

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

MAR 2 2015

MCPB No. 15-15
Sketch Plan No. 320150030
Ripley II
Date of Hearing: February 12, 2015

RESOLUTION

WHEREAS, under Section 59-C-15.42 of the Montgomery County Code the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review sketch plan applications; and

WHEREAS, on October 15, 2014, Ripley West, LLC ("Applicant") filed an application for approval of a sketch plan for construction of a mixed-use project with up to 419,286 square feet of residential development for up to 440 units and up to 18,088 square feet of non-residential uses on 1.66 acres of CR 5.0: C 4.0, R 4.75, H 200T-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 area ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320150030, 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 January 30, 2015, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on February 12, 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 binding elements and conditions, by the vote certified below;

Approved as to
Legal Sufficiency:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320150030, Ripley II, for construction of up to 419,286 square feet of residential development for up to 440 units and up to 18,088 square feet of non-residential uses on the Subject Property, subject to the following binding elements and conditions:¹

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

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

All other elements are illustrative.

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

1. Density

The development is limited to a maximum total density of 437,374 square feet. The maximum number and distribution of residential dwelling units and amount of non-residential uses will be determined at Site Plan.

2. Height

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

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. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59-4.5.4.A.2. The requirements of Division 59-4.7 and the *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 Transit Center;
- c. Connectivity and Mobility, achieved through minimum parking, trip mitigation and way finding;

¹ 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.

- d. Diversity of Uses and Activities, achieved through affordable housing;
 - e. Quality of Building and Site Design, achieved through public open space and structured parking; and
 - f. Protection and Enhancement of the Natural Environment achieved through building lot terminations, cool roof, energy conservation and generation and a recycling facility plan.
4. Building Lot Terminations (BLTs)
Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.
5. Moderately Priced Dwelling Units (MPDUs)
The development must provide MPDUs in accordance with Chapter 25A.
6. Future Coordination for Preliminary and Site Plan
In addition to any other requirements of Chapter 50, Subdivision Regulations, and Chapter 59, Zoning Ordinance, the following must be addressed when filing the preliminary or site plan:
- a. Location of transformers
 - b. Coordination of Metropolitan Branch Trail alignment and infrastructure
 - c. Fire and Rescue access and facility details
 - d. Streetscape details
 - e. Demonstration of how each public benefit satisfies the Zoning Ordinance and Incentive Density Implementation Guideline requirements
 - f. Implementation of transportation improvements
 - g. Consideration of building-to-street interface to maximize activation and safety
 - h. Focus on energy efficiency in building design features
 - i. Noise analysis
 - j. Dedication along Dixon Avenue and Silver Spring Avenue
 - k. Traffic Mitigation Agreement

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 § 59-7.3.3.E, the Planning Board finds that as conditioned herein the elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS the Sketch Plan:

1. *meets the objectives, general requirements, and standards of Division 59-4.5;*

The Sketch Plan meets the development standards of Section 59-4.5.4, as shown in the Data Table below:

Project Data Table for the CR5.0 C4.0 R4.75 H200T Zone		
Development Standard Section 59 – 4.5.4	Permitted/Required	Approved
Gross Tract Area (sf)	n/a	72,353
Maximum Density (CR) <i>Non-residential (C)</i> <i>Residential (R)</i> ²	5.0 FAR (361,765 sf) 4.0 FAR (289,412 sf) 4.75 FAR (343,677 sf)	Up to 6.05 FAR (437,374 sf) ³ Up to 0.25 FAR (18,088 sf) Up to 5.8 FAR (419,286 sf)
Building Height (feet)	200'	200'
Minimum Public Open Space (%)	0%	32.1% (13,511 sf)
Parking (spaces) <i>Multi-family</i>	Minimum 1 space/unit; Maximum 1 space/studio, 1.25 space/one bedroom, 1.5/two bedroom	TBD at Site Plan
<i>Restaurant</i>	Minimum 4 space/1,000 sf of patron use; Maximum 12 space/1,000 sf of patron use	TBD at Site Plan
<i>Retail/service establishment</i>	Minimum 3.5 space/1,000 sf GLA; Maximum 6 space/1,000 sf of GLA	TBD at Site Plan

The Application will provide the minimum required number of bicycle parking spaces for residents, visitors, and commuter shower/change facilities within each building at the time of Site Plan. The number of parking spaces will be determined at Site Plan based on the number of residential dwelling units.

The Sketch Plan meets the objectives of Section 59-4.5.1A quoted below; specifically, the development as approved will:

² As noted previously, 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 Property with up to the maximum density (6.045 FAR, with up to 5.795 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 Property under the CR Zone and Ripley District Overlay Zone (including as the result of provision of 15% MPDUs and the accompanying 22% residential density bonus). Final density and final building heights will be determined at the time of Site Plan.

- a. *"Implement the policy recommendations of applicable master plan";*

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. The Sketch Plan is for a mixed-use development with both high-rise residential uses as well as ground-floor retail, live-work units or other non-residential uses. The Project will provide up to 440 multi-family residential units (with final unit count and unit mix to be determined at Site Plan) with 15% on-site MPDUs and up to 18,088 square feet of non-residential uses.

The Sector Plan called for a new inter-connected street system, extending Dixon Avenue along the Property to Silver Spring Avenue, which the Project will provide. The Project will also provide an enhanced pedestrian environment through wide sidewalks and attractive streetscaping features along Dixon Avenue adjacent to the 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 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 Property. The Applicant anticipates a significant number of residents who will take advantage of the nearby bicycle facilities and trails, and therefore proposes a bicycle-only access into the building.

Although the 2000 Sector Plan calls to retain the CBD-2 Zone on parcels currently zoned CBD-2 and rezone all CBD-R2 properties in the Ripley District to CBD-2, the Property was rezoned through the Zoning Ordinance rewrite to CR-5.0, C-4.0, R-4.75, H-200T and Ripley Overlay Zone, effective 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 Project is a mixed-use, high-rise residential development with ground-floor non-residential uses under the optional method of development, which satisfies the intent of the CBD-2 Zone.

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

Urban Design

The Sector Plan also provides urban design goals and guidelines for future development in the Ripley District:

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

The 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 proposed streetscape along Dixon Avenue and a portion of Silver Spring Avenue, to be improved to the Silver Spring streetscape standard. In addition, the Application includes construction of the Metropolitan Branch Trail adjacent to the Property and access dedicated for bicyclists with a designated bicycle access point. 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 Project'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 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 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. Currently, the Applicant has located the necessary transformers above grade at the southern edge of the public plaza. It is the Planning Board's preference that the transformers are not be located in the public plaza, whether they are placed underground or in an alternative location. The final location of the transformers will be determined at the time of Preliminary and Site Plan. The Applicant will also continue the extension of the Metropolitan Branch Trail southward, constructing that portion adjacent to the Property. The standard Silver Spring streetscape treatment (including pavers, street trees, and lighting) along the 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 is voluntarily providing 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 did not adhere strictly 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 right-of-ways and the proposed 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 Property to initiate redevelopment of the Ripley District with a mixed-use development near transit that will provide interconnectivity and public open spaces; the project was compatible with the existing and potential surrounding development; and the 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 site 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 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 right-of-ways 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 proposed building is set back from the property line a considerable distance. While the narrowest point along Dixon Avenue, the proposed 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 a generous public plaza and pulling the building away from the property line.

Additionally, the Applicant has strived to meet 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 Project'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 recent construction along Dixon Avenue specifically and in the Ripley District as a whole.

The Applicant has provided significant right-of-way through the eastern half of the 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 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 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. The Project 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 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. In addition, the Applicant will construct the portion of the Metropolitan Branch Trail adjacent to the Property.

The Project 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 Property. The Application conforms to the Sector Plan recommendations for Circulation Systems.

Community Facilities

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 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. 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 Application conforms to the Sector Plan recommendations for Community Facilities.

- b. *"Target opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses."*

The Property is currently comprised of the existing aging Progress Place building and Parking Lot No. 20. The Application will redevelop the site with a higher-density mixed-use development with underground parking to maximize residential development within a quarter mile from the Silver Spring Metro and the planned Purple Line. The Application includes ground-floor non-residential uses, upper level residential units, public open space and residential amenity space. The Application meets the objective of this finding.

- c. *"Encourage development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities, where parking is prohibited between the building and the street."*

The Application encourages such development by providing market-rate residential units in a variety of unit types (studios, one-, and two-bedrooms) as well as 15% MPDUs, offering housing opportunities for a range of incomes proximate to the numerous transit options of downtown Silver Spring. The non-residential uses on the ground floor can provide commercial services for the residents and surrounding neighborhood. The Application facilitates all modes of transit – pedestrian, bicycle, and vehicular-proximate to the Purple Line Metro and the Silver Spring Transit Center. It proposes wide sidewalks along Dixon Avenue and Silver Spring Avenue for pedestrian passage and comfort as well as a large public plaza at the confluence of Dixon Avenue and Silver Spring Avenue. The Project provides a separate access point for bicycles and will provide vehicular parking and loading access to meet market demands. The Application does not propose any parking between the building and the street frontages.

- d. *"Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjoining neighborhood."*

The Application is for a mixed-use project with multifamily residential units and commercial/retail uses with a building height of 200 feet, as allowed in the CR-5.0, C-4.0, R-4.75, H-200T zone. Adjacent building heights and uses in the Ripley District include the recently completed Eleven 55 Ripley

and Solaire Silver Spring to north, with heights up to 200 feet. Directly on the east side of Dixon Avenue, are small-scale retail and service uses, zoned CR-5.0, C-4.0, R-4.75, H-200T. The Application's building height provides an appropriate relation to the existing and future development in the Ripley District as it transitions from higher building heights for properties along the Metro/CSX tracks to lower heights at the edge of the Ripley District along Georgia Avenue.

The Sector Plan made urban design recommendations for new development along Dixon Avenue and Ripley Street in the Ripley District to ensure compatibility with adjoining neighborhoods and to provide a coherent street. This urban design goal assessed compatibility in building heights based on the surrounding neighborhood. The Application 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 did not adhere strictly to the step-back language of the Sector Plan.

The Application has a building height of up to 200 feet, consistent with Zoning Text Amendment No. 07-14, which allowed building heights up to 200 feet in the CBD-2 portion of the Ripley/South Silver Spring Overlay Zone and with the current zoning of the Property.

- e. *"Integrate an appropriate balance of employment and housing opportunities."*

The Application will help to meet the need for additional housing options in the Ripley District. The mixed-use development will provide more residents to patronize local businesses, and strengthen the Ripley District as a revitalized, mixed-use district. Additionally, providing more housing stock in the CBD provides greater opportunities for employment, a fundamental ingredient for the "smart growth" promoted by the CBD zones. The Application includes a variety of housing options through provision of both market-rate units and MPDUs in an array of unit sizes. In addition, the Application includes non-residential uses on the ground floor.

- f. *"Standardize optional method development by establishing minimum requirements for the provision of public benefits that will support and accommodate density above the standard method limit."*

The Application will provide the required public benefits from a minimum of four categories to achieve the desired incentive density above the standard method limit.

2. substantially conform with the recommendations of the applicable master plan;

The Application provides the diversity of housing, connectivity improvements (including the Sector-Planned connection of Dixon Avenue to Silver Spring Avenue and construction of the Metropolitan Branch Trail adjacent to the Property), and relocation and construction of the new Progress Place building. In addition, the Applicant will dedicate significant right-of-way through the eastern half of the Property, provide public plazas on both sides of that right-of-way, and design the Dixon Avenue façade with articulation in building massing which achieves many of the same objectives accomplished by building step-back. The Application conforms to the intent and recommendations of the Sector Plan.

3. satisfy any development plan or schematic development plan in effect on October 29, 2014;

The Sketch Plan is not subject to a development plan or schematic development plan.

4. achieve compatible internal and external relationships between existing and pending nearby development;

The building is compatible in height and scale with the existing and pending nearby development in the Ripley District. The Application achieves compatibility with the 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.

5. provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading;

The Application provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The Application appropriately locates activating pedestrian uses along the Dixon Avenue frontage and Silver Spring Avenue, including the residential entrance, the public plaza, and wide streetscapes with the Silver Spring standard streetscaping. Dixon Avenue appropriately functions for vehicular access (cars and bicycles will each have their own designated access point) and loading.

6. *propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;*

The Application includes public benefits that address the general incentive and density considerations required by Section 59-4.7.1.B. The public benefits:

- a. Take into consideration “the recommendations of the applicable master plan” by providing the diversity of housing, general sustainability measures, connectivity improvements including the Sector-Planned connection of Dixon Avenue to Silver Spring Avenue and construction of the Metropolitan Branch Trail adjacent to the Property, and relocation and construction of the new Progress Place building;
- b. Meet the *2012 Commercial/Residential Zones Incentive Density Implementation Guidelines (CR Guidelines)* by providing the proper calculations and criteria for each public benefit;
- c. Meet “any design guidelines adopted for the applicable master plan area” by providing significant right-of-way through the eastern half of the Property, public plazas on both sides of that right-of-way, and articulation in building massing which achieves the objectives of the design guidelines;
- d. Are appropriate for “the size and configuration of the site” by improving the existing configuration of surface parking lot and aging existing building with a mixed-use project with multifamily residential units and commercial/retail uses, structured parking, and public open spaces close to transit;
- e. Adequately address “the relationship of the site to adjacent properties” by designing the building at an appropriate scale for the surroundings with heights and creating areas of open space that complements the existing character of the area;
- f. Consider “the presence or lack of similar public benefits nearby” through the provision of affordable housing, environmental benefits, public open space, pedestrian connections, and the construction of the new building for Progress Place, all of which are currently needed in this area; and
- g. Provide “enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit” which will be developed and assessed during Preliminary and Site Plan reviews.

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Approved at Sketch Plan
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	10	10
Trip Mitigation	20	10	10

Way-finding	10	5	5
59-4.7.3D: Diversity of Uses and Activities			
Affordable Housing (MPDUs)	No limit	30	30
59-4.7.3E: Quality of Building and Site Design			
Public Open Space	20	20	20
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
Cool Roof	10	3	3
Energy Conservation and Generation	15	10	10
Recycling Facility Plan	10	5	5
TOTAL		231.6	231.6

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 is under concurrent review through a Mandatory Referral. 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 will also construct 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 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 proposes to provide fewer than the maximum number of parking spaces permitted under the Zoning Ordinance, and at this time anticipates achieving 10 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.

Way-finding: The Applicant requests 5 points for providing a way-finding system that orients pedestrians and cyclists to transit facilities, the nearby Metropolitan Branch Trail, and public open spaces. The Planning Board supports the Applicant's request.

Diversity of Uses and Activities

Affordable Housing: 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 20 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 13,519 square feet of additional open space above the required square feet of public use space for a total of 20 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 20 points for this benefit.

Structured Parking: The Applicant requests 20 points for structured parking for the parking that will be below grade. The Application proposes all parking spaces to 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 proposes the purchase of BLT easements and final public benefit points will be determined at the time of Site Plan. The Planning Board supports this request.

Cool Roof: The Project will provide a cool roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum of SRI of 25 for slopes above 2:12, thus achieving 3 points in this public benefit category. The final layout is determined at the time of Site Plan. The Planning Board supports 3 points for this benefit.

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.

Recycling Facility Plan: Up to 10 points may be granted for providing a recycling facility plan to be approved as part of the Site Plan and that must comply with the Montgomery County Executive Regulation 15-04AM or Montgomery County Executive Regulation 18-04. However, per Zoning Ordinance Section 59-4.7.1.B, granting points as a public benefit for any amenity or project feature otherwise required by law is prohibited. The Application includes a recycling facility plan, which is required by law, but at the time of Site Plan the Applicant will have to provide justification of how the proposed plan exceeds the requirements of Montgomery County Executive Regulation 15-04 AM or

Montgomery County Executive Regulation 18-04 to achieve the 5 points proposed in this public benefit category. The Planning Board supports the Applicant's request at this time.

7. *establishes a feasible and appropriate provisional phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.*

The Project will be built in one phase.

BE IT FURTHER RESOLVED that at the time of site plan the Planning Board may approve changes to this Sketch Plan under certain circumstances. If the Applicant proposes to change a condition of approval or binding element, or agrees to a change proposed by another party, the proposed change must satisfy the requirements for approval of a sketch plan and site plan, including Section 59-4.5.1, Section 59-7.3, and the Silver Spring CBD Sector Plan. If Staff proposes to change a condition of approval or binding element, however, the Board may approve the change if necessary to ensure conformance with Section 59-4.5.1, Section 59-7.3, or the Silver Spring CBD Sector Plan. In other words, for the Board to approve an Applicant-proposed change of a binding element it must find consistency with applicable standards; for the Board to approve a modification to a Staff-proposed binding element that the Applicant has not agreed to, the Board must find that the proposed change is necessary to meet the site plan approval standards, including conformance with zoning or Silver Spring CBD Sector Plan requirements.

Alternatively, based on detailed review of a site plan, the Board may find that any element of the approved Sketch Plan, including a binding element, does not meet the requirements of the zone, Silver Spring CBD Sector Plan, or other findings necessary to approve a site plan, and deny the site plan application.

The Board's review of sketch plans is governed by Section 59-C-7.3.3, which provides that "in approving a sketch plan" the Board must find that certain elements of the plan are "appropriate in concept and appropriate for further detailed review at site plan." Because the Board's approval of a sketch plan is in concept only and subject to further detailed review at site plan, it necessarily follows that the Board may find, based on detailed review of a site plan, that any element of a sketch plan does not meet the requirements of the zone, master plan, or other requirements for site plan approval. The Board does not have the authority at the time of sketch plan to predetermine that any element of the Sketch Plan will satisfy all applicable requirements for site plan approval. As a practical matter it would be unwise for it to do so, due to the limited detail contained in a sketch plan and the sketch plan's unlimited validity period. If the Board were unable to require changes to binding elements at the time of site plan to ensure

compliance with all code and master plan requirements, the Board might have decided to approve fewer elements of this Sketch Plan as binding.

Although the Board does not have the authority to provide complete certainty about the conditions of approval or binding elements of a sketch plan, this does not mean that the Board should or will require changes to an approved sketch plan without good reason. To do so would be inefficient and unfair to Applicants and community members whose expectations about the future shape of development will be formed by what the Board approves in a sketch plan; 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 elements of the plans for Sketch Plan No. 320150030, Ripley II, stamped received by M-NCPPC on December 23, 2014 are required except as modified herein; 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 MAR 2 2015 (which is the date that this Resolution is mailed to all parties of record).

* * * * *

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 Presley, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, February 12, 2015, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board

MR. RICHARD BRUSH, MANAGER
MCDPS-WATER RES. PLAN REVIEW
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MS. LISA SCHWARTZ
DHCA
100 MARYLAND AVENUE
4TH FLOOR
ROCKVILLE, MD 20850

MS. SUSAN SCALA-DEMBY
MCDPS-ZONING
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. CHRISTOPHER ANDERSON
MPDU MANAGER, DHCA
100 MARYLAND AVENUE
4TH FLOOR
ROCKVILLE, MD 20850

MATTHEW JONES
BOHLER ENGINEERING
16701 MELFORD BOULEVARD
SUITE 310
BOWIE, MD 20715

HEATHER DLHOPOLSKY
LINOWES & BLOCHER, LLP
7200 WISCONSIN AVENUE
SUITE 800
BETHESDA, MD 20814-4842

WASHINGTON PROPERTY COMPANY
EVAN FELDMAN
4719 HAMPDEN LANE
3RD FLOOR
BETHESDA, MD 20814

MR. GREG LECK
MCDOT
100 EDISON PARK DRIVE
4TH FLOOR
GIATHERSBURG, MD 20878

MR. ATIQ PANJSHIRI
MCDPS-RIGHT-OF-WAY
PERMITTING
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MS. CHRISTINA CONTRERAS
MCDPS-LAND DEVELOPMENT
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. ALAN SOUKUP
MCDDEP-WATER RESOURCE
PLANNING
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MATT VYVERBERG
THE PRESTON PARTNERSHIP, LLC
115 PERIMETER CENTER PLACE
SUITE 950
ATLANTA, GA 30346

C, ROBERT DALRYMPLE
LINOWES & BLOCHER, LLP
7200 WISCONSIN AVENUE
SUITE 800
BETHESDA, MD 20814-4842

MR. RICHARD BRUSH, MANAGER
MCDPS-SEDIMENT/STORMWATER
INSPECTION & ENFORCEMENT
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. ESHAN MOTAZEDI
MCDPS-SITE PLAN ENFORCEMENT
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

MR. GENE VON GUNTEN
MCDPS-WELL & SEPTIC
255 ROCKVILLE PIKE
2ND FLOOR
ROCKVILLE, MD 20850

EVAN FELDMAN
RIPLEY WEST, LLC
4719 HAMPDEN LANE
BETHESDA, MD 20814

STEPHEN MIDDENDORF
THE PRESTON PARTNERSHIP, LLC
115 PERIMETER CENTER PLACE
SUITE 950
ATLANTA, GA 30346

WASHINGTON PROPERTY COMPANY
DARLY SOUTH
4719 HAMPDEN LANE
3RD FLOOR
BETHESDA, MD 20814

No.	Name & Phone Number	Email	Organization & Address	Time
1	C. Robert Dalrymple Heather Dlhopsky Daryl South Evan Feldman Applicants		Linowes & Blocher 7200 Wisconsin Avenue, Ste 800 Bethesda, MD 20814 Washington Property Company 4719 Hampden Lane, 3rd Fl. Bethesda, MD 20814	15
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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

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

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. 320150030:¹

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

¹ 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
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
59-4.7.3F: Protection and Enhancement of the Natural Environment			
Building Lot Terminations	30	8.6	8.6

Energy Conservation and Generation	15	10	10
TOTAL		216.6	216.6

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

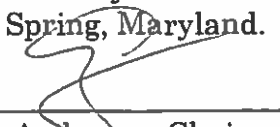
BE IT FURTHER RESOLVED that all binding site development elements shown on the latest electronic version of Ripley II, Sketch Plan Amendment No. 32015003A, submitted to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

* * * * *

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



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

MCPB No. 16-098

Preliminary Plan No. 120160190

Ripley II

Date of Hearing: September 22, 2016

OCT 19 2016

RESOLUTION

WHEREAS, under Montgomery County Code Chapter 50, the Montgomery County Planning Board is authorized to review preliminary plan applications; and

WHEREAS, on May 18, 2016, Ripley West, LLC ("Applicant"), filed an application for approval of a preliminary plan of subdivision of property that would create one lot on 1.66 acres of land in the CR 5.0 C 4.25 R 4.75 H 200T zone, located on Dixon Avenue, approximately 150 feet south of Ripley Street ("Subject Property"), in Ripley/South Silver Spring Overlay Zone, Silver Spring CBD Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's preliminary plan application was designated Preliminary Plan No. 120160190, Ripley II ("Preliminary 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 conditions ("Staff Report"); and

WHEREAS, on September 22, 2016, the Planning Board held a public hearing on the Application at which it 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 Preliminary Plan No. 120160190 to create one lot on the Subject Property, subject to the following conditions:¹

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.

Approved as to
Legal Sufficiency:

8787 Georgia Avenue, Suite 200, Silver Spring, MD 20910

MNCPPC Legal Department

www.MCParkandPlanning.org

Chairman's Office: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chairman@mncppc.org

1. Approval is limited to one lot with a maximum density of 437,265 square feet of total development, consisting of up to 440 residential dwelling units and up to 18,083 square feet of non-residential uses. The development must include a minimum of 15% Moderately Priced Dwelling Units (MPDUs).
2. The Applicant must comply with the binding elements and conditions of approval for Sketch Plan No. 320150030 and any subsequent amendments.
3. The Planning Board accepts the recommendations of Montgomery County Department of Permitting Service (MCDPS) – Water Resources Section in its stormwater management concept letter dated August 9, 2015, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS – Water Resources Section provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
4. The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated August 12, 2016 and as amended by the email dated August 29, 2016, and hereby incorporates them as conditions of the Preliminary Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
5. Prior to recordation of plat(s), the Applicant must satisfy the provisions for access and improvements which are associated with each plat, as required by MCDOT.
6. The Applicant must dedicate and show on the record plat(s) the following dedications:
 - a. Dixon Avenue: Dedication necessary to provide the full width of the master-planned future right-of-way of 80 feet.
 - b. Silver Spring Avenue: Dedication necessary to provide the full width of the master-planned future right-of-way of 70 feet.
 - c. A public use and access easement, for the full width and extent of the Metropolitan Branch Trail, on the Subject Property, as shown on the Certified Site Plan, granted to Montgomery County, in trust for the public, in a recordable form containing provisions to address the following:
 - i. Entitlement for open and unobstructed public use of the easement for all customary pedestrian, bicycle, general public, and emergency access;
 - ii. Obligation for the Applicant to design and construct the Metropolitan Branch Trail as shown on the Certified Site Plan pursuant to comparable MCDOT structural construction standards, at the Applicant's expense,

- unless such obligation has been assumed by another entity as part of the overall trail maintenance;
 - iii. Obligation for the Applicant to maintain and repair the shared use path, as shown on the Preliminary Plan, in a condition acceptable to MCDOT for all access, at the Applicant's expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;
 - iv. Obligation for the Applicant to keep the shared use path free of snow, litter and other obstructions and hazards at all reasonable times, at its expense, unless such obligation has been assumed by another entity as part of the overall trail maintenance;
 - v. Entitlement for the Applicant or its designee to close the shared use path for normal maintenance and repair at reasonable times and upon reasonable prior notice to the public.
7. Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of frontage improvements, on both the Dixon Avenue and Silver Spring Avenue frontages, as shown on the Certified Site Plan. These improvements may be modified by MCDOT to reflect the incorporation of separated bike lanes along the frontage, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
8. The certified Preliminary Plan must contain the following note:
Unless specifically noted on this plan drawing or in the Planning Board conditions of approval, the building footprints, building heights, on-site parking, site circulation, and sidewalks shown on the Preliminary Plan are illustrative. The final locations of buildings, structures and hardscape will be determined at the time of site plan approval. Please refer to the zoning data table for development standards such as setbacks, building restriction lines, building height, and lot coverage for each lot. Other limitations for site development may also be included in the conditions of the Planning Board's approval.
9. The record plat must show necessary easements.
10. Prior to the release of any building permit for development on the Site exclusive of any sheeting and shoring permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT. The TMAg must include trip mitigation measures recommended by MCDOT in its letter dated August 12, 2016.
11. The Adequate Public Facility (APF) review for the Preliminary Plan will remain valid for eighty-five (85) months from the date of mailing of this Planning Board Resolution.

12. No demolition, clearing or grading of the site, or recording of plats prior to certified site plan approval. Demolition and clearing of the site may be permitted once Montgomery County has accepted the new Progress Place facility on the Silver Spring Fire Station site and moved into the new site.
13. Final approval of the number and location of buildings, dwelling units, on-site parking, site circulation, and sidewalks will be determined at site plan.
14. The Applicant must include the stormwater management concept approval letter, agency letters and Preliminary Plan resolution on the approval or cover sheet(s) of the Certified Preliminary Plan.
15. In the event that a subsequent site plan approval substantially modifies the subdivision shown on the approved Preliminary Plan with respect to lot configuration, location of right-of-way width or alignment, or limits of disturbance, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.

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 Preliminary Plan substantially conforms to the Sector Plan.*

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 Preliminary 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.

2. *Public facilities will be adequate to support and service the area of the approved subdivision.*

Roads and Public Transportation Facilities

Vehicular access to the Subject Property is directly from a new street, Dixon Avenue extended. This new street will extend the existing Dixon Avenue (formerly Colonial Lane) approximately 160' south to intersect with Silver Spring Avenue at the southeast corner of the Subject Property. Vehicular access to the parking and loading entrances will be provided via two full-movement driveway aprons at the northeast corner of the Subject Property adjacent to the loading and garage entrance for the building to the north. Resident vehicular parking will be contained within a structured subgrade garage beneath the building.

Dixon Avenue does not currently extend along the Subject Property frontage, however, the Applicant will provide full-width dedication along its frontage to support an 80 foot-wide ultimate right-of-way width. As a result of this Application, Dixon Avenue will be improved as a two-lane minor arterial

roadway configured to accommodate two-way traffic and separated bicycle lanes. Silver Spring Avenue, located along the Subject Property's southeast frontage, is not currently dedicated or improved within the Subject Property's limits. Silver Spring Avenue is currently improved as a 25 foot-wide public alley between the existing Subject Property frontage and Georgia Avenue (US 29), a distance of approximately 200 linear feet. As part of this Application, the Applicant will provide full-width dedication along its frontage to achieve the master plan recommended width for Silver Spring Avenue. Additionally, the segment of Silver Spring Avenue within the Subject Property's limits will be improved to an interim condition in anticipation of future development on the adjacent property (7-Eleven *et al*). The rights-of-way described in this section for both Dixon Avenue and Silver Spring Avenue are consistent with the minimum right-of-way requirements described in both the 2000 *Silver Spring CBD Sector Plan*.

Pedestrian and bicycle access to the Subject Property will be provided along the Subject Property's Dixon Avenue frontage. As part of the development, the Application will dedicate and construct the segment of Metropolitan Branch Trail within the Subject Property's limits, along the west side of the building. Additional master planned share use paths are recommended on both Dixon Avenue and Silver Spring Avenue.

The immediate area is well served by transit that includes the Red Line Silver Spring Metrorail Station, Metrobus, RideOn, and the Silver Spring VanGo Circulator. Future transit in the area includes a proposed Purple Line station at the existing Silver Spring Metrorail Redline station to the northwest, and a Purple Line station at the new Silver Spring Library to the east.

As a mixed-use development within the Silver Spring Transportation Management District (TMD), the Applicant is required to enter into a Traffic Mitigation Agreement to participate in the Silver Spring TMD.

LATR/TPAR

A traffic study, dated January 2016 was submitted for the subject application per the *LATR/TPAR Guidelines* since the development was estimated to generate more than 30 peak-hour trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods.

Since the development is within the Silver Spring CBD Policy Area, the Application is exempt from both the roadway and transit tests set forth in the 2012-2016 *Subdivision Staging Policy*. As a result, the development is not required to pay the transportation impact tax to satisfy the TPAR requirement.

Other Public Facilities

Public facilities and services are available and will be adequate to serve the development. The Subject Property will be served by public water and public sewer. The Application has been reviewed by the Montgomery County Fire and Rescue Service who has determined that the Subject Property will have appropriate access for fire and rescue vehicles. Other public facilities and services, such as police stations, firehouses, schools, and health services are operating according to the *Subdivision Staging Policy* resolution currently in effect and will be adequate to serve the Subject Property. The Subject Property is located in the Blair School Cluster. Currently, the Blair School Cluster is inadequate (over 105%) at the high school level. Ripley East is exempt from the School Facilities Payment because it is located in the former Silver Spring Enterprise Zone even though the Blair School Cluster is over the 105% utilization rate at the high school level (per Section 52-94 and 52-89(c)(5) of the County Code). Electrical, telecommunications, and gas services are also available to serve the Subject Property.

3. *The size, width, shape, and orientation of the approved lots are appropriate for the location of the subdivision, taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated.*

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, the Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the lot is appropriate for the location of the subdivision taking into account the recommendations included in the applicable master plan, and for the type of development or use contemplated. The Application substantially conforms to the 2000 *Silver Spring CBD Sector Plan*. The 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. As evidenced by the Preliminary Plan, the Subject Property is sufficiently large to efficiently accommodate the mix of uses.

Under Section 59-4.5.4 of the Zoning Ordinance, the dimensional standards for the lots will be determined with approval of the subsequent site plan.

4. *The Application satisfies all the applicable requirements of the Forest Conservation Law, Montgomery County Code, Chapter 22A.*

A. Forest Conservation

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but 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.

5. *All storm water management requirements shall be met as provided in Montgomery County Code Chapter 19, Article II, titled "Storm Water Management," Sections 19-20 through 19-35.*

This finding is based in part upon the determination by MCDPS that the Stormwater Management Concept Plan meets applicable standards.

The MCDPS Stormwater Management Section approved the stormwater management concept on April 1, 2015. According to the approval letter, the stormwater management concept meets stormwater management requirements via a green roof and micro-bioretenention planter boxes.

BE IT FURTHER RESOLVED, that this Preliminary Plan will remain valid for 60 months from its initiation date (as defined in Montgomery County Code Section 50-35(h)), and that prior to the expiration of this validity period, a final record plat for all property delineated on the approved Preliminary Plan must be recorded in the Montgomery County Land Records, or a request for an extension must be filed; and

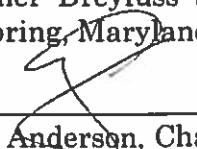
BE IT FURTHER RESOLVED, that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCI 19 2016 (which is the date that this Resolution is mailed to all parties of record); and

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



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 Ave.

MNCPPC Legal Department

www.MCParkandPlanning.org

Amash 9/29/16

Chairman's Office: 301.495.4605 Fax: 301.495.1320

E-Mail: mcp-chairman@mncppc.org

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		
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-bioretenction 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

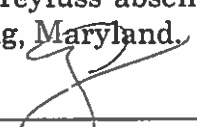
BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is OCT 19 2016 (which is the date that this resolution is mailed to all parties of record); and

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



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

August 20, 2014

Mr. Evan Feldman
Diamondback Investors, LLC
4719 Hampden Lane, Suite 300
Bethesda, MD. 20814

Re: Forest Conservation Exemption 42015032E; Ripley II; 8210 Dixon Ave.

Dear Mr. Feldman;

Based on the review by staff of the Montgomery County Planning Department, the Forest Conservation Exemption Request submitted on August 20, 2014 for the plan identified above, is confirmed. The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(s)(1) because this activity is being conducted on a tract less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner, construction superintendent, forest conservation inspector, and Montgomery County Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.

If you have any questions regarding these actions, please feel free to contact by email at david.wigglesworth@montgomeryplanning.org or at (301) 495-4581.

Sincerely,

David Wigglesworth
Sr. Planner
Development Applications & Regulatory Coordination Division

CC: Matt Jones (Bohler Eng.)
42015032E



DEPARTMENT OF TRANSPORTATION

Marc Elrich
County Executive

Al R. Roshdiah
Director

January 9, 2019

Ms. Stephanie Dickel, Planner Coordinator
Area 1 Planning Division
The Maryland-National Capital
Park & Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910-3760

RE: Sketch Plan Amendment
Sketch Plan No. 32015003B
Ripley II

Dear Ms. Dickel:

We have completed our review of the revised Sketch Plan dated November 1, 2018. This plan was reviewed by the Development Review Committee at its meeting on January 8, 2019. We recommend approval for the plan based to the following comments:

All Planning Board Opinions relating to this plan or any subsequent revision, project plans or site plans should be submitted to the Department of Permitting Services in the package for record plats, storm drain, grading or paving plans, or application for access permit. Include this letter and all other correspondence from this department.

1. All comments from our previous preliminary plan/sketch plan letter dated August 12, 2016, continue to apply to this sketch plan amendment.

Office of the Director

101 Monroe Street 10th Floor · Rockville Maryland 20850 · 240-777-7170 · 240-777-7178 FAX

www.montgomerycountymd.gov

Located one block west of the Rockville Metro Station

Ms. Stephanie Dickel
Sketch Plan Letter
Sketch Plan No. 32015003B
January 9, 2019
Page 2

Thank you for the opportunity to review this preliminary plan. If you have any questions or comments regarding this letter, please contact Deepak Somarajan, our Development Review Team for this project at deepak.somarajan@montgomerycountymd.gov or (240) 777-2194.

Sincerely,



Rebecca Torma, Manager
Development Review
Office of Transportation Policy

SharePoint\teams\DOT\Director's Office\Development Review\Deepak\Sketch Plan\Ripley II\Letter\ 32015003B-Ripley II-MCDOT Sketch Plan Letter

cc: Daryl South Wisconsin Project, LLC
Brad Fox Bohler Engineering
Heather Dlhopsky Linowes and Blocher LLP
Letters notebook

cc-e: Matthew Folden	MNCPPC Area 1
David Anspacher	MNCPPC
Kwesi Woodroffe	MDSHA District 3
Seifu Kerse	MCDOT DTEO
Mark Terry	MCDOT DTEO
Dan Sanayi	MCDOT DTEO
Kamal Hamud	MCDOT DTEO
John Thomas	MCDOT DTE
Atiq Panjshiri	MCDPS RWPR
Sam Farhadi	MCDPS RWPR
Marie LeBaw	MCDPS FRS
Stacy Coletta	MCDOT DTS
Gary Erenrich	MCDOT OTP
Sandra Brecher	MCDOT OTP
Beth Dennard	MCDOT OTP
Deepak Somarajan	MCDOT OTP



**Department of Permitting Services
Fire Department Access and Water Supply Comments**

DATE: 28-Jan-16
TO: Matthew Jones - mjones@bohlereng.com
Bohler Engineering
FROM: Marie LaBaw
RE: Ripley II
820160070 120160190

PLAN APPROVED

1. Review based only upon information contained on the plan submitted **28-Jan-16** .Review and approval does not cover unsatisfactory installation resulting from errors, omissions, or failure to clearly indicate conditions on this plan.
2. Correction of unsatisfactory installation will be required upon inspection and service of notice of violation to a party responsible for the property.

***** See Statement of Performance Based Design *****

***** 8/10/2016 Amendment Approval *****

*****3/12/2019 Amendment *****



BOHLERTM
ENGINEERING

16701 Melford Boulevard, Suite 310
Bowie, MD 20715
PHONE 301.809.4500

March 7, 2019

Montgomery County
Engineering Fire Code Enforcement
Office of Fire Marshal
255 Rockville Pike, 2nd Floor
Rockville, Maryland 20850

Attn: Marie LaBaw, PhD, PE

Re: Fire Department Access Plan Revision
Ripley II
Ripley Street and Dixon Avenue
Silver Spring, Montgomery County, MD
BEPC # MB1220501

Dear Dr. LaBaw:

On behalf of Ripley West, LLC, Bohler Engineering is pleased to present this Fire Department Access Plan revision for your review and approval. The Fire Department Access Plan for the Ripley II project was previously approved on January 28, 2016 and revised on August 10, 2016. At this time the applicant has submitted a Certified Site Plan Amendment to increase the building height to 270' and relocate the parking from below to above grade.

The plans have been revised to show the remove the stairway and ladder to the second-floor terrace because that terrace has been raised and now is proposed above the six-floor garage. In addition, the instantaneous choke point has been removed at the south side of the building and access along the south property line has been widened and enhanced to allow for easier access for fire department operations. The hydrant has been relocated within 7' of the fire department access and the face of the building has been revised to reflect revisions to the architecture. In addition, the rear stairway has been shifted to align with the current interior layout.

Please find enclosed the following material for your review:

- One (1) copy of the two (2) exhibits for Revisions to Approved Fire Department Access Plan.

Should you have any questions or require additional information, please do not hesitate to contact this office at (301) 809-4500. Thank you.

Sincerely,

Bohler Engineering VA, LLC

Bradford Fox, P.E.

FIRE CODE ENFORCEMENT

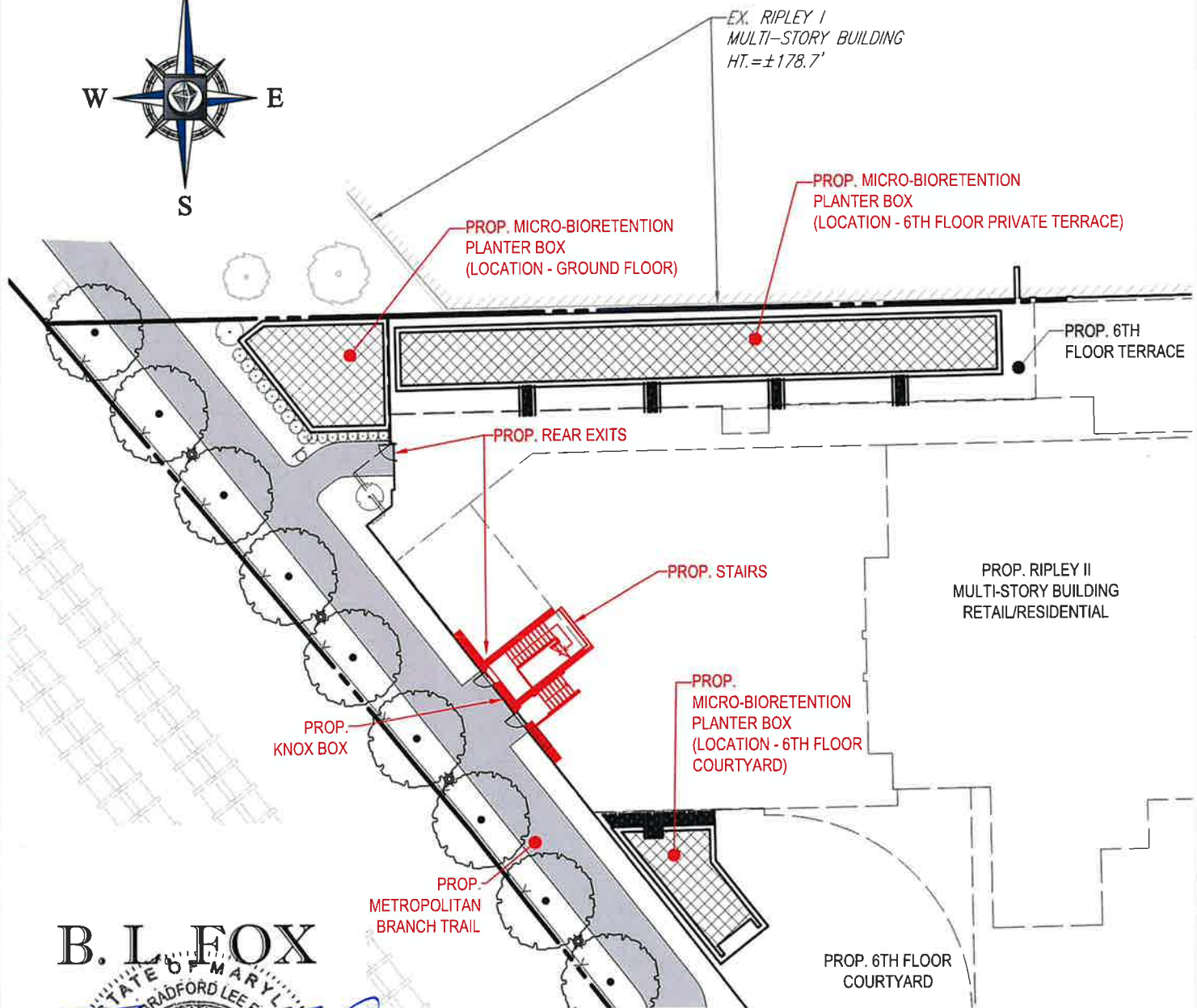
Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly state conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

Matthew Jones, P.E. Bohler Engineering (w/o Enc.)
File
H:\12\MB1220501\Administrative\Letters\190130-Fire Marshal revision.doc

3/12/2019
original 1/28/2016

BY: SML FM: 43 DATE: 3/12/2019



B. L. FOX

STATE OF MARYLAND
BRADFORD LEE FOX

PROFESSIONAL ENGINEER

PROFESSIONAL SEAL/NOTIFICATION

I, BRADFORD L. FOX, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 37966, EXPIRATION DATE: 11/30/2019

3/7/19

FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: JML FM: 43 original 1/28/2016 DATE: 3/12/2019

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PROJECT NAME:

RIPLEY II
8201 DIXON AVENUE
SILVER SPRING, MD 20910

SHEET TITLE:

REVISION TO APPROVED FDA EXHIBIT

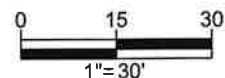
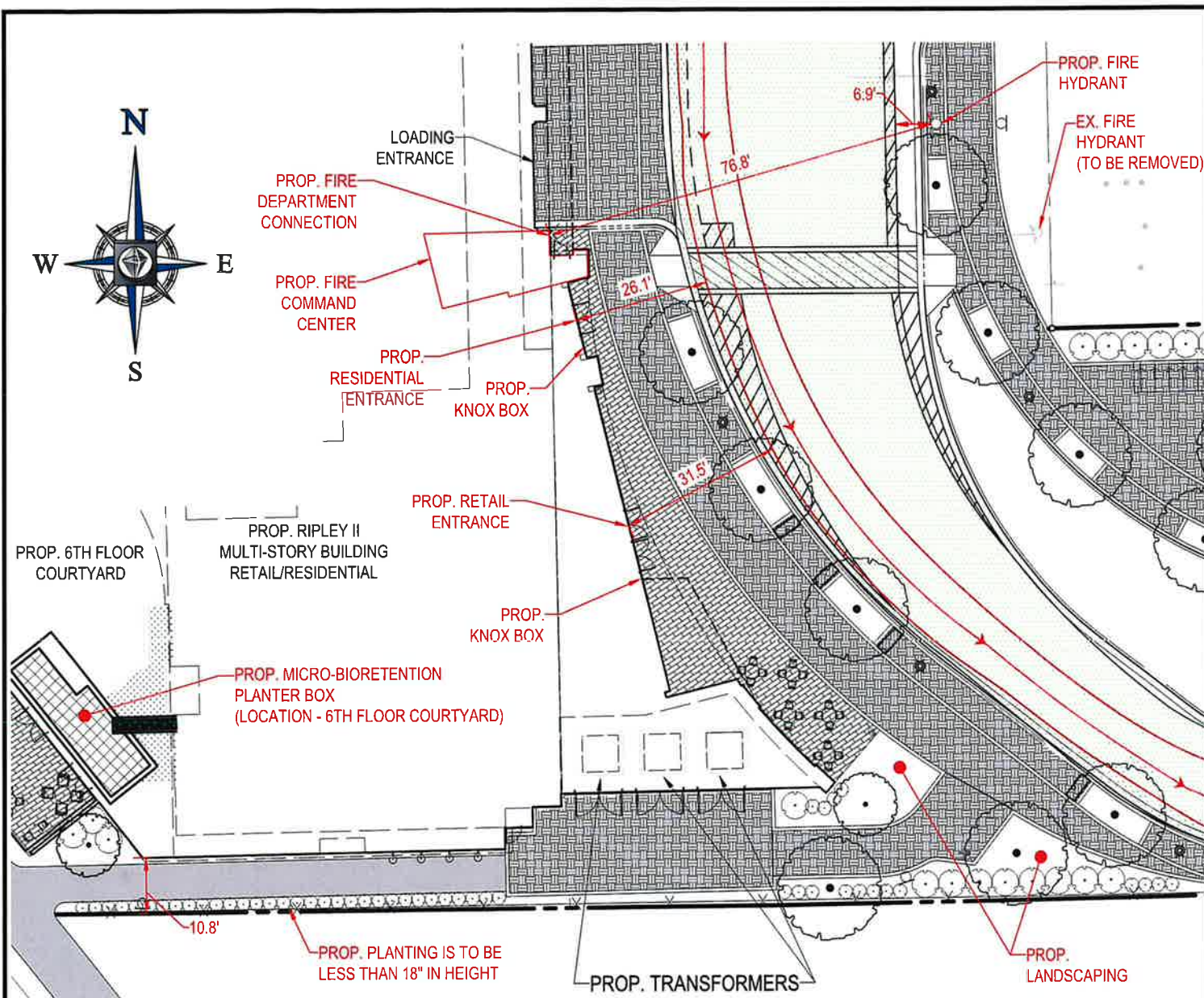
SHEET 1 OF 2

SCALE: 1" = 30' DATE: 03/07/19 CAD ID: FA3 PROJECT NUMBER: MB1220501



BOHLER
ENGINEERING

16701 MELFORD BLVD., SUITE 310 BOWIE, MD 20715
PHONE: (301) 809-4500 FAX: (301) 809-4501



B. L. FOX



3/7/19

PROFESSIONAL CERTIFICATION
I, BRADFORD L. FOX, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 37966, EXPIRATION DATE: 11/30/2019

H:\12\MB1220501\DRAWINGS\EXHIBITS\FIRE DEPARTMENT ACCESS PLAN\MB1220501FA3.DWG PRINTED BY: LWHITTEN 3.06.19 @ 8:03 PM LAST SAVED BY: LWHITTEN

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8201 DIXON AVENUE
SILVER SPRING, MD 20910

SHEET TITLE:

REVISION TO APPROVED FDA EXHIBIT

SHEET 2 OF 2

SCALE: 1" = 30'	DATE: 03/07/19	CAD ID: FA3	PROJECT NUMBER: MB1220501
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FIRE CODE ENFORCEMENT

Fire Department Access Review

Review based only upon information contained on this plan. Does not cover unsatisfactory layout resulting from omissions, errors or failure to clearly indicate conditions on this plan. Correction of such unsatisfactory layout to afford required access will be required if found upon inspection after installation

BY: *SML* 43 DATE: *3/12/2019*
original 1/28/2016



BOHLER
ENGINEERING

16701 MELFORD BLVD., SUITE 310 BOWIE, MD 20715
PHONE: (301) 809-4500 FAX: (301) 809-4501



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Marc Elrich
County Executive

February 14, 2019

Ms. Stephanie Dickel
Area 1 Division
Montgomery County Planning Department
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Ripley II
Site Plan Amendment No. 82016007A

Dear Ms. Dickel:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the above referenced plan and recommends Approval.

Because the architectural plans provided in the site plan are conceptual and include insufficient information for review, DHCA's recommendation of Approval should not be assumed to extend to the architectural plans. A more complete set of architectural plans, including unit layouts, will be required for review of the MPDU Agreement to Build. The MPDUs will need to meet the Minimum Specifications in effect at that time.

Sincerely,

Lisa S. Schwartz, Acting Manager
Affordable Housing Section

cc: Brad Fox, Bohler Engineering

S:\Files\recurring\Housing\MPDU\Developments\Ripley II\Ripley II DHCA Letter_2-14-2019.docx

Division of Housing

Affordable Housing

Common Ownership Communities

Landlord-Tenant Affairs

Multifamily Housing

1401 Rockville Pike, 4th Floor • Rockville, Maryland 20852 • 240-777-0311 • 240-777-3691 FAX • www.montgomerycountymd.gov/dhca

82016007A Ripley II

Contact: Sam Farhadi at 240 777-6333

We have reviewed site and landscape plans files:

“07-BSITE-82016007A-007.pdf V4” uploaded on/ dated **“2/5/2019”** and
“08-BLL-82016007A-001.pdf V3” uploaded on/ dated **“1/21/2019”** and

The followings need to be addressed prior to the certification of site plan:

1. Ensure the proposed 5' ADA sidewalk is contained in ROW or PIE and connects/ aligns with existing ramps/ sidewalks.
2. Coordinate with MCDOT- DTE CIP on Metropolitan Branch Trail CIP and provide public connection to the Metropolitan Branch Trail accordingly.



DEPARTMENT OF PERMITTING SERVICES

Marc Elrich
County Executive

Diane R. Schwartz Jones
Director

December 5, 2018

Mr. Bradford Fox, P.E.
Bohler Engineering
16701 Melford Boulevard, Suite 310
Bowie, MD 20715

Re: Stormwater Management **CONCEPT**
RECONFIRMATION for Ripley II
SWM Concept # 267436

Dear Mr. Fox,

Your request for a stormwater management reconfirmation for the above site has been evaluated. The original approved SWM concept dated **August 9, 2016** is hereby reconfirmed. Please adhere to all conditions required as part of that approval.

If you have any questions regarding these actions, please feel free to contact me at 240-777-6309.

Sincerely,

Thomas Weadon, Permit Services Specialist
Water Resources Planning Section
Division of Land Development Services

Cc: SM File #: 267436