

Item #12
MCPB
July 29, 2004

MEMORANDUM



DATE: July 14, 2004
TO: Montgomery County Planning Board
VIA: Richard Hawthorne, Acting Chief
Michael Ma, Supervisor
Development Review Division
FROM: Wynn Withans, RLA, AICP *WW*
Development Review Division
(310) 495-4584
REVIEW TYPE: Project Plan Review
APPLYING FOR: Approval of 336 dwelling units and 5,946 non-residential square feet on a net lot area of 47,431 square feet (78,225 gross lot), inclusive of 42 on-site MPDUs
PROJECT NAME: Ripley Street
CASE #: 9-04006
REVIEW BASIS: Sec. 59-D-2, M. C. Zoning Ordinance
ZONE: CBD-2
LOCATION: North side of Ripley Street, 500 feet west of Georgia Avenue
MASTER PLAN: Silver Spring Central Business District and Vicinity Sector Plan (Approved February 2000)
APPLICANT: KSI, Don Hague, contact
FILING DATE: March 4, 2004
HEARING DATE: July 29, 2004

TABLE OF CONTENTS

SUMMARY AND ISSUES OF THE REVIEW PROCESS..... 4
STAFF RECOMMENDATION..... 7
PROJECT DESCRIPTION.....10
 Site and Surrounding Area
 Site and immediate vicinity
 Proposed development
PLANNING AND REGULATORY FRAMEWORK.....16
 Master Plan / Sector Plan / Urban Renewal Plan
 Prior Approvals
BASIS FOR CONSIDERATION OF USES.....19
REQUIRED FINDINGS.....21
 Compliance with the intents and requirements of the zone
 Conformance to the approved and adopted Sector Plan
 Compatibility with the general neighborhood
 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
 DRAFT Opinion for #9-04006
 Silver Spring Advisory Board - May 19, 2004
 Downtown Silver Spring Urban District- May 20, 2004
 Greater Silver Spring Chamber of Commerce – July 22, 2004
 Maryland Transit Administration – April 29, 2004
 M-NCPPC – June 9, 2004
 Department of Public Works and Transportation – July 7, 2004
 Community Based Planning - July 9, 2004
 Transportation Planning - July 14, 2004

SUMMARY

The application proposes 336 dwelling units on a net lot area of 47,431 square feet and 5,946 non-residential square feet (78,225 gross lot) of CBD-2-zoned land in the Silver Spring CBD. The Preliminary Plan will be filed after this approval. Amenities include a significant public space park and streetscape frontage improvements. Significant facilities are proposed that include the connection of Dixon Avenue through the adjacent parking garage from Ripley Street to Bonifant Street in accordance with the Silver Spring CBD Sector Plan. The project also has the potential to explore opportunities to integrate into the Arts and Entertainment District theme, perhaps by providing art studios or live/work areas for artists in addition to providing an art component for the Urban Park. Staff recommends approval of the Project Plan with the conditions listed below.

The Project Plan was the subject of a 90-day Continuance approved by the Planning Board on May 21, 2004. The basis for the continuance, to allow time for coordination with MCDPWT, has been satisfied.

ISSUES OF THE REVIEW PROCESS

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 staffs 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 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. 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 Sector Plan connection to Bonifant Street through Parking Garage 5 (adjacent

Bonifant Street and Dixon Avenue). 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 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 discussed during future reviews will be a redesign of the rooftop lighting of 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 of a metro station. The building is proposed at 16 stories with a building height of approximately 190 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 make 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.

STAFF RECOMMENDATION

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

1. PUBLIC ON AND OFF SITE AMENITY AND FACILITY AREAS

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

On-Site Amenities

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

Off-Site Amenities

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

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

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

2. TRANSPORTATION IMPROVEMENTS

Preliminary Plan review to include the following:

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

3. MAINTENANCE

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

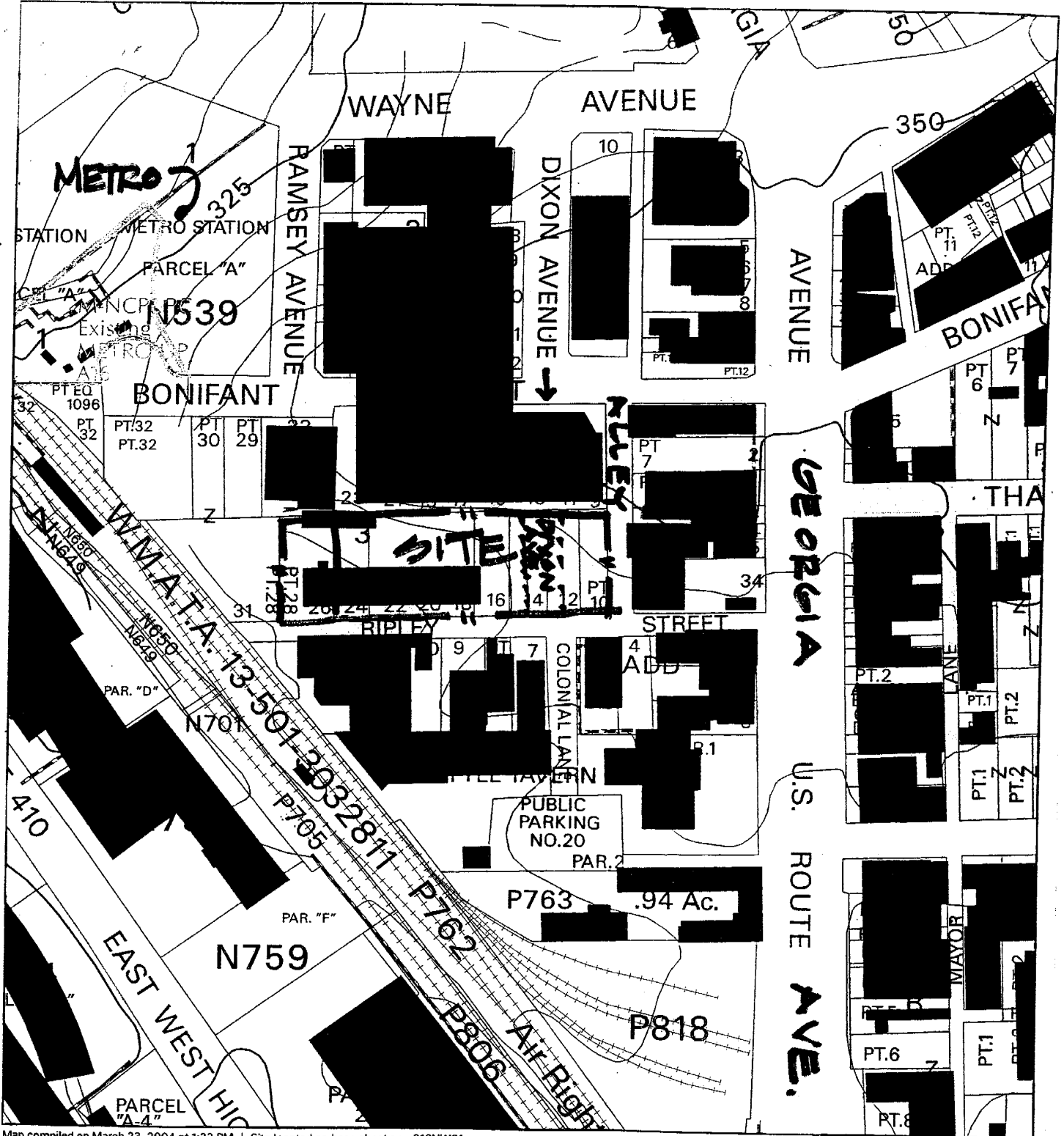
4. FUTURE SITE PLAN ISSUES

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

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

PROJECT DESCRIPTION: Surrounding Area

RIPLEY STREET (9-04006)



Map compiled on March 23, 2004 at 1:23 PM | Site located on base sheet no - 210NW01

PROJECT DESCRIPTION: Site and immediate vicinity

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, and it is 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 the proposed extension of Ripley Street to 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 formerly 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.