



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

MCPB No. 15-143  
Site Plan No. 820150130  
Ripley East  
Date of Hearing: December 3, 2015

DEC 8 2015

**RESOLUTION**

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on July 30, 2015, Diamondback Investors, LLC ("Applicant"), filed an application for approval of a site plan for up to 367,606 square feet of total development, including up to 352,406 square feet of residential development, for up to 360 multi-family residential units, and up to 15,200 square feet of non-residential uses on 1.40 acres of CR5.0 C4.0 R4.75 H200T zoned-land, located at the southwest corner of Georgia Avenue and Bonifant Street ("Subject Property"), in the Ripley/South Silver Spring Overlay Zone, Silver Spring CBD Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820150130, Ripley East ("Site Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated November 20, 2015, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on December 3, 2015, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the Hearing, the Planning Board voted to approve the Application subject to certain conditions, by the vote as certified below.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820150130 for up to 367,606 square feet of total development, including up to 352,406 square feet of residential development for up to 360 multi-family residential units

with 15 percent MPDUs, and up to 15,200 square feet of non-residential uses on the Subject Property, subject to the following conditions:<sup>1</sup>

1. Sketch Plan Conformance  
The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320150010 and any amendments.
2. Preliminary Plan Conformance  
The development must comply with the conditions of approval for Preliminary Plan No. 120150220 and any amendments.
3. Noise Attenuation
  - a. Prior to the issuance of any above grade residential building permit, the Applicant must provide certification to Staff from an engineer who specializes in acoustical treatment that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
  - b. After construction is complete and prior to issuance of the final residential Use and Occupancy Certificate, the Applicant must provide certification to Staff from an engineer specialized in acoustics confirming that the dwelling units were constructed in accord with the approved specifications for noise attenuation.

#### **Public Use Space, Facilities and Amenities**

4. Public Use Space, Facilities, and Amenities
  - a. The Applicant must provide a minimum of 1,781 square feet of public open space (5% of the net lot area).
  - b. The Applicant must construct the streetscape improvements along the Subject Property's frontage on Georgia Avenue and Bonifant Street as shown on the Certified Site Plan.
  - c. Prior to the issuance of any residential Use and Occupancy certificate, all public open space areas on the Subject Property's Georgia Avenue and Bonifant Street frontages must be completed. However, if the alignment or construction of the Purple Line makes the completion of the public open space areas along the Bonifant Street frontage by this date impractical, the Planning Director may approve a limited site plan amendment to establish a new deadline for completion of the Bonifant Street improvements. Similarly, any adjustments to the location of public open space areas along the Bonifant Street frontage as the result of the Purple Line may be approved by the Planning Director as a limited site plan amendment.

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<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.