



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

MCPB No. 16-099
Site Plan No. 820160070
Ripley II
Date of Hearing: September 22, 2016

OCT 19 2016

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 May 18, 2016, Ripley West, LLC ("Applicant"), filed an application for approval of a site plan for up to 437,265 square feet of total development, including up to 419,181.3 square feet of residential development, for up to 440 multi-family residential units, and up to 18,083.7 square feet of non-residential uses 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, Applicant's site plan application was designated Site Plan No. 820160070, Ripley II ("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 September 9, 2016 setting forth its analysis of and recommendation for approval of the Application, subject to certain 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

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 Site Plan No. 820160070 for up to 437,265 square feet of total development, including up to

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Silver Spring, Maryland 20910 Chairman's Office: 301.495.4605 Fax: 301.495.1320

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419,181.3 square feet of residential development with up to 440 multi-family residential units including 15 percent moderately priced dwelling units (MPDUs), and up to 18,083.7 square feet of non-residential uses on the Subject Property, subject to the following conditions:¹

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320150030 and 32015003A.

2. Preliminary Plan Conformance

The development must comply with the conditions of approval for Preliminary Plan No. 120160190 and any amendments.

3. Forest conservation

The builder must coordinate with the Planning Department Forest Conservation Inspector to review the limits of disturbance (LOD) and any tree save measures that may be required prior to the start of any clearing, grading, or demolition.

4. Noise Attenuation

- a. Prior to issuance of a building permit, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. The Applicant must provide a signed commitment to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- c. After construction is complete, and prior to issuance of final residential occupancy permits, the Applicant must provide Staff with a certification from an engineer specializing in acoustics confirming that the dwelling units were constructed in accord with the approved specifications for noise attenuation.
- d. If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must conduct a new noise analysis to reflect the revised plans, and new noise attenuation features may be required.
- e. Before issuance of any Use and Occupancy Certificate for residents, the Applicant must certify that the noise impacted units have been constructed in accordance with the certification of the engineer that specializes in acoustical treatments.

¹ 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.

Public Use Space, Facilities and Amenities

5. Public Use Space, Facilities, and Amenities

- a. The Applicant must provide a minimum of 8,383 square feet of public open space (20% of the net lot area).
- b. The Applicant must construct the streetscape improvements along the Subject Property's frontage on Dixon Avenue and Silver Spring Avenue as shown on the Certified Site Plan.
- c. Prior to the issuance of final residential Use and Occupancy certificate, all public open space areas on the Subject Property's frontages must be completed.

6. Recreation Facilities

- a. Prior to Certified Site Plan approval, the Applicant must demonstrate conformance with the M-NCPPC Recreation Guidelines.
- b. The Applicant must provide at a minimum the following recreation facilities on-site: bike system, a swimming pool, an indoor community space, and an indoor exercise room.

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities on the Subject Property including, but not limited to pedestrian pathways, landscaping, hardscape, recreation facilities, and public open space.

8. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the 2012 *CR Zone Incentive Density Implementation Guidelines* for each one:

- a. Major Public facility
Under the terms of a Joint Development Agreement, the County transferred public parking Lot No. 20 to the Applicant, who is constructing a new building for Progress Place on the site of the Silver Spring Fire Station, located south of the Property, at 8110 Georgia Avenue, in accordance with Mandatory Referral No. 2015009.
- b. Transit Proximity
The Subject Property is located within one-quarter mile of the Silver Spring Transit Center and Metro Station, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. Final area calculations must be included on the Certified Site Plan.
- c. Connectivity and Mobility
 - i. Minimum Parking

The Applicant must not construct more than 223 parking spaces.

- ii. Trip Mitigation
 - a) The Applicant will enter into a binding Traffic Mitigation Agreement (TMAg) 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.
 - b) Prior to issuance of the first building permit on the Site, exclusive of any sheeting and shoring permit, the Applicant must execute the TMAg with the Planning Board and MCDOT to participate in the Silver Spring Transportation Management District (TMD). The TMAg must include trip mitigation measures recommended by MCDOT.
- d. Diversity of Uses and Activities
 - i. Affordable Housing/MPDUs
 - a. The Applicant must provide a minimum of 15% MPDUs on-site on the Subject Property.
 - b. The Applicant must provide affordable housing units in accordance with the MPDU recommendations in Montgomery County's Department of Housing and Community Affairs' (MCDHCA) letter dated July 29, 2016, which the Planning Board accepts and hereby incorporates as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDHCA provided that the amendments do not conflict with other conditions of the Site Plan approval.
 - c. Prior to issuance of any residential building permit, the MPDU agreement to build between the Applicant and the MCDHCA must be executed.
 - e. Quality Building and Site Design
 - i. Public Open Space

The Applicant must provide a minimum of 8,383 square feet of public open space. No public open space would otherwise be required.
 - ii. Structured Parking

The Applicant must provide structured parking in a below-grade structure as necessary to achieve 20 public benefit points using the following formula from the *Implementation Guidelines*: $[(A/P)/(A/R)]*10$, where A=the maximum allowed spaces, R=the minimum required spaces, and P=the proposed spaces.
 - f. Protection and Enhancement of the Natural Environment
 - i. Building Lot Terminations

Before issuance of the any above-grade building permit, the Applicant must provide proof of purchase and/or payment equivalent to 0.96 of BLTs to the MCDPS.

ii. **Energy Conservation and Generation**

The Applicant must construct the building to exceed the energy-efficiency standards for the building type by 10%. Prior to issuance of final residential Use and Occupancy certificates, the Applicant must submit to Staff a Final Energy Performance Report.

Transportation & Circulation

9. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 100 bicycle parking spaces for long-term private use and 2 bicycle parking spaces for short-term public use. Short term public bicycle parking must be installed near the main residential entrance to the multifamily building and open space, as shown on the Site Plan.
- b. Secure long term bicycle parking must be installed, internal to the proposed high rise residential building, for resident and employee use, and the public spaces must be inverted-U racks installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public and private bicycle parking must be identified on the Certified Site Plan.

10. Metropolitan Branch Trail

- a. The final trail design and section to be shown on the Certified Site Plan, at a minimum width of 10 feet in addition to the minimum shy distance of 2 feet for all adjacent vertical objects, including landscaping.
- b. The Applicant must construct the segment of Metropolitan Branch Trail within the project limits, along the west side of the proposed building.
- c. The Metropolitan Branch Trail improvements, as shown on the Certified Site Plan, must be completed prior to issuance of the final residential Use and Occupancy Certificate.

11. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (MCFRS) Fire Code Enforcement Section in its letter dated January 28, 2016 and updated August 10, 2016.

Site Plan

12. Building Height

The development is limited to the maximum height of 200 feet.

13. Site Design

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan, as determined by Staff.

14. Landscaping

- a. Prior to issuance of the final residential Use and Occupancy Certificate, all on-site amenities, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, and public open space must be installed.
- b. Prior to issuance of the final residential Use and Occupancy Certificate, all rooftop amenities must be installed.
- c. The Applicant must install landscaping no later than the next growing season after completion of site work.

15. Lighting

- a. Prior to issuance of any above-grade building permit, the Applicant must provide certification to Staff from a qualified professional that the exterior lighting in this Site Plan conforms to the latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded).
- b. Deflectors must be installed on all proposed up-lighting fixtures to prevent excess illumination and glare.
- c. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.
- d. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

16. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit and Sediment Control Permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety as required by Section 59-7.3.4.G.1. of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon Staff approval, will establish the surety amount.
- b. The cost estimate must include applicable Site Plan elements, including, but not limited to plant material, on-site lighting, bicycle trails, recreational facilities, site furniture, mailbox pad sites, trash enclosures, retaining walls, fences, railings, paths and associated improvements.

- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- d. The bond or surety must be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

17. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan.

18. Certified Site Plan

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 forest conservation exemption letter, stormwater management concept approval letter, development program, and Sketch Plan resolutions, Preliminary Plan resolution and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note stating that “Minor modifications to the limits of disturbance shown on the site plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services.”
- c. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape Plans.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Ripley II, Site Plan No. 820160070, submitted via ePlans 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 having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

1. *The development satisfies any previous approval that applies to the site;*

The Site Plan conforms to all bindings elements of Sketch Plan No. 320150030 as amended by Sketch Plan Amendment No. 32015003A.

2. *The development satisfies the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

This finding is not applicable as there were no binding elements of an associated development plan or schematic development plan in effect on October 29, 2014.

3. *The development satisfies any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.*

This finding is not applicable as the Subject Property's zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

Development Standards

The Subject Property includes approximately 1.66 acres, zoned CR-5.0, C-4.0, R-4.75, H-200T within the Ripley/South Silver Spring Overlay Zone. The Application satisfies the applicable development standards as shown in the following data table:

Data Table

Site Plan 820150130 Project Data Table

Section 59-4	Development Standard	Permitted/Required	Approved
	Net Tract Area (sf)	n/a	41,915
	Gross Tract Area (sf)	n/a	72,335
4.5.4.B.2.b	Maximum Density (CR)	5.0 FAR (361,765 sf)	Up to 6.04 FAR (437,265 sf)³
	Non-residential (C)	4.0 FAR (289,412 sf)	Up to 0.25 FAR (18,083 sf)
	Residential (R) ²	4.75 FAR (343,677 sf)	Up to 5.79 FAR (419,181 sf)

² Pursuant to Section 59-4.5.2.C.2 of the Zoning Ordinance, for CR zoned properties designated with a "T", residential density may be increased above the number following the R on the zoning map in proportion to any MPDU density bonus achieved under Chapter 25A of the County Code for providing more than 12.5% of the residential units as MPDUs, and total density may be increased above the number following the zoning classification on the zoning map by an amount equal to the residential bonus density achieved.

³ The Application utilizes the optional method of development to develop the Subject Property with up to the maximum density (6.04 FAR, with up to 5.79 FAR in residential uses and up to 0.25 FAR in non-residential uses (retail and/or restaurant) and the maximum height (200 feet) permitted for the Subject Property under the CR Zone and Ripley District Overlay Zone (including the provision of 15% MPDUs and the accompanying 22% residential density bonus). Final density and final building heights will be determined at the time of Certified Site Plan.

	Dwelling Units	n/a	Up to 440
	MPDUs (% / units)	12.5% / 55 units	15% / 66 units ⁴
4.5.4.B.2.b	Building Height (feet)	200	200
4.5.4.B.1	Minimum Public Open Space (%)	0%	20% (8,383 sf)
4.5.4.B.3	Min. Building Setbacks (feet)	0	0
	East Side	0	0
	West Side	0	0
	North Side	0	0
	South Side	0	0
6.2	Parking Spaces, minimum-maximum⁵		
	Residential	203-483	214
	Live/Work	1	1
	ADA Parking	7	7
	Van Accessible Parking	1	1
	TOTAL	212-483	223
	Loading, Car-share, Electric Charging Spaces, Motorcycle & Bicycle		
	Loading		2
	Car-share		3
	Electric Vehicle		3
	Charging Spaces		6
	Motorcycle/Scooter		2
	Bicycle-Public		110
Bicycle-Private			

Section 4.5.4.B.4 - Form Standards

The Site Plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. The Project provides significant glass features at the ground-level for transparency as well as activating features on the ground-floor level, including the public plaza and the residential entrance

⁴ Final unit count and unit mix, square footage of non-residential uses, and resulting parking required and to be provided will be determined at the time of Certified Site Plan.

⁵ The parking minimums and maximums are based on 440 multi-family residential units, consisting of 374 market-rate units and 66 MPDUs. The final number of parking spaces may be adjusted between the minimum and maximum allowed under Section 6.2 of the Zoning Ordinance at the time of building permit based on final unit count and/or bedroom mix and square footage of non-residential uses.

along Dixon Avenue. The Project provides significant glass and activating features including the residential entrance on the eastern side of the ground-floor level, adjacent to the public plaza where Dixon Avenue curves to meet Silver Spring Avenue. The fitness area is on the western side of the ground-level floor, with full window exposure to the Metropolitan Branch Trail. The northern end of the Project contains the parking, loading, and bicycle access for the Project. The southern side of the Project abuts a property currently improved with one-story uses and surface parking, which will likely redevelop independently in the future. As conditioned, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan, as determined by Staff.

i. Division 4.7. Optional Method Public Benefits

In accordance with the Zoning Ordinance, Section 59-4.7.1, the Site Plan provides the following public benefits to satisfy the requirements, with the approved points as required shown on the Public Benefits Calculations Table: Major Public Facility; Transit Proximity; Connectivity and Mobility; Diversity of Uses and Activities; Quality Building and Site Design; and Protection and Enhancement of the Natural Environment.

Major Public Facilities

The Applicant is constructing 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 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 PLQs. The Applicant is also constructing on the site, for use by the Montgomery County Police Department substation located at the Fire Station, an approximately 775 square-foot storage barn (for storage of bicycles) and an approximately 80 square-foot flare building.

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 did not specifically envision Progress Place relocating to the Fire Station site, it recommended 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 approves the request.

Transit Proximity

The Subject Property is located within one-quarter mile of the Silver Spring Metro Station. The Planning Board approves the Applicant's request for 40 points as suggested in the *2015 Commercial/Residential Zones Incentive Density Implementation Guidelines*.

Connectivity and Mobility

Minimum Parking: The Project will provide 223 parking spaces, fewer than the maximum number of parking spaces permitted under the Zoning Ordinance. The Applicant requests 9 points. The layout of the parking garage is depicted in the architectural plans and will be included in the Certified Site Plan. The Planning Board approves 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 approves the Applicant's request of 10 points.

Diversity of Uses and Activities

Moderately Priced Dwelling Units: Section 59-4.7.3.D.6.a.i of the Zoning Ordinance permits 12 public benefit points for every 1% of MPDUs greater than 12.5%, with any fraction of 1% increase in MPDUs entitling an applicant to an equal fraction of 12 points. 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 (440 multi-family units). The Applicant will provide 66 MPDUs, which yields 30 points. The Planning Board approves 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 Site Plan 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 approves 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 and the layout of the parking garage is depicted in the architectural plans and will be included in the Certified Site Plan. The Planning Board approves 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 0.96 BLT easements for 8.6 public benefit points. The Planning Board approves this request.

Energy Conservation and Generation: Up to 10 points can be granted for constructing buildings that exceed the energy-efficiency standards for the building type by 10% for new building. The Project is being designed to exceed the energy efficiency standards for its building type by 10%, through such features as a centralized mechanical system for water source heat pumps, central water heating with heat recovery, and energy efficient LED lighting. The Applicant has provided an energy/use generation model with comparisons to the average use/generation for the building type based on the Department of Energy Standards. The Applicant requests 10 points in this public benefit category and The Planning Board approves the Applicant's request.

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Approved
59-4.7.3A: Major Public Facilities	70	70	70
59-4.7.3B: Transit Proximity	40	40	40
59-4.7.3C: Connectivity and Mobility			
Minimum Parking	10	9	9

Trip Mitigation	20	10	10
59-4.7.3D: Diversity of Uses and Activities			
Moderately Priced Dwelling Units	No limit	30	30
59-4.7.3E: Quality of Building and Site Design			
Public Open Space	20	19	19
Structured Parking	20	20	20
59-59-4.7.3F: Protection and Enhancement of the Natural Environment			
Building Lot Terminations	30	8.6	8.6
Energy Conservation and Generation	10	10	10
TOTAL		216.6	216.6

General Requirements

ii. Division 6.1. Site Access

All access, vehicular, loading, pedestrian, and bicyclist, will be provided from the Subject Property's sole street frontage, along Dixon Avenue. These access points are oriented to keep vehicular and loading access along the northern edge of the Subject Property, adjacent to the vehicular access for Solaire Silver Spring directly to the north, so that the southern portion of the Subject Property can be devoted to pedestrian and bicyclist access and an inviting public plaza. The Project will provide the important Sector-Planned connection of Dixon Avenue to Silver Spring Avenue. The Project will improve upon the existing street frontages along Dixon Avenue adjacent to the Subject Property, the Applicant will also improve the eastern side of Dixon Avenue just south of Ripley Street, and a portion of Silver Spring Avenue, providing an enhanced pedestrian environment through wide sidewalks and attractive streetscaping features. The Project also includes construction of that portion of the Metropolitan Branch Trail adjacent to the Subject Property. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

iii. Division 6.2. Parking, Queuing, and Loading

All access to the Project will be from the Subject Property's sole street frontage along Dixon Avenue. The entrance to the underground parking garage will be located on the northern edge of the Subject Property, with the loading and service access just to the south. All of the parking for the Project is located

underground, and the Applicant anticipates that there will be three levels of parking with numbers of parking spaces, bike storage spaces, and loading spaces to be finalized at the time of Certified Site Plan.

iv. Division 6.3. Open Space and Recreation

Because the Subject Property's net lot area is less than one-half acre and the Subject Property has only one right-of-way frontage, there is no requirement to provide any open space on-site. However, the Site Plan provides 20% of open space, totaling 8,411 square feet.

In addition, the Application meets the active and passive recreation space required by the zone. The development will provide the following on-site recreation facilities: a bike system, a swimming pool, an indoor community space, and an indoor exercise room.

The development meets the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. The development will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

v. Division 6.4. General Landscaping and Outdoor Lighting

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for residents and visitors to the Project. The Project will include streetscaping along the Dixon Avenue and Silver Spring Avenue frontages, with widened sidewalks, street trees, and lighting. The Project also includes landscaping and lighting in the courtyard of the Project and on the rooftop in order to provide an attractive outdoor environment for use by the residents of the Project.

As shown in the Development Standards table, the Site Plan meets all of the general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of the Zoning Ordinance.

5. The development satisfies the applicable requirements of Chapters 19 and 22A of the Montgomery County Code

i. Chapter 19, Erosion, Sediment Control, and Stormwater Management

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on April 1, 2015. The plan will meet

stormwater management requirements through the use of a green roof and micro-bioretenion planter boxes.

ii. Chapter 22A, Forest Conservation

This Project is subject to Chapter 22A, Montgomery County Forest Conservation Law, but it is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the proposed activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements are not in excess of 10,000 square feet.

6. *The development provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.*

The Project provides adequate, safe, and efficient parking and circulation patterns. All access, vehicular, loading, pedestrian, and bicyclist, will be provided from the Subject Property's sole street frontage, along Dixon Avenue. These access points are oriented to keep vehicular and loading access along the northern edge of the Subject Property, adjacent to the vehicular access for Solaire Silver Spring directly to the north, so that the southern portion of the Subject Property can be devoted to pedestrian and bicyclist access and an inviting public plaza. The Project will provide the important Sector-Planned connection of Dixon Avenue to Silver Spring Avenue, improving overall circulation in the Ripley District.

The design, scale, and façade of the Project will provide a consistent relationship with the adjacent buildings in the Ripley District, including Solaire Silver Spring and Eleven55 Ripley to the north, both mixed-use projects approved for up to 200 feet in height, the mid- and high-rise buildings to the west across the Metro/CSX railroad tracks, as well as projects that have just begun construction or are soon to begin along Georgia Avenue (Ripley East, a 20-story project located at the corner of Georgia Avenue and Bonifant Street, and Studio Plaza, located east of the Subject Property across Georgia Avenue, an 11-story project). The relationships of building massing, public spaces, and streetscape improvements in the Ripley District strengthen the identity of the Ripley District as a pedestrian-friendly destination in Silver Spring while also allowing for a compatible use of land areas and an appropriate transition between the Urban Core, the Ripley District, and eastward to Fenton Village and southward to South Silver Spring. The Project provides a safe and well-integrated building, open spaces and site amenities.

7. *The development substantially conforms to the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan.*

The Site Plan substantially conforms with the recommendations of the Sector Plan, as detailed below.

Land Use and Zoning

The Ripley District is envisioned as a revitalized, mixed-use district with its primary focal point a high-density commercial development. (Page 45) The Application is for a mixed-use development with both high-rise residential uses as well as potential ground-floor retail, live-work units or other non-residential uses. The Application is for up to 440 multi-family residential units with 15% on-site MPDUs and up to 18,083 square feet of non-residential uses.

The Sector Plan called for a new inter-connected street system, extending Dixon Avenue along the Subject Property to Silver Spring Avenue, which the Application will provide. The Application will also provide an enhanced pedestrian environment through wide sidewalks and attractive streetscaping features along Dixon Avenue adjacent to the Subject Property and a portion of Silver Spring Avenue and improve the eastern side of Dixon Avenue south of Ripley Street.

The Sector Plan also called for addressing obstacles to development that include small parcels not suitable for a combination of building floor area and required open space, and the reduction of available building area due to dedication of the Metropolitan Branch Trail. The Subject Property is an assemblage of three separate small parcels, providing for an efficient consolidation while also including construction of the Dixon Avenue-Silver Spring Avenue connection and that portion of the Metropolitan Branch Trail adjacent to the Subject Property. The Applicant anticipates a significant number of residents who will take advantage of the nearby bicycle facilities and trails, and will provide a bicycle-only access into the building.

Although the 2000 Sector Plan recommended retaining the CBD-2 Zone on parcels currently zoned CBD-2 and rezone all CBD-R2 properties in the Ripley District to CBD-2, the Subject Property was rezoned to CR-5.0, C-4.0, R-4.75, H-200T and Ripley/South Silver Spring Overlay Zone, as recommended in the revised Zoning Ordinance that took effect October 31, 2014. The intent of the CBD-2 zoning was to encourage redevelopment near the Transit Center by allowing more commercial density in response to the market, but also provide the flexibility for both commercial or residential high-rises, or mixed use projects. The intent of the overlay zone is to encourage redevelopment in the Ripley District by providing more flexibility in the development standards and the range of permitted uses, while ensuring that new development is compatible with nearby uses and that it incorporates critical design elements, such as streetscaping and useful public open spaces. (Page 58) The Application for a mixed-use, high-rise residential

development with ground-floor non-residential uses under the optional method of development, streetscaping and public open spaces, is compatible with nearby uses, and it satisfies the intent of the former CBD-2 Zone, the Ripley/South Silver Spring Overlay Zone and the current CR Zone.

The Application conforms to the Sector Plan recommendations for Land Use and Zoning.

Urban Design

The Sector Plan provides urban design goals and guidelines for future development in the Ripley District (pages 83-85). These recommendations apply to the Subject Property.

— *Make connections to the proposed Transit Center, the Capital Crescent Metropolitan Branch Trail, and other CBD facilities and neighborhoods.*

The Subject Property is located approximately 1,000 feet south of the Silver Spring Transit Center, and directly adjacent to the Metropolitan Branch Trail. The Application facilitates pedestrian access to and from these and other CBD facilities with its streetscape along Dixon Avenue and a portion of Silver Spring Avenue, to be improved to the Silver Spring streetscape standard. The Application includes construction of the Metropolitan Branch Trail adjacent to the Subject Property and access dedicated for bicyclists with a designated bicycle access point. In addition, the Applicant will be providing improvements to the frontage of the Subject Property with separated bike lanes and will coordinate with the Department of Transportation (MCDOT) to implement the bicycle facility as part of the Application. The Applicant provided an illustrative sketch detailing how the separated bike lanes could be accommodated within the master planned right-of-way and pavement width of Dixon Avenue. Specific details regarding the facility design will be determined by MCDOT at the time right-of-way permits are issued for this Application. Furthermore, construction of the Sector-Planned Dixon Avenue extended and Silver Spring Avenue connection will facilitate vehicular connectivity between the CBD core to the north, Fenton Village to the east, and to South Silver Spring.

— *Incorporate one or more recreational facilities sized and programmed to meet community interests, and that make use of their urban location.*

The Application's public plaza at the curve where Dixon Avenue and Silver Spring Avenue meet provides the opportunity for a sitting and gathering space. In addition, the Applicant will be constructing the next segment of the Metropolitan Branch Trail along the eastern edge of the Subject Property. The

building also includes recreational facilities and amenities for its residents such as a rooftop pool and fitness center.

- *Create open spaces designed to form a new image for this neighborhood, and contribute to an improved visual quality along Georgia Avenue.*

The public open space plaza at the curve where Dixon Avenue meets Silver Spring Avenue provides the opportunity for a sitting and gathering space and will be the central open space for Dixon Avenue. Continuing the streetwall established by recent development on the west side of Dixon Avenue, the plaza will transform the street from a service road to a Ripley District main street. The Applicant will also continue the extension of the Metropolitan Branch Trail southward, constructing that portion adjacent to the Subject Property. The standard Silver Spring streetscape treatment (including pavers, street trees, and lighting) along the Subject Property frontage on Dixon Avenue as well as extending on both sides of the curve where Dixon and Silver Spring Avenues meet will be provided. Further, the Applicant has proffered to provide the Silver Spring streetscape treatment on the south side of Dixon Avenue extending up to its intersection with Ripley Street, in order to complete the streetscaping on Dixon Avenue south of Ripley Street and improve the pedestrian experience along the entirety of this portion of Dixon Avenue.

- *Building heights along Dixon Avenue and Ripley Street should contribute to an attractive street with adequate light and air.*
 - *To be in proportion with the 70- to 80-foot street widths, building height should be limited to 80 feet at the property line.*
 - *Beyond 80 feet, the building may step back and its height may be increased up to 143 feet, provided they are contained within a 2: 1 slope.*

The Application fulfills the intent of this Sector Plan recommendation and is compatible with building heights and the street edge already established by the recently constructed Solaire Silver Spring and Eleven55 Ripley projects directly to the north, along Dixon Avenue. Both the Solaire Silver Spring and Eleven55 Ripley projects were designed and constructed in ways that addressed the intent of the Sector Plan, but the Planning Board did not require strict adherence to the step-back language of the Sector Plan.

In the case of Eleven55 Ripley, the Planning Board found that there were mitigating factors that made it impractical to explicitly conform to the step-back guideline in the Sector Plan. The parcel was constrained in depth as well as by required street dedication and infrastructure for the Ripley Street and Dixon Avenue rights-of-way and the urban park. The building design featured a three-story townhouse façade on the street, with an angled tower bar above,

set back from the street. The Planning Board also found that the project met the Zoning Ordinance criteria for an increase in height because it was within 800 feet of the Silver Spring Metro Station and within the Silver Spring CBD Revitalization Area; the height was consistent with the guidelines for the Subject Property to initiate redevelopment of the Ripley District with a mixed-use development near transit that will provide interconnectivity and public open spaces; the Eleven55 Ripley Project was compatible with the existing and potential surrounding development; and the Eleven55 Ripley Project would provide significant public facilities and amenities.

In the case of Solaire Silver Spring, the Planning Board also determined that there were mitigating factors that did not require the building to conform strictly to the step-back guideline. The building design featured a tower element at the intersection of Ripley Street and Dixon Avenue and then set the building back from Ripley Street to provide a significantly deeper sidewalk that expanded into a public plaza where the Metropolitan Branch Trail and Ripley Street met. Along with the shallowness of the Subject Property and voluntary setback to accommodate a potential Purple Line tail track, the design produced a building face-to-building face distance of roughly 100 feet (30 feet greater than the ROW) across Ripley Street to the Eleven55 Ripley project. The Planning Board found that the project would further the revitalization of the Ripley District and contribute to the supply of residential choices in the Silver Spring CBD and the height of 200 feet was compatible with the scale of residential and commercial development across the railroad tracks, with the proposed Eleven55 Ripley development across Ripley Street, and the commercial buildings on the northern end of the Ripley District and adjacent CBD Core. The Planning Board found that while these two buildings astride Ripley Street were proposed for the maximum height of 200 feet, given their distance from lower density development west of East-West Highway, east of Fenton Street, and north of Spring Street, there was no concern about the compatibility of this design to the Fenton Village and South Silver Spring communities.

The Subject Property is similarly constrained, with the adjacent CSX railroad tracks to the west and significant portions of the Subject Property (nearly the entirety of Parking Lot 20) being dedicated to right-of-way for the connection of Dixon Avenue to Silver Spring Avenue. The building is designed to extend the existing street wall on Dixon Avenue and provides a generous public plaza between the buildings and the curved rights-of-way of Dixon Avenue and Silver Spring Avenue. The public plaza to be constructed on the east side of the curve will ensure adequate light and air and will contribute to an attractive street. The Subject Property has frontage on both Dixon Avenue and Silver Spring Avenue and the building is set back from the property line a considerable

distance. While at the narrowest point along Dixon Avenue, the building is set back from the property line approximately six feet, as one travels south on Dixon Avenue, which curves and becomes Silver Spring Avenue, the building is set back approximately 96 feet from the property line, allowing for the substantial public plaza and pulling the building away from the property line.

Additionally, the Applicant has met the intent of Sector Plan design guidelines through articulation of the massing on Dixon Avenue and Silver Spring Avenue in a variety of ways, using material changes and vertical and horizontal step-backs. Specifically:

- Along Dixon Avenue, the building is comprised of a 21-story recessed glazed bar punctuated by a narrow 21-story masonry tower and an 18-story masonry screen to break down the mass of the building. Where the building meets the Solaire Silver Spring building, a shorter all-glass “gasket” element further modulates the perceived roofline and sets off the 21-story tower element.
- The base of the building also features a 2- to 4-story datum line to accentuate the alignment of the building base with Solaire Silver Spring and Eleven55 Ripley directly to the north. This datum line emphasizes the commercial zone and pedestrian scale.
- The 18-story masonry volume steps back five (5) feet to a larger glass volume approximately 165 feet above grade level along Dixon Avenue.
- The 21-story tower element is positioned four (4) feet in front of the larger glass volume.
- Each visual massing element is articulated with a different color or material.

The building’s Dixon Avenue scale and massing strongly relates to the Solaire Silver Spring and Eleven55 Ripley buildings to the north, and continues the consistent building streetscape that has been established by the recent development along Dixon Avenue specifically and in the Ripley District as a whole.

In addition, although the 2000 Sector Plan limited heights along Dixon Avenue to 80 feet with additional height of up to 143 feet contained in a 2:1 slope, the County Council approved a zoning text amendment (ZTA) in 2007 to allow heights up to 200 feet for the CBD-2 portion of the Ripley/South Silver Spring Overlay Zone. For new development along Georgia Avenue, the ZTA reinforced the Sector Plan’s step-back guidelines. The ZTA did not make specific mention of the step-back guidelines for new development along Dixon Avenue.

The Applicant has provided significant right-of-way through the eastern half of the Subject Property, public plazas on both sides of that right-of-way, and

articulation in building massing, thereby achieving many of the same objectives envisioned in the design guidelines. Given the Applicant's efforts to achieve compatibility with the redeveloped properties to the north, the Subject Property constraints, the Sector Plan objective to maximize housing opportunities in the Ripley District, and the Sector Plan's recommendation for Progress Place to maintain its presence and purpose in the Ripley District, the Planning Board finds that the Application achieves the intent of, and conforms to the Sector Plan.

Circulation Systems

The Sector Plan recommends creating a system of trails and bike routes, implementing streetscape to create a safe and pleasant pedestrian environment to assess, and where appropriate, reuse public parking facilities, and to make circulation improvements to local roads. (Page 93)

The Application will provide the Sector-Planned connection of Dixon Avenue to Silver Spring Avenue and improve the existing street frontages along Dixon Avenue adjacent to the Subject Property. The Applicant will also voluntarily improve the eastern side of Dixon Avenue just south of Ripley Street and a portion of Silver Spring Avenue, providing an enhanced pedestrian environment through wide sidewalks and attractive streetscaping features. The Applicant will construct the portion of the Metropolitan Branch Trail adjacent to the Subject Property; the final trail design and section to be determined at Site Plan. The Application will improve the interconnectedness of the Ripley District with South Silver Spring to the south, Fenton Village to the east, and the core of the CBD to the north, primarily through construction of the Sector-Planned Dixon Avenue-Silver Spring Avenue connection, as well as through the extension of the Metropolitan Branch Trail southward adjacent to the Subject Property. In addition, the Applicant will be providing improvements to the frontage of the Subject Property with separated bike lanes and will coordinate with the Department of Transportation (MCDOT) to implement the bicycle facility as part of the Application. The Applicant provided an illustrative sketch detailing how the separated bike lanes could be accommodated within the master planned right-of-way and pavement width of Dixon Avenue. Specific details regarding the facility design will be determined by MCDOT at the time right-of-way permits are issued for this Application.

The Application will upgrade the physical environment in the Ripley District by replacing a surface parking lot and aging building with a mixed-use project, providing vital street and pedestrian linkages between the core of the CBD and other areas of the CBD south and east of the Subject Property and will continue the redevelopment of the Ripley District toward South Silver Spring. The

Application conforms to the Sector Plan recommendations for Circulation Systems.

Community Facilities

The Sector Plan's vision for community facilities is a well-rounded downtown where people come to live, work, shop and participate in the community. Incorporating civic facilities into downtown Silver Spring will make it a more complete community. (Page 115)

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 emphasizes the importance of maintaining Progress Place's presence and purpose in the Ripley District. Thus, while the Sector Plan did not specifically envision Progress Place relocating to the Fire Station site, it recommended the site as a location for public/quasi-public uses and also encourages support for Progress Place and other needed services. Relocation of Progress Place to the Fire Station site provides the opportunity to better serve the needs of the community in a modern facility located in a transit-proximate, pedestrian-oriented location.

The existing Progress Place building is significantly aging and in disrepair, and the services provided and needs of the clients have vastly outgrown the existing facilities. The new Progress Place 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 Personal Living Quarters (PLQ). 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.

Maintaining Progress Place in the Silver Spring CBD is compatible with the goals of the Sector Plan and the Ripley District, which indicates that a pedestrian friendly downtown with access to mass transit options allow the efficient provisions of services to a growing low income and homeless population. In addition, relocating Progress Place to an under-utilized parking lot behind the existing Fire Station will help realize the Sector Plan's goals for the Ripley District as "a revitalized, mixed-use district...." with "an interconnected street system" by providing the necessary space to allow these goals to be fulfilled. The Application conforms to the Sector Plan recommendations for Community Facilities.

The Site Plan Application complies with the specific density recommendations for the Subject Property as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan and the Guidelines.

8. *The development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.*

The development in the Site Plan will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. The Board approved an adequate public facilities test applicable to the Site Plan with Preliminary Plan 120160190.

9. *The development is compatible with the character of the residential neighborhood.*

The Subject Property is not located in a Rural Residential or Residential zone.

10. *The development is compatible with existing and approved or pending adjacent development.*

The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The Project's design and scale is compatible the adjacent buildings in the Ripley District, the recently constructed Solaire Silver Spring and Eleven55 Ripley projects, both 17-story mixed-use projects directly to the north and the recently approved Ripley East Site Plan.

11. *To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that there is a need for the approved use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the approved location will not result in a multiplicity or saturation of similar uses in the same general neighborhood.*

Not applicable, this Site Plan does not include a restaurant with a drive-thru.

12. *For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.*

Not applicable, the Subject Property is not zoned C-1 or C-2.

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 this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

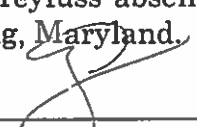
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 19 2016 (which is the date that this resolution is mailed to all parties of record); and

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 Resolution, 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 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.



Casey Anderson, Chair
Montgomery County Planning Board