

JUN 16 2010



MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 10-65

Site Plan Amendment No. 82006025A

Project Name: Ripley Street North (aka Midtown Silver Spring)

Hearing Date: April 8, 2010

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code Division 59-D-3, the Montgomery County Planning Board ("Planning Board") is required to review amendments to approved site plans; and

WHEREAS, on January 4, 2010, Home Properties Ripley Street, LLC, c/o Home Properties, ("Applicant") filed a site plan amendment application designated 82006025A, Ripley Street North, (the "Amendment") for approval of the following modifications to previously approved Site Plan No. 820060250:

1. increase the maximum number of dwelling units from 314 to 385;
2. increase the maximum proportion of retail space within the overall allowable buildable area from 5,380 sf. to 5,541 sf.;
3. divide the residential development between two buildings:
 - a. 1155 Ripley Street, a 200' building with townhouses and residential flats wrapping a parking garage at the lower level and a multi-family dwelling unit tower above; and
 - b. 1015 Ripley Street, an 80' building with loft-style dwelling units and the entirety of the proposed 5,541 sf. of retail uses at ground level;
4. reduce the footprint of the parking garage so that it no longer extends under the Dixon Avenue right-of-way but is entirely contained on private property on the west side of Dixon Avenue;
5. increase the maximum number of parking spaces from 389 to 396, solely for the residential units; retail parking will be provided through the adjacent Parking Lot District (PLD) facility;
6. redesign the public use and amenity space to:
 - a. delete the approved public use space in the northeast corner of the intersection of Ripley Street and Dixon Avenue;

Approved as to
Legal Sufficiency:

A handwritten signature in black ink, appearing to read "Annette M." followed by the date "5/21/10".

8787 Georgia Avenue, N.C. SPPC Legal Department 20910 /Chairman's Office: 301.495.4605 Fax: 301.495.1320

www.MCParkandPlanning.org E-Mail: mcp-chairman@mncppc.org

- b. consolidate the public use space, including the public art installation previously approved, along the western edge of the site adjacent to the Ripley Street extension;
- c. decrease the amount of on-site public use space from 19,338 sf. (39.4% of the net lot area) to 10,541 sf. (22.2% of the net lot area);
- d. increase the amount off-site public amenity space from 15,812 sf. (32.2% of the net lot area) to 15,950 sf. (33.6% of net lot area);
- e. as previously approved by the Board, the Applicant remains committed to the construction of Dixon Avenue through the PLD garage north to Bonifant as well as participation in the construction of the Ripley Street extension to Bonifant; and

WHEREAS, following review and analysis of the Amendment by Planning Board staff ("Staff") and the staffs of other applicable governmental agencies, Staff issued a memorandum to the Planning Board dated March 26, 2010, setting forth its analysis and recommendation for approval of the Amendment ("Staff Report"); and

WHEREAS, on April 8, 2010, Staff presented the Amendment to the Planning Board at a public hearing on the Amendment (the "Hearing") where the Planning Board heard testimony and received evidence submitted for the record on the Amendment; and

WHEREAS, on April 8, 2010, the Planning Board approved the Amendment on the motion of Commissioner Dreyfuss, seconded by Commissioner Alfandre, with a vote of 4-0, Commissioners Alfandre, Dreyfuss, Hanson, and Wells-Harley voting in favor, and Commissioner Presley absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Planning Board hereby adopts the Staff's recommendation and analysis set forth in the Staff Report and hereby approves the Site Plan Amendment No. 82006025A; and

NOW, THEREFORE, BE IT RESOLVED that, pursuant to the relevant provisions of Montgomery County Code Chapter 59, the Montgomery County Planning Board hereby APPROVES the Amendment, subject to the following conditions:

1. Preliminary Plan Conformance
The proposed development must comply with the conditions of approval for Preliminary Plan 12006054A unless amended;
2. Site Plan Conformance
The proposed development must comply with the conditions of approval for Site Plan 820060250 as listed in the Planning Board Resolution dated

November 24, 2008 (original Site Plan), except as amended herein. This condition supersedes original Site Plan conditions 3.a. and 3.c.-3.e.

3. LEED Certification

- a. This condition replaces original Site Plan condition 7 in its entirety.
- b. For 1155 Ripley Street, the Applicant must achieve a "Silver" certification under the LEED-NC (Leadership in Environmental and Energy Design – New Construction) standard.
- c. For 1015 Ripley Street:
 - i. the Applicant must achieve:
 1. energy and environmental design standards that are identified by Montgomery County Department of Permitting Services (MCDPS) as equivalent to a Certified-level LEED rating (in accordance with the Montgomery County Green Building Law); or
 2. certification under the LEED rating system;
 - ii. If MCDPS approves an equivalent system for certification, before issuance of any use and occupancy permit, for public record purposes only, the Applicant must provide to M-NCPPC Development Review staff a written report from the Applicant's LEED-Accredited Professional identifying the rating system and the energy and environmental design improvements to be provided;
 - iii. If the Applicant pursues certification under a LEED standard, the Applicant must make good faith efforts to achieve a LEED Silver rating. Before the issuance of any use and occupancy certificate, the Applicant must inform M-NCPPC staff of the LEED Certification Level for which they are applying. If this level is less than a Silver rating, before the issuance of the final use and occupancy certificate the Applicant must provide to staff a written report, for public record purposes only, from the Applicant's LEED consultant analyzing the feasibility of achieving a LEED-Silver rating, and include an affidavit from a LEED-Accredited Professional identifying the minimum additional improvements required to achieve the LEED Silver rating, including their associated extra cost.

4. Moderately Priced Dwelling Units (MPDUs)

- a. This condition supersedes original Site Plan conditions 6.a. and 6.b.
- b. The proposed development must provide 12.5 percent of the total number of dwelling units (up to 49 with the maximum 385 du) on-site (or off-site under an Alternative Location Agreement with the Department of Housing and Community Affairs (DHCA) as MPDUs, in accordance with Chapter 25A of the Montgomery County Code.
- c. The Applicant must comply with all conditions of DHCA's letter dated March 11, 2010.

5. Architecture

This condition supersedes original Site Plan Condition 15.e. The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on sheets A2-01, A2-02, and A3-01 of the submitted architectural drawings, as determined by M-NCPPC Development Review staff at time of Building Permit.

6. Public Use Space

- a. Provide additional seating elements as necessary to encourage staying. Final disposition to be determined at Certified Site Plan.
- b. Supplement proposed deciduous tree canopy of River Birch with additional native canopy trees tolerant of urban conditions. Final plant mix to be determined at Certified Site Plan.

7. Lighting

Provide additional lighting in the public use space as necessary for dusk and nighttime conditions. Final location, amount, and selection of lighting to be determined at Certified Site Plan.

8. Landscape Surety

The Applicant shall provide a surety (performance bond) in accordance with Section 59-D-3.5(d) of the Montgomery County Zoning Ordinance with the following provisions:

- a. The amount of the surety shall include on-site plant material, lighting, recreational facilities, and site furniture within the relevant portion of development. Surety to be posted prior to issuance of first building permit within each relevant block of development and shall be tied to the development program.
- b. Provide a cost estimate of the materials and facilities, which, subject to M-NCPPC Development Review staff approval will establish the initial bond amount.
- c. Completion of plantings by block, to be followed by inspection and bond reduction. Inspection approval starts the 1 year maintenance period and bond release occurs at the expiration of the one year maintenance period.
- d. Provide a screening/landscape amenities agreement that outlines the responsibilities of the Applicant and incorporates the cost estimate. Agreement to be executed prior to issuance of the first building permit.

9. Certified Site Plan

In addition to those items outlined in the original Site Plan approval condition 15, prior to approval of the Certified Site Plan the following revisions must be made and/or information provided subject to Staff review and approval:

- a. Include the final forest conservation approval, stormwater management concept approval, development program, inspection schedule, and site plan resolution on the approval or cover sheet.
- b. Add a note to the site plan stating that "M-NCPPC staff must inspect all tree-save areas and protection devices prior to clearing and grading".
- c. Modify data table to reflect development standards enumerated below.
- d. Ensure consistency of all details and layout between site plan and landscape plan.
- e. Show outline of amended soil panel on Planting Plan and Layout Plan and reference amended soil panel detail. Revisions to be shown on Certified Site Plan.
- f. Additional architectural or landscape details, as necessary.
- g. Identify the location, on-site or off-site (in accordance with an executed Alternative Location Agreement), of the required MPDUs.

BE IT FURTHER RESOLVED, that the Planning Board adopts the Staff's recommendation and analysis set forth in the Staff Report and FINDS that the Amendment is consistent with the provisions of § 59-D-3.7 of the Zoning Ordinance and with the amended Project Plan, as well as the requirements of the CBD-2 zone, and remains compatible with the existing and proposed development adjacent to the site. The proposed elements of the site design, including all buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems, remain more than adequate, safe, and efficient. The amended site plan satisfies Forest Conservation, water quality, and other applicable regulatory requirements. The following data table sets forth the development standards approved by the Planning Board and binding on the Applicant.

Development Standards Approved by the Board and Binding on the Applicant

Gross Lot Area (sf.)	78,225
Prior Dedications (sf.)	8,475
Proposed Dedications (sf.)	22,319
Net Lot Area (sf.)	47,431
Max. Total Density (FAR)	5
Max. Total Density (sf.)	391,125
Max. Non-Residential Density (sf.)	5,541
Max. Residential Density (sf.)	385,584
Max. Dwelling Units (du)	385
Min. MPDUs (%)	12.5
Min. MPDUs (du)	49
Max. Building Height (ft.)	

1155 Ripley Street	200
1015 Ripley Street	80
Min. Building Setbacks (ft.)	
1155 Ripley Street	
Ripley Street (South)	0
Dixon Avenue (East)	0
Garage #5 (North)	0
Ripley Street Extended (West)	83
1015 Ripley Street	
Ripley Street (South)	0
Dixon Avenue (West)	0
Garage #5 (North)	0
Alley (East)	0
Min. On-Site Public Use Space (%) – 20% required per the Zone	22.2
Min. On-Site Public Use Space (sf.)	10,541
Min. Off-Site Public Amenity Space (%)	33.6
Min. Off-Site Public Amenity Space (sf.)	15,950
Min. Public Use & Amenity Space (%)	55.8
Total Public Use & Amenity Space (sf.)	26,491
Max. Parking Spaces	396

BE IT FURTHER RESOLVED that all site development elements as shown on Ripley Street North drawings stamped by the M-NCPPC on March 5, 2010, and March 17, 2010, shall be required; and

BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board and incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED, that this Amendment shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

BE IT FURTHER RESOLVED, that the date of this written resolution is JUN 16 2010 (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 written opinion, consistent with the procedural rules for the judicial review of

written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Wells-Harley, with Commissioners Hanson, Wells-Harley, and Dreyfuss voting in favor of the motion, and with Commissioners Alfandre and Presley absent, at its regular meeting held on Thursday, May 27, 2010, in Silver Spring, Maryland.



Royce Hanson, Chairman
Montgomery County Planning Board