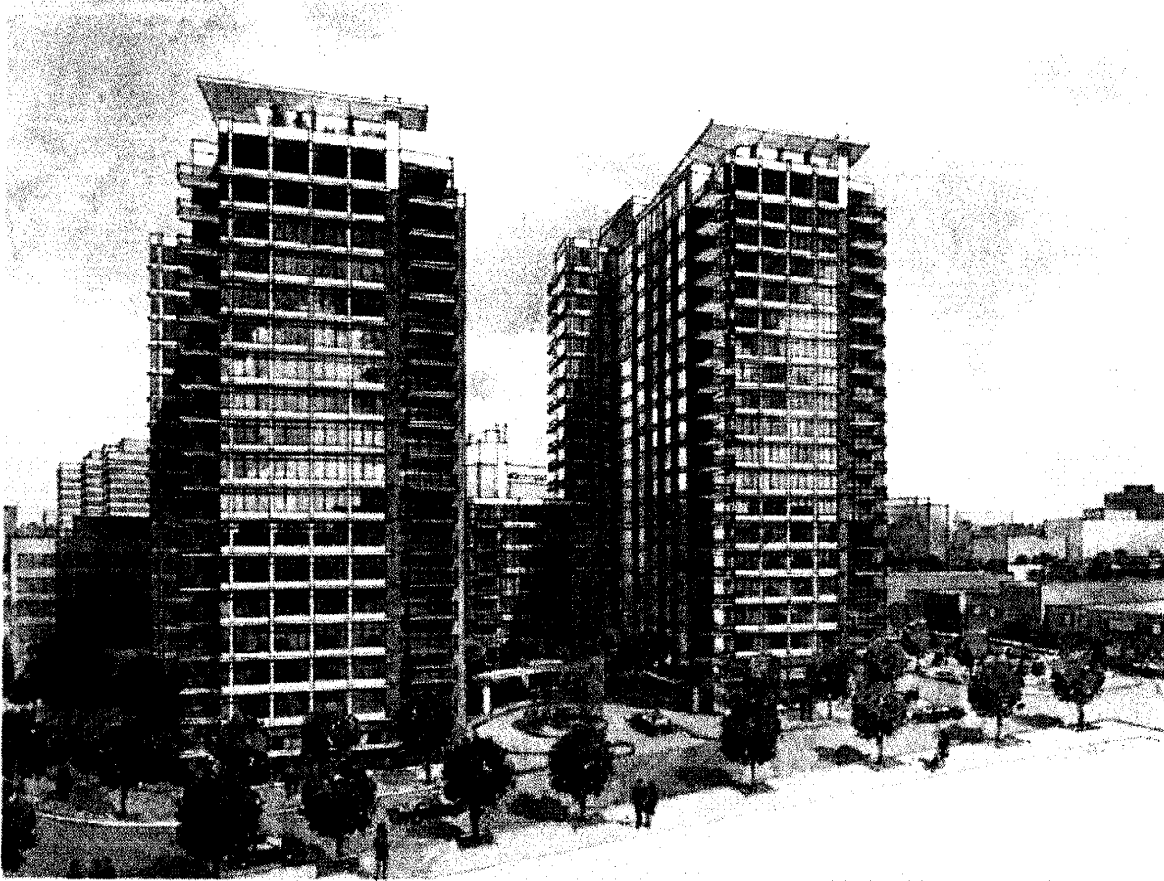


Midtown Silver Spring

Silver Spring, Maryland



MIDTOWN SILVER SPRING

SILVER SPRING, MARYLAND

8

Staff Report For the review of

Project Plan Amendment 92004006A
Utilizing the Optional Method of Development

Ripley Street, LLC

Wehie Design Group WDG, Architect
Loiederman Soltesz Associates Inc., Engineer
Jordan Honeyman, Landscape Architect
Linowes & Blocher, Attorney

Prepared for
The Montgomery County Planning Board
March 30, 2006

**MEMORANDUM**

DATE: March 17, 2006

TO: Montgomery County Planning Board
Rose Krasnow, Chief *RK*
Robert A. Kronenberg, Acting *RAK*
Supervisor

VIA: Development Review Division

FROM: Doug Johnsen, RLA *DJ*
Planning Department Staff
(301) 495-4571

PROJECT NAME: **Midtown Silver Spring** (formerly Ripley Street)

CASE #: 92004006A (formerly 9-04006A)

REVIEW TYPE: Project Plan Amendment

ZONE: CBD-2
Ripley/South Silver Spring Overlay Zone

APPLYING FOR: Approval of 317 multi-family units and 5,358 non-residential square feet on a net lot area of 59,431 square feet (78,225 gross lot), inclusive of 40 on-site MPDUs

LOCATION: North side of Ripley Street, 500 feet west of Georgia Avenue

MASTER PLAN: Silver Spring CBD Sector Plan

REVIEW BASIS: Division. 59-D-2.11 of the Montgomery County. Zoning Ordinance requires submission of a Project Plan as part of the application for the use of the Optional Method of Development for a CBD zoned property.

APPLICANT: KSI, Don Hague, contact

FILING DATE: November 8, 2005

HEARING DATE: March 30, 2006



Attached is the staff report for the proposed Midtown Silver Spring Project Plan. The Planning Board public hearing for this application is scheduled for March 30, 2006. The Staff recommends Approval with conditions as delineated in the staff report.

TABLE OF CONTENTS

SUMMARY..... 3

STAFF RECOMMENDATION..... 5

PROJECT DESCRIPTION..... 9
 Surrounding Area
 Site Description
 Proposed development

PLANNING AND REGULATORY FRAMEWORK..... 15
 Master Plan / Sector Plan / Urban Renewal Plan
 Prior Approvals

BASIS FOR CONSIDERATION OF ISSUES..... 17

REQUIRED FINDINGS..... 18
 Compliance with the intents and requirements of the zone
 Conformance to the approved and adopted Sector Plan
 Permit flexible response to development
 Adequacy of existing or programmed public services
 More desirable than the standard method of development
 Provision of moderately priced dwelling units
 Development involving more than one lot or one CBD zones
 Requirements for forest conservation
 Requirements for water quality resource protection

APPENDIX..... 30
 A. Project Data Table
 B. Agency comments
 C. Project Plan Checklist

SUMMARY

Proposal

The amendment application proposes a 391,125-square-foot, two tower, 20-story (200 feet), “U” shaped residential building containing 317 multi-family units, approximately 5,380 square feet of ground floor retail uses, 369 parking spaces (in an underground parking structure) and public facilities and amenities including an urban park and open spaces. Pursuant to Montgomery County Code Chapter 25A, 12.5% or 40 units will be Moderately Priced Dwelling Units (MPDUs) provided on site.

The amendment proposes to increase the height of the building from 190 feet to 200 feet and to reorient the building toward Ripley Street.

Public Use Spaces and Amenities

Approximately 39.2 percent of the net lot area is to be used as on-site public use area. Amenities, such as a plaza, landscaping, public art, benches, and special lighting, are proposed within the public use area to accommodate public activities and to enhance the streetscape in the downtown area. The development will also provide off-site amenities including streetscape improvements along the Ripley Street and Dixon Avenue frontage.

Issues

The following issues were addressed during the Project Plan review and the continuation of review:

1. Coordination with the ongoing planning of the Silver Spring Transit Center and the Bi-County Transit Way

The Applicant and Planning Board staff members have met with the Maryland Transit Administration to review the proposed right-of-way requirements for the Bi-County Transit Way (BCT) inclusive of a bike path. The alignments are schematic at this time but layouts were developed that resulted in no additional right-of-way dedication required from this applicant. In the future a 10-foot hiker-biker trail and construction easement area may have to blend in to the 15-foot sidewalk/streetscape edge area within the right-of-way. The ultimate sidewalk and bike trail area are proposed to be 25 feet in width. See April 29, 2004 letter from Mike Madden of MTA, attached.

2. Pedestrian Interconnectivity within Ripley Street Area

The Planning Board is required to make the finding that, per Section 5-D-2.43, ‘the pedestrian circulation system is so located and designed and of sufficient size as to conveniently handle pedestrian traffic...and is separated from vehicular roadways...and whether it links up to... commercial and employment areas...’. The existing condition of Ripley Street does not include a safe, separate pedestrian connection to the adjacent core area of the Silver Spring CBD.

In order to make the pedestrian connection, the applicant has taken on the responsibility of providing a connection from Ripley Street to Bonifant Street through Parking Garage 5. The improvement will require punching through the façade of the garage within the Dixon Avenue right-of-way, removing a portion of the second level to provide adequate clearance and reconfiguring the parking spaces to accommodate the new road, bike path and pedestrian connection. The parking garage was originally designed to accommodate this retrofit.

This significant improvement to this part of the CBD is a welcome improvement and will open up this under-developed portion of the CBD to new development opportunities, capitalizing on the access to the proposed Transit Center and to the new commercial and residential development within the Silver Spring CBD. MCDPWT has approved this approach in their letter of July 7, 2004, attached.

3. Issues that require coordination with MCDPWT.

The July 7, 2004 letter from DPWT includes a process, commitment and approval for various aspects of the project that require their approval. These issues are explained fully in their letter and staff's initial letter of June 9, 2004, both letters attached. In summary, DPWT has allowed, with conditions, subterranean parking under Dixon Avenue, and façade treatments to Parking Garage #5 adjacent to the new public open space and the proposed building's interior courtyard. They have also allowed this developer to utilize county owned land for a temporary turnaround on Ripley Street and a temporary pedestrian path extending beyond the western boundary of the site creating a direct link to the Silver Spring Metro Station and future Transit Center.

Other issues to be resolved during the preliminary plan and site plan reviews will be a redesign of the rooftop lighting for Parking Garage #5 on Bonifant Street to create compatibility with this project's units. There will be ongoing coordination with the development of the Silver Spring Transit Center and the Bi-County Transit Way Project, based on the conceptual grades and alignments provided by this applicant and the MTA.

4. Increased Building Height

The building will utilize the recently approved text amendment that allows building height up to 200 feet for residential and commercial mixed use projects in revitalization areas designated by the relevant sector plan, e.g., The Ripley District, and located within 800 feet of the entrance to a metro station. The building is proposed at 20 stories with a building height of approximately 200 feet.

The Silver Spring CBD Sector Plan recommends that for buildings over 80 feet in height, the building envelope in this area "may step back" for the upper stories to reduce the "canyon" affect that may be caused by tall buildings on both sides of the street. For this site, there are mitigating factors that don't require this building to conform to this design guideline. Primarily, the location of the building on the north side of the street makes it impossible for this building to shadow Ripley Street; the buildings that are shadowed to the east and north are stores and parking garages – where the impact is minimal compared to residential uses.

The additional height allowed by the text amendment does not increase any incompatibilities of the building form. Secondly, the proposed Urban Park and the Dixon Avenue right-of-way create a sizeable open space along Ripley Street that offsets the building's height and lack of setback. Thirdly, the utilization of the parcel has been severely limited by several conditions: the lot depth is relatively narrow, 32% of the lot has gone to street dedications and the applicant will have to provide all infrastructure within the Ripley Street right-of-way. Conforming to the setback would limit the ability to offset the inefficiencies of the site. Maximizing the Sector Plan floor area ratio (FAR) for this site is important given its key location within the Silver Spring CBD; its proximity to the Transit Center; the goal of providing housing opportunities and the desire to create a livable downtown envisioned for the CBD.

The issues addressed during Project Plan review include pedestrian connectivity through the public use and amenity areas on the site, quality of the proposed public use space, and streetscape improvements along Ripley Street and Dixon Avenue.

Community Outreach

The Applicant has presented the proposed development to various civic groups including the Commercial and Economic Development (CED) Subcommittee of the Silver Spring Citizens Advisory Board (SSCAB) on November 16, 2005. The SSCAB endorsed the application on December 12, 2005 and specifically recommended that the Silver Spring Parking Lot District permit the Applicant to make the sidewalk improvements associated with the driveway to the public parking garage. The Applicant also presented to the Silver Spring Urban District Advisory Committee on December 16, 2005

Public Art Review

The Applicant and their artist, Mr. William Cochran, met with the Art Review Panel on March 13, 2006 to discuss the public art concept envisioned for the public use space proposed on the eastern end of the site. The concept consists of a tribute to local residents using a glass media representative of water shapes. The Applicant will present the details of their art program to the Art Review Panel during the site plan phase.

Preliminary Plan Review

The Applicant filed a Preliminary Plan application #120060420 for review. The application will be presented to the Planning Board in the near future.

STAFF RECOMMENDATION FOR PROJECT PLAN:

The staff recommends Approval of Project Plan 92004006A for 391,125 gross square feet of development including a maximum of 317 multi-family units with 12.5% MPDUs provided pursuant to Chapter 25A of the Montgomery County Code and 5,380 square feet of ground floor non-residential space on 1.80 gross acres including the following conditions:

1. Development Ceiling

The proposed development shall be limited to a maximum of 391,125 gross square feet of development, including a maximum of 317 multi-family units with 12.5% MPDUs

provided pursuant to Chapter 25A of the Montgomery County Code and 5,380 square feet of ground floor non-residential space.

2. Building Height/Mass

The maximum height of the proposed building shall not exceed a height of 200 feet or 20 stories, as measured from Dixon Avenue and as shown on the Building Height and Setback Establishment Plan.

3. Transportation Improvements

- a. Dedicate additional street right-of-way as required to create a 70-foot right-of-way for Ripley Street as recommended in the Silver Spring Central Business District (CBD) Sector Plan. Construct the street improvements on the north side of Ripley Street equal to 35 feet measured from the centerline of the street. Construct a 15-foot sidewalk on the north side of Ripley Street along the property frontage.
- b. Provide an 80-foot right-of-way easement for public use along Dixon Avenue as per the Silver Spring CBD Sector Plan. Construct Dixon Avenue as a 40 foot roadway. Additionally, construct a 15 foot sidewalk on the east side from Ripley Street to Bonifant Street and a 25 foot combined sidewalk and bike path on the west side from Ripley Street to Bonifant Street (including the section through the parking garage) as approved by MCDPW&T.
- c. Applicant to maintain coordination with the progress of the design of the Silver Spring Transit Center and Dixon Avenue connection through Parking Garage #5 to assure adequate street grades for the function of each property.
- d. Construct Dixon Avenue from Bonifant Street to Ripley Street including the retrofit of Parking Garage #5 on Bonifant Street as envisioned in the Sector Plan. Refer to MCDPW&T letter dated July 7, 2004 for details. Phasing to provide for the completion of the underground parking garage under Dixon Avenue prior to occupancy of the Midtown Silver Spring project and the completion of Dixon Avenue improvements prior to full occupancy of the project.
- e. Coordinate with the Montgomery County DPW&T during the Phase 1 Facility Planning for the Ripley District regarding the street and bikeway design for Ripley Street and Dixon Avenue.
- f. Applicant to apply for a waiver of the truncation requirements per Chapter 50-26(e)(3) of the lot line at the intersection of Dixon Avenue and Ripley Street for approval with the Preliminary Plan review.
- g. Enter into a Traffic Mitigation Agreement to participate in the Silver Spring Transportation Management District. The agreement shall be signed and executed prior to issuance of the 1st building permit.
- h. The Applicant shall obtain the necessary approvals from the Montgomery County Department of Public Works and Transportation-Parking Operations Section to permit pedestrian movement from the on-site amenity plaza through parking garage # 5.
- i. The applicant shall provide standard Silver Spring streetscape along the property boundary on the north side of Ripley Street and on the east and west side of Dixon Avenue. Provide modified Silver Spring streetscape standard on the east/west

side of Dixon Avenue extended through Parking Garage 5 to include pavers and lighting.

- j. Applicant to provide access improvements for property owners located along the south side of Ripley Street. Grades to be determined at Site Plan Review.
- k. Applicant to submit DPW&T Stopping Sight Distance Forms to complete submittal application package.
- l. Applicant to submit official correspondence from Mr. Ed Papazian (DPW&T) documenting the changed points of access to/from the site as a result of relocation of the main entrance to Ripley Street and changes to the traffic access patterns and CLV calculations as presented in the traffic study.

4. Moderately Priced Dwelling Units (MPDUs)

The applicant shall provide 12.5% (or 40) MPDUs on-site, consistent with the requirements of Chapter 25A of the Montgomery County Code.

5. Public Use Space

- a. The applicant shall provide a minimum of 39.2 percent (23,300 square feet) of on-site public use space and a minimum of 17.2 percent (10,200 square feet) of off-site amenity space.
- b. The proposed public use space shall be easily and readily accessible to the general public and used for public enjoyment. All improvements shall be in accordance with the *Silver Spring Streetscape Plan (April 1992)* Technical Manual or as amended. The public use space elements are proposed to consist of metal arbors, stone pavers, concrete unit pavers, benches, seat walls, lighting, open lawn areas and plantings.

6. Streetscape

- a. The applicant shall provide the full streetscape improvements along the Ripley Street frontage using the *Silver Spring Streetscape Plan (April 1992)* Technical Manual, or as amended. The following elements are proposed: concrete unit paving, granite block, brick pavers, street trees, lighting, and any other details that are necessary, including the undergrounding of utilities along the frontage of the property, to fulfill the Silver Spring streetscape standards.
- b. Off-site improvements shall be provided along the full width of Dixon Avenue through parking garage #5.
- c. Provide full width brick paving across all vehicular access aprons including the courtyard and loading access. All aprons should be flush with sidewalk therefore eliminating curb ramps.

7. Public Art

A public art program shall be developed to include opportunities within the public use area.

8. 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 proposed building and public plaza.

- c. Streetscape improvements to be installed concurrent with the construction of the building.
- d. Off-site amenity streetscape improvements and public art to be installed prior to 70% occupancy of the building.

9. Maintenance and Management Organization

Initially, the Applicant, and subsequently, within ninety days of formation, the Condominium Association shall become a member and enter into an agreement with the Silver Spring Urban Partnership for the purpose of maintaining off-site public open spaces.

10. Coordination for Additional Approvals Required Prior to Site Plan

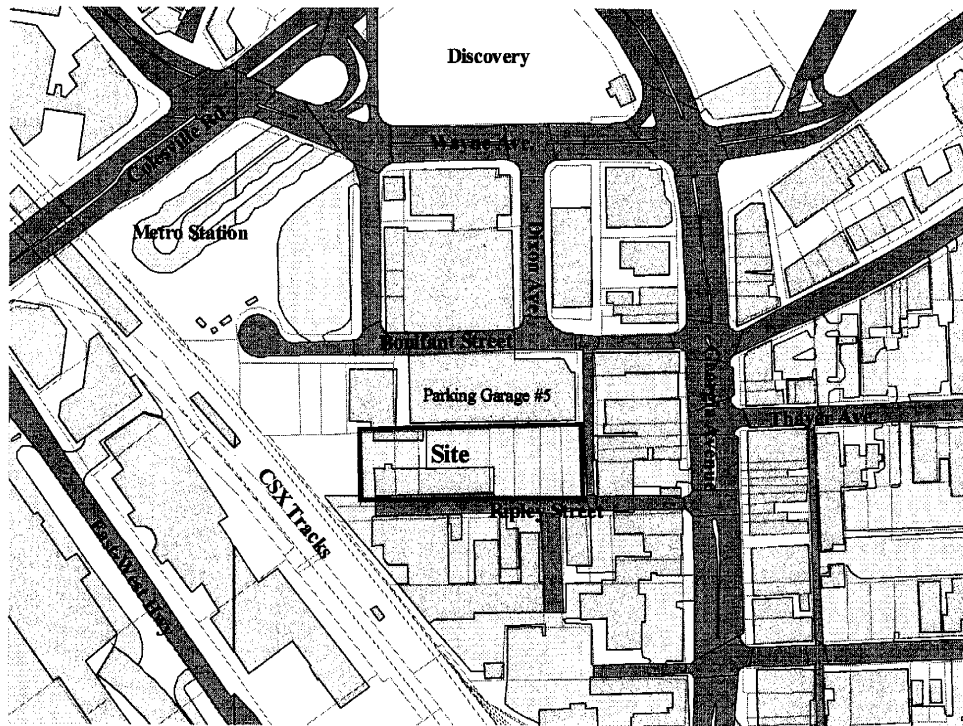
The applicant shall secure the following additional approvals related to Site Plan Review:

- a. Present the detailed public art components to the Art Review Panel in conjunction with scheduling the Planning Board hearing for the site plan application;
- b. The applicant shall request a waiver for any non-standard element and non-standard streetscape improvement as well as a maintenance and liability agreement with MCDPWT.
- c. The applicant shall enter into a maintenance agreement with the Silver Spring Urban District for maintenance of all or some of the streetscape improvements.
- d. The Applicant shall secure the following additional approvals related to Preliminary Plan Review:
 - 1. Applicant to supply official correspondence from DPW&T Parking Operations, Montgomery County Attorney's Office, MTA and all affected parties confirming the agreement reached regarding the following issues:
 - 2. The provision of a "volumetric easement" for Dixon Avenue extended across the property.
 - 3. The agreement to align Ripley Street extended with the Silver Spring Transit Center development.
 - 4. Final alignment of Ripley Street to be approved as part of Preliminary Plan.
 - 5. The agreement with MTA to provide adequate right-of-way for future possible BCT alignment adjacent to CSX railroad tracks.
 - 6. The agreement with property owners on south side of Ripley Street for limited access resulting from the Midtown Silver Spring development and half-street improvements to Ripley Street.
 - 7. The agreement to extend Dixon Avenue through Parking Garage #5 to connect with Bonifant Street.

PROJECT DESCRIPTION: Surrounding Vicinity

The subject property is located directly on Ripley Street, approximately 500 feet west of the intersection with Georgia Avenue. The rectangular site abuts a Montgomery County Parking Garage #5, a 5-story parking garage, to the north and is bordered by automotive repair shops on the south side of Ripley Street. The Metro Station is located approximately 800 feet to the northwest with connections to Colesville Road and Wayne Avenue.

Georgia Avenue is a 6-lane major divided highway that provides access to the District of Columbia to the south and regional highways in Montgomery County to the north. Just to the north of the site on Wayne Avenue is the Discovery building, to the west on East-West Highway is the National Oceanographic and Atmospheric Administration and to the east is Pyramid Atlantic.



PROJECT DESCRIPTION: Site Description

The Property is currently identified as part of Lots 10, 12, 14, 16, 18, 20, 24, 26 and Part of 28 as shown on tax map JN33 in the Silver Spring Central Business District and is zoned CBD-2. The lots are improved with automobile repair buildings and asphalt surface parking lots. The northeast portion of the site is approximately 12 feet higher than the southwest corner (over a distance of approximately 500 feet).

The Property is located north of existing Ripley Street, west of a public alley connecting Bonifant Street and Ripley Street (one block west of Georgia Avenue), east of the Silver Spring Metro Station and south of a Montgomery County Public Parking Garage on Bonifant Street and a 2-story office building on 1110 Bonifant Street. The WMATA and MARC train tracks and the future BCT and Metropolitan Branch Trail are located to the southwest of the Property immediately adjacent to the proposed extension of Ripley Street and the proposed Transit Center (per the Sector Plan). The Sector Plan recommends that Dixon Avenue bifurcate the Property, connecting Bonifant Street to Ripley Street (a knock-out panel designed into the garage allows access through the parking garage) and beyond to Silver Spring Avenue.

Ripley Street is unimproved to current MCDPWT cross-section standards and new development will improve their respective frontages to current standards utilizing the Silver Spring Streetscape Technical Manual. Development along Ripley Street includes auto body shops, shoe repair facilities and other similar industrial type uses. The subject property is an undeveloped lot with a few old buildings to the western edge.



PROJECT DESCRIPTION: Proposal

The proposed optional method Project will consist of an approximately 391,125 square foot, 20-story, 200 foot, "U" shaped residential building with two towers containing 317 dwelling units, approximately 5,358 square feet of ground floor non-residential uses, 389 parking spaces (in an underground parking structure) and extensive public facilities and amenities, including an urban

park and street oriented open spaces. The project will provide a private amenity area for the residents on the roof with a pool and common area.

The exact nature of the ownership and unit mix of the dwelling units will be determined at site plan, but the current plan is to provide a mix of rental apartments and condominium units, with shared parking. Pursuant to Chapter 25A of the Montgomery County Code, approximately 40 (12.5%) of the units will be Moderately Priced Dwelling Units (“MPDUs”), as the applicant is able to realize the full allowable FAR. The proposal will utilize the additional building height allowed by Zoning Text Amendment 04-1 that allows buildings within 800 feet of Metro station entrances to increase building height to 200 feet.

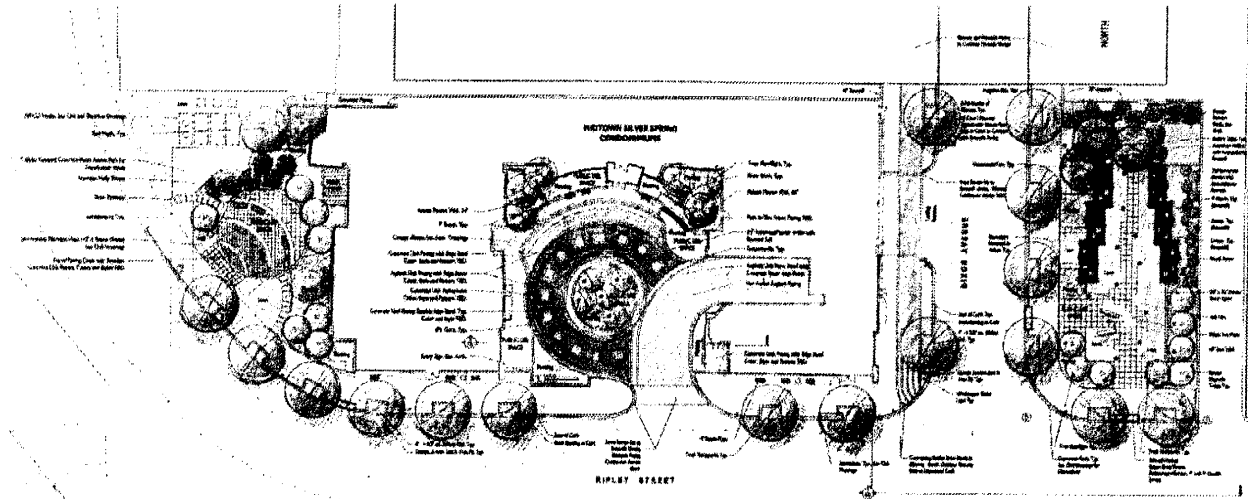
The amenities and facilities proposed for the site’s Public Use Space include:

On-Site Amenities

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

Off-Site Amenities

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



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

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

The Applicant proposes 391,125 gross square feet of residential and non-residential development, including 5,358 gross square feet of non-residential space on the ground floor, 369 parking spaces in an underground parking structure and public facilities and amenities including an urban park and open spaces. The application is in the CBD-2 Zone and proposes to take advantage of the full development potential available for the optional method of development.

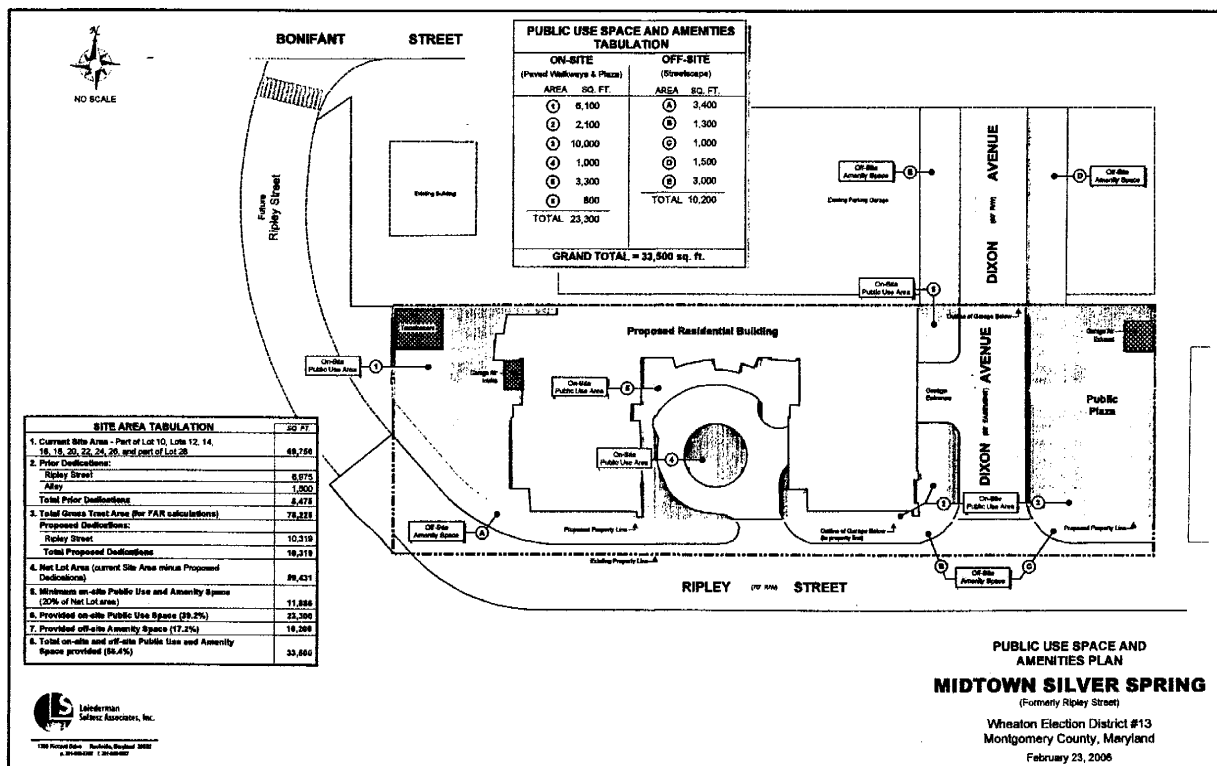
Building Design

The proposed building directly abuts the Montgomery County Parking Garage #5 to the north and is approximately 260 feet wide by 126.25 feet deep. The Midtown Silver Spring high-rise residential development is comprised of two distinct tower elements linked by an eight-story single loaded component which masks the garage to the north. The structure is proposed for a maximum height of 200 feet as measured from the centerpoint of the building from the curb on Dixon Avenue as per the Building Height and Setback Establishment Plan. The front of the building facing Ripley Street contains ground floor retail area and a lobby. The building contains 3 levels of parking, all below grade. There will be one common parking garage entrance to the development located on the east side of the main entry drive. The building was placed as far from Ripley Street as possible in order to avoid creating an urban valley and to also provide visibility and accessibility to the ground floor retail space.

Public Use Space and Amenities

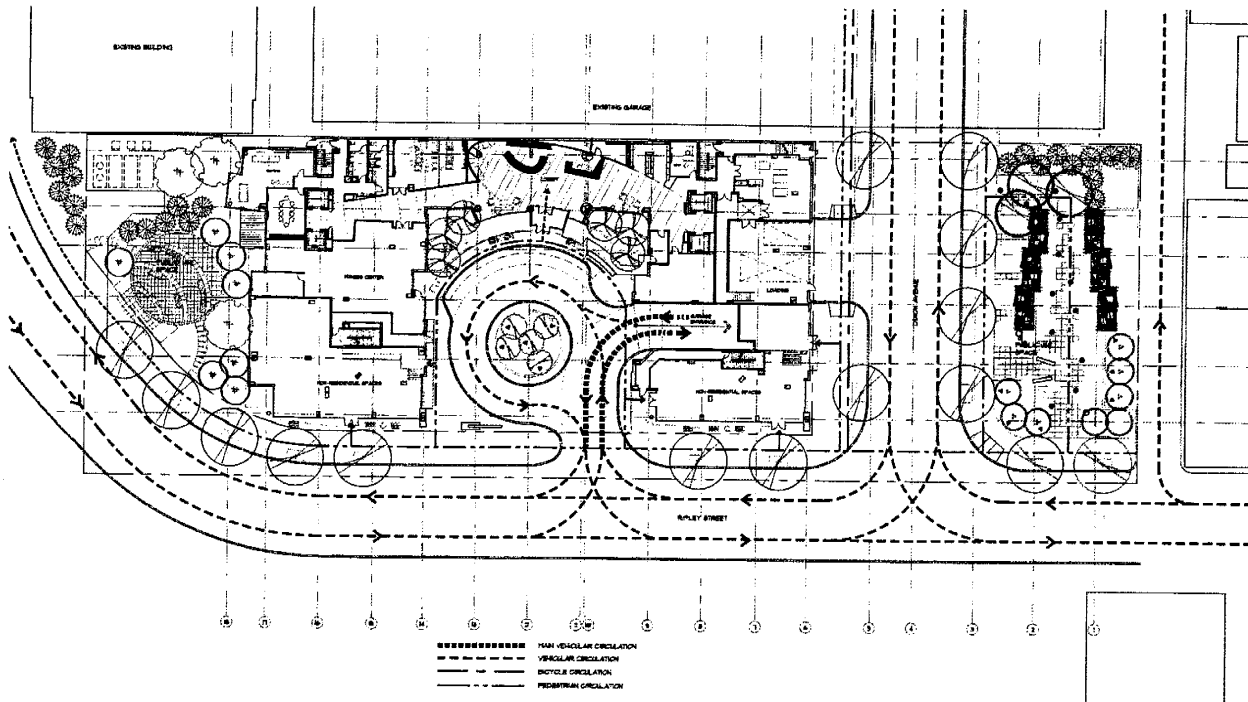
The Applicant is providing a total of 23,300 square feet of on-site public use space and 10,200 square feet of off-site public use space for a total of 56.4% of the site devoted to public use. The total public use space provided is based on the net lot area of the site. The on-site public use space consists of two separate areas located on the eastern and western sides of the proposed building. Area 1 is an at-grade urban pocket park located on the eastern end of the property bordering Dixon Avenue. The park is comprised of specialty paving, accent planting and lighting, seating and the public art component. The public art will incorporate a glass sculptural element located toward the southern end of the urban park as a focal point for residents, pedestrians and nearby tenants. Area 2 is located on the western side of the property and is comprised of specialty paving, seating, lawn area and plantings.

Off-site improvements include streetscape improvements along the Ripley Street frontage and improvements along Dixon Avenue interior to Parking Garage #55. Off-site improvements are comprised of pavers, street lights and street trees in conformance with the Silver Spring Streetscape Standards. The total off-site improvements equate to 10,200 square feet or 17.2 percent of the net lot area.



Pedestrian and vehicular access

The main entryway from Ripley Street provides vehicle ingress and egress to the 3-level, below grade parking garage for residents and visitors of the retail space. The garage accommodates a total of 369 parking spaces for the residents and retail customers, in accordance with the Montgomery County Zoning Ordinance for parking. The residential space is being parked at a rate varying from 1 space per unit to 1.5 spaces per unit depending on the type of unit. The retail requirement is being parked at a rate of 5 spaces per 1,000 gross square feet of retail space. The Applicant is taking advantage of a 15 percent parking credit offered for retail development in proximity to the Metro Station. Loading dock access is provided on the east side of the property directly off of Dixon Avenue.



Pedestrian access is improved along the frontage of the property with the Silver Spring streetscape and expansion of the pedestrian experience in front of the ground floor retail space. A 15-foot-wide pedestrian walkway under the canopy of the proposed building connects the public use space on the eastern edge of the property, adjacent to the driveway for the public parking garage. The existing masonry wall will be removed by the Applicant to ensure pedestrian access to the parking garage and for a north and south connection along Dixon Avenue (extended).