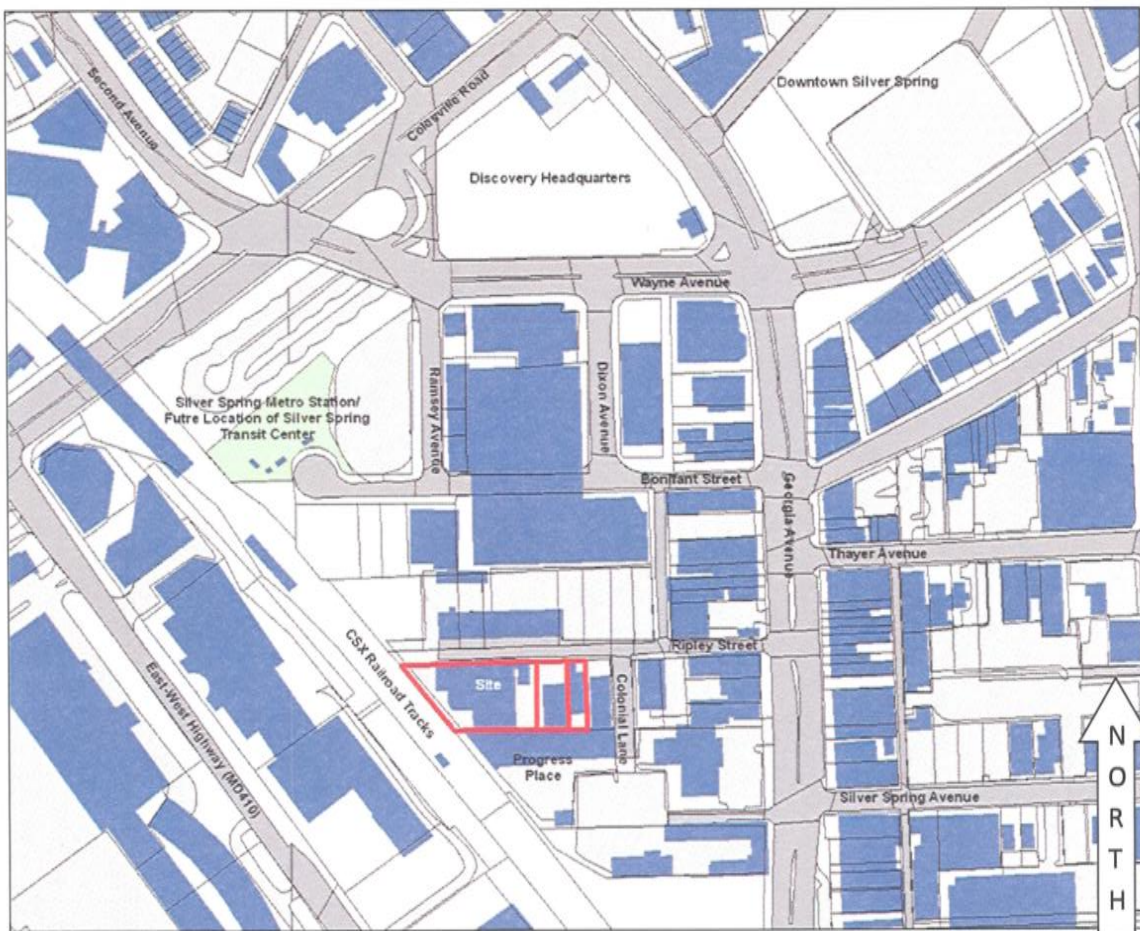


# SECTION 1: CONTEXT AND PROPOSAL

## SITE DESCRIPTION

### Vicinity

The proposed development is centrally located within the Ripley District of Silver Spring on the south side of Ripley Street, between Colonial Lane on the east and the railroad tracks on the west. The surrounding area is zoned CBD-2 and is currently occupied by an assortment of one- and two-story buildings, parking lots, and undeveloped parcels. The one-story warehouse-style buildings currently on the site and directly across Ripley Street provide car and shoe repair services. The site directly across Ripley Street has received Project Plan approval (# 920050060 & 92004006A) for the Midtown Silver Spring development, a high-rise multi-family mixed-use project. To the east along Georgia Avenue are one- and two-story commercial buildings featuring the Pyramid-Atlantic Arts Center and several small retailers, including a used cd store, Dale Music, and a Meineke muffler shop, among others. Immediately south of the site is Progress Place, a County-operated community support facility, and a County parking lot. The site is within a five-minute walk to the Silver Spring Metro Station and the proposed Silver Spring Transit Center. The Applicant will be constructing the extension of Dixon Avenue along their eastern property frontage, from the centerline of Ripley Street south, whereupon existing Colonial Lane will be abandoned.



*Vicinity Map*



### Site Analysis

The 1050 Ripley Street site is on the south side of Ripley Street and includes Lots 7-13, Northwest Park, totaling approximately 50,317 gross square feet, or 1.16 acres. Approximately 11,661 square feet will be dedicated for roadways, leaving a net tract area of 38,656 square feet. Overhead utility wires exist along the south side of Ripley Street. There are four utility poles carrying Pepco and Verizon cables in front of the property. The nearest intersections of Ripley Street with Colonial Lane and Georgia Avenue are not signalized. The site topography is flat with approximately five feet of drop from the east side to the west side. There are no significant existing trees or other vegetation on the site, which is almost entirely impervious. Access would be provided from Ripley Street and Colonial Lane/Dixon Avenue.



*Site Aerial View*





*Site Aerial Oblique View*

## **PROJECT DESCRIPTION**

### **Previous Approvals**

#### *Project Plan*

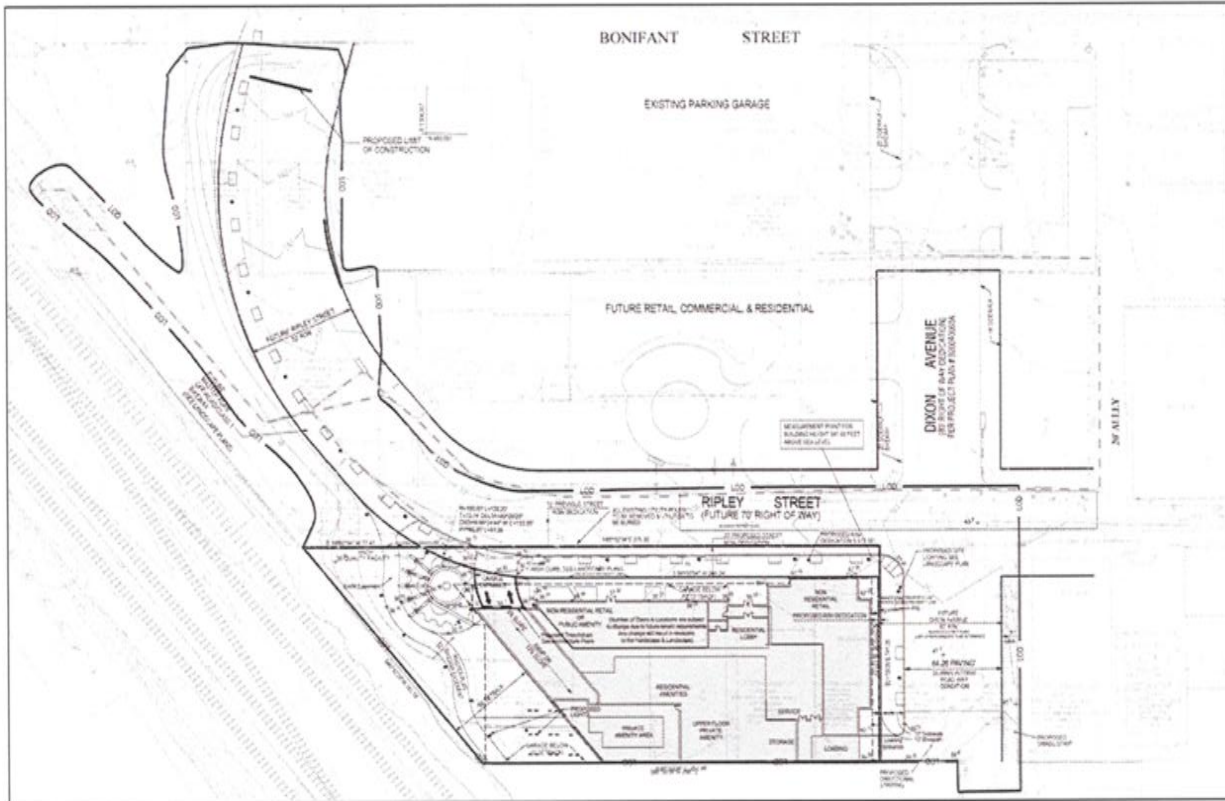
The Planning Board approved Project Plan #920070040 on May 31, 2007, for a mixed use development of up to 306,258 gross square feet, including 305 multi-family units with 46 MPDUs, 15% of the total units, and up to 3,068 gross square feet of non-residential/retail uses. The Planning Board Opinion, dated June 22, 2007, is appended.

### **Proposal**

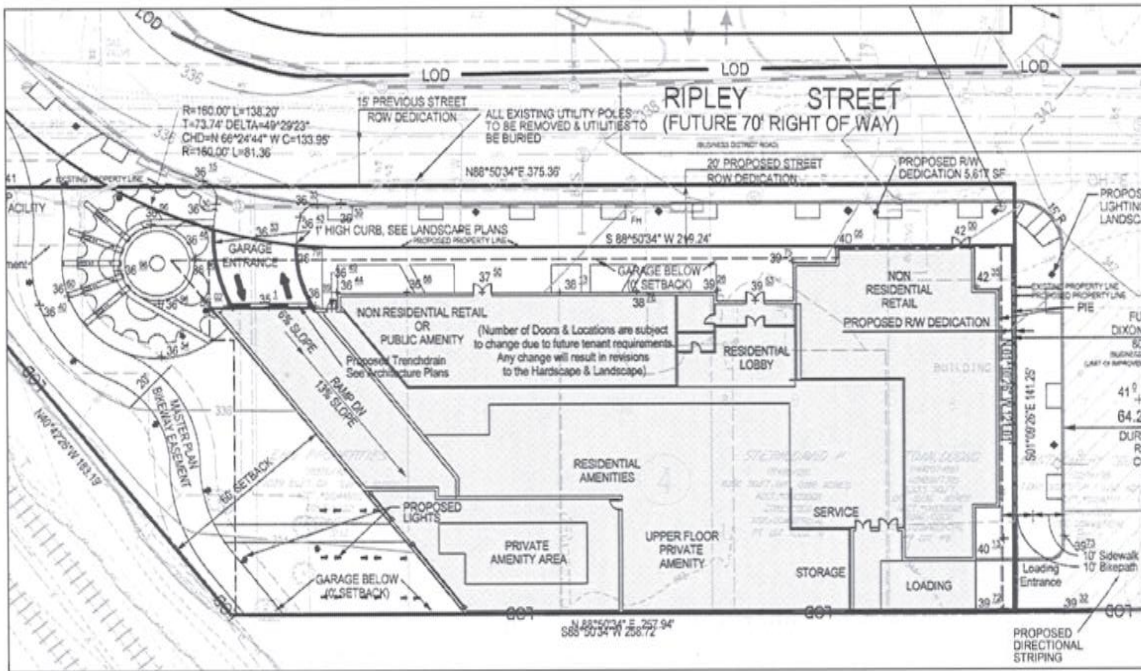
The proposed development combines six existing lots, Lots 7 - 13, Block 4 for a 17-story multi-family building consisting of 305,293 gross square feet of mixed-use development, including 297,833 square feet of multi-family residential uses with a maximum of 318 dwelling units including 48 MPDUs (15% of the total), and 7,460 square feet of retail uses. The building's primary frontage is on Ripley Street, with secondary frontage on Colonial Lane/Dixon Avenue. Though the building is located within a Parking Lot District, and therefore exempt from providing on-site parking, the



Applicant proposes a total of 309 parking spaces below grade for the 318 units, with vehicular access from Ripley Street. Loading access will be from Colonial Lane/Dixon Avenue.



*Project Plan Amendment/Preliminary/Site Plan, Including Off-Site Improvements*



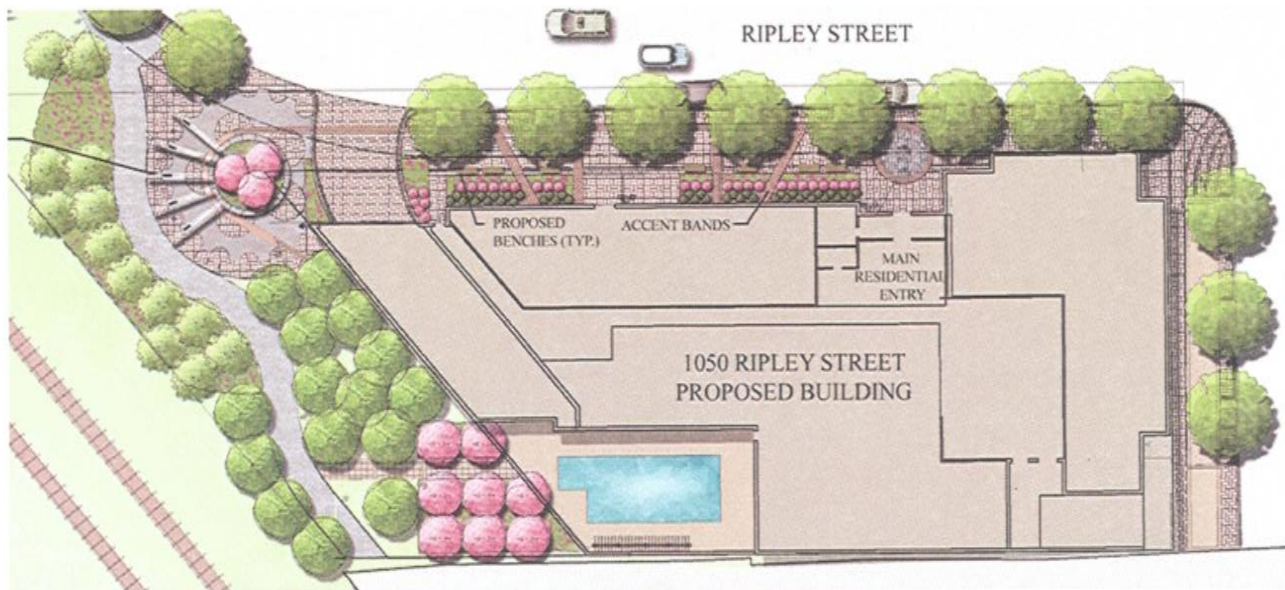
*Project Plan Amendment/Preliminary/Site Plan, Detail*



The Applicant proposes to provide on-site public use space equivalent to 37.7 percent of the net tract area, approximately 14,781 square feet. The central public use space is a bicycle-themed plaza provided at the confluence of the Ripley Street sidewalk and the master-planned Metropolitan Branch Trail bike path in the northwest corner of the site, with the remainder provided along the bike path and the building street frontage on Ripley Street and Colonial Lane/Dixon Avenue.

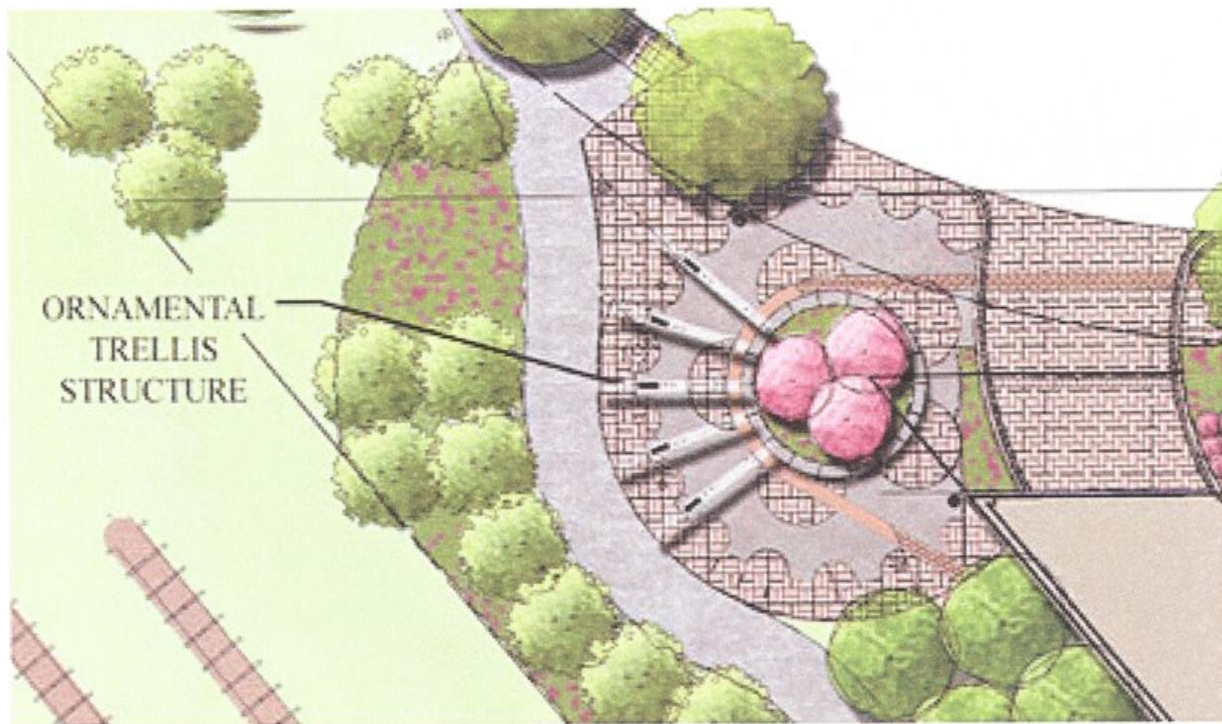


*Landscape Plan, Including Off-Site Improvements*



*Landscape Plan, Site Detail*





*Public Plaza Detail*



*Ornamental Trellis Detail*





*Ripley Street Elevation*



*Colonial Lane/Dixon Avenue Elevation*

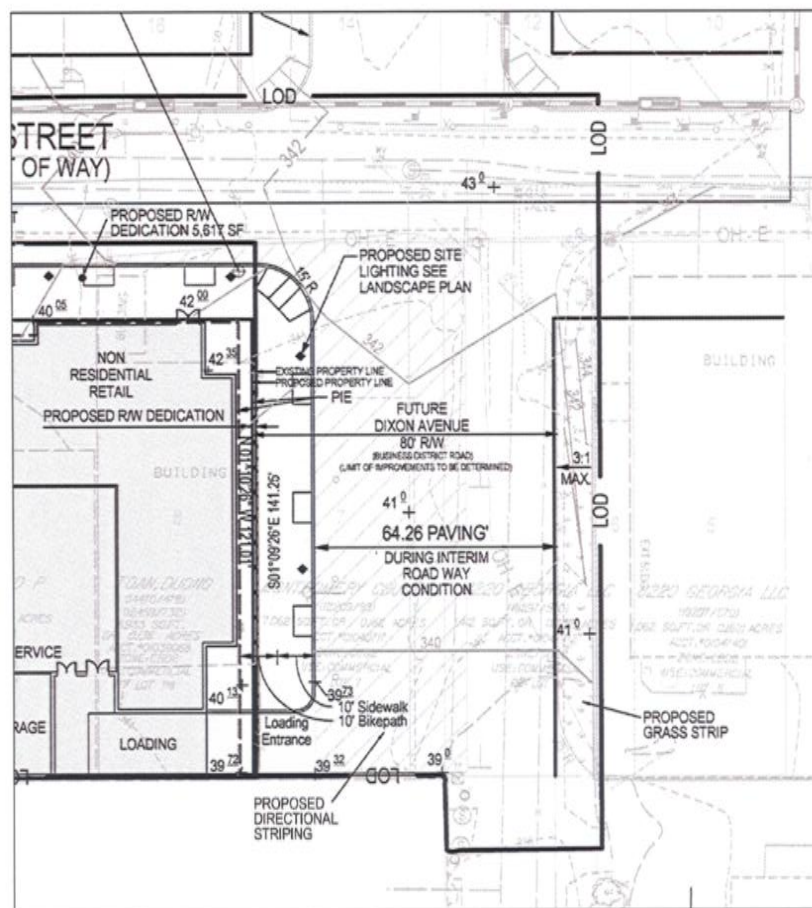
## COMMUNITY OUTREACH

The Applicant has complied with all submission and noticing requirements and staff has not received correspondence from any citizens or community groups as of the date of this report.

## ISSUES

### *Colonial Lane/Dixon Avenue Access*

The Plan proposes access to the loading area from the existing Colonial Lane across a County-owned piece of land, Parcel 7. During Project Plan Review, DPWT agreed, in an e-mail dated May 11, 2007, to allow access across the parcel. Until the County or other entity dedicates Parcel 7 to the Dixon Avenue right-of-way, the Applicant will continue to need access across the County land. The Applicant has been meeting with DPWT to coordinate this access and other issues relating to street improvements surrounding the project, but the agreements have not been finalized. Attached is the draft letter of agreement between the Applicant and DPWT. Staff has received no indication from DPWT that their concurrence on access has been superseded. The Applicant will have to finalize any outstanding issues before issuance of any building permit.

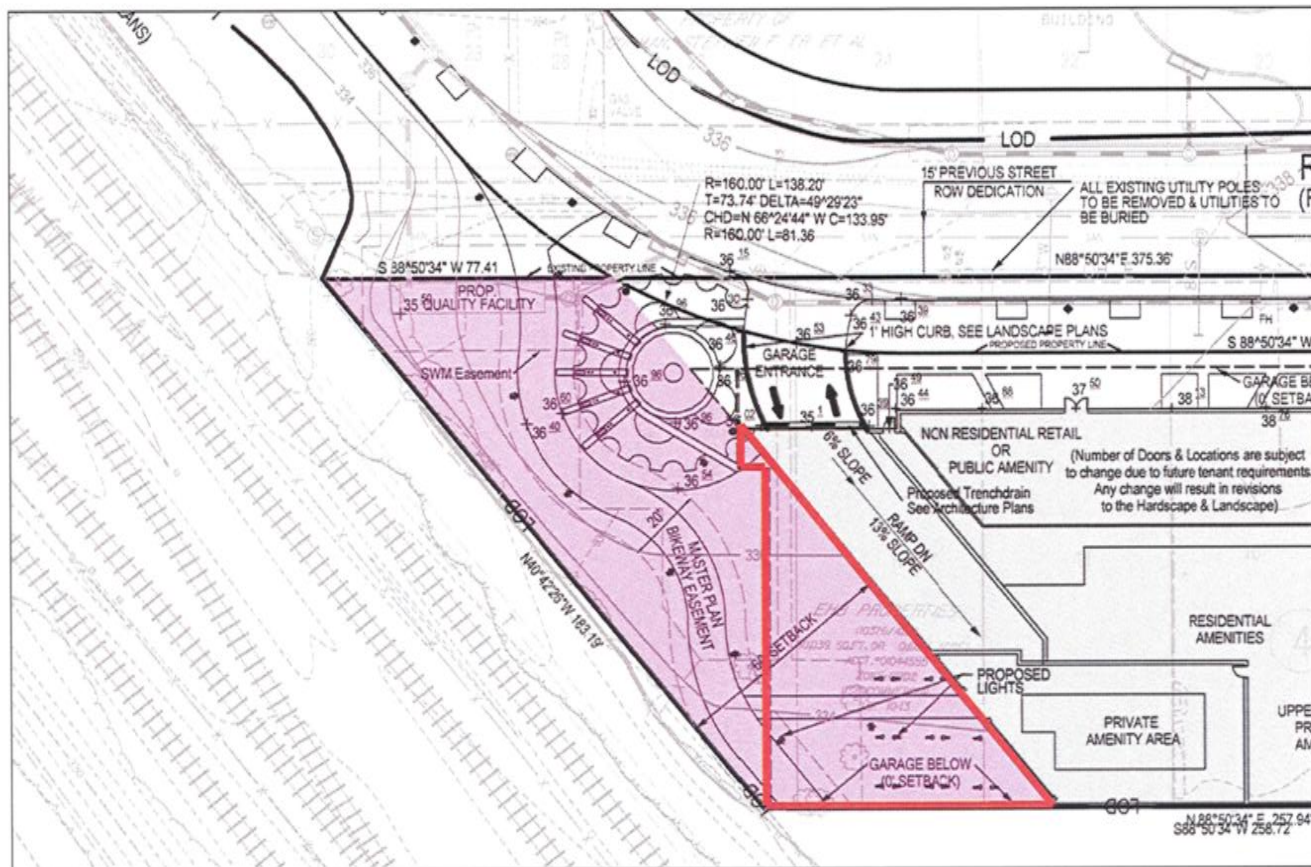


*Colonial Lane/Dixon Avenue Improvement Area*



### Purple Line Alignment and Underground Garage

The Maryland Transit Administration's (MTA) Purple Line study is still evaluating route alignment alternatives along Ripley Street, including the potential for a tail track running through the site along the CSX rail right-of-way on the western edge of the property. The Applicant is proposing to extend their below-grade parking garage underneath a portion of this potential alignment. The Applicant has conducted extensive coordination efforts with MTA, which have produced an agreement, dated May 13, 2008, and appended to this report, which delineates the terms under which the Applicant must locate and construct the portions of their garage beneath the potential Purple Line right-of-way.



Purple Line Potential Right-of-Way and Underground Garage Location

## SECTION 2: PROJECT PLAN AMENDMENT REVIEW

### PROPOSAL

The Applicant proposes to increase the maximum number of multi-family dwelling units from 305 to 318 (and the total number of MPDUs from 46 to 48), and the maximum amount of non-residential/retail development from 3,068 to 7,460 gross square feet. As shown in the data table in Section 4 of this report (see page 19), the increase in non-residential area reduces the maximum allowable residential development from 306,258 to 305,293 square feet, because the 22 percent density bonus, for providing 15 percent of the total number of dwelling units as MPDUs, is applied solely to the residential portion of the overall mixed-use density.



The amendment also corrects an engineering error in the position of the Ripley Street and Dixon Avenue rights-of-way. Since Project Plan, the Applicant has secured a more accurate survey locating the center lines of those streets. This resulting corrections change the area dedicated for those rights-of-way from 6,126 to 5,617 square feet. Accordingly, the amount of on-site area now dedicated to public use space increases from 14,303 to 14,780 square feet, still remaining about 37 percent of the net lot area.

### **PROJECT PLAN AMENDMENT RECOMMENDATION**

This Amendment is intended to allow the Applicant greater flexibility in responding to anticipated market conditions by shrinking the size of the some of the dwelling units in order to be able to offer both a greater number and variety of units, as well as provide for expanded ground floor retail opportunities along Ripley Street and Dixon Avenue. This Project Plan Amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board in its review of the original Project Plan, and staff recommends APPROVAL of the increase in both the maximum number of multi-family dwelling units and the maximum non-residential density as well as the correction in the dedications for the Ripley Street and Dixon Avenue rights-of-way.

## **SECTION 3: PRELIMINARY PLAN REVIEW**

### **MASTER PLAN**

The objective for the Ripley District in the Silver Spring CBD Sector Plan is to “encourage mixed-use development near the Transit Center by facilitating market-feasible development and upgrading the physical environment.” As demonstrated in the approved Project Plan, this development will provide a significant amount of housing, including 48 MPDUs, within one block of the Silver Spring Transit Center, and help to activate Ripley Street through a combination of ground-floor retail, public art, and landscaping. The development is further providing a significant public benefit by providing the extension of Ripley Street to Bonifant Street, improving the porosity of the street grid and providing an essential pedestrian route to and from the Transit Center for the residents of both the Ripley District and Fenton Village. For these reasons, staff finds that this preliminary plan application is in conformance with the Silver Spring CBD Sector Plan.

### **COMPLIANCE WITH ZONING ORDINANCE AND SUBDIVISION REGULATIONS**

This application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision being much in keeping with recently approved lots in the surrounding area. See Appendix B for details.

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 found in the Appendix of this report. The application has been reviewed by other applicable county agencies, all of whom have recommended approval of the plan.



## ADEQUATE PUBLIC FACILITIES

### Transportation

#### Site Location, Access, and Circulation

The subject property is located south of Ripley Street, west of Dixon Avenue, and east of the CSX/Metro tracks in the Ripley District of the Silver Spring CBD Metro Policy Area. The applicant proposes vehicle access via garage entrance from Ripley Street and a loading bay off of Dixon Avenue. Local vehicular access is found to be adequate for the proposed development.

#### Master Planned Roadways and Bikeways

The adjacent roadways are listed in the 2000 Silver Spring CBD Sector and 2005 Countywide Bikeways Functional Master Plan. Dixon Avenue/Colonial Avenue is designated as a business district street with an 80-foot right-of-way with a shared use path. Ripley Street is designated as a business district street with a 70-foot right-of-way. The Metropolitan Branch Trail (SP-12) is shown as a 10-foot wide shared use path within a 20-foot public use easement, partially along Ripley Street, from the Silver Spring/Sarbanes Transit Center to the District boundary adjacent to the CSX ROW.

#### Local Area Transportation Review

According to the submitted traffic study, the table below shows the number of peak-hour vehicular trips generated by the proposed land uses during the weekday morning and evening peak periods, 6:30 to 9:30 a.m. and 4:00 to 7:00 p.m.

Proposed Land Uses	Proposed	Weekday Peak-Hour Trips	
		AM	PM
High-Rise Apartments	318	95	95
Retail	7,460 SF	4	15
Total Vehicular Trips Proposed		99	110

Under the FY 2005 Annual Growth Policy, a traffic study is required to satisfy Local Area Transportation Review at time of preliminary plan because the proposed land uses generate 30 or more peak-hour trips within the weekday evening peak period. The applicant submitted a traffic study at time of project plan to support a finding that roadway infrastructure is adequate to support approval of the project.

In the traffic study, submitted April 1, 2007, the resulting critical lane volume (CLV) values are shown in the table below for the existing, background, and the total future traffic conditions. The background traffic condition includes existing traffic plus traffic generated by approved but un-built developments in the area.

Intersection	Weekday Peak-Hour	Traffic Condition		
		<i>Existing</i>	<b>Background</b>	Total
Colesville Road and Wayne Avenue/Second Avenue	AM	817	869	881
	PM	831	925	931
Georgia Avenue and Wayne Avenue	AM	978	1,112	1,135
	PM	1,171	1,263	1,265
Georgia Avenue and Bonifant Street	AM	844	884	897
	PM	876	913	917
Georgia Avenue and Sligo Avenue	AM	710	731	736
	PM	975	1,012	1,022
Georgia Avenue and Ripley Street	AM	717	775	797
	PM	674	713	727

As noted in the table above, the weekday peak-hour Critical Lane Volume analysis concludes that the total traffic conditions CLV are below the Silver Spring CBD Policy Area congestion standard of 1,800 at all of the studied intersections.

#### Policy Area Mobility Review

To meet the PAMR requirements under the 2007-2009 Growth Policy, this plan was required to mitigate 15% of its new peak-hour trips. The trip mitigation requirement for the proposed use was calculated to be 17 trips (from the higher evening peak hour) from a net 110 “new” peak-hour trips during the evening peak-period (The AM trip mitigation would be less).

The Applicant proposes to meet the PAMR requirement through a combination of providing new transportation facilities plus site-specific trip reduction. The new transportation facilities proposed by the Applicant to mitigate development’s evening peak-hour impact include:

- Extension of Ripley Street by a distance of 400 feet from its current terminus to Bonifant Street. (12 trips)
- Installation of a 15-foot wide shared pedestrian and bike path along the south side of the Ripley Street extension. (8 trips)

The trip reduction actions taken by the Applicant to mitigate peak-hour impact are the result of the site being located in the Silver Spring Policy Area. The site uses Silver Spring trip generation rates,



producing fewer primary vehicle trips than a similar development outside of a Metro Station Policy Area.

### Pedestrian Access and Transit

Pedestrian access is provided via sidewalks along Ripley Street (15 feet wide) and Dixon Avenue. The site is less than 800 feet from the Silver Spring Metrorail Stations and is served by both Ride-On and Metrobus transit routes on Georgia Avenue and Bonifant Street. The Purple Line is currently being planned along multiple alignments connecting the Silver Spring/Sarbanes Transit Center to New Carrollton station. Several alignments being studied for the MTA for the Montgomery County segment of the Purple Line would be accommodated within the Master Planned right-of-way. Some alignments continue south of Ripley Street and into a tunnel adjacent to 1050 Ripley Street on the west side of the subject property within a 60-foot wide corridor. This corridor would accommodate both the Purple Line and Metropolitan Branch Trail.

The Applicant is proposing underground parking within this corridor. MTA's current project planning as part of the Purple Line Draft Environmental Impact Statement/Alternatives Analysis (DEIS/AA) includes an alternative that would continue south of the applicant's parcel along the CSKX right of way and enter into a tunnel at a point within the right-of-way of Silver Spring Avenue, south and east of the applicant's parcel. MTA has confirmed acceptance of the parking garage within the 60-foot wide corridor, provided that the underground structures are designed to support the Purple Line and provide clearances necessary.

At time of Project Plan, staff recommended that the applicant provide a surface easement for the Purple Line within the 60-foot wide corridor east of the CSX tracks and west of the proposed building. While no easement is shown on the subdivision plan presented for approval, a condition of approval, requires the easement to be shown on the certified preliminary plan and record plat.

The applicant continues to coordinate with the MTA as both the proposed development and proposed transitway project move forward. As noted at time of project plan, the proposed building may need to accommodate portions of the infrastructure to support construction of the transitway. In addition to dedication of the 60' transit easement, MTA requests that the applicant design and construct as necessary control joints and structural components in the southwest corner of the garage, level G2, to allow MTA to modify and lower the ceiling approximately 5' to 6' necessary to provide for grading and clearances for the proposed LRT or BRT infrastructure related to the Purple Line. We also recommend that the applicant be required to continue to coordinate with the MTA as both their development plans and the plans for the Purple Line progress to a more detailed level of design. It is critical that the MTA be given the opportunity to review the 1050 Ripley Street development plans during each phase of design.

### Truncation Waiver

By letter dated December 7, 2007, (APPENDIX C) the applicant requests a waiver of truncation for the corner of Dixon Street and Ripley Streets from the typical 25 foot truncation based on practical difficulties or unusual circumstances as outlined in Section 50-38 of the Subdivision Regulations. 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. The building location shown on the approved Project Plan, would conflict with the full 25 foot truncation. As a matter of practice, staff requires that MCDPWT review the waiver request for safe site distance and make a recommendation.



The waiver request argues that the truncation is not required for this location because there is ample room for sidewalks, utilities and traffic devices without it. The applicant purports that safe site distance can also be maintained and has presented the necessary site distance evaluation to MCDPWT. The letter goes on to suggest that the Project Plan approved for this application also showed no truncation and believes that it would be a practical difficulty to require relocation of the building on this rather narrow site at this time.

In their approval memorandum dated June 19, 2008, MCDPWT supports a partial waiver of truncation from the required 25 feet to 10 feet, finding that safe site distance can be achieved. While staff could support a full waiver of the truncation, the partial waiver prescribed by MCDPWT appears to be feasible with respect to the approved building location. The reduced truncation allows the building to be fronted up closer to the curb line which will help activate the street frontage. This finding is similar to the same findings made for the Midtown project across Ripley Street. The applicant has demonstrated, through the waiver request that a practical difficulty exists with regard to the building location as it relates to a 25 foot truncation. This is adequate grounds for the Board to accept a lesser truncation of 10 feet as prescribed by MCDPWT. Staff has reflected this waiver finding as a condition of approval.

### **Other Public Facilities**

Other public facilities and services are available and will be adequate to serve the proposed dwelling units. Schools, police stations, firehouses and health services are currently operating within the standards set by the Growth Policy Resolution currently in effect. Elementary schools in this area are currently operating between 105% and 120% of program capacity and, therefore, the project is subject to a School Facilities Payment. Water and sewer were found to be existing at the site boundaries and adequate to serve the project. MCDPS approved a stormwater management concept on August 3, 2007 that will control runoff from the site. The application has been reviewed by the Montgomery County Fire and Rescue Service who have determined that the Property has appropriate access for fire and rescue vehicles.

## **ENVIRONMENT**

### **Environmental Guidelines**

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property.

### **Forest Conservation**

There is neither forest nor significant trees on this property. This site was granted an exemption from the requirements of filing a Forest Conservation Plan as a small property (42007033E) on 9/21/2006. The exemption was based on an area of disturbance of less than 1.5 acres. However, the off-site disturbance associated with this plan increases the area of disturbance to more than 2 acres, which causes the exemption to be nullified. The off-site disturbance is due to road improvements necessary for the development of this property, the Silver Spring Transit Center, and Midtown Silver Spring. An agreement has been reached by the three parties regarding participation in the road improvements and has been referenced in the conditions of approval of the Preliminary Plan for Midtown Silver Spring. This division of development has been used as the basis for the assignment of responsibilities for meeting Forest Conservation Law. Staff finds that the plan complies with Chapter 22A of the Montgomery County Code regarding 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 time as the Montgomery County Department of Permitting Services has approved a conceptual stormwater management Plan for the development. On January 3, 2007 MCDPS did issue approval letters for the project. The project anticipates using StormFilters to treat water quality. The plan complies with Chapter 19 of the Montgomery County Code regarding the provision of stormwater management controls.

### **PRELIMINARY PLAN RECOMMENDATION AND CONDITIONS**

Approval of preliminary plan 120080050, including a partial waiver of truncation pursuant to Chapter 50, Section 50-26(E)(3) of the Montgomery County Code, and subject to the following conditions:

1. Approval under this preliminary plan is limited to 1 lot for 318 multi-family dwelling units (Including 15% MPDU's) and 7,460 square feet of retail.
2. The applicant must comply with the conditions of approval for the final forest conservation plan. The applicant must satisfy all conditions prior to recording of plat(s) or MCDPS issuance of sediment and erosion control permits, as applicable. The final forest conservation plan must cover all areas of both on-site and off-site disturbance associated with this development.
3. Prior to issuance of initial building permit, an acoustical engineer must certify through building shell analysis that interior noise levels will not exceed 45 DBA LDN. The building shall be constructed in accord with these acoustical recommendations, with any changes affecting acoustical performance approved by the acoustical engineer, with copy to MNCPPC staff.
4. The acoustical certification and builder acceptance letter must be provided to MNCPPC Environmental Planning staff before building permits are issued.
5. The applicant must dedicate all road rights-of-way shown on the approved preliminary plan as follows:
  - 40 feet of right-of-way from the centerline of Dixon Avenue, and
  - 35 feet of right-of-way from the centerline of Ripley Street, and
  - Truncation at the southern corners of Ripley and Dixon Streets as prescribed by MCDPWT.
6. Record plat to reflect a 60-foot wide surface public improvement easement between the CSX right-of-way along the entire parcel to accommodate the Purple Line and Metropolitan Branch Trail.
7. The applicant must construct all road improvements within the rights-of-way shown on the approved preliminary plan to the full width mandated by the master plan and to the design standards imposed by all applicable road codes. Only those roads (or portions thereof) expressly designated on the preliminary plan, "To Be Constructed By \_\_\_\_\_" are excluded from this condition.

8. Design and Construct necessary control joints and structural components in the southwest corner of the garage, level G2, to allow MTA to modify and lower the ceiling approximately 5' to 6' to provide the necessary grading and clearances for the proposed LRT or BRT infrastructure related to the Purple Line.
9. The record plat must reflect all areas under Homeowners Association ownership, if applicable, and specifically identify stormwater management parcels.
10. 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.
11. No clearing, grading or recordation of plat prior to Certified Site Plan approval.
12. The Applicant must comply with the conditions of the Montgomery County Department of Permitting Services (MCDPS) stormwater management approval dated January 3, 2007, unless amended.
13. The Applicant must comply with the conditions of the Montgomery County Department of Public Works and Transportation (MCDPWT) letter dated June 19, 2008, unless otherwise amended.
14. 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 resolution.
15. All other necessary easements must be shown on the record plat.

## **SECTION 4: SITE PLAN REVIEW**

### **MASTER PLAN**

The objective for the Ripley District in the Silver Spring CBD Sector Plan is to “encourage mixed-use development near the Transit Center by facilitating market-feasible development and upgrading the physical environment.” As demonstrated in the approved Project Plan, this development will provide a significant amount of housing, including 48 MPDUs, within one block of the Silver Spring Transit Center, and help to activate Ripley Street through a combination of ground-floor retail, public art, and landscaping. The development is further providing a significant public benefit by providing the extension of Ripley Street to Bonifant Street, improving access through the street grid and providing an essential pedestrian route to and from the Transit Center for the residents of both the Ripley District and Fenton Village.



## DEVELOPMENT STANDARDS

The proposed development is designated Central Business District 2 (CBD-2), which was created to provide increased height and density in the areas surrounding the urban core. The development standards are minimal within the CBD-2 Zone to encourage flexibility through the Optional Method of Development, with final details determined at Site Plan.

The purposes of the CB-2 Zone include:

- 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;
- promote the effective use of transit facilities in the central business district and pedestrian access thereto as well as an improved pedestrian and vehicular circulation;
- assist in the development of adequate residential areas for people with a range of different incomes;
- encourage land assembly and the most desirable use of land in accordance with a sector plan;
- 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 districts; and
- provide an incentive for the development of residential uses to meet the needs of those employed within the central business districts and those who will be able to use the district transit facilities to travel to and from places of employment.

The proposed development provides 318 multi-family units, including 48 MPDUs, and ground-floor retail within one block of the Silver Spring Transit Center. The building continues the transition in building height from 3-5-story buildings west of East-West Highway to the 143-foot buildings across the train tracks. The site has been designed and detailed to create a comfortable, functional environment for daily life.

The following data table indicates the proposed development's compliance with the Zoning Ordinance.

*Project Data Table for the CBD-2 Zone*

<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Approved per Project Plan</b>	<b>Proposed for Approval</b>
<b>Min. Gross Tract Area (square feet)</b>	18,000	50,317	50,317
Previously Dedicated Area		-5,535	-5,535
Proposed Dedicated Area		-6,126	-5,617
<b>Net Lot Area</b>		38,656	39,166
<b>Max. Building Height (feet)<sup>1</sup></b>	n/a	200	200

<sup>1</sup> On a corner lot exceeding 20,000 square feet in area, the height of the building may be measured from either adjoining curb grade.

<b>Max. Density, Mixed Use</b>			
Non-Residential (FAR)	3	.06	.15
Non-Residential (sf)	150,950	3,068	7,460
Residential (FAR)	5	4.94	4.85
Residential (sf)	251,584	248,516	244,125
Residential, w/ 22% MPDU Bonus (FAR)	6.03	6.03	5.92
Residential, w/ 22% MPDU Bonus (sf)	303,190	303,190	297,833
<b>Total, Residential &amp; Non-Residential (FAR)</b>	6.09	6.09	6.07
<b>Total, Residential &amp; Non-Residential (sf)</b>	306,258	306,258	305,293
Front (Ripley Street)	n/a	0	0
Rear	n/a	0	0
West (CSX Tracks)	n/a	65	60
East (Colonial Lane/Future Dixon Avenue)	n/a	0	0
<b>Min. Public Use Space (% of net lot)</b>			
Public Use Space	20	37	37.7
Public Amenity Space	n/a	14.5	13.7
<b>Total</b>	20	51.5	51.5
<b>Max. Parking Spaces</b>	0 <sup>2</sup>	328	309

### MPDU Calculations

Unit Distribution	Efficiency	One-Bedroom	Two-Bedroom	Total
Total Market Units:	86	124	60	270
Total MPDUs Provided:	16	21	11	48
Combined Total	102	145	71	318

<sup>2</sup> The site is located within the Silver Spring Parking Lot District and therefore not required to provide on-site parking.



## Recreation Calculations

	<b>Tots</b>	<b>Children</b>	<b>Teens</b>	<b>Adults</b>	<b>Seniors</b>
<b>Demand (318 units)</b>					
<b>High-Rise Units</b>	<b>11.13</b>	<b>12.72</b>	<b>12.72</b>	<b>244.22</b>	<b>146.28</b>
<b>On-Site Supply</b>					
5 Picnic/Sitting Areas	4	4	6	20	8
Pedestrian System	1.11	2.54	2.54	109.9	65.83
Swimming Pool	0.61	2.61	2.61	61.06	21.94
Indoor Community Space	1.11	1.91	3.82	73.27	58.51
Indoor Exercise Room	1.11	1.27	3.82	73.27	58.51
Indoor Fitness Facility	0	1.27	1.27	48.84	21.94
<b>On-Site Subtotal</b>	<b>7.94</b>	<b>13.6</b>	<b>20.06</b>	<b>386.34</b>	<b>234.73</b>
<b>Off-Site Supply (Jessup Blair Park)</b>					
Play Lot (5-14)	0	9	3	4	1
Volleyball	2	2	3	8	1
Tennis	0	2	11	24	1
Soccer – Junior	2	15	15	30	2
<b>Off-Site Subtotal</b>	<b>4</b>	<b>28</b>	<b>32</b>	<b>66</b>	<b>5</b>
<b>Max. 35% of Demand</b>	<b>3.89</b>	<b>4.45</b>	<b>4.45</b>	<b>66 (85.44)</b>	<b>5 (51.20)</b>
<b>Total Supply</b>	<b>11.83</b>	<b>18.05</b>	<b>24.51</b>	<b>452.34</b>	<b>239.73</b>
<b>Percent of Demand Met</b>	106	142	192	185	164

## FINDINGS

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Section 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modifies any element of the project plan.*

This Site Plan is consistent with the approved Project Plan, as amended by Project Plan Amendment 92007004A. It retains the overall site and building design as approved by the Planning Board, with only minor changes for clarity.

2. *The Site Plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Site Plan meets all of the requirements of the Central Business District 2 (CBD-2) zone as demonstrated in the project Data Table on page 20. The height, density, and setbacks contained in the Zoning and approved Project Plan are largely retained with this Site Plan application.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

a. Locations of buildings and structures

The proposed building provides an appropriate higher-density mixed residential use with ground-floor retail on an optimal site for accessibility to mass transit and neighborhood facilities. The design and layout of the building are compatible with the planned development of the Ripley District in terms of massing, detailing, and height. Both the use and the design elements of the architecture provide an adequate, safe, and efficient building on the subject site.

b. Open Spaces

The plan proposes over thirty-seven percent of the net lot area for public use on-site, including an attractive plaza adjacent to a master-planned bike route as well as landscaping around the future bike route itself, and about fourteen percent of the net lot area for off-site streetscape improvements. The open space between the building and CSX railroad tracks will include a sixty-foot easement for the potential location of the Purple Line. The Applicant will also construct the extension of Ripley Street to Bonifant Street. Each of these features contributes to a significantly improved pedestrian experience that is adequate, safe, and efficient.

c. Landscaping and Lighting

The proposed landscaping on the site consists of foundation plantings along the building frontage on Ripley Street and Dixon Avenue, landscaped beds along the public plaza, and trees along the Metropolitan Branch Trail bike path. The street trees will be installed per the Silver Spring CBD Streetscape Plan details. These trees and the plantings along the pedestrian and bicycle paths provide an adequate, safe, and efficient environment for residents and passers-by.

The lighting plan consists of Silver Spring streetscape-specified Washington Globe luminaires on Ripley Street and Dixon Avenue. Other site lighting will be full cut-off and will provide adequate, safe, and efficient site illumination.

d. Recreation Facilities

The plan is providing ample recreation facilities through a combination of on-site exterior seating areas and a private pool, interior fitness and recreation rooms, and an extensive community pedestrian network. The Applicant is taking partial credit, per the M-NCPPC Recreation Guidelines for off-site resources, including nearby Jessup Blair Park. The provided facilities are in conformance with the Guidelines and are adequate, safe, and efficient.

e. Pedestrian and Vehicular Circulation Systems

Sidewalks along Ripley Street and Dixon Avenue will be improved to conform to the Silver Spring CBD Streetscape Guidelines. These sidewalks will further integrate the development into the existing community and provide safe and efficient pedestrian access to the neighborhood circulation system and the Silver Spring Transit Center. The pedestrian environment, as a whole, is adequate, safe, and efficient.



4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The building is compatible with the other constructed, proposed, and planned high-rise mixed-use development in the Ripley District, including the Silver Spring Gateway project across the train tracks (143 feet), the proposed Midtown Silver Spring (200 feet), and the forthcoming Silver Spring Transit Center, in terms of massing, scale, detailing, and layout.

5. *The Site Plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The subject Site Plan, including off-site improvements, is subject to forest conservation requirements. The site does not currently include any trees, and the Applicant expects to meet their forest conservation requirements through on- and off-site planting and/or fee in lieu. Final conformance will be verified by Certified Site Plan.

The proposed storm water management concept approved by DPS on January 3, 2007, consists of on-site water quality via a flow-based StormFilter. On-site recharge is waived since this is within a CBD zone with a lot less than two acres and presents a 14 percent decrease in the impervious area on the site.

## **SITE PLAN RECOMMENDATION AND CONDITIONS**

Approval of 305,293 gross square feet of mixed-use development, including 297,833 square feet of multi-family residential uses with a maximum of 318 dwelling units including 48 MPDUs (15% of the total), and 7,460 square feet of retail uses, on one 1.16-acre lot. All site development elements as shown on the site, landscape, and lighting plans stamped by the M-NCPPC on June 17, 2008, are required except as modified by the following conditions:

1. Project Plan Conformance

The proposed development must comply with the conditions of the approved Resolution for Project Plan 920070040, as amended by 92007004A.

2. Preliminary Plan Conformance

The proposed development must comply with the conditions of the approved Resolution for Preliminary Plan 120080150, unless amended and approved by the Planning Board.

3. LEED Certification

The Applicant must achieve a LEED (Leadership in Energy and Environmental Design) Silver Rating Certification, as defined by the U.S. Green Building Council (USGBC) under the LEED Standard for New Construction & Major Renovation (LEED-NC), or other equivalent certification based on energy and environmental design standards approved by the Department of Permitting Services.

4. Site Plan

- a. On the Ripley Street, Dixon Avenue, and CSX frontages, maintain a consistent architectural articulation of a minimum two-story and/or 30-foot building base.
- b. Provide retail entrances from both the Ripley Street and Dixon Avenue sidewalks.

5. Transportation

- a. The Applicant must comply with all conditions contained in Transportation Planning's memo dated June 16, 2008.
- b. The Applicant must participate with the Applicant for Midtown Silver Spring (Site Plan #820060250), Home Properties Ripley Street, LLC., to construct Ripley Street as shown in the Ripley Street Shared Cost Exhibit dated May 30, 2008.
- c. All sidewalk improvements must be constructed in accordance with the latest version of the Silver Spring CBD streetscape standards.
- d. Within the 15-foot sidewalk panel on the west side of the Ripley Street extension, provide a minimum 10-foot shared use bike path connecting from the Transit Center to the sidewalk in front of the building.

6. Maryland Transit Administration Coordination

The Applicant must comply with all conditions of MTA's letter dated May 13, 2008, from Michael Madden, MTA, to Thomas Autrey, M-NCPPC, unless amended by MTA.

7. Environment

The Applicant must comply with all conditions of Environmental Planning's memo dated June 17, 2008.

8. Lighting

- a. All private on-site down-lighting fixtures must be full cut-off fixtures;
- b. Deflectors must be installed on all up-lighting fixtures causing potential glare or excess illumination;

9. Moderately Priced Dwelling Units (MPDUs)

- a. The proposed development must provide 48 MPDUs (15%) on-site in accordance with Chapter 25A of the Montgomery County Code. The Applicant is receiving a 22 percent residential density bonus.
- b. The Applicant must comply with all conditions of the Department of Housing and Community Affairs' (DHCA) letter dated May 12, 2008.
- c. The Applicant must obtain an agreement pertaining to the construction and staging of MPDUs from DHCA prior to the issuance of any building permits.

10. Stormwater Management

The proposed development is subject to Stormwater Management Concept approval conditions dated January 3, 2007, unless amended and approved by the Montgomery County Department of Permitting Services.

11. Development Program

The Applicant must construct the proposed development in accordance with Development Program. A Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the Certified Site Plan. The Development Program shall include a phasing schedule as follows:

- a. Street improvements to Ripley Street along the property boundary and Dixon Avenue/Colonial Lane must be completed as building construction is completed;



- b. The Ripley Street extension to Bonifant Street, streetscape improvements and street tree planting, site lighting, seating areas, indoor amenities, and the outdoor terrace, must be completed before issuance of any use and occupancy permits;
- c. All on-site landscaping must be completed within six months of the issuance of any use and occupancy permits;
- d. Specify phasing of pre-construction meetings, dedications, sediment/erosion control, or other features.

12. Clearing and Grading

- a. The Applicant may demolish the existing buildings on the site prior to M-NCPPC approval of the Certified Site Plan;
- b. The Applicant must ensure that there is no clearing or grading of the subject site prior to M-NCPPC approval of the Certified Site Plan

13. Maintenance

The Applicant is responsible for maintenance of on-site landscaping and recreation facilities.

14. Certified Site Plan

Prior to Certified Site Plan approval the following revisions shall be included and/or information provided, subject to staff review and approval:

- a. Minor corrections and clarifications to site details and labeling;
- b. Recreation Facilities Plan, with calculations, demonstrating the indoor recreation facilities' compliance with the M-NCPPC Recreation Guidelines;
- c. A Transportation Improvement Plan, including phasing and responsibility for improvements to Ripley Street and Colonial Lane/Dixon Avenue;
- d. Development Program, Inspection Schedule, Approved Forest Conservation Plan, and Site Plan Resolution;
- e. A building elevation diagram for the Ripley Street, Dixon Avenue, and CSX frontages demonstrating the consistent architectural articulation of a minimum two-story, 30-foot building base;
- f. All areas within the project Limits of Disturbance, including all off-site improvements;
- g. Limits of construction for the Metropolitan Branch Trail;
- h. Revise the shared-use bike path along the west side of Dixon Avenue as necessary to conform to its counterpart on the north side of Ripley Street;
- i. An updated public use space and amenity diagram;
- j. Show the 60-foot Public Improvement Easement along the CSX right-of-way on the west side of the site;
- k. Provide interim and final diagrammatic street sections for Colonial Lane and Dixon Avenue south of Ripley Street.

**APPENDICES**

- A. Project Plan Resolution
- B. Preliminary Plan
- C. Truncation Waiver Request
- D. Subdivision Data Table
- E. DPWT Approval Letters
- F. DPS Stormwater Management Concept Approval
- G. MTA Agreement
- H. Other Reviewing Agency Approvals
- I. Ripley Street Shared Cost Exhibit







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

JUN 22 2007  
MCPB No. 07-77  
Project Plan No. 920070040  
1050 Ripley Street  
Date of Hearing: 5/31/07

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION<sup>1</sup>

WHEREAS, pursuant to Montgomery County Code Division 59-D-2, the Montgomery County Planning Board ("Planning Board" or "Board") is vested with the authority to review project plan applications; and

WHEREAS, on February 2, 2007, Washington Property Company ("Applicant"), filed an application for approval of a project plan for a mixed use development of up to 306,258 gross square feet, including 305 multi-family units with 46 MPDUs, 15% of the total units, and up to 3,068 gross square feet of non-residential/retail uses ("Project Plan"), on 1.16 acres of CBD-2-zoned land, in the southwestern quadrant of the intersection of Ripley Street and Colonial Lane immediately adjacent to the CSX/Metro Right of Way ("Property" or "Subject Property"); and

WHEREAS, Applicant's project plan application was designated Project Plan No. 920070040, 1050 Ripley Street (the "Application"); and

WHEREAS, Staff issued a memorandum to the Planning Board, dated May 16, 2007, setting forth its analysis of, and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on May 31, 2007, the Planning Board held a public hearing on the Application (the "Hearing"); and

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<sup>1</sup> This Resolution constitutes the written opinion of the Board in this matter and satisfies any requirement under the Montgomery County Code for a written opinion.

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Approved as to  
Legal Sufficiency:

DMD 6/11/07  
M-NCPPC Legal Department

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on May 31, 2007, the Planning Board approved the Application subject to certain conditions, on motion of Commissioner Robinson; seconded by Commissioner Perdue; with a vote of 4-0, Chairman Hanson and Commissioners Perdue, Robinson, and Wellington voting in favor; and Commissioner Bryant absent.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board approved Project Plan No. 920070040 for a mixed use development of up to 306,258 gross square feet, including 305 multi-family units with 46 MPDUs, 15% of the total units, and up to 3,068 gross square feet of non-residential/retail uses, on 1.16 gross acres in the CBD-2 Zone, subject to the following conditions:

**1. Development Ceiling**

The proposed development shall be limited to a maximum of 306,258 total gross square feet, 305 multi-family units and 3,068 square feet of retail /non-residential uses.

**2. Building Height/Mass**

The height of the proposed building shall not exceed the maximum height of 200 feet.

**3. Transportation Improvements**

- a. At the time of Preliminary Plan, the applicant shall dedicate an additional 6,126.33 square feet of right-of-way on the south side of Ripley Street to provide for a total of 70 feet of right of way for Ripley Street.
- b. If the Applicant successfully acquires the adjacent County parcel, extend Dixon Avenue, including streetscape improvements on both sides to the extent possible while still allowing a transition to Colonial Lane, from Ripley Street south to Parcel 3, Progress Place. Otherwise, access for the site through the County parcel shall be approved by DPWT and the Applicant shall construct the access and provide streetscape on property it controls consistent with the eventual extension of Dixon Avenue per the Sector Plan.
- c. Improve the south half of Ripley Street along property line per the DPWT typical section.
- d. Pursuant to Condition 5(c) below, the Applicant shall construct Ripley Street extended from the site limits to the connection with Bonifant Street, or other comparable street connection between Ripley Street and Bonifant Street. This road improvement shall include full pavement section per the Silver Spring CBD Sector Plan, including curb and utilities necessary for the function of the pavement section and streetscape along the west side of the street (adjacent



to the railroad tracks). Further details of this road improvement shall be resolved, with DPWT participation, at the time of site plan review.

**4. Moderately Priced Dwelling Units (MPDUs)**

The applicant shall provide 15% of the final number of units on site, up to a maximum of 46 MPDUs out of 305 total units, consistent with the requirements of Chapter 25A. The applicant is receiving a 22% residential density bonus for providing MPDUs on the site. The location and distribution of MPDUs will be determined at Site Plan.

**5. Public Use Space and Off-Site Amenities**

- a. The applicant shall provide at least 37 percent of the net site area as on-site public use space and at least 14 percent as off-site public amenity space. The final design and details of the on-site public space will be determined at Site Plan.
- b. The proposed public use space must be easily and readily accessible to the general public and used for public enjoyment.
- c. In lieu of a contribution as proposed in the May 16, 2007, Staff Memorandum, the Applicant shall construct Ripley Street extended as set forth in Condition No. 3(d) above.

**6. Streetscape**

- a. Relocate underground the overhead lines associated with the existing utility poles along the front of the property and utility and meter boxes.
- b. Provide the Silver Spring streetscape standard along all streetscape improvements provided along the project frontage, including the property boundary on Ripley Street and for parts of Dixon Avenue for which the applicant has site control (as further described in Condition 3(b) above) and only the west side of Ripley Street extended as described in Condition 3(d) and Condition 5(c) above.

**7. Staging of Amenity Features**

- a. The proposed project shall be developed in one phase.
- b. Landscaping to be installed no later than the next growing season after completion of the building and public plaza.

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of § 59-D-2.43, the Montgomery County Planning Board, with the conditions of approval, FINDS:

- (a) The proposed development complies with all of the intents and requirements of the CBD-2 zone.**

The Montgomery County Zoning Ordinance states the purposes which the CBD zones are designed to accomplish. The following statements analyze how the proposed Project Plan conforms to these purposes:

- (1) *"to encourage development in accordance with an adopted and approved master or sector plan, or an urban renewal plan approved under chapter 56 by permitting an increase in density, height, and intensity where the increase conforms to the master or sector plan or urban renewal plan and the site plan or combined urban renewal Project Plan is approved on review by the Planning Board."*

This Project Plan proposes to use the optional method of development and is in conformance with the Approved and Adopted 2000 Sector Plan for the Silver Spring CBD.

The Sector Plan encourages mixed-use development near the transit center by facilitating market-feasible development and upgrading the physical environment. The proposed 306,258 gross square feet mixed-use building provides 305 multi-family units including 46 MPDUs, 15% of the total units, and up to 3,068 gross square feet of non-residential/retail uses. The proposed building maximizes FAR (6.09 including the MPDU density bonus) and the 200-foot building height allowed by the zone.

The project proposes to improve the inter-connected street system in the Ripley District by: connecting Ripley Street to Bonifant Street, constructing the southern half of Ripley Street in front of the site, and the full roadway and the streetscape along the west side of Ripley beyond the site; extending Dixon Avenue along the eastern edge of the site; providing bike lanes or trails along Dixon Avenue and along the railroad tracks; and installing the Silver Spring streetscape standard along all improved sidewalks.

- (2) *"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 Plan responds to the need for a variety of housing, including affordable housing, near metro in the Silver Spring CBD. This project encourages the development of active urban streets by providing a mix of uses that will be well-positioned to take advantage of the increased foot traffic resulting from the



completion of the Transit Center and extension of Ripley Street to Bonifant Street. Additionally, the proximity of a plethora of public transit opportunities will provide residents with ready, affordable access to jobs and shopping throughout the County and the Region.

- (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 would further the revitalization of the Ripley District and contribute to the supply of residential choices in the Silver Spring CBD. The proposed height of 200 feet is compatible with the scale of residential and commercial development across the railroad tracks, with the proposed Midtown mixed-use development across Ripley Street, and the commercial buildings on the northern end of the Ripley District and adjacent CBD Core. This Project Plan will join the Midtown in providing an attractive activated retail streetscape to more closely link Georgia Avenue and the Transit Center, helping the Ripley District to develop as a unique attraction, as Fenton Village and South Silver Spring have begun to do. And while these two buildings astride Ripley Street are proposed for the maximum height of 200 feet, given their distance from lower density development west of East-West Highway, east of Fenton Street, and north of Spring Street, there is no concern about the compatibility of this design to those communities.

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

The site is located less than 800 feet, less than a five-minute walk, from the Silver Spring Metro Station, where numerous bus routes also stop. Roughly equidistant from "Downtown" and South Silver Spring, future residents would be able to walk to the numerous places of employment and restaurant, retail, service, and arts uses within the CBD and along Georgia Avenue. Additionally, the project includes significant intersection and streetscape improvements to promote pedestrian access to and through the site.

- (5) *"to improve pedestrian and vehicular circulation."*

The project would provide an improved pedestrian sidewalk, installing the Silver Spring streetscape, planting street trees, and placing utilities underground to make walking along this site to the Transit Center or to Georgia Avenue a more pleasant experience. Additionally, the applicant is proposing to extend Dixon Avenue from Ripley Street to Progress Place, further improving pedestrian and vehicular circulation through increased interconnectivity.

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

This project would provide on site up to 259 market rate units and 46 MPDUs (15 percent of the total unit count) in a variety of unit types and configurations, including one bedroom, one bedroom plus den, and two bedroom units. The distribution of unit types among the 46 MPDUs will be the same as that of the market-rate units, offering a greater diversity of incomes access to the great amenities offered within the CBD and this project.

- (7) *"to encourage land assembly and the most desirable use of land in accordance with a sector plan."*

This site is the product of several adjacent lots, and would replace several older service buildings with a contemporary mixed-use building and Public Use space. This is a more desirable use of the land, adding residents who will use the businesses and services of the area, helping revitalize the Ripley and South Silver Spring Districts as well as support the Downtown retail area and providing pedestrian activity on the street in a part of the CBD that has been underutilized.

- (8) *"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 districts; and*

The 1050 Ripley Street project proposes additional residential units away from the core of the CBD, including much-needed affordable housing, as well as street-activating retail. This site is uniquely located within the Ripley District away from the less-dense edges of the CBD and so transitions in use more so than in density, providing more residential and less retail/commercial uses. The remarkable proximity of this site to public transit as well as cultural and commercial amenities mean that the residential density the project provides will enliven the Ripley District as well as the Core and South Silver Spring areas.

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

With the growth of the commercial market in the CBD, future residents of 1050 Ripley Street will have a variety of employment opportunities in both the private and public sectors within a five- to ten-minute walk. Further, they will be less than five minutes away from a public transit system that can link them to jobs throughout the region.

(10) *The Staff Report contains a data table that lists the Zoning Ordinance required development standards and the standards proposed for approval. The Planning Board finds, based on the data table, and other evidence and testimony of record, that the Application meets all of the applicable requirements of the CBD-2 Zone. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant:*

**DATA TABLE**

	Development Standard Approved by the Board and Binding on the Applicant
Gross Tract Area (sf.)	50,316.81
Previously dedicated area	-5,534.58
Proposed dedicated area	-6,126.33
Net lot area	38,655.9
Density, for Mixed-Use Projects	
Non-Residential, Maximum (FAR)	.06
Non-Residential, Maximum (SF)	3,068
Residential, Maximum (FAR)	4.94
Residential, Maximum (SF)	248,516.05
Residential, with 22% Density Bonus (FAR)	6.03
Residential, with 22% Density Bonus (SF)	303,189.58
Total, Residential & Non-Residential (FAR)	6.09
Total, Residential & Non-Residential (SF)	306,257.58
Market-rate units	259
MPDUs	46
Total, Maximum	305
MPDU provision (minimum percentage)	15
Public use space (minimum percent of net lot area)	
On-site (percent)	37
On-site (sf.)	14,302.68
Off-site amenity space (percent)	14.5
Off-site amenity space (sf.)	5,594



Total public use and amenity space (sf.)	19,896.68
As a percentage of net lot area (percent)	51.5
Maximum Building Height (ft.)	
With Planning Board approval	200*
Number of stories	17
Minimum Building Setbacks, Minimum (ft.)	
Front	0
Rear	0
West Side (CSX Tracks)	65
East Side (Future Dixon Ave)	0
<u>Parking</u>	
Residential	
205 one-bedroom units	256.25
54 two-bedroom units	81
36 one-bedroom MPDUs	22.5
10 two-bedroom MPDUs	7.5
Residential Subtotal	367.25
Reduction for Proximity to Metro Station	-18.36
Reduction for Multi-Family Units in CBD	-34.89
Residential Total	314
Retail (3,068 GSF)	16
Reduction for Proximity to Metro Station	-2
Retail Total	14
<hr/>	
Total Number of Parking Spaces	328

**(b) The proposed development conforms to the Silver Spring CBD Sector Plan**

The approved and adopted 2000 Silver Spring CBD Sector Plan recommends the CBD-2 zone for this site. The proposed Project Plan conforms to the uses permitted in the zone for this site, with over 3,000 square feet of street-level retail and 305 multi-family units, including 46 MPDU,s on 1.16 acres.

The proposed development is using the optional method of development in the CBD-2 zone. The minimum required public use space for this project is 20 percent of the net lot area, or 7,731 square feet. The project proposes 14,302 square feet, or approximately 37 percent. In addition the applicant is proposing 5,594 square feet of off-site amenity space in the form of road and streetscape

improvements. The combined on- and off-site public use and amenity area is 19,896 square feet, or about 51.5 percent of the net site area.

The Sector Plan seeks to encourage mixed use development near the Transit Center by facilitating development and upgrading the physical environment. This project provides prominent retail street frontage and residential units along what is expected to become a vital street connecting the residential communities east of Georgia Avenue to the Transit Center.

- (c) Because of its location size, intensity, design, operational characteristics and staging, the proposed development is compatible with and not detrimental to existing or potential development in the general neighborhood.**

The existing buildings in the Ripley District are currently one- to two-story buildings, including small retail and commercial operations, civic uses (churches, County social services, and the new fire station), and public parking lots and garages. Thus at 17 stories tall and up to 200 feet high the building is compatible with the envisioned potential development of the district, including the Midtown project directly across Ripley Street, a 200-foot mixed-use building with ground floor retail. Additionally, the project is compatible in size, intensity, and scale with buildings across the train tracks and with buildings along the northern edge of the district and the CBD core.

- (d) The proposed development does 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 project will be built in one phase. As indicated in the Transportation Planning memo dated May 14, 2007, the residential project will not severely impact the adjacent intersections.

The project is located within the Silver Spring Parking District, but the applicant is providing 328 parking spaces on site for approximately 3,000 square feet of retail and 305 dwelling units as required by the zoning ordinance. In addition, a public parking structure is only one block away, and public transit is about a block away at the Transit Center.

Public utilities will be provided from Ripley Street.

- (e) The proposed development is 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 the standard method of development.

Under the standard method of development, the project could achieve approximately two-thirds the proposed dwelling units and would provide only 23 MPDUs, half as many as the 45 provided under the optional method. The project also provides significant urban Public Use space, streetscape improvements, and the extension of Ripley Street to Bonifant Street, a major public amenity. Under the standard method of development, the project would yield half the public use space, a minimal amount of streetscape, and no off-site public amenities.

- (f) The proposed development includes moderately priced dwelling units in accordance with Chapter 25A of this Code.**

The proposed development is providing 45 MPDUs on site, 15 percent of the total number of units, in accordance with the provision of Chapter 25A of the Montgomery County Zoning Ordinance. The project is not providing Workforce Housing units, as the application was submitted on September 22, 2006, prior to the December 1, 2006, effective date of the Workforce Housing legislation and regulations.

- (g) The proposed development satisfies any applicable requirements for forest conservation under Chapter 22A.**

The Environmental Planning Division reviewed the proposed project and determined the plan to qualify for an exemption for small properties of less than 1.5 acres. This property is not subject to a Tree Save Plan nor is it within a Special Protection Area.

- (h) The proposed development satisfies any applicable requirements for water quality resources protection under Chapter 19.**

A stormwater management concept plan proposes on-site management was approved on January 3, 2007.

BE IT FURTHER RESOLVED that all elements of the plans for Project Plan No. 920070040, 1050 Ripley Street, stamped received by M-NCPPC on May 2, 2007, are required except as modified herein; and



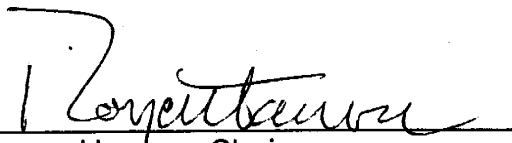
BE IT FURTHER RESOLVED that this project plan shall remain valid as provided in Montgomery County Code § 59-D-2.7; and

BE IT FURTHER RESOLVED that the date of this Resolution is JUN 22 2007  
(which is the date that this Resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

\* \* \* \* \*

At its regular meeting, held on Thursday June 14, 2007, in Silver Spring, Maryland, the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Robinson, seconded by Commissioner Wellington, with Chairman Hanson, Vice Chair Perdue, and Commissioners Wellington, and Robinson present and voting in favor. Commissioner Bryant was absent. This Resolution constitutes the final decision of the Planning Board, and memorializes the Board's findings of fact and conclusions of law for Project Plan No. 920070040, 1050 Ripley Street.

  
\_\_\_\_\_  
Royce Hanson, Chairman  
Montgomery County Planning Board









**LINOWES**  
**AND BLOCHER LLP**  
ATTORNEYS AT LAW

December 7, 2007

**C. Robert Dalrymple**  
301.961.5208  
cdalrymple@linowes-law.com  
**Heather Dlhopsky**  
301.961.5270  
hdlhopsky@linowes-law.com

**VIA HAND DELIVERY**

Dr. Royce Hanson, Chairman  
and Members of the Montgomery County Planning Board  
Maryland-National Capital Park & Planning Commission  
8787 Georgia Avenue  
Silver Spring, Maryland 20910

Re: 1050 Ripley Street Preliminary Plan No. 120080210 -- Waiver Request

Dear Dr. Hanson and Members of the Planning Board:

On behalf of Washington Property Company ("WPC"), the applicant for Preliminary Plan of Subdivision No. 120080210 (the "Preliminary Plan") for the property located at 1050 Ripley Street (the "Property"), we hereby submit this request to the Montgomery County Planning Board for a road truncation waiver in accordance with Section 50-38(a) of the Subdivision Regulations. Specifically, we request a waiver of Section 50-26(e)(3) of the Subdivision Regulations for dedication of a 25-foot truncation for the southwest quadrant of the intersection of Ripley Street and future Dixon Avenue Extended as part of the Planning Board's approval of the Preliminary Plan for the proposed mixed-use optional method development (the "Project"). As explained in detail below, there is safe and sufficient sight distance without the truncation, as well as generous sidewalk area for pedestrian traffic and sufficient area for any proposed utilities and/or traffic devices without the truncation. As such, the truncation is not needed at this location (as was conditionally found by the Planning Board for the northwest quadrant of this intersection in conjunction with the Midtown Plaza (Kettler) preliminary plan on December 6, 2007). Further, the proposed truncation would create practical difficulties given the unique and unusual circumstances of the Property and the Project and its associated public infrastructure improvements. The building layout approved by the Project Plan Approval (defined below) would be significantly compromised if the truncation is required.

The Planning Board approved the project plan for the Project on June 14, 2007 (Project Plan No. 920070040, the "Project Plan Approval"). Planning Staff and the Planning Board found with the Project Plan Approval that it is infeasible to require any further step-back for the building (necessary to accommodate a truncation) given (1) the relative shallowness of the Property; (2) the Applicant's voluntary setback of the building 60 feet on the west side of the Property in order

Dr. Royce Hanson and Members of the Planning Board  
December 7, 2007  
Page 2

to accommodate the future possible above-grade alignment of the Purple Line in this area; and (3) the proposed building face-to-building face distance of approximately 100 feet across Ripley Street (30 feet greater than the required right-of-way). Further, the Project Plan Approval recognized that the Project would provide an improved and adequate pedestrian sidewalk with the Silver Spring streetscape, street trees, and placing utilities underground, all of which would make walking along the Property to the Silver Spring Transit Center or Georgia Avenue a better pedestrian experience. The significant 80' Dixon Avenue Extended and 70' Ripley Street public right-of-way widths provide significant area for pedestrians and bicycles and any future public streetscape infrastructure needs without requiring truncation.

As noted above, the 25-foot building setback for the truncation is inconsistent with the building location on the Project Plan Approval. Therefore, the Applicant is requesting a waiver of truncation for the southwest corner of the future Dixon Avenue Extended and Ripley Street intersection. There are both practical difficulties and unusual circumstances that justify the Planning Board's grant of the requested waiver of truncation for this Project as explained in detail above. The requested waiver is the minimum necessary to provide relief from the general requirement for truncation in Section 50-26(e)(3) of the Subdivision Regulations. The grant of the requested waiver of truncation is consistent with the General Plan. Further, the grant of the waiver is in the public interest. It will enable the Project to proceed with the desired mixed-use development that will rejuvenate the Ripley District with housing, including Moderately Priced Dwelling Units, ground-floor non-residential/retail uses, improved streetscapes, and public amenities.

Thank you for your consideration and attention to this matter. Please let us know if you have any further questions or require any additional information.

Very truly yours,

**LINOWES AND BLOCHER LLP**

*C. Robert Dalrymple, HO*

C. Robert Dalrymple

*Heather Dlhopsky*

Heather Dlhopsky

Enclosures

cc: Gregory Leck, DPWT  
Charles K. Nulsen  
Jonathan Meyers



## Subdivision Data Table

<b>Plan Name: Midtown Silver Spring</b>				
<b>Plan Number: 120050540</b>				
<b>Zoning: CBD-2</b>				
<b># of Lots: 1</b>				
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Minimum Lot	18,000 sq. ft.	32,223 sq. ft. is proposed	<i>RW</i>	6/23/08
Lot Width	n/a	n/a	<i>RW</i>	6/23/08
Lot Frontage	n/a	n/a	<i>RW</i>	6/23/08
<b>PLAN DATA</b>	<b>Zoning Ordinance Development Standard</b>	<b>Proposed for Approval by the Preliminary Plan</b>	<b>Verified</b>	<b>Date</b>
Min. Setbacks				
Front	n/a	15 ft. (Montgomery Lane)	<i>RW</i>	6/23/08
Side	n/a	0 ft. (West Lane)	<i>RW</i>	6/23/08
Rear	n/a	22 ft. (north property line)	<i>RW</i>	6/23/08
Max. Height	200 ft. max. <sup>1</sup>	200 ft.	<i>RW</i>	6/23/08
Min. MPDUs	12.5% min.	15%	<i>RW</i>	6/23/08
<b>FINDINGS</b>				
<b>SUBDIVISION</b>				
Lot frontage on Public Street		Yes	<i>RW</i>	6/23/08
Road dedication and frontage improvements		Yes	Agency Letter	6/19/08
Environmental Guidelines		N/a	Staff memo	6/19/08
Forest Conservation		Yes	Staff memo	6/19/08
Master Plan Compliance		Yes	<i>RW</i>	6/23/08
Stormwater Management		Yes	Agency letter	1/3/07
Water and Sewer (WSSC)		Yes	<i>RW</i>	1/3/07
10-yr Water and Sewer Plan Compliance		Yes	Agency comments	1/3/07
Local Area Traffic Review		N/a	Staff memo	6/13/08
Policy Area Mobility Review		Yes	Staff memo	6/13/08
Transportation Management Agreement		No	Staff memo	6/13/08
School Cluster in Moratorium?		No	<i>RW</i>	6/23/08
School Facilities Payment		Yes	<i>RW</i>	6/23/08
Fire and Rescue		Yes	<i>RW</i>	6/23/08

<sup>1</sup>Per Development Plan binding elements.





## DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Isiah Leggett  
County Executive

June 19, 2008

Arthur Holmes, Jr.  
Director

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 #1-20080210  
1050 Ripley Street

Dear Ms. Conlon:

We have completed our review of the preliminary plan signed on 6/18/08. This plan was reviewed by the Development Review Committee at its meeting on January 7, 2008. 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.

1. Necessary right of way dedication for Ripley Street and Future Dixon Ave in accordance with the Master Plan.  
We have reviewed the applicant's request for truncation waiver at the intersection of aforementioned streets. However we can only recommend reduction of truncation to 10feet rather than a standard 25feet. The south eastern corner of the intersection also will be required to provide adequate truncation as stated before.
2. Grant necessary slope and drainage easements. Slope easements are to be determined by study or set at the building restriction line.
3. 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 grade establishments for new public streets from DPS.
4. The existing 34"x53" culvert is determined to be insufficient per computations provided by the applicant's consultant. The Silver Spring Transit Center CIP will replace that as part of that project. Please note, requirement for any monetary contribution by the applicant toward culvert improvements should be decided as part of road participation agreement described in item 15 below.
5. In accordance with Section 49-35(e) of the Montgomery County Code, sidewalks are required to serve the proposed subdivision. Sidewalks are to be provided along the site frontages according to CBD standards unless the applicant is able to obtain a waiver from the appropriate government agency.
6. Curb radii for intersection type driveways should be sufficient to accommodate the turning movements of the largest vehicle expected to frequent the site. Also provide proper spacing between the driveways curb returns and public utilities features.

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](http://www.montgomerycountymd.gov)

Ms. Catherine Conlon  
Preliminary Plan No. 1-20080210  
June 19, 2008  
Page 2

7. The applicant needs to submit a truck circulation plan for review by the M-NCPPC and MCDPS. This plan should delineate the proposed movements for the anticipated access locations (the proposed truck loading spaces/proposed dumpsters). The applicant may also need to provide documentation of their proposed delivery schedules. Coordinate with David Wagaman at 240-777-6400 Division of Solid Waste about their requirements for recycle/trash truck access and movement.
8. Truck loading space requirements to be determined in accordance with the County's "Off-Street Loading Space" policy.
9. 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.
10. Relocation of utilities along existing roads to accommodate the required roadway improvements shall be the responsibility of the applicant.
11. 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.
12. Trees in the County rights of way - species and spacing to be in accordance with the applicable DPWT standards. 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.
13. If the applicant is required to install Silver Spring CBD streetscaping amenities along the site frontages - prior to approval of the record plat by DPS, execute and record a Declaration of Covenants (for Maintenance and Liability) or enter into an agreement with the Silver Spring Urban District for the maintenance of those items.
14. Please coordinate with Department of Fire and Rescue about their requirements for emergency vehicle access.
15. Discussion is currently in progress between Washington Property (the developer of this preliminary plan), Home Properties (developer of Midtown Silver Spring preliminary plan 1-20060540) and MCDPWT to work out a participation agreement for construction of Dixon Ave and Ripley Street. This agreement should be finalized and accepted by DPWT prior to recordation of record plat.
16. Permit and bond will be required as a prerequisite to DPS approval of the record plat. The permit will include, but not necessarily be limited to, the following improvements:
  - A. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Ripley Street from Dixon Ave to Bonifant Street as per industrial roadway standard MC-214.03, (with amended soil panels and underground watering system for Tree Pits (CBDs)). Midtown Silver Spring project, preliminary plan 1-20060540 has an obligation to provide monetary contribution for building half section of Ripley Street according to aforementioned standard along their frontage.
  - B. Street grading, paving, curbs and gutters, sidewalks and handicap ramps, storm drainage and appurtenances, and street trees along Dixon Ave as per commercial roadway standard MC-214.01, (with amended soil panels and underground watering system for Tree Pits (CBDs)). Please note the interim condition may require a wider pavement as shown on the preliminary plan.

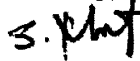


Ms. Catherine Conlon  
 Preliminary Plan No. 1-20080210  
 June 19, 2008  
 Page 3

- C. We reviewed storm drain capacity/ impact analysis submitted by the applicant's engineer for the Lot 20 parking lot storm drain system. At this point we are not convinced that the proposed design will not result in future problem with existing downstream system. This issue should be addressed with applicant's engineer and MCDPS during the review of construction drawings. Improvements to the existing public storm drainage system, if necessitated by the previously mentioned storm drain study will be determined at that stage. All improvements should be done in accordance with the DPWT Storm Drain Design Criteria.
- D. Permanent monuments and property line markers, as required by Section 50-24(e) of the Subdivision Regulations.
- E. 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.
- F. Developer shall ensure final and proper completion and installation of all utility lines (including overhead utilities) underground for all new road construction.
- G. 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 [sam.farhadi@montgomerycountymd.gov](mailto:sam.farhadi@montgomerycountymd.gov) or (240) 777-6000.

Sincerely,



Sam Farhadi, P.E.  
 Development Review Group  
 Traffic Engineering and Operations Section  
 Division of Operations

m:/subdivision/farhas01/preliminary plans/ 1-20080210, 1050 Ripley Street.doc

Enclosures ()

cc: Jonathan Meyers, Washington Property Company  
 Steve Tawes, Lojederman Soltesz Associates  
 C. Robert Dalrymple, Linowes and Blocher  
 Joseph Y. Cheung; DPS RWPPR  
 Sarah Navid; DPS RWPPR  
 Henry Emery; DPS RWPPR  
 Shahriar Etemadi; M-NCPPC TP  
 Edgar Gonzalez, DPWT  
 Gregory Leck, DPWT TEOS  
 Shri Gondhalekar, DPWT DCD  
 Preliminary Plan Folder  
 Preliminary Plans Note Book

RECEIVED  
JUN 18 2008

**DEVELOPMENT REVIEW**

June 16, 2008

**C. Robert Dalrymple**  
301.961.5208  
cdalrymple@linowes-law.com  
**Heather Dhopolsky**  
301.961.5270  
hdhopolsky@linowes-law.com

**VIA EMAIL AND HAND DELIVERY**

Mr. Edgar A. Gonzalez  
Montgomery County Department of Public Works and Transportation  
101 Monroe Street, 10th Floor  
Rockville, Maryland 20850

Re: 1050 Ripley Street Project, Silver Spring (the "Project")

Dear Mr. Gonzalez:

Washington Property Company ("Washington Property") is currently pursuing preliminary plan and site plan approval for the Project, and anticipates a Planning Board hearing date of July 3<sup>rd</sup>. To facilitate the July 3<sup>rd</sup> hearing date, Staff of the M-NCPPC is requiring that we provide written verification from the Department of Public Works and Transportation ("DPWT") confirming that DPWT is in agreement that an acceptable condition of preliminary plan and site plan approval is that written agreements relating to public road improvements associated with the Project, as described in detail below, will be executed prior to issuance of building permits for the Project. Your confirmation to this is requested as soon as possible, so that we can retain the July 3<sup>rd</sup> hearing date.

As discussed in Washington Property's meeting with DPWT on April 7, 2008 (the "DPWT Meeting"), road improvements are proposed to occur in the area of the Project through the collective efforts of Washington Property, the developer of the North Ripley project (Home Properties) located across Ripley Street from the Project, and the developers of the Silver Spring Transit Center project (the "Transit Center"). Specifically, as we discussed and agreed at the DPWT Meeting, Washington Property will construct "Ripifant," this being the portion of Ripley Street extending west and north of the Project and connecting Ripley Street with Bonifant Street at a location south of Bonifant Street where the work associated with the Transit Center terminates. The obligations of Washington Property will be to construct the full road section for "Ripifant" with appropriate streetscape on the western (rail) side only. Additionally, Washington Property will be obligated to construct (or fund the construction) of the half section of Ripley Street (including streetscape) south of centerline and fronting the Project in accordance with the Silver Spring CBD Sector Plan, with Home Properties assuming obligation for the half section of Ripley Street north of centerline. Finally, Washington Property will construct Dixon Avenue east of and fronting the Project to connect on an interim basis with Colonial Lane until such time

L&B 1018070v2/10361.0024

Mr. Edgar A. Gonzalez  
June 16, 2008  
Page 2

as Dixon Avenue is improved by others and connected south to Silver Spring Avenue. (Home Properties will construct Dixon Avenue north of Ripley Street and through the Bonifant garage connecting to Bonifant Street per its conditions of approval). The obligations of Washington Property as detailed above are reflected graphically on the attachment hereto.

A Participation Agreement will be executed between Washington Property and Home Properties for the joint responsibility to construct Ripley Street and streetscape along the respective property frontages as described herein, it being the desire of DPWT to see this road project designed and if at all possible constructed as a single construction project. Washington Property will also need an agreement with the County to construct "Ripifant" and a portion of Dixon Avenue (per the above description) on County-owned land adjacent to the Project. These written agreements will be required to be executed prior to issuance of building permits for the Project.

We request that DPWT sign as indicated below as the DPWT confirmation sought by Staff relative to the described condition of approval for the public road improvements. Thank you for your cooperation, and please do not hesitate to contact us if you have any questions or need additional information.

Very truly yours,

**LINOWES AND BLOCHER LLP**

*C. Robert Dalrymple, HD*

C. Robert Dalrymple

*Heather Dlhopsky*

Heather Dlhopsky

cc: Gregory Leck, DPWT  
Sam Farhadi, DPWT  
Elza Hisel-McCoy, M-NCPPC ✓  
Jonathan Meyers

Reviewed and Agreed by DPWT:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date





**MONTGOMERY COUNTY DEPARTMENT OF PERMITTING SERVICES  
WATER RESOURCES SECTION**

255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850-4153

Date: January 2, 2008

MEMO TO: Robert Kronenberg, Acting Supervisor  
Development Review Committee, MNCPPC

FROM: William Campbell  
Water Resources Section, MCDPS

SUBJECT: Stormwater Management Concept Plan/100-Year Floodplain Review  
Site Plan # 820080150, 1050 Ripley Street  
Project Plan #  
Preliminary Plan # 120080210 , DPS File # 228522  
Subdivision Review Meeting of January 7, 2008

The subject plan has been reviewed to determine if it meets the requirements of Executive Regulation 7-02AM for stormwater management and Executive Regulation 108-92 AM for a 100-year floodplain. The following summarizes our findings:

**SM CONCEPT PLAN PROPOSED:**

- On-site:**  CPv  WQv  Both  
 CPv < 2cfs, not required  
 On-site/Joint Use  Central (Regional): waived to  
 Existing  Concept Approved January 3, 2007  
 **Waiver:**  CPv  WQv  Both  
 Approved on January 3, 2007  
 **Other**

**Type Proposed:**

- Infiltration  Retention  Surface Detention  Wetland  Sand Filter  
 Separator Sand Filter  Non Structural Practices  Other

**FLOODPLAIN STATUS:** 100 Year Floodplain On-Site  Yes  No  Possibly

- Provide source of the 100Year Floodplain Delineation for DPS approval:  
 Source of the 100-Year Floodplain is acceptable.  
 Submit drainage area map to determine if a floodplain study (> or equal to 30 acres) is required.  
 Dam Breach Analysis:  Approved  Under Review:  
 100-Year Floodplain study:  Approved  Under Review:

**SUBMISSION ADEQUACY COMMENTS:**

- Provide verification of Downstream notification.

**RECOMMENDATIONS:**

- Approve  as submitted  with conditions (see approval letter)  
 Incomplete; recommend not scheduling for Planning Board at this time.  
 Hold for additional information. See below  
 Comments/Recommendations: Conditions of the approval letter dated January 3, 2007 have not been met. The SW Structure must be completely on private property. A twelve foot wide maintenance access must be provided to the SW structure free and clear of landscaping(including tree canopy), inlets, lights, etc.

cc: Steve Federline, Environmental Planning Division, MNCPPC

bill DRC site plan.03/01





**MARYLAND TRANSIT ADMINISTRATION**

**MARYLAND DEPARTMENT OF TRANSPORTATION**

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor  
John D. Porcari, Secretary • Paul J. Wiedefeld, Administrator

May 13, 2008

Mr. Thomas Autrey  
Transportation Planning  
Maryland-National Capital Park & Planning  
8787 Georgia Avenue  
Silver Spring, MD 20910-3760

Subject: 1050 Ripley Street

Dear Mr. Autrey:

A handwritten signature in black ink that appears to read "Tom".

As requested, I am writing to inform the Maryland-National Capital Park and Planning (M-NCPPC) of comments from the Maryland Transit Administration (MTA) regarding the proposed 1050 Ripley Street Preliminary Plan and Site Plan, relative to the proposed Purple Line project. The MTA appreciates the opportunity to comment on this proposed development that would be located along the north side and below the Purple Line Transitway alignment for the Silver Spring/Thayer Avenue tunnel design options for the High Investment BRT and the High Investment LRT Alternatives in the Silver Spring Area.

As you are aware, the MTA's current Purple Line study is continuing to evaluate both light rail (LRT) and bus rapid transit (BRT) alternatives for the 16-mile Purple Line corridor from downtown Bethesda to New Carrollton. As part of our ongoing study of the Purple Line, we have held several meetings and discussions with Washington Property Company, developers for 1050 Ripley Street, to coordinate on the two projects (Purple Line and 1050 Ripley St.). Our focus in these coordination efforts has been to ensure that sufficient space is provided for constructing and operating the proposed Purple Line Transitway and trail alternatives should the Silver Spring/Thayer Avenue tunnel design option be selected.

The MTA has reviewed the drawings A-8, A-102, A-103 and A-111. Copies of these drawings are attached for your information/review. Based on these drawings and our coordination with the development team, the MTA has no objection to the proposed layout of the building and garage as proposed subject to the following condition. The developer in addition to providing the 60' easement, as shown on the attached drawings, would agree to design and construct the necessary control joints and structural components in the southwest corner of the garage, level G2 only, to allow MTA to modify and lower the ceiling of the garage approximately 5' to 6' feet so that the necessary grading and clearances are provided for the proposed LRT or BRT infrastructure related to the Purple Line. The hatching shown on the southwest corner of



the garage, level G2 (Drawing A-102) depicts the portion of the garage roof that will have to be lowered 5' to 6' if the Silver Spring/ Thayer Tunnel option is selected.

The above described modification to the developer's plans would be necessary only if the Silver Spring/Thayer Avenue alignment is ultimately selected as the chosen (which is scheduled to occur by December 2008).

Further, we request that the Washington Property Company be required to continue to coordinate with the MTA as both their development plans and the plans for the Purple Line progress to a more detailed level of design. It should be noted that the current dimensions for the Purple Line could change slightly as the project moves into preliminary design. It is critical that the MTA be given the opportunity to review the 1050 Ripley Street development plans during each phase of design.

Thank you again for the opportunity to comment on the 1050 Ripley Street development plans, and specifically in terms of the proposed Purple Line transitway and trail. We appreciate the developer's willingness to work with the MTA regarding the proposed Purple Line alternatives under study, and look forward to continue working closely with M-NCPPC and Montgomery County on the planning and design for the Purple Line. Please do not hesitate to contact me at 410-767-3694 or at [mmadden@mtamaryland.com](mailto:mmadden@mtamaryland.com), if you have any questions on this matter.

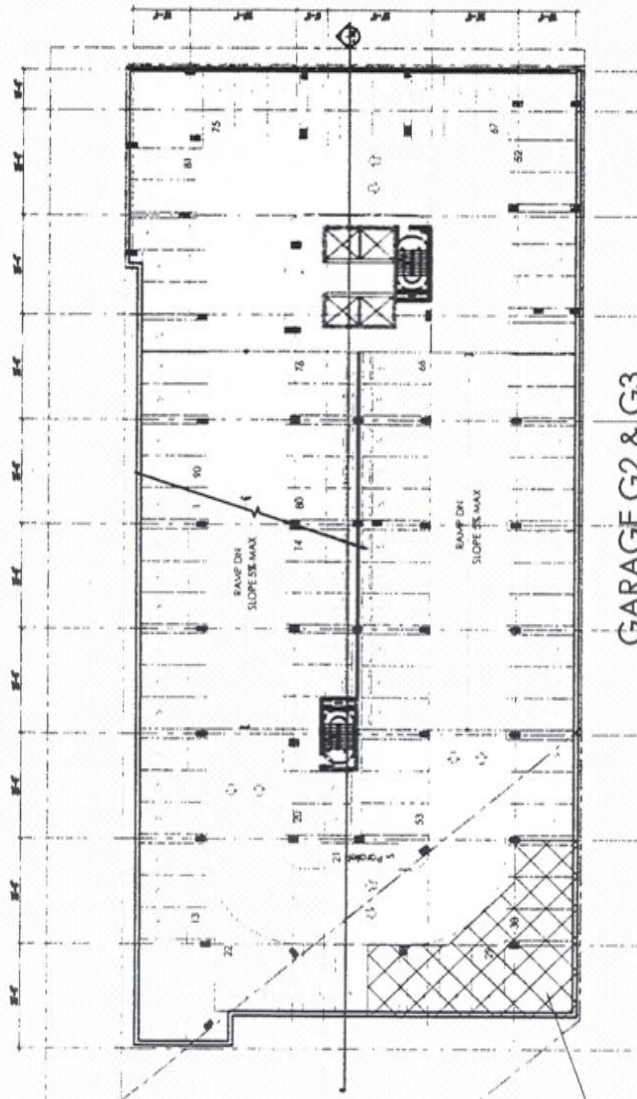
Sincerely,

  
Michael D. Madden  
Chief, Project Development  
Office of Planning

Attachments: Drawings A-8, A-102, A-103 and A-111

cc: Gary Erenrich, Special Assistant to the Director, DPW&T w/attachments  
Joseph Romanowski, RK&K Engineers





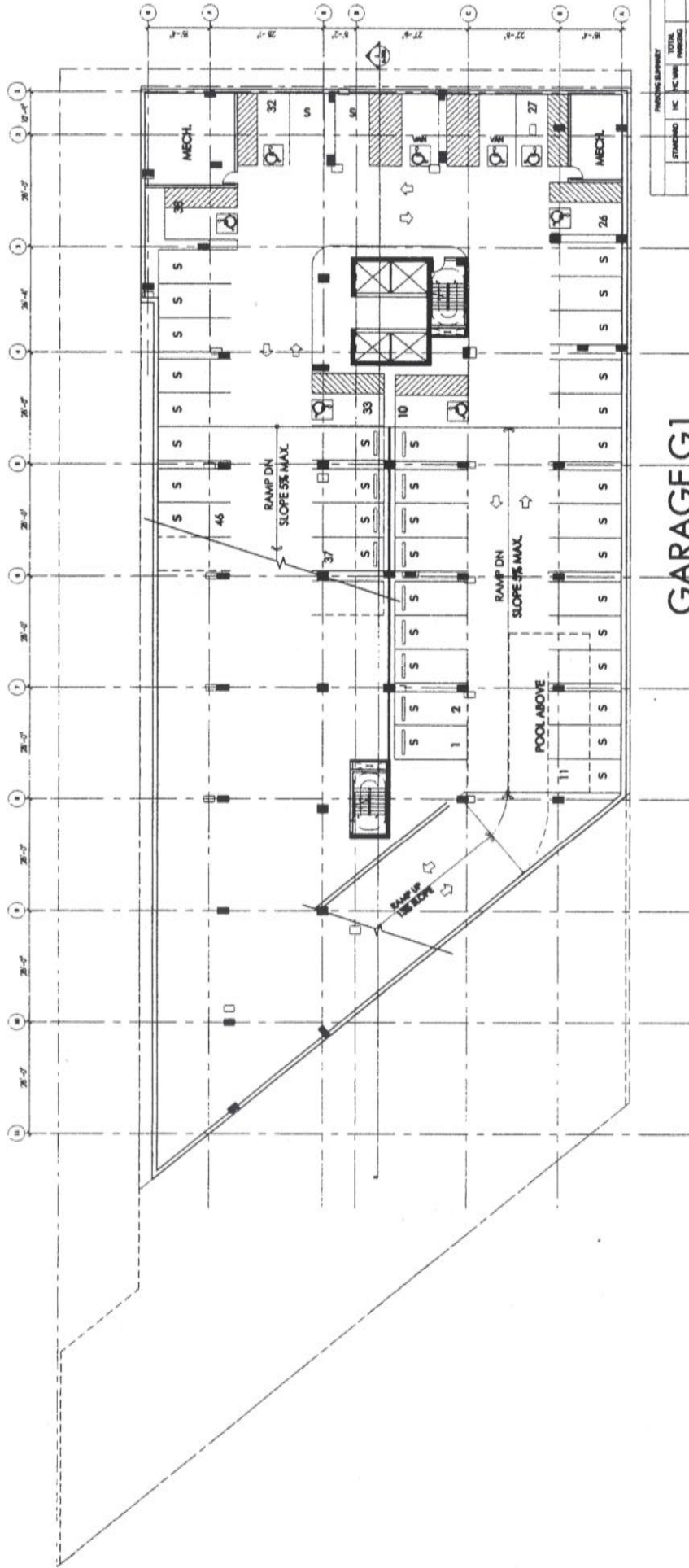
**GARAGE G2 & G3**  
 90 SPACE (G2)  
 90 SPACE (G3)

**GARAGE G2 & G3**

A-102

DEPICT SECTION OF THE GARAGE ROOF THAT WOULD HAVE TO BE LOWERED 2 TO 6' TO PROVIDE THE CLEARANCE REQUIRED FOR THE PURPLE LINE TRANSITWAY OVER SPRING / WATER TUNNEL DESIGN OPTION.





FINISHES SUMMARY		TOTAL
FINISH NO	AC SQ FT	FINISHES
01	28	11
02	88	36
03	88	36
04	85	34
TOTAL	281	117

# GARAGE G1

38 + 2 VAN + 6 HO-46 SPACE

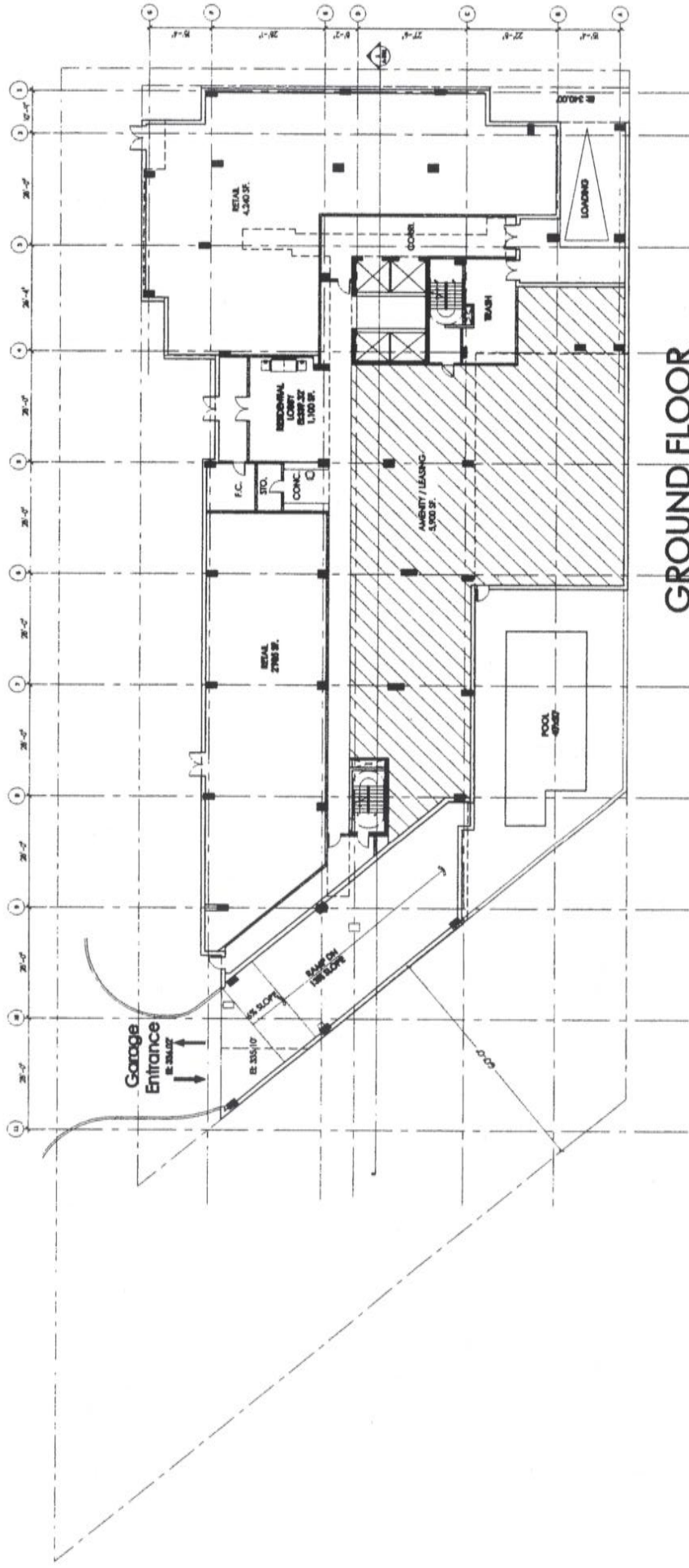
1050 RIPLEY STREET  
SILVER SPRING, MARYLAND  
WASHINGTON PROPERTY COMPANY  
WPC-000A-000

GARAGE G1  
APRIL 18, 2008

LESSARD GROUP INC.  
8521 LEBRON PARK, SUITE 700 | VIENNA, VA 22182  
P: 703.765.5544 | F: 703.765.5528 | WWW.LESSARDGROUP.COM



A-103



**GROUND FLOOR**

**A-111**

Scale: 1/8" = 1'-0"

1050 RIPLEY STREET  
SILVER SPRING, MARYLAND  
WASHINGTON PROPERTY COMPANY  
WPC-000A.000

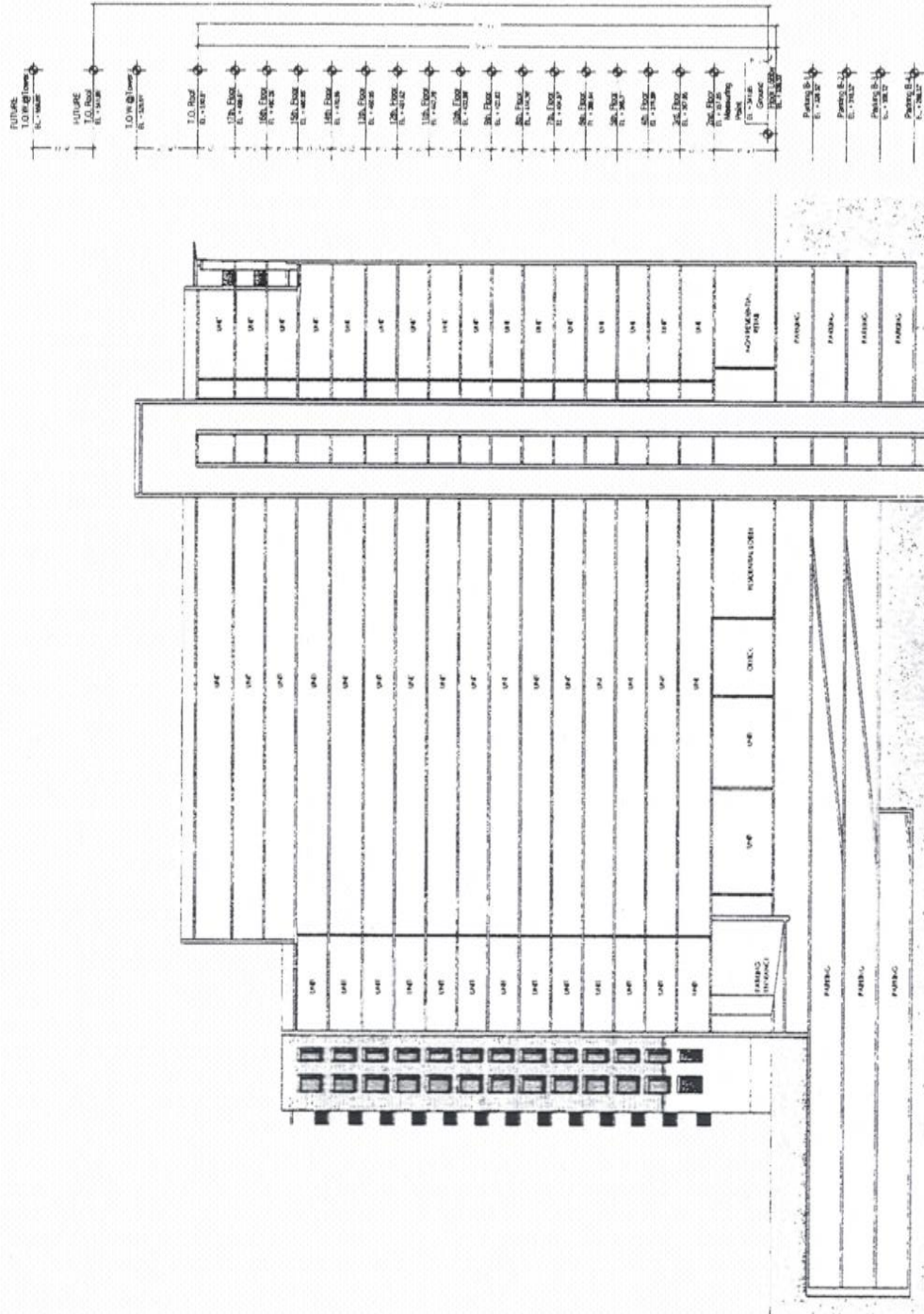
**GROUND FLOOR**

APRIL 18, 2008

**LESSARD GROUP INC.**  
8521 LEBANON PIKE, SUITE 700 | WESMIN, VA 22152  
P: 703.761.5444 | F: 703.761.5238 | WWW.LESSARDGROUP.COM







**CONTRACTOR'S CERTIFICATE**  
 I, the undersigned, being a duly Licensed Professional Engineer in the State of Maryland, do hereby certify that the above is a true and correct copy of the original as submitted to me by the architect and that the same conforms to the requirements of the State of Maryland.  
 DATE: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_  
 TITLE: \_\_\_\_\_

**SEAL AND SIGNATURE OF ARCHITECT**  
 I, the undersigned, being a duly Licensed Professional Engineer in the State of Maryland, do hereby certify that the above is a true and correct copy of the original as submitted to me by the architect and that the same conforms to the requirements of the State of Maryland.  
 DATE: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_  
 TITLE: \_\_\_\_\_

**SECTION A-A**  
 1050 RIPLEY STREET  
 WASHINGTON  
 SUB. 11571-2  
**A8**

1050 RIPLEY STREET  
 WASHINGTON PROPERTY COMPANY  
 SILVER SPRING, MARYLAND

**WDG ARCHITECTURE, PLLC**  
 1035 Connecticut Avenue NW  
 Suite 300  
 Washington DC 20036  
 tel 202 857 8300  
 fax 202 462 2798  
 e-mail wdg@wdgpa.com









DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett  
County Executive

May 12, 2008

Richard Y. Nelson, Jr.  
Director

Mr. Elza Hisel-McCoy  
M-NCPPC - Development Review Division  
8787 Georgia Ave.  
Silver Spring, MD 20910

Re: 1050 Ripley Street – M-NCPPC File #120080210 and 820080150

Dear Mr. ~~Hisel-McCoy~~ <sup>Elza</sup> Hisel-McCoy:

I understand that the above project is scheduled to be heard by the Planning Board on June 5, 2008. The developer of the project has provided the Department of Housing and Community Affairs (DHCA) with an updated unit count and bedroom mix, and MPDU unit floor plans and locations within the building. The updated unit count and bedroom mix is as follows:

	<u>TOTAL UNITS</u>	<u>MPDUs</u>	<u>MARKET RATE</u>
Studios	102	15	86
One Bedrooms	145	22	123
Two Bedrooms	71	11	61
<b>TOTALS</b>	<b>318</b>	<b>48</b>	<b>270</b>

The above bedroom mix is in compliance with Chapter 25A of the Montgomery County Code.

The proposed locations of the MPDUs, which are spread among floors two through eight of the building, are acceptable (the developer previously discussed the proposed locations of the MPDUs with staff from DHCA). The MPDU unit sizes are the same as the market unit sizes, and are therefore acceptable as well.

If you need further information, please contact me at 240-777-3786.

Sincerely,

Lisa S. Schwartz  
Senior Planning Specialist

cc: Jonathan Meyers, Washington Property Co.  
Douglas E. Lohmeyer, HOC Consultant  
Richard Y. Nelson, Jr., DHCA  
Scott W. Reilly, DHCA  
Joseph T. Giloley, DHCA  
Christopher J. Anderson, DHCA

S:\Files\FY2008\Housing\MPDU\Lisa Schwartz\1050 Ripley Letter 5-12-08.doc

Division of Housing and Code Enforcement

Code Enforcement FAX 240-777-3701	Moderately Priced Dwelling Unit FAX 240-777-3709	Housing Development and Loan Programs FAX 240-777-3691	Landlord-Tenant Affairs FAX 240-777-3691
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MONTGOMERY COUNTY PLANNING DEPARTMENT THE  
MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MEMORANDUM**

TO: ✓Elza Hisel-McCoy  
Richard Weaver, Development Review

VIA: Stephen Federline, Supervisor, Environmental Planning

A handwritten signature in blue ink, appearing to be 'AA'.

FROM: Amy Lindsey, Environmental Planning

DATE: June 17, 2008

SUBJECT: Site Plan 820080150  
Preliminary Plan 1200802100  
1050 Ripley Street

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**RECOMMENDATION: Approval subject to the following conditions:**

1. The applicant must comply with the conditions of approval for the final forest conservation plan. The applicant shall 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.
  - a. The Final Forest Conservation Plan shall cover all areas of both onsite and offsite disturbance associated with this development.
2. The applicant must comply with MNCPPC noise compatibility guidelines for protection of interior spaces by acoustical treatment:
  - a. At time of building permit, an acoustical engineer must certify through building shell analysis that that interior noise levels will not exceed 45 DBA L<sub>DN</sub>.
  - b. The builder must construct the buildings in accord with these acoustical recommendations, with any changes affecting acoustical performance approved by the acoustical engineer, with copy to MNCPPC staff.
  - c. The certification and builder acceptance letter must be provided to MNCPPC Environmental Planning staff before building permits are approved.

## **BACKGROUND**

The 1.16-acre property is located in Montgomery County on Ripley Street in Silver Spring. Currently, part of the property is in use as asphalt parking lots and commercial buildings. The property has been before the Planning Board as project plan 920070040.

### **Forest Conservation**

There is no forest or significant trees on this property. This site was previously granted an exemption from the requirements of filing a Forest Conservation Plan as a small property (42007033E) on 9/21/2006. The exemption was based on an area of disturbance of less than 1.5 acres. However, the off-site disturbance associated with this plan increases the area of disturbance to more than 2 acres, making for a situation non-compliant with the conditions of exemption, and rescinds that exemption.

The off-site disturbance is due to road improvements necessary for the development of this property, the Silver Spring Transit Center, and Midtown Silver Spring. An agreement has been reached by the three parties and has been referenced in the conditions of approval of the Preliminary Plan for Midtown Silver Spring. This division of development has been used as the basis for the assignment of responsibilities for meeting Forest Conservation Law.

### **Environmental Guidelines**

The site does not include any streams, wetlands, or floodplains and there are no environmental buffers on the property.

### **Noise Mitigation**

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. The trains generate a high level of noise impact which require noise abatement through architectural means.





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

June 16, 2008

**MEMORANDUM**

TO: Richard Weaver, Analyst  
Development Review Division

Elza Hisel-McCoy, Analyst  
Development Review Division

VIA: Shahriar Etemadi, Supervisor  
Transportation Planning

FROM: David Paine, Coordinator  
Transportation Planning

SUBJECT: Preliminary Plan 120080210 and Site Plan 820080150  
1050 Ripley Street  
Silver Spring CBD Metro Policy Area

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This memorandum is Transportation Planning staff's adequate public facilities (APF) review of the subject project plan and preliminary plan to construct 318 High-rise Apartment units and 7,460 square feet of retail. With recommendations listed below, we find the transportation network adequate to support the proposed preliminary plan.

**RECOMMENDATIONS**

We recommend the following conditions as part of the APF test for transportation requirements related to approval of this preliminary plan:

1. Limit the preliminary plan to 318 High-rise Apartment units and 7,460 square feet of retail.
2. Dedicate 40 feet of right-of-way from the centerline of Dixon Avenue.
3. Dedicate 35 feet of right-of-way from the centerline of Ripley Street.
4. Show a 60-foot wide surface Public Improvement Easement between the CSX right-of-way along the entire parcel to accommodate the Purple Line and Metropolitan Branch Trail.
5. Construct a 10-foot wide shared-use path within the above referenced 60-foot wide surface Public Improvement Easement as part of the Metropolitan Branch Trail on the western section of the site.
6. Design and Construct necessary control joints and structural components in the southwest corner of the garage, level G2, to allow MTA to modify and lower the ceiling approximately 5' to 6' to provide the necessary grading and clearances for the proposed LRT or BRT infrastructure related to the Purple Line.

7. To meet Policy Area Mobility Review (PAMR):
  - a. Construct an extension of Ripley Street by a distance of 400 feet from its current terminus to Bonifant Street (12 trip credits)
  - b. Construct the 15-foot wide sidewalk panel west of the Ripley Street extension. (8 trip credits)
8. Construct a 10-foot wide shared-use path as part of a 20-foot wide sidewalk along Dixon Avenue.
9. Continue to coordinate with the Maryland Transit Authority on design of the building as it progresses to a more detailed level of design.

**DISCUSSION**

Site Location, Access, and Circulation

The subject property is located south of Ripley Street, west of Dixon Avenue, and east of the CSX/Metro tracks in the Ripley District of the Silver Spring CBD Metro Policy Area. The applicant proposes vehicle access via garage entrance from Ripley Street and a loading bay off of Dixon Avenue.

Master Planned Roadways and Bikeways

The adjacent roadways are listed in the *2000 Silver Spring CBD Sector* and *2005 Countywide Bikeways Functional Master Plan*. Dixon Avenue/Colonial Avenue is designated as a business district street with an 80-foot right-of-way with a shared use path. Ripley Street is designated as a business district street with a 70-foot right-of-way. The Metropolitan Branch Trail (SP-12) is shown as a 10-foot wide shared use path within a 20-foot public use easement partially along Ripley Street, from the Silver Spring/Sarbanes Transit Center to the District boundary adjacent to the CSX ROW, to be built by others. It is envisioned that the applicant will construct the sidewalk panel on the west side of Ripley Street that will function as the interim shared use path until the full path is designed and constructed.

Local Area Transportation Review

According to the submitted traffic study, the table below shows the number of peak-hour vehicular trips generated by the proposed land uses during the weekday morning and evening peak periods, 6:30 to 9:30 a.m. and 4:00 to 7:00 p.m.

Proposed Land Uses	Proposed	Weekday Peak-Hour Trips	
		AM	PM
High-Rise Apartments	318	95	95
Retail	7,460 SF	4	15
Total Vehicular Trips Proposed		99	110

Under the *FY 2005 Annual Growth Policy*, a traffic study is required to satisfy Local Area Transportation Review at time of preliminary plan because the proposed land uses generate 30 or more peak-hour trips within the weekday evening peak period. The applicant submitted a traffic study at time of project plan to support a finding that roadway infrastructure is adequate to support approval of the project.

In the traffic study, updated April, 2008, the resulting critical lane volume (CLV) values are shown in the table below for the existing, background, and the total future traffic conditions. The background traffic condition includes existing traffic plus traffic generated by approved but un-built developments in the area.



Intersection	Weekday Peak-Hour	Traffic Condition		
		Existing	Background	Total
Colesville Road and Wayne Avenue/Second Avenue	AM	817	869	881
	PM	831	925	931
Georgia Avenue and Wayne Avenue	AM	978	1,112	1,135
	PM	1,171	1,263	1,265
Georgia Avenue and Bonifant Street	AM	844	884	897
	PM	876	913	917
Georgia Avenue and Sligo Avenue	AM	710	731	736
	PM	975	1,012	1,022
Georgia Avenue and Ripley Street	AM	717	775	797
	PM	674	713	727

As noted in the table above, the weekday peak-hour Critical Lane Volume analysis concludes that the total traffic conditions CLV are below the Silver Spring CBD Policy Area congestion standard of 1,800 at all of the studied intersections.

Policy Area Mobility Review

To meet the PAMR requirements under the 2007-2009 Growth Policy, this plan was required to mitigate 15% of its new peak-hour trips. The trip mitigation requirement for the proposed use was calculated to be 17 trips (from the higher evening peak hour) from a net 110 “new” peak-hour trips during the evening peak-period (The AM trip mitigation would be less).

The Applicant proposes to meet the PAMR requirement through a combination of providing new transportation facilities plus site-specific trip reduction. The new transportation facilities proposed by the Applicant to mitigate development’s evening peak-hour impact include:

1. Extension of Ripley Street by a distance of 400 feet from its current terminus to Bonifant Street. (12 trips)
2. Installation of a 15-foot wide sidewalk panel along the west side of the Ripley Street extension. (8 trips)

The site-specific trip reduction action by the Applicant to mitigate peak-hour impact comes by way of the site being located in the Silver Spring Policy Area. The site uses Silver Spring trip generation rates, producing fewer primary vehicle trips than a similar development outside of a Metro Station Policy Area.

Pedestrian Access and Transit

Pedestrian access is provided via sidewalks via Ripley Street (15 feet wide) and Dixon Avenue. The site is less than 800 feet from the Silver Spring Metrorail Stations and is served by both Ride-On and Metrobus transit routes on Georgia Avenue and Bonifant Street. The Purple Line is currently being planned along multiple alignments connecting the Silver Spring/Sarbanes Transit Center to New Carrollton Metro station. Several Alignments being studied by the MTA and Montgomery County segment of the Purple Line would be accommodated within the Master Planned right-of-way. Some alignments continue south of Ripley Street and into a tunnel adjacent to the 1050 Ripley Street on the west side of the subject property within a 60-foot wide corridor. This corridor would accommodate both the Purple Line and Metropolitan Branch Trail.

The Applicant is proposing underground parking within this corridor. MTA's current project planning as part of the Purple Line Draft Environmental Impact Statement/Alternatives Analysis (DEIS/AA) includes an alternative that would continue south of the applicant's parcel along the CSKX right of way and enter into a tunnel at a point within the right-of-way of Silver Spring Avenue, south and east of the applicant's parcel. MTA has confirmed acceptance of the parking garage within the 60-foot wide corridor, provided that the underground structures be designed to support the Purple Line and provide clearances necessary.

At time of project plan, we recommended that the applicant provide a surface easement for the Purple Line within the 60-foot wide corridor east of the CSX tracks and west of the proposed building. However, no easement is shown on the subdivision plan presented for approval. We recommend that the applicant show this easement on their plans. The MTA refers to this easement in their letter, dated May, 13, 2008, in request of the design modifications stated below.

The applicant continues to coordinate with the MTA as both the proposed development and proposed transitway project to move forward. As noted at time of project plan, the proposed building may need to accommodate portions of the infrastructure to support construction of the transitway. In addition to dedication of the 60' transit easement, MTA requests that the applicant design and construct necessary control joints and structural components in the southwest corner of the garage, level G2, to allow MTA to modify and lower the ceiling approximately 5' to 6' necessary to provide for grading and clearances for the proposed LRT or BRT infrastructure related to the Purple Line. We also recommend that the applicant be required to continue to coordinate with the MTA as both their development plans and the plans for the Purple Line progress to a more detailed level of design. It is critical that the MTA be given the opportunity to review the 1050 Ripley Street development plans during each phase of design.

DP:tc





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## FIRE MARSHAL COMMENTS

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**DATE:** JUNE 9, 2007  
**TO:** THERESA POLIZZI, LSA  
**FROM:** TYLER MOSMAN  
**RE:** 1050 RIPLEY STREET 9-20070040

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### PLAN APPROVED.

1. Review based only upon information contained on the plan submitted 06-09-08. Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.



## Hisel-McCoy, Elza

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**From:** Jonathan Meyers [jimeyers@washproperty.com]  
**Sent:** Thursday, June 05, 2008 5:13 PM  
**To:** Farhadi, Sam; Amy Quant  
**Cc:** Dan Pino, PE; Steve Tawes, RLA; Dalrymple, C Robert - CRD; Dlhopsky, Heather - HXD; Leck, Gregory; Gonzalez, Edgar; Donald Hague; Hisel-McCoy, Elza  
**Subject:** RE: 1050 Ripley Street - DRC comments  
**Attachments:** Shared Cost Exhibit 053008.pdf

**Importance:** High

Elza, Edgar, Greg & Sam,

Attached is the proposed exhibit for 1050 Ripley & Midtown to build/share the costs of improving Ripley Street and our obligation to build Ripafont. Below is an outline of how Midtown and 1050 Ripley would propose to execute that road improvement agreement for the Ripley portion, noted in blue in the exhibit, between our two properties. Please give me a call if you have any questions regarding the attached exhibit and the outline below.

1. The first party to begin work would perform the collective road improvements for the R.O.W. for Ripley Street as shown in blue on the exhibit.
2. The collective road improvements include the curb and pavement sections only.
3. The collective road improvement would include the relocation/installation of utilities under the R.O.W. for both projects
4. Both parties at execution of the agreement would escrow in funds based on their share (prorata or percentage)
5. The road improvements would be split 50/50 or an agreed upon prorata share (by FAR or pavement section fronting on each project respectively)
6. The monies in escrow would remain in escrow until such time as the work has begun or until a specified time.
7. If the specified time has been reached and neither party has begun the work for the road improvements, the funds in escrow shall be redistributed back to each party and the agreement shall terminate.
8. Both parties have equal review and approval rights for the collective construction plans regarding the road improvements and any utilities or other items within the R.O.W. for such road improvements related to the projects
9. Both parties would enter into a contract with the general contractor performing the work
10. If the performing party fails in any manner the other party would be obligated to step in and administer the contract and complete the work.
11. Timing would be established based upon completion dates of party performing the work.

Sam I still had not heard back from you if you were okay with the explanation for the execution of Ripafont I emailed you earlier. Could you please let me know if that explanation is sufficient? Thank you.

**Jonathan Meyers**  
**Washington Property Company**  
4719 Hampden Lane  
Suite 300  
Bethesda, Maryland 20814  
240.482.8116 Direct



GEORGIA AVENUE

DIXON AVENUE

BONIFANT STREET

RIPLY STREET

MIDTOWN SILVER SPRING  
(North Ripley)

1050 RIPLEY STREET  
(South Ripley)

RAMSEY

MIDTOWN SILVER SPRING  
PROPERTY LINE

RESPONSIBILITY	AREA
MIDTOWN SILVER SPRING (North Ripley) Sta. 0+13 to 2+63 on Dixon Avenue	32,361.49 sq. ft. (0.74 acres)
MIDTOWN SILVER SPRING SIDEWALK	16,065.83 sq. ft. (0.37 acres)
5050 JOINT RESPONSIBILITY Sta. 0+00 to 4+63 on Ripley Street	20,360.85 sq. ft. (0.47 acres)
1050 RIPLEY STREET (South Ripley) Sta. 0+26 to 1+57 on Dixon Avenue Sta. 4+63 to 7+62 on Ripley Street	23,983.10 sq. ft. (0.55 acres)
1050 RIPLEY STREET SIDEWALK	8,562.98 sq. ft. (0.19 acres)

FOR ILLUSTRATIVE PURPOSES ONLY

**RIPLY STREET  
SHARED COST EXHIBIT**  
Silver Spring Election District #13  
Montgomery County, Maryland  
Not to Scale May 30, 2008

