



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

MCPB No. 19-040
 Sketch Plan Amendment No. 32015003B
 Ripley II
 Date of Hearing: April 4, 2019

MAY 02 2019

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 September 22, 2016, by Resolution MCPB No. 16-097, the Planning Board approved Sketch Plan Amendment No. 32015003A, to update the data table to amend the public benefit schedule to eliminate wayfinding, cool roof, and the recycling facility plan; and

WHEREAS, on December 12, 2018, Ripley West, LLC (“Applicant”), filed an application for approval to amend the previously approved sketch plan under the procedures and standards of the current Zoning Ordinance to increase the height from 200 feet to 270 feet; and

WHEREAS, Applicant’s sketch plan application was designated Sketch Plan Amendment No. 32015003B, 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 March 25, 2019, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

Approved as to
 Legal Sufficiency:

WHEREAS, on April 4, 2019, 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, on April 4, 2019 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Dreyfuss, seconded by Commissioner Cichy, with a vote of 4-0; Chairman Anderson and Commissioners Cichy, Dreyfuss and Patterson voting in favor, with Commissioner Fani-Gonzalez absent.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan Amendment No. 32015003B, Ripley II, for construction of up to 437,374 square feet of development including up to 419,286 square feet of residential development and up to 18,088 square feet of non-residential uses on the Subject Property, subject to the following condition, which supersedes condition 2 approved with Sketch Plan No. 320150030, and all other conditions remain in full force and effect:¹

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

2. Height

The development is limited to the maximum height of 270 feet.

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 except as included below, this Application does not alter the intent, objectives, or requirements in the originally approved Sketch Plan and all previous findings remain in effect:

1. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

The Sketch Plan Amendment meets the development standards of Section 59-4.5.4, as shown in the approved Site Plan Amendment 82016007A Data Table.

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.

a) *Implement the recommendations of applicable master plans.*

Except as included below, the Application remains in conformance with the elements of this Finding included in Sketch Plan 320150030.

Urban Design

- *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 street wall 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 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 rights-of-way 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 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 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 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 with 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 providing a 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 Project consists of four basic forms along this eastern Property frontage: a 5-story base, a 26-story massing, stepping down to a 23-story massing and stepping further down to a 14-story massing. There is also a lower 20-foot volume at the ground level. These features are then connected by a transparent glass massing. In order to accentuate the alignment of the building base with Solaire Silver Spring and Eleven55 Ripley to the north, the 20-foot volume has been added below the tower. This volume projects out from the main facade to enhance visibility of the main retail and residential entrances from Dixon and Silver Spring Avenues. This volume has a gentle curve to complement the curvature of the street but is slightly pulled back leaving room for public open space and outdoor dining. The addition of 70 feet in height to the building, as shown by the Amendments, does not meaningfully change the manner in which the project conforms to this Sector Plan recommendation. The intent of this recommendation is that building heights along Dixon Avenue should contribute to an attractive street with adequate light and air. The Revised Project will make an enormous contribution to Dixon Avenue, by continuing the strong street edge and base elements established by projects directly to the north – Solaire Silver Spring and Eleven55 Ripley – and continuing the expansion of this urban street southward. It should also be noted that Solaire Silver Spring and Eleven55 Ripley were both designed and constructed in ways that addressed the intent of this Sector Plan recommendation, without strictly adhering to the language regarding specified heights and stepbacks.

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

The Application is for a mixed-use project with multifamily residential units and commercial/retail uses with a building height of 270 feet, as allowed in the CR-5.0, C-4.0, R-4.75, H-200T zone and the Ripley/South Silver Spring Overlay zone. The Application has a building height of up to 270 feet, consistent with Zoning Text Amendment No. 17-05, which allows heights up to 270 feet for optional method development projects in the Ripley/South Silver Spring Overlay Zone that include of an on-site or off-site major public facility and also provide a ground floor level grocery store or other qualifying basic service of at least 10,000 square feet of floor area with the current zoning of the Property.

Adjacent building heights and uses in the Ripley District include the recently completed Eleven 55 Ripley and Solaire Silver Spring to the 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.

As discussed in Finding 1a above, 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.

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. As discussed above in Finding 1d, 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.

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 version of Ripley II, Sketch Plan Amendment 32015003B received by 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 MAY 02 2019 (which is the date that this Resolution is mailed to all parties of record); and

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CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Vice Chair Dreyfuss, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González and Cichy voting in favor, and Commissioner Patterson absent at its regular meeting held on Thursday, April 25, 2019, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board