



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

MCPB No. 16-097

Sketch Plan Amendment No. 32015003A

OCT 19 2016

Project Name: Ripley II

Date of Hearing: September 22, 2016

**RESOLUTION**

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

WHEREAS, on March 2, 2015, by Resolution MCPB No. 15-15, the Planning Board approved Sketch Plan No. 320150030, to allow a maximum total density of 437,374 square feet including up to 419,286 square feet of residential development and up to 18,088 square feet of non-residential development on 1.66 acres of CR5.0 C4.0 R4.75 H200T zoned-land, located on Dixon Avenue, approximately 150 feet south of Ripley Street ("Subject Property") in the Ripley/South Silver Spring Overlay Zone, Silver Spring CBD Sector Plan ("Sector Plan") area; and

WHEREAS, on May 18, 2016, Ripley West, LLC ("Applicant"), filed an application for approval to amend the previously approved sketch plan under the procedures and standards of the Zoning Ordinance in effect as of October 30, 2014, to amend the public benefit schedule by eliminating wayfinding, cool roof, and the recycling facility plan; and

WHEREAS, the Applicant's sketch plan amendment application was designated Sketch Plan Amendment No. 32015003A Ripley II ("Sketch 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 September 9, 2016, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on September 22, 2016, 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

Approved as to  
 Legal Sufficiency:



M-NCPPC Legal Department

8787 Georgia Avenue, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain conditions, on motion of Commissioner Wells-Harley, seconded by Commissioner Cichy, with a vote of 4-0; Commissioners Anderson, Cichy, Fani-Gonzalez, and Wells-Harley voting in favor. Commissioner Dreyfuss was absent from the hearing.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan Amendment No. 32015003A, Ripley II, for construction of a maximum total density of 437,374 square feet on the Subject Property, subject to the following binding elements and conditions, which supersede the binding elements and condition #3 approved with Sketch Plan No. 320150030:<sup>1</sup>

A. Binding Elements. The following site development elements are binding under Section 59-7.3.3.F of the Montgomery County Zoning Ordinance:

1. Maximum density and height;
2. Approximate location of lots and public dedications;
3. General location and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

B. Conditions. This approval is subject to the following conditions:

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I at the time of Site Plan. The requirements of Division 59-4.7.1 and the 2012 *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit proposed. Final points will be established at Site Plan approval.

- a. Major Public Facility, achieved through the construction of the new facility for Progress Place;
- b. Transit Proximity, achieved through location within one-quarter mile of the Silver Spring Metro Station;
- c. Connectivity and Mobility, achieved through minimum parking and trip mitigation;
- d. Diversity of Uses and Activities, achieved through affordable housing over the minimum required;
- e. Quality of Building and Site Design, achieved through public open space and structured parking; and

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

- f. Protection and Enhancement of the Natural Environment achieved through building lot terminations and energy conservation and generation.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, 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 the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and this Application does not alter the intent, objectives, or requirements in the originally approved Sketch Plan and all previous findings remain in effect.

The Application includes public benefits that address the general incentive and density considerations required by Section 59-4.7.1.B. The public benefit schedule, shown in Table 1 has been updated, removing public benefit points for wayfinding, cool roof and the recycling facility plan. With regard to wayfinding, the Applicant is no longer proposing this public benefit because the small site and constraints and any wayfinding on-site would have limited effectiveness. With regard to the cool roof, the Applicant is no longer providing this public benefit because there is very limited space on the roof due to the extensive project amenities, as well as the required mechanical equipment and green roof. The Applicant will provide a recycling facility plan that is in compliance with Executive Regulations, but does not go above what is required under the Regulations and thus does not generate public benefit points. The Application continues to exceed the required number of benefit categories (4 categories) and the minimum number of public benefit points (100 points).

Table 1: Public Benefits Calculations

Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Recommended
<b>59-4.7.3A: Major Public Facilities</b>	70	70	70
<b>59-4.7.3B: Transit Proximity</b>	40	40	40
<b>59-4.7.3C: Connectivity and Mobility</b>			
Minimum Parking	10	9	9
Trip Mitigation	20	10	10
<b>59-4.7.3D: Diversity of Uses and Activities</b>			
Moderately Priced Dwelling Units	No limit	30	30
<b>59-4.7.3E: Quality of Building and Site Design</b>			
Public Open Space	20	19	19
Structured Parking	20	20	20
<b>59-59-4.7.3F: Protection and Enhancement of the Natural Environment</b>			
Building Lot Terminations	30	8.6	8.6

<b>Energy Conservation and Generation</b>	<b>15</b>	<b>10</b>	<b>10</b>
<b>TOTAL</b>		<b>216.6</b>	<b>216.6</b>

Major Public Facilities

The Applicant will construct for the County a new facility for Progress Place, to be located on the site of the nearby Silver Spring Fire Station. The new Progress Place facility has been approved through a Mandatory Referral. The facility will be comprised of approximately 39,119 gross square feet, located in a four-story building. The first three floors will house Progress Place. The fourth floor will be comprised of 21 private living quarters (PLQs). The Applicant will also construct an approximately 775 square-foot storage barn (for storage of bicycles) and an approximately 80 square-foot flare building on the site for use by the Montgomery County Police Department substation located at the Fire Station.

The Sector Plan notes that Progress Place and the County have co-located services to serve medical, job training and placement, and emergency needs of a varied and growing low-income and homeless population. The Sector Plan also states that locating such services in transit-proximate, pedestrian-oriented locations such as the CBD provides important opportunities for easy access to housing, jobs, and needed services. Thus, while the Sector Plan does not specifically envision Progress Place relocating to the Fire Station site, it recommends the site as a location for public/quasi-public uses and also encourages support for Progress Place and other needed services. The existing Progress Place facility is located in an aging building that has been renovated numerous times, and the building will require additional reconfiguration/renovation as the result of surrounding redevelopment and coming transportation infrastructure in the Ripley District. Because of this, in conjunction with the fact that the services provided at Progress Place and the needs of the clients served have outgrown the existing facility, relocation of Progress Place to the Fire Station site is an excellent opportunity to better serve the needs of the community in a modern facility located in a transit-proximate, pedestrian-oriented location. For these reasons, the Applicant is requesting to receive public benefit points for construction of this major public facility (70 points). The Planning Board supports the request.

Transit Proximity

The Property is located within one-quarter mile of the Silver Spring Transit Center (and Metro Station). The Planning Board supports the Applicant's request for 40 points as suggested in the CR Guidelines.

Connectivity and Mobility

*Minimum Parking:* The Applicant will provide fewer than the maximum number of parking spaces permitted under the Zoning Ordinance, and at this time anticipates achieving 9 points. The Planning Board supports the Applicant's request.

*Trip Mitigation:* The Applicant will enter into a binding Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips to the site in excess of any other regulatory requirement and the agreement must result in a reduction of at least 50% for trips attributable to the site. The Planning Board supports the Applicant's request of 10 points.

Diversity of Uses and Activities

*Moderately Priced Dwelling Units:* The Applicant requests 30 points for providing 15% of the multi-family units as MPDUs. The incentive density points for MPDUs are calculated as a percentage of the total number of dwelling units (assuming 440 multi-family units). The Applicant's initial estimate of providing 66 MPDUs yields 30 points. Final number of MPDU units to be determined at Site Plan. The Planning Board supports the Applicant's request.

Quality of Building and Site Design

*Public Open Space:* The Applicant requests 19 points for providing public open space. Points for this incentive are granted on a sliding scale based on the percentage of the net lot area. The conceptual layout yields 8,411 square feet of additional open space above the required square feet of public use space for a total of 19 points. The open space will be: directly accessible to a street; open to the public; designed so that the loading or parking facilities are screened or faced with active uses, contain seating, trash receptacles, landscaping, and other amenities; be at least 35 feet wide; designed so that walls of any residential floor area facing the open space have windows on at least 60 percent of the façade between three and eight feet; and designed so that any dwelling unit facing the open space will have access to the open space. The Planning Board supports 19 points for this benefit.

*Structured Parking:* The Applicant requests 20 points for structured parking for the parking that will be below grade. All parking spaces will be provided in a below-ground parking garage with final parking counts to be determined at Site Plan. The Planning Board supports 20 points for this benefit.

Protection and Enhancement of the Natural Environment

*BLTs:* Up to 30 points can be granted for the purchase of Building Lot Termination (BLT) easements or payment to the Agricultural Land Preservation Fund (ALPF). The Applicant will purchase of BLT easements and final public benefit points will be determined at the time of Site Plan. The Planning Board supports this request.

*Energy Conservation and Generation:* Up to 15 points can be granted for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5% for new building. The Project is being designed to exceed the energy efficiency standards for its building type by 17.5%, through such features as a centralized mechanical system, energy efficient lighting, and low-flow plumbing fixtures. The Applicant anticipates achieving 10 points in this public benefit category with further details and refinement to be provided at the time of Site Plan. The Planning Board supports the Applicant's request.

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the *Silver Spring CBD Sector Plan*, or other requirements; and

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


BE IT FURTHER RESOLVED that all binding site development elements shown on the latest electronic version of Ripley II, Sketch Plan Amendment No. 32015003A, submitted to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is   OCT 19 2016   (which is the date that this Resolution is mailed to all parties of record); and

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**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 Vice Chair Wells-Harley, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Dreyfuss absent at its regular meeting held on Thursday, October 6, 2016, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board