

Ripley East: Sketch Amendment Plan No. 32015001A, Preliminary Plan No. 120150220 and Site Plan No. 820150130

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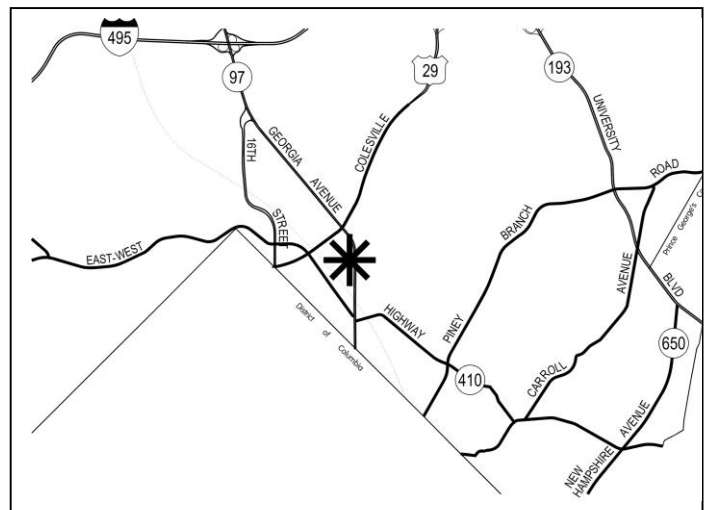
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Description

Completed: 11/20/2015

- Construction of a mixed-use project of up to 367,606 square feet of total development, with up to 352,406 square feet of residential development for up to 360 multi-family dwelling units, and up to 15,200 square feet of non-residential uses;
- Current use: 2-story buildings with commercial and civic uses;
- Located at the southwest corner of Georgia Avenue and Bonifant Street;
- 1.40 gross acres zoned CR 5.0: C 4.0, R 4.75, H 200T in the Ripley District of the Silver Spring CBD Sector Plan area and Ripley/South Silver Spring Overlay Zone;
- Applicant: Diamondback Investors, LLC;



Summary

- The Planning Board previously approved Sketch Plan 320150010 on April 9, 2015.
- The Project will transform the existing site into a mixed-use development with a 360-unit multi-family residential building with 15% moderately priced dwelling units, structured parking, a cool roof and a vegetated roof.
- The Applications were filed on July 30, 2015, and are being reviewed under the Zoning Ordinance in effect as of October 30, 2014.
- Staff recommends approval of the Ripley East Sketch Plan Amendment, Preliminary Plan and Site Plan with conditions.
- Executive Summary begins on Page 3.

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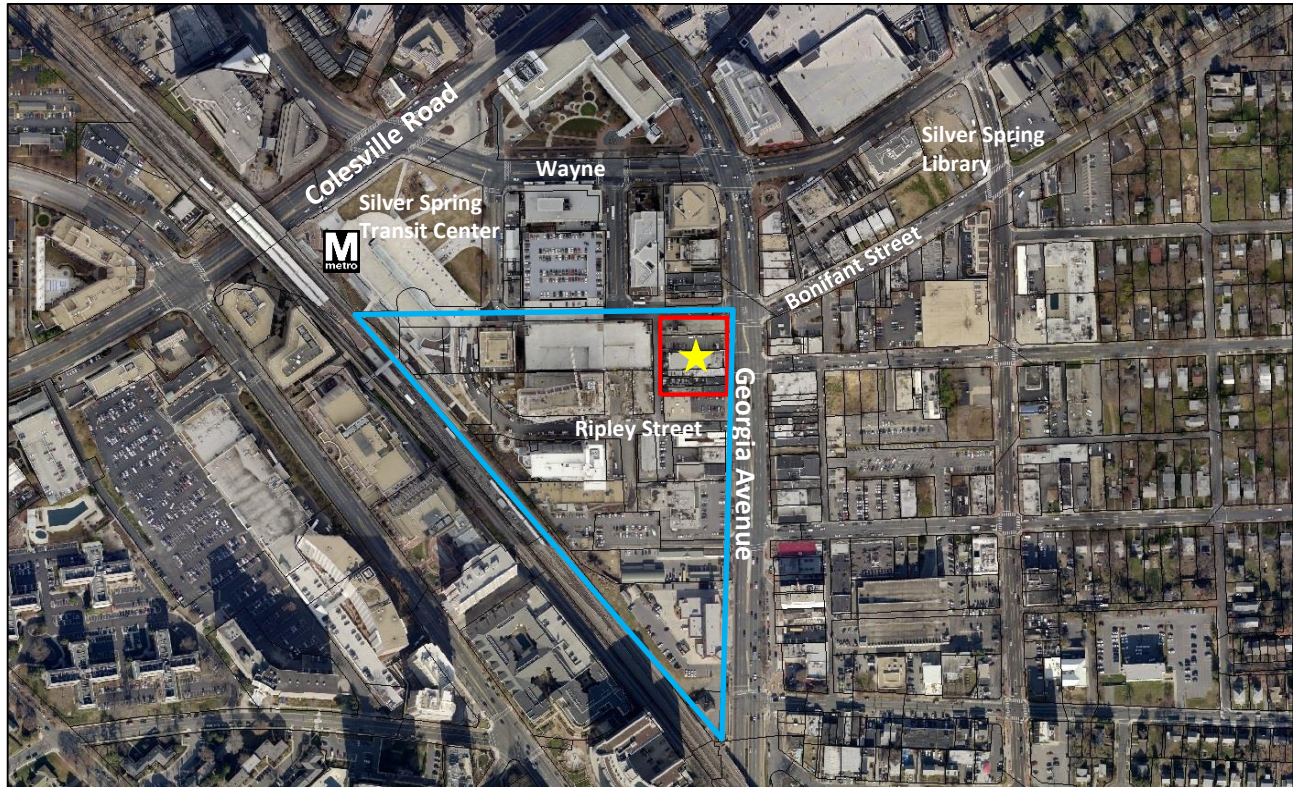
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SECTION 1: EXECUTIVE SUMMARY

Site and Proposal

The Subject Property is located at the southwest corner of Georgia Avenue and Bonifant Street in the Ripley District of the *Silver Spring Central Business District (CBD) Sector Plan* area and Ripley/South Silver Spring Overlay Zone. The Purple Line will run along the south side of Bonifant Street on the Property's northern frontage between the Silver Spring Transit Center and the proposed Silver Spring Library Station.

The proposed development is for construction of a multi-family residential building with up to 360 units, with 15% Moderately Priced Dwelling Units (MPDUs), and up to 15,200 square feet of non-residential uses.



Site Vicinity

Sketch Plan Amendment No. 32015001A

The Planning Board approved Sketch Plan No. 320150010 on April 9, 2015, for a maximum of 367,147 square feet of development. The Applicant seeks to amend the binding elements and conditions of the Sketch Plan under Section 59-7.3.3.1 of the 2014 Zoning Ordinance as follows:

- a. Increase the maximum area of residential uses from 349,847 square feet to 352,406 square feet (including the 22% MPDU density bonus), increasing the overall maximum density from 367,147 square feet to 367,606 square feet, an increase of 459 square feet. The total square footage of the Project will not exceed the maximum square footage permitted under the zoning of the Property;
- b. Amend the public benefits schedule to provide a vegetated roof in place of a vegetated area; and
- c. Amend the public benefit schedule to eliminate wayfinding and a recycling facility plan.

The Sketch Plan Amendment satisfies the findings under Section 59-4.5.4 of the 2014 Zoning Ordinance and substantially conforms to the recommendations of the *Silver Spring CBD Sector Plan*. Staff recommends approval with conditions.

Preliminary Plan No. 120150220

The Preliminary Plan will create one lot to allow for a maximum density of 367,606 square feet of development, including up to 360 multi-family units and up to 15,200 square feet of non-residential uses. This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The proposed lot size, width, shape and orientation are appropriate for the location of the subdivision taking into account the recommendations in the *Silver Spring CBD Sector Plan* and for the type of development or use contemplated. The proposed lot meets all requirements established in the Subdivision Regulations and the Zoning Ordinance and substantially conforms to the recommendations of the Sector Plan. Access and public facilities will be adequate to serve the proposed lot, and the application has been reviewed by other applicable County agencies, all of whom have recommended approval of the Preliminary Plan. Staff recommends approval with conditions.

Site Plan No. 820150130

The Site Plan proposes a 360-unit multi-family building with up to 15,200 square feet of non-residential uses on approximately 1.4 gross acres in the CR 5.0 C4.0 R4.75 H200T Zone and Ripley/South Silver Spring Overlay Zone. Consistent with the approved Sketch Plan, the Project proposes a building with an offset roofline, with the roofline of the Bonifant Street façade rising to approximately 200 feet and the roofline of the Georgia Avenue frontage stepping down to approximately 175 feet. 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. Staff recommends approval with conditions.



Ripley East-Georgia Avenue and Bonifant Street view

SECTION 2: RECOMMENDATION AND CONDITIONS

Sketch Plan Amendment No. 32015001A

Staff recommends approval of Sketch Plan Amendment No. 32015001A, Ripley East, a mixed-use project for up to 367,606 square feet of development including up to 352,406 square feet of residential development and up to 15,200 square feet of non-residential uses on 1.40 gross acres, zoned CR 5.0: C 4.0, R 4.75, H 200T, Ripley/South Silver Spring Overlay Zone. The following conditions supersede Sketch Plan No. 320150010 Conditions 1 and 3 in their entirety:

1. Density

The Sketch Plan is limited to a maximum total density of 367,606 square feet. The maximum number and distribution of residential dwelling units and amount of non-residential uses will be determined at Site Plan.

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. Transit Proximity, achieved through location within one-quarter mile of the Silver Spring Metro Station;
- b. Connectivity and Mobility, achieved through minimum parking and trip mitigation;
- c. Diversity of Uses and Activities, achieved through affordable housing;
- d. Quality of Building and Site Design, achieved through structured parking and tower step-back; and
- e. Protection and Enhancement of the Natural Environment achieved through building lot terminations, cool roof, energy conservation and generation, and vegetated roof.

Preliminary Plan No. 120150220

Staff recommends approval of Preliminary Plan No. 120150220 subject to the following conditions:

1. Approval is limited to one lot with a maximum density of 367,606 square feet of total development, consisting of up to 360 residential dwelling units and up to 15,200 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. 320150010 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 April 1, 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 October 20, 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 MCDOT, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.

5. The Planning Board accepts the recommendations of the State Highway Administration (SHA) in its letter dated October 7, 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 SHA, provided that the amendments do not conflict with other conditions of the Preliminary Plan approval.
6. 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.
7. The Applicant must dedicate and show on the record plat(s) the following dedications:
 - a. A dedication of 20 feet along the Subject Property frontage for Bonifant Street.
 - b. Dedication necessary to provide 70-feet of right-of-way along the Subject Property's Georgia Avenue frontage, measured between the property line and Georgia Avenue centerline.
8. Prior to recordation of the plat(s) the Applicant must satisfy MCDPS requirements to ensure the construction of the following:
 - a. A minimum 21-foot wide sidewalk between the building face and the curb along the Subject Property frontage on Georgia Avenue, of which a minimum clear width of 6 feet is provided.
 - b. A minimum 20-foot wide sidewalk between the building face and curb along the Subject Property frontage on Bonifant Street, of which a minimum clear width of 6 feet is provided.
9. 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.
10. The record plat must show necessary easements.
11. Prior to issuance of the first building permit, the Applicant must execute a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Silver Spring Transportation Management District (TMD).
12. 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.
13. Except as permitted under the issued or currently pending demolition permits for the site, no additional clearing or grading of the site, or recording of plats prior to certified site plan approval.
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 or location or right-of-way width or alignment, the Applicant must obtain approval of a Preliminary Plan amendment prior to certification of the Site Plan.

Site Plan No. 820150130

Staff recommends approval of Site Plan 820150130 for up to 367,606 square feet of total development including up to 352,406 square feet of residential development, for up to 360 multi-family residential units, and up to 15,200 square feet of non-residential uses on approximately 1.4 gross acres in the CR 5.0, C 4.0, R 4.75, H 200T, Ripley/South Silver Spring Overlay Zone. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.¹

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

Public Use Space, Facilities and Amenities

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

¹ For the purposes 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.

- b. The Applicant must provide at a minimum the following recreation facilities on-site: 6 picnic/sitting areas, a pedestrian system, an indoor community space, and an indoor fitness facility.

6. 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.

7. 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. 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.

b. Connectivity and Mobility

i. Minimum Parking

The Applicant must not provide/construct more than 262 parking spaces.

ii. Trip Mitigation

Prior to issuance of the first building permit, the Applicant must execute a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Silver Spring Transportation Management District (TMD).

c. Diversity of Uses and Activities

i. Affordable Housing/MPDUs

a. 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 September 17, 2015, 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.

b. Prior to issuance of any residential building permit, the MPDU agreement to build between the Applicant and the MCDHCA must be executed.

d. Quality Building and Site Design

i. 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.

ii. Tower Step-back

The Applicant must step back the building's façade a minimum of 10 feet above the second floor façade with a second step back of a minimum of 6 feet, 150 feet above the Georgia Avenue sidewalk. The Certified Site Plan must show the step backs.

e. 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 of BLTs to the MCDPS.

- ii. **Cool Roof**
The Applicant must provide a 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 SRI of 25 for slopes above 2:12.
- iii. **Energy Conservation and Generation**
The Applicant must construct the building to exceed the energy-efficiency standards for the building type by 17.5%. Prior to issuance of any residential Use and Occupancy certificates, the Applicant must submit to Staff a Final Energy Performance Report.
- iv. **Vegetated Roof**
The Applicant must install a vegetated roof with a soil depth of a minimum of 4 inches covering a minimum of 33% of the building's roof, excluding space for mechanical equipment and cool roof, as shown on the Certified Site Plan.

Transportation & Circulation

- 8. **Pedestrian & Bicycle Circulation**
 - a. The Applicant must provide 112 private and 4 public bicycle parking spaces, which may be adjusted based on final unit count and square footage of non-residential uses established at Certified Site Plan.
 - b. The private bicycle parking spaces must be in a secured, well-lit bicycle room and the public spaces must be inverted-U racks, or approved equivalent, installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the bicycle rack(s) must be identified on the Certified Site Plan.
 - c. The Applicant must provide a minimum 21-foot wide sidewalk along the Subject Property's frontage on Georgia Avenue and a minimum 20-foot wide sidewalk along the Subject Property's frontage on Bonifant Street. Any adjustments to the Bonifant Street sidewalk width as the result of the Purple Line may be approved by the Planning Director as a limited site plan amendment.

Site Plan

- 9. **Building Height**
 - a. The massing on the Bonifant Street frontage, including the side facing Georgia Avenue, is limited to a maximum height of 200 feet, as measured from the building height measuring point in accordance with Section 59-4.1.7.C.2. The building height measuring point is the level of the approved curb grade opposite the middle of the front of the building on Bonifant Street.
 - b. The primary massing on the Georgia Avenue frontage is limited to 175 feet in height, as measured from the building height measuring point in accordance with Section 59-4.1.7.C.2. The building height measuring point is the level of the approved curb grade opposite the middle of the front of the building on Bonifant Street.
- 10. **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.
- 11. **Landscaping**
 - a. Prior to issuance of any residential Use and Occupancy Certificate, all on-site amenities along the Subject Property's Georgia Avenue and Bonifant Street frontages including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, recreation amenities, including the pedestrian system and picnic/seating areas, and public use space must be installed. However, if the alignment or construction of the Purple Line makes the completion

of these amenities along the Bonifant Street frontage by this date impractical, the Planning Director may approve a limited site plan amendment to establish a new deadline for completion of the Bonifant Street amenities. Further, any minor adjustments in location or type of on-site or public use space amenities (including adjustment to street tree species) along the Bonifant Street frontage as the result of the Purple Line may be approved by the Planning Director as a limited site plan amendment.

- b. Prior to issuance of any Use and Occupancy Certificate for floors 10 through 20, the recreation amenities located on the 2nd floor, including the indoor community space and the indoor fitness facility for the residents, must be installed.
- c. Prior to issuance of the final residential Use and Occupancy Certificate, all rooftop amenities must be installed.
- d. The Applicant must install landscaping no later than the next growing season after completion of site work.

12. 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 for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations.
- 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.

13. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building 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, 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.

14. 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.

15. 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.

SECTION 3: SITE DESCRIPTION

Site Vicinity

The subject site comprises several separate properties in Block 3: Lots 1, 2, and 3, and parts of Lots 4, 5, 7 and 8, located at the southwest corner of Georgia Avenue and Bonifant Street, approximately 1,000 feet from the Silver Spring Transit Center (Subject Property or Property). The Subject Property is located on the eastern edge of the Ripley District of the *Silver Spring Central Business District (CBD) Sector Plan (Sector Plan)* and Ripley/South Silver Spring Overlay Zone. The Property is bound by the Pyramid Atlantic Arts Center to the south, a public alley to the west, Bonifant Street to the north, and Georgia Avenue to the east.

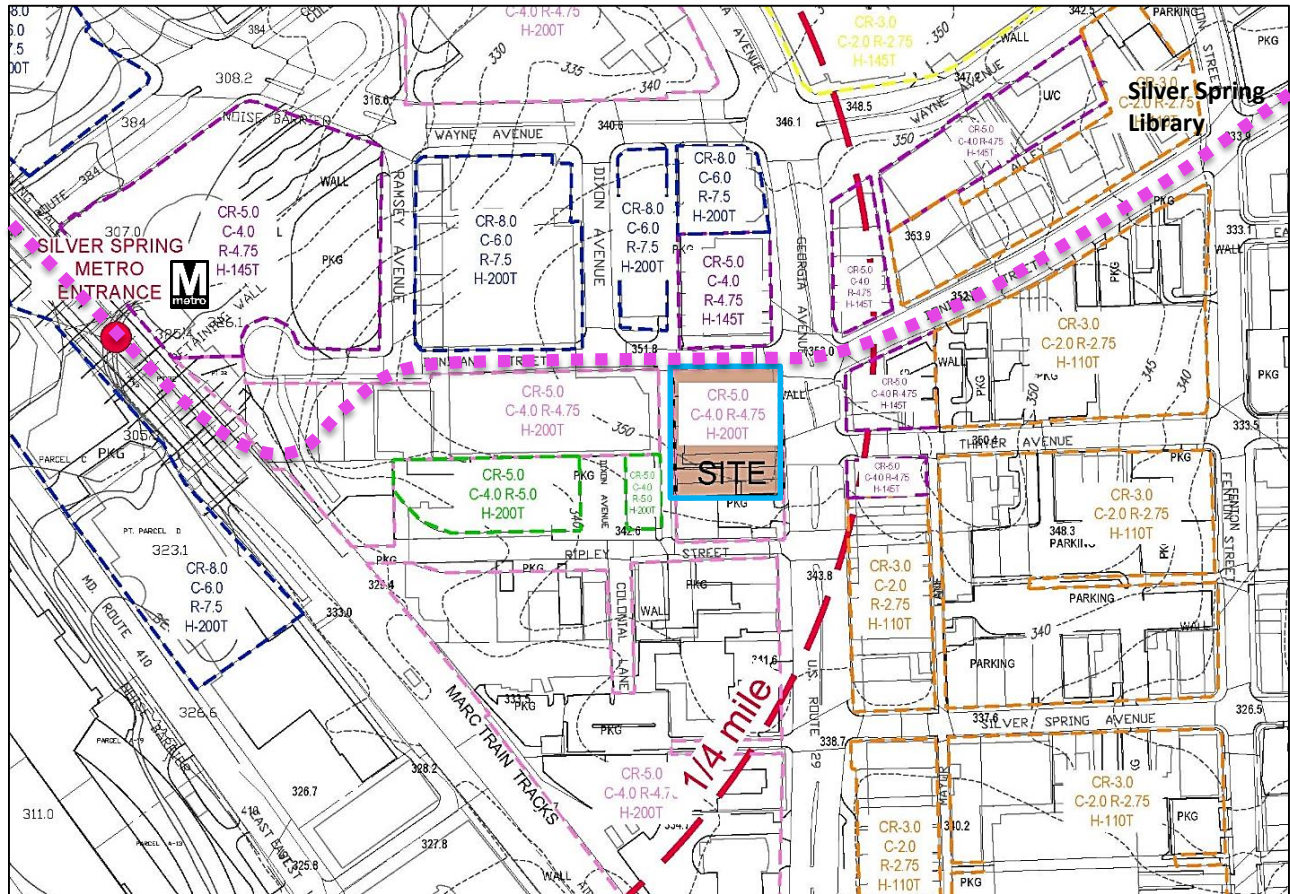


Figure 1-Vicinity Map

The neighborhood surrounding the Subject Property is a mix of established low-, mid- and high-rise residential and non-residential buildings. To the north, across Bonifant Street, is a combination of high-rise office buildings, single-story retail, and the historic Silver Spring Post Office, currently used as a medical office. To the east, across Georgia Avenue, is predominantly low-rise retail along the western edge of the Fenton Village and a County surface parking lot that is part of Studio Plaza, an approved, but unbuilt mixed-use, high-rise project with residential units, street-level retail, and possible office and hotel uses. Further to the south and southwest are single-story retail and two new high-rise residential buildings, the Solaire Silver Spring and Eleven55 Ripley. To the west is public parking, a mid-rise office building, and the Silver Spring Transit Center.

The Purple Line will run along the south side of Bonifant Street on the Property's northern frontage between the Silver Spring Transit Center and the proposed Library Station.

Site Analysis

The 1.40-acre Property is improved with 2-story buildings, including the former Silver Spring National Bank and the Bethel World Outreach Church. It is zoned CR 5.0, C 4.0, R 4.75, H 200T and Ripley/South Silver Spring Overlay Zone.

The Property contains no forest, streams, wetlands, or environmental buffers. There are no known rare, threatened, or endangered species on site; there are no 100-year floodplains, stream buffers, or wetlands on site. There are no historic properties on site.¹

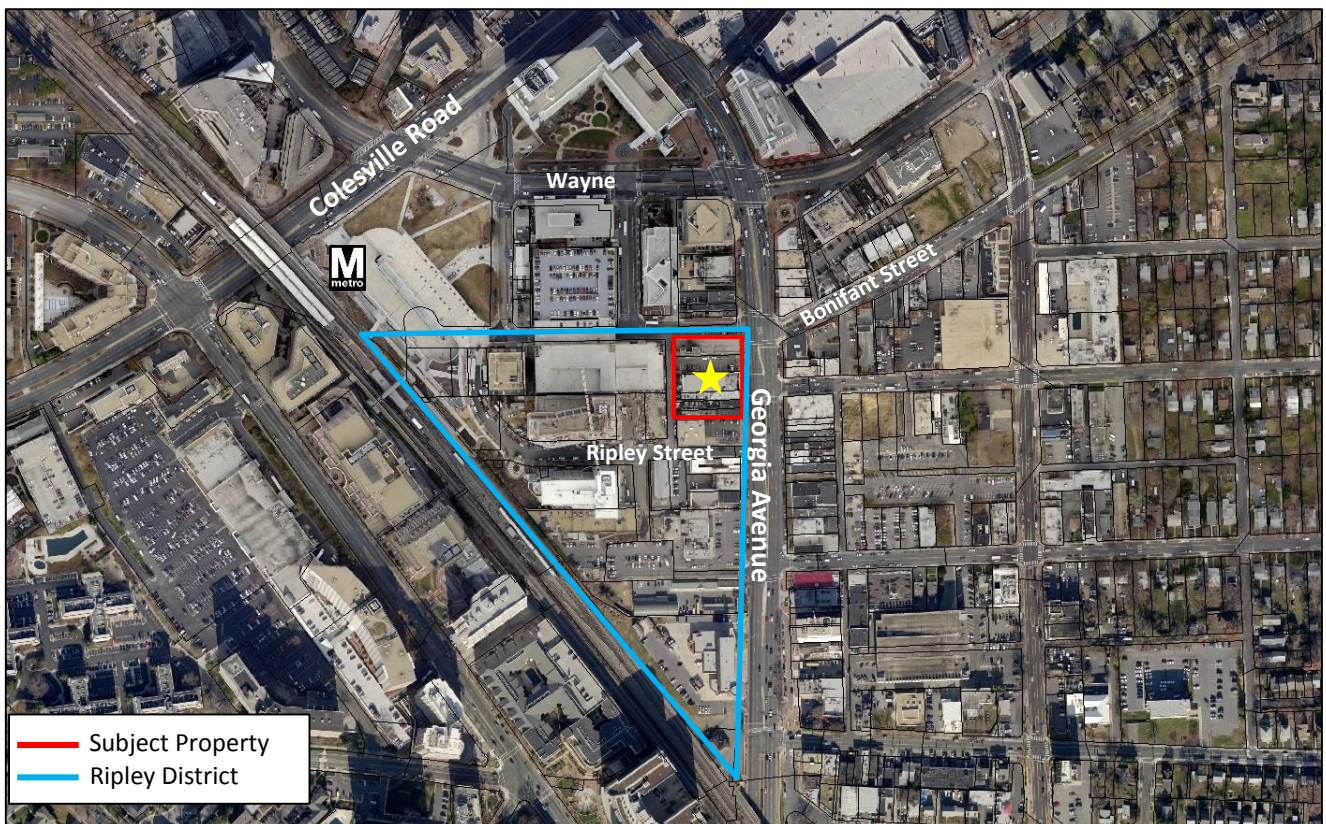


Figure 2-Aerial View

¹ The Application includes development of the former Silver Spring National Bank located at 8252 Georgia Avenue. The bank site was presented to the Planning Board in 2003 for possibly historic designation, but the Planning Board declined to support the designation; thus, the site has no historic designation.

Zoning History

Prior to 2000, the Ripley District, a triangular area bordered by the railroad tracks on the west and Georgia Avenue on the east, was zoned Central Business District-Residential 2 (CBD-R2), which is essentially a high-rise residential zone with a maximum height of 200 feet. The entire Ripley District, including the Subject Property, was rezoned in 2000 with the *Silver Spring CBD Sector Plan*, to Central Business District 2 (CBD-2) and Ripley/South Silver Spring Overlay Zone to allow a greater mix of commercial and residential uses.

As part of the Zoning Code rewrite, the Property was rezoned to CR-5.0, C-4.0, R-4.75, H-200T and the Ripley/South Silver Spring Overlay Zone through the Countywide District Map Amendment, approved by the Montgomery County Council on July 15, 2014, and effective on October 30, 2014. It is under the new CR zoning of the Property that these Applications were processed. For a more extensive discussion on the Zoning History, see the approved Sketch Plan No. 320150010 staff report, Attachment A.

SECTION 4: PROJECT DESCRIPTION

Previous Approvals

The Planning Board approved Sketch Plan No. 320150010 by Resolution dated April 9, 2015 (Attachment B). The Sketch Plan established several binding elements on the site:

1. Maximum total density of 367,147 square feet. The massing on the Bonifant Street frontage, including the side facing Georgia Avenue is limited to a maximum height of 200 feet. The primary massing on the Georgia Avenue frontage is limited to 175 feet;
2. Approximate location of lots and public dedications;
3. General location and extent of public use space;
4. General location of vehicular access points; and
5. Public benefits.

Proposal

Sketch Plan Amendment

The Applicant seeks an amendment to the binding elements and conditions of the Sketch Plan under the 2014 Zoning Ordinance to revise the following:

- a. Increase the maximum area of residential uses from 349,847 square feet to 352,406 square feet (including the 22% MPDU density bonus), increasing the overall maximum density from 367,147 square feet to 367,606 square feet. While the square footage of the residential uses is proposed to increase, the total square footage of the Project will not exceed the maximum square footage permitted under the zoning of the Property (plus the 22% MPDU density bonus on the residential component);
- b. Amend the public benefits schedule to provide a vegetated roof, in place of the vegetated area; and
- c. Amend the public benefit schedule to eliminate wayfinding and the recycling facility plan. The Applicant proposes to 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.

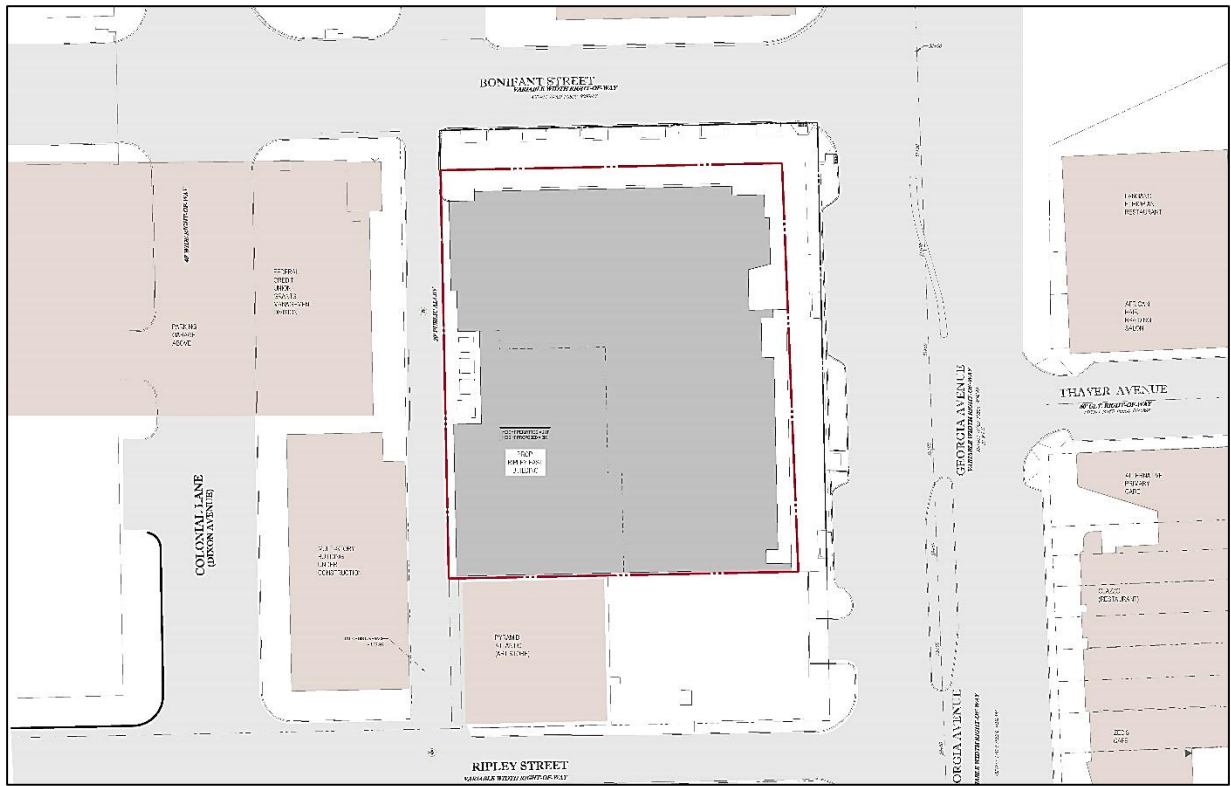


Figure 3-Sketch Plan

Subdivision

The Preliminary Plan (Attachment C) will create one lot to allow for a maximum density of 367,606 square feet of total development, including up to 360 multi-family units and up to 15,200 square feet of non-residential uses. The Applicant is proposing to construct one multi-family residential building with a below-grade parking structure. The proposed development is expected to be built in one phase.

Uses and Density

The Site Plan proposes to redevelop the Property with a mixed-use building including up to 367,606 square feet of total development, with up to 352,406 square feet of residential uses for up to 360 multi-family residential units, up to 15,200 square feet of non-residential uses, and up to 200 feet in height. The Project includes 15 percent Moderately Priced Dwelling Units (MPDUs), underground parking, on-site amenities for the residents, and public open space. The Project will be located on one new lot, consisting of 60,812 square feet of gross tract area.

The Property is zoned CR 5.0, C 4.0, R 4.75, H 200T. Under Section 59-4.5.2.C.2 of the Zoning Ordinance, for CR zoned properties designated with a T, the 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. The 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. Because the Project proposes 15% MPDUs, pursuant to the provisions of Chapter 25A of the County Code, the Project achieves a 22% residential density bonus. The resulting FAR is CR 6.05, C 0.28, R 5.8 with the height of 200 feet.¹

¹ Section 59-4.9.11 of the Zoning Ordinance contains the provisions applicable to properties located in the Ripley/South Silver Spring Overlay Zone. Section 59-4.9.11.C.1.b provides that the Planning Board may approve a maximum building height of 200 feet in any CR optional method development project that provides ground-floor retail, as this Project does.

Building

The Project proposes to hold the street edges of Georgia Avenue and Bonifant Street to create an L-shaped building, which is comprised of two major masses at varying heights set atop a base level that meet at the Georgia Avenue and Bonifant Street corner (Figures 4 & 5).



Figure 4-Ripley East, Georgia Avenue Elevation

A low base, up to approximately 35 feet in height, brings the building forward to the Property line along Georgia Avenue and Bonifant Street to create a more pedestrian scale and relate to the surrounding retail buildings. Atop the base, the building steps back approximately 10 feet before rising. A second step-back on the Georgia Avenue façade occurs at approximately the 150-foot level, wrapping the south facing corner. These step-backs further break down the massing along Georgia Avenue. In addition, the Project proposes an offset roofline, with the roofline of the Bonifant Street façade rising to approximately 200 feet and the roofline of the Georgia Avenue frontage stepping down to approximately 175 feet. (Figures 4 & 5)



Figure 5-Ripley East, Bonifant Street Elevation

The majority of the interior space consists of residential dwelling units with select areas allocated for amenity space. The residential lobby is located between the retail spaces at the corner of Georgia Avenue and Bonifant Street. The lobby space contains ground floor amenities for the tenants. For cyclists and dog owners, a bike storage facility and bike maintenance area and dog washing room is proposed, to be located off the alley, and will connect to the service elevator. Additional amenities are located at the second level in order to take advantage of the tall ceiling heights and landscaped courtyard at this level. Certain amenity spaces will have an indoor/outdoor connection to the elevated courtyard. At the rooftop level, the stepped massing along Georgia Avenue allows for a raised pool deck.

Open Space and Streetscape

The Project proposes three separate areas of open space: the Silver Spring streetscape publically accessible along Georgia Avenue and Bonifant Street, a private courtyard at the second level, located on the back side of the proposed building, along the alley, and a private penthouse-level pool and deck area.

The streetscape will extend the Silver Spring standard along Georgia Avenue and Bonifant Street with brick pavers, street trees, street lamps and site furniture. It is envisioned that some café seating will occur at the face of the building as an extension of the retail uses there. In addition, public seating is proposed in the form of hexagonal shaped planters/benches to be inset into the planted areas, providing a place to sit and socialize out of the main pathway for pedestrians. At street level, the Project proposes to provide significant sidewalk widths ranging from approximately 21-37 feet on Georgia Avenue and approximately 24 feet along Bonifant Street, which will allow for pedestrian traffic, tree pits and outdoor café tables. On Bonifant Street, the wider sidewalks anticipate that

the Purple Line will run down Bonifant Street just several feet from the curb line. The Applicant will provide a wider sidewalk along this frontage in order to provide greater separation between the building and the Purple Line operations, promoting further pedestrian comfort and allowing room for possible outdoor retail/restaurant seating options. The Project includes 5% of the net lot area of the Property as public open space, which meets the CR zone requirement for the Project. The open space requirement is based on the net lot area and number of frontages, and this Project has three frontages and the net lot area of the site is 0.817 acres.



Figure 6-Street Level View (corner of Georgia Avenue and Bonifant Street)

Elevated along the public alley, at the rear of the site, the private courtyard, approximately 10,000 square feet in area, features a rectangular lawn panel with raised planters filled with plantings. The lawn area is approximately 30 feet by 60 feet and is large enough to support recreation activities such as volleyball, croquet, lawn bowling and yoga. It could also be used for picnics, outdoor movies and acoustic performances. Entry to the courtyard is from the clubroom. Residents will step out onto an expansive deck including a variety of seating options and an outdoor kitchen area. At the rooftop level, a small pool and deck area are proposed to accommodate a variety of seating and lounging spaces. The Applicant proposes a small fenced dog run area for the convenience of pet owners in the buildings, located outside the fenced perimeter of the pool.

Circulation

The vehicular entrance to the building's structured underground garage is off of an existing one-way (southbound) public alley located west of the site between Bonifant Street and Ripley Street, approximately 200-feet west of Georgia Avenue. Pedestrian and bicycle access is provided from from the perimeter sidewalks to the main lobby entrance. Bicycle parking for residents and visitors will be provided within the parking structure and near building entrances. Additionally, the Project provides a designated bicycle garage entrance for building residents via the public alley along the rear of the building.

SECTION 5: SKETCH PLAN AMENDMENT

Project Analysis

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF or LSC Zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on: building densities; massing; heights and anticipated uses; the locations of open and public use spaces; the general circulation patterns for all modes of transportation; an estimated range of peak hour trips; and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Preliminary and Site Plan review.

The Planning Board approved Sketch Plan No. 320150010 under the 2014 Zoning Ordinance. The Sketch Plan Amendment includes the following changes:

- a. Increasing the maximum area of residential uses from 349,847 square feet to 352,406 square feet (including the 22% MPDU density bonus), increasing the overall maximum density from 367,147 square feet to 367,606 square feet;
- b. Amending the public benefits schedule to provide a vegetated roof, in place of the vegetated area; and
- c. Amending the public benefit schedule to eliminate wayfinding and the recycling facility plan. The Applicant proposes to 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.

Project Findings

Section 59-7.3.3.E of the Zoning Ordinance states: "To approve a sketch plan, the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at site plan. The sketch plan must:"

1. *meet the objectives, general requirements, and standards of this Chapter;*

The Sketch Plan meets the development standards of Section 59-4.5.4, as shown in Table 1, Sketch Plan Project Data Table. The Data Table reflects the increase of the maximum area of residential uses from 349,847 square feet to 352,406 square feet (including the 22% MPDU density bonus), increasing the overall maximum density from 367,147 square feet to 367,606 square feet.

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

Table 1: Sketch Plan Project Data Table for the CR5.0 C4.0 R4.75 H200'T Zone

Development Standard Section 59 – 4.5.4	Permitted/Required	Proposed
Gross Tract Area (sf)	n/a	60,812
Maximum Density (CR) Non-residential (C) Residential (R)¹	5.0 FAR (304,060 sf) 4.0 FAR (243,248 sf) 4.75 FAR (288,857 sf)	Up to 6.05 FAR (367,606 sf)² Up to 0.25 FAR (15,200 sf) Up to 5.80 FAR (352,406 sf)
Building Height (feet)	200 ³	Up to 200' on Bonifant Street Up to 175' on Georgia Avenue
Minimum Public Open Space (%)	5% (1,781 sf)	5% (1,781 sf)
Parking spaces (§59-6.2.4) Multi-family Restaurant Retail/service establishment	Minimum 1 space/unit; Maximum 1 space/studio, 1.25 space/one bedroom, 1.5/two bedroom Minimum 4 space/1,000 sf of patron use; Maximum 12 space/1,000 sf of patron use Minimum 3.5 space/1,000 sf GLA; Maximum 6 space/1,000 sf of GLA	TBD at Site Plan TBD at Site Plan TBD at Site Plan

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

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 provides a mixed-use, high-rise residential development with ground-floor retail or other non-residential uses. The Application provides up to 360 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 17,300 square feet of non-residential uses.

Although the Sector Plan called for a new inter-connected street system, it did not propose any new streets to be constructed through the Subject Property. The Sector Plan also calls for facilitating improvements to the character of Georgia Avenue and the Application will improve upon the existing street frontages of Georgia Avenue and Bonifant Street, providing an enhanced pedestrian environment through setbacks for a wider sidewalk and streetscaping features. All loading and vehicular access will be from the alley on the west side of the Subject Property.

¹ 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.

² The Application utilizes the optional method of development to develop the Property with up to the maximum density (6.05 FAR, with up to 5.8 FAR in residential uses and up to 0.28 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.

³ Section 59-4.9.9 of the Zoning Ordinance contains the provisions applicable to properties located in the Ripley/South Silver Spring Overlay Zone. Section 59-4.9.9.C.1.b provides that the Planning Board may approve a maximum building height of 200 feet in any CR optional method development project that provides ground-floor retail, as this Project does.

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 Applicant has assembled the Subject Property by acquiring a number of small parcels in the Ripley District. While the Subject Property is not located adjacent to the Metropolitan Branch Trail, the Applicant anticipates the significant number of residents who will take advantage of the nearby bicycle facilities and trails, and will provide a bicycle-only access into the Subject Property from the alley on the west side of 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 Subject Property was rezoned through the Zoning Ordinance rewrite to CR-5.0, C-4.0, R-4.75, H-200T and Ripley/South Silver Spring 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 current market (in 2000), but also provide the flexibility for both commercial or residential high-rises, or mixed use projects. The Application will accommodate 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 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 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 Subject Property is located approximately 1,000 feet east of the Silver Spring Transit Center, and within two blocks of the Metropolitan Branch Trail. The Application facilitates pedestrian access to and from these and other CBD facilities with its wider sidewalks along the Georgia Avenue and Bonifant Street frontages, to be improved to the Silver Spring streetscape standard. In addition, the Application includes access for bicyclists either residing at or visiting the Subject Property, with a designated bicycle access point on the west side of the Property off the public alley. With easy access to two Purple Line stations (the SSTC and the proposed Library Station), residents and visitors to the site will have improved connection to these CBD facilities and neighborhoods that surround them.

- *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 corner of Georgia Avenue and Bonifant Street provides the opportunity for a sitting and gathering space. In addition, the Application will provide recreational facilities and amenities for its residents such as an indoor community room, rooftop pool and indoor fitness facility.

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

The Applicant will improve the Georgia Avenue streetscape through a significant setback of the building from the curb and with the Silver Spring standard streetscape improvement along the length of the Subject Property. Outdoor seating options for the ground-floor retail or restaurant uses could activate this frontage. In addition, the public space at the corner of Georgia Avenue and Bonifant Street will improve the visual quality of Georgia Avenue as vehicles and pedestrians pass by.

- *Building heights along Georgia Avenue should contribute to an attractive and coherent street.*
 - *At the building line, limit height to 90 feet, consistent with height limits on the east side of Georgia Avenue.*
 - *The building may step back and its height may be increased up to 143 feet, provided that the building is contained within a 2:1 slope.*

The Application proposes to hold the street edges of Georgia Avenue and Bonifant Street to create an L-shaped building, which is comprised of two major masses at varying heights set atop a base level that meet at the Georgia Avenue and Bonifant Street corner.

To contribute to an attractive and coherent street, the building design modulates its massing to break down the overall scale of the building. The massing along Georgia Avenue is lower and set back to transition towards Fenton Village and the surrounding neighborhoods on the east side of Georgia Avenue. At the retail base of the building, a low two- to three-story volume of approximately 35 feet in height brings the building forward to the property line along Georgia Avenue to create a more pedestrian scale and relate to the surrounding retail buildings. Above this, the primary mass of the building steps back approximately 10 feet, de-emphasizing the overall building height and enhancing compatibility with the buildings across Georgia Avenue. At 150 feet, the building steps back again along both Georgia Avenue and the southern facade facing Pyramid Atlantic and Ripley Street. These step-backs further break down the massing along Georgia Avenue, particularly as viewed from the south. The building also provides an offset roofline, with the Bonifant Street side rising to approximately 200 feet and along the Georgia Avenue frontage stepping down to 175 feet.

The Application is also compatible with building heights of the recently constructed Solaire Silver Spring and Eleven55 Ripley projects directly to the west and the recently approved Ripley II Sketch Plan, all three projects located in the Ripley District. 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 February 2015, the Planning Board found that the Ripley II Sketch Plan project addressed the intent of the Sector Plan, but did not adhere strictly to the step-back language of the Sector Plan.

While the design does not strictly adhere to this last urban design guideline, the Applicant has strived to meet the intent of Sector Plan design guidelines through articulation of the massing, vertical and horizontal step-backs, and varying heights. The modulated building massing will provide open space and relate to the surrounding uses and character of the neighborhood. The building step-backs along Georgia Avenue will enhance access to light and air, preventing a “canyon effect” along the Georgia Avenue corridor. The Applicant has provided a significant

setback of the building along Georgia Avenue to provide a wider sidewalk, more pleasant pedestrian experience, and opportunities for outdoor seating for retail or restaurant uses. Given the Applicant's efforts to achieve compatible relationships with adjoining development and neighborhoods, to maximize housing opportunities in the Ripley District, to create open spaces designed to form a new image for this neighborhood, and to contribute to an improved visual quality along Georgia Avenue, Staff believes that the Application achieves the intent of the Sector Plan's urban design recommendations.

Housing

The housing objective of the Sector Plan is to develop new residential projects to provide housing and encourage maintenance of existing housing, creating Silver Spring as an even more desirable residential market. The Sector Plan identified the Subject Property as a housing site. The Application provides a new mixed-use project with up to 360 multi-family residential units with 15% on-site MPDUs, offering housing opportunities proximate to the numerous transit options of downtown Silver Spring. The Application meets the Sector Plan housing objective.

Historic Resources

The Sector Plan did not recommend designation of the Subject Property as historic. However, the Application includes development of the former Silver Spring National Bank located at 8252 Georgia Avenue, which does not have a historic designation.

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

The Subject Property is currently comprised of vacant lots and existing aging buildings. The Application proposes to redevelop the lots and existing single-use buildings on 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 proposing 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 (retail and/or restaurant) on the ground floor 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 and the SSTC. It will provide wide sidewalks along Georgia Avenue and Bonifant Street for pedestrian passage and comfort as well as a public plaza at the corner of Georgia Avenue and Bonifant Street. The Application 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 neighborhoods.*

The Application proposes a mix of uses on-site, including a significant amount of new residential development and ground floor retail with a building height of up to 175 feet on Georgia Avenue and up to 200 feet on Bonifant Street, 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, west of the Property, include the recently completed Eleven55 Ripley and Solaire Silver Spring to the west and southwest, with heights up to 200 feet and the recently approved Ripley II Sketch Plan with a height of up to 200 feet. Directly on the east side of Georgia Avenue, are existing one-two story retail/commercial buildings and two projects that have just begun or are soon to begin construction: Bonifant at Silver Spring and Studio Plaza, both with a height limit of 110 feet.

To further enhance the pedestrian experience and soften the height of the building, the building incorporates low two- to three-story volumes along both the Georgia Avenue and Bonifant Street frontages at the retail base, providing setbacks at the street level. This feature brings the building to a more pedestrian scale at the street level and better relates to the surrounding retail buildings. In addition, a second step-back on the Georgia Avenue facade occurs at approximately the 150-foot level, with an additional step-back on the south façade at the 150-foot level. These step-backs further break down the massing of the building along Georgia Avenue. In addition, the building will provide an offset roofline, with the roofline of the Bonifant Street façade rising to 200 feet and the roofline of the Georgia Avenue frontage stepping down to 175 feet to transition toward Fenton Village and the surrounding neighborhoods on the east side of Georgia Avenue.

The Application's building heights are appropriate at this location and ensure compatible relationships with adjoining neighborhoods, and therefore meets the finding.

- 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 previous CBD zones. The Application provides a variety of housing options through provision of both market-rate units and MPDUs in an array of unit sizes. In addition, the Project provides non-residential uses such as retail and/or restaurant.

- 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;*

As discussed earlier in the findings, the Application provides the diversity of housing, connectivity improvements, and will create an open space that will contribute to an improved visual quality along Georgia Avenue. In addition, the Applicant will design the Georgia Avenue façade with articulation in building

massing, step-backs, and heights, 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 recent development in the Ripley District. The Application will provide a 200-foot building height on Bonifant Street, with the building stepping down in height to 175 feet on Georgia Avenue. The massing of the building will provide ample open space and setbacks to relate to the surrounding uses and character and the building step-backs along Georgia Avenue will ensure adequate light and air and preventing a “canyon effect” along the Georgia Avenue corridor. The proposed building is also compatible with building heights of the recently constructed Solaire Silver Spring and Eleven55 Ripley projects directly to the west and the recently approved Ripley II Sketch Plan, all three projects located in the Ripley District. The building provides an appropriate transition to adjoining neighborhoods as recommended with the urban design goals and guidelines in the Sector Plan. The Application achieves compatible internal and external relationships between existing and pending nearby development.

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 Georgia Avenue and Bonifant Street frontages, including the residential entrance and wide streetscapes with the Silver Spring standard streetscaping. The public alley on the west side of the Property 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, structured parking, general sustainability measures, and connectivity improvements;
- b. Meet “the CR Zone Incentive Density Implementation 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 connectivity improvements, and articulation in building massing, heights and step-backs 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 lots and replacing them with structured parking close to transit;
- e. Adequately address “the relationship of the site to adjacent properties” by designing the building at an appropriate scale that complements and enhances 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, and upgraded pedestrian connections, 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.

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 2 has been updated to provide a vegetated roof, in place of the vegetated area and to eliminate wayfinding and the recycling facility plan. The Applicant proposes to 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.

Table 2: Sketch Plan Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Recommended
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			
Affordable Housing (MPDUs)	No limit	30	30
59-4.7.3E: Quality of Building and Site Design			
Structured Parking	20	20	20
Tower Step-back	10	5	5
59-59-4.7.3F: Protection and Enhancement of the Natural Environment			
Building Lot Terminations	30	7.2	7.2
Cool Roof	10	5	5
Energy Conservation and Generation	15	10	10
Vegetated Roof	10	7.5	7.5
TOTAL	205	143.7	143.7

Transit Proximity

The Subject Property is located within one-quarter mile of the Silver Spring Transit Center (and Metro Station). Staff supports the Applicant’s request for 40 points as suggested in the *2012 Commercial/Residential Zones Incentive Density Implementation Guidelines* (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 9 points. Staff 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. Staff supports the Applicant’s request of 10 points.

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 360 multi-family units). The Applicant's initial estimate of providing 54 MPDUs yields 30 points. Final number of MPDU units to be determined at Site Plan. Staff supports the Applicant's request.

Quality of Building and Site Design

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. Staff supports 20 points for this benefit.

Tower step-back: Up to 10 points can be granted for stepping back a building's upper floors by a minimum of six feet behind the first floor façade and must begin at a height no greater than 72 feet. A low two- to three-story volume, up to approximately 35 feet in height at the retail base, brings the building forward to the property line along Georgia Avenue and Bonifant Street to create a more pedestrian scale and relate to the surrounding retail buildings. At the top of the two- to three-story volume, the building steps back approximately 10 feet. The Applicant is requesting 5 points for the tower-step back. Staff supports 5 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 for 7.2 public benefit points. Staff supports this request.

Cool Roof: The Application proposes to 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 5 points in this public benefit category. The final layout will be determined at the time of Site Plan and Staff supports 5 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 building 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. Staff supports the Applicant's request.

Vegetated Roof: The Applicant requests 7.5 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment on the multi-family building. The CR Guidelines recommend 7.5 points for development that meets the Zoning Ordinance requirements. Staff supports the 7.5 points as recommended in the CR Guidelines because the Application meets the requirement of the Zoning Ordinance.

7. *establish 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.

SECTION 6: PRELIMINARY PLAN 120150220

ANALYSIS AND FINDINGS

Sector Plan Conformance

As discussed in the Sketch Plan Amendment section of this report, the Preliminary Plan Application substantially conforms to the *Silver Spring CBD Sector Plan*. The Preliminary Plan Application complies with the specific density recommendations for the site as well as the applicable urban design, roadway, and general recommendations outlined in the Sector Plan and the Guidelines.

Transportation

Access and Circulation

Vehicular access to the Subject Property is provided directly from an existing one-way (southbound) public alley located west of the Subject Property off Bonifant Street, approximately 200-feet west of Georgia Avenue. The Purple Line light rail project will run on Bonifant Street along the Subject Property's frontage and Bonifant Street will operate as a single-lane one-way (westbound) street between Georgia Avenue and Ramsey Avenue. Resident vehicular parking is proposed to be contained within a structured subgrade garage beneath the proposed building. (Figure 12)

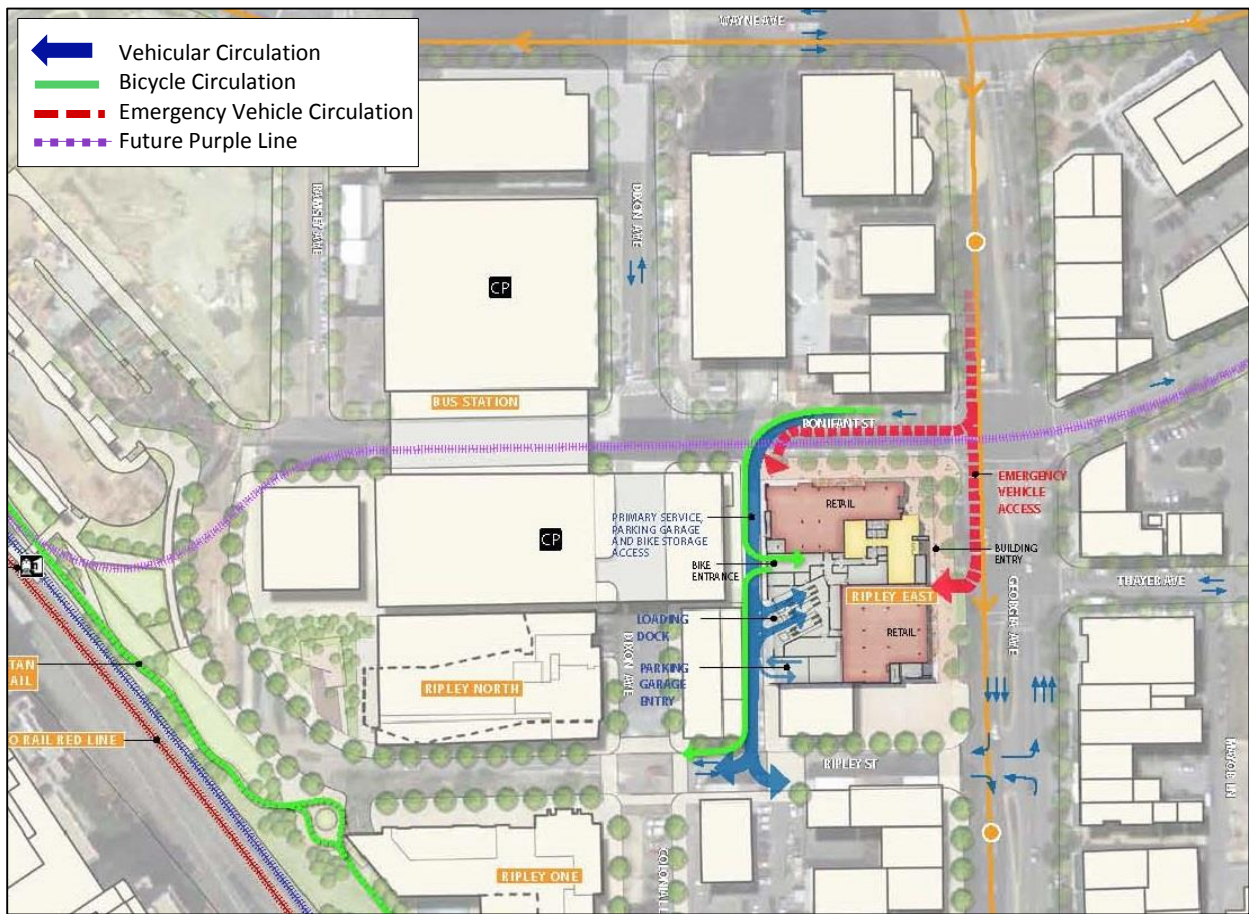


Figure 7-Vehicular Circulation

Bonifant Street is currently improved as a three-lane Business District roadway within a 70 foot-wide public right-of-way and is configured to accommodate a single lane of westbound traffic and two lanes of eastbound traffic. At its intersection with Georgia Avenue, eastbound traffic must turn either left or right onto Georgia Avenue; no through-traffic is permitted across Georgia Avenue at this intersection. Georgia Avenue is currently improved as a six-lane Major Highway within a variable-width right-of-way that will remain in its current configuration and will be dedicated to its ultimate right-of-way of 140 feet. This right-of-way is consistent with the minimum right-of-way requirements described in both the 2000 *Silver Spring CBD Sector Plan* and the 2013 *Countywide Transit Corridors Functional Master Plan*.

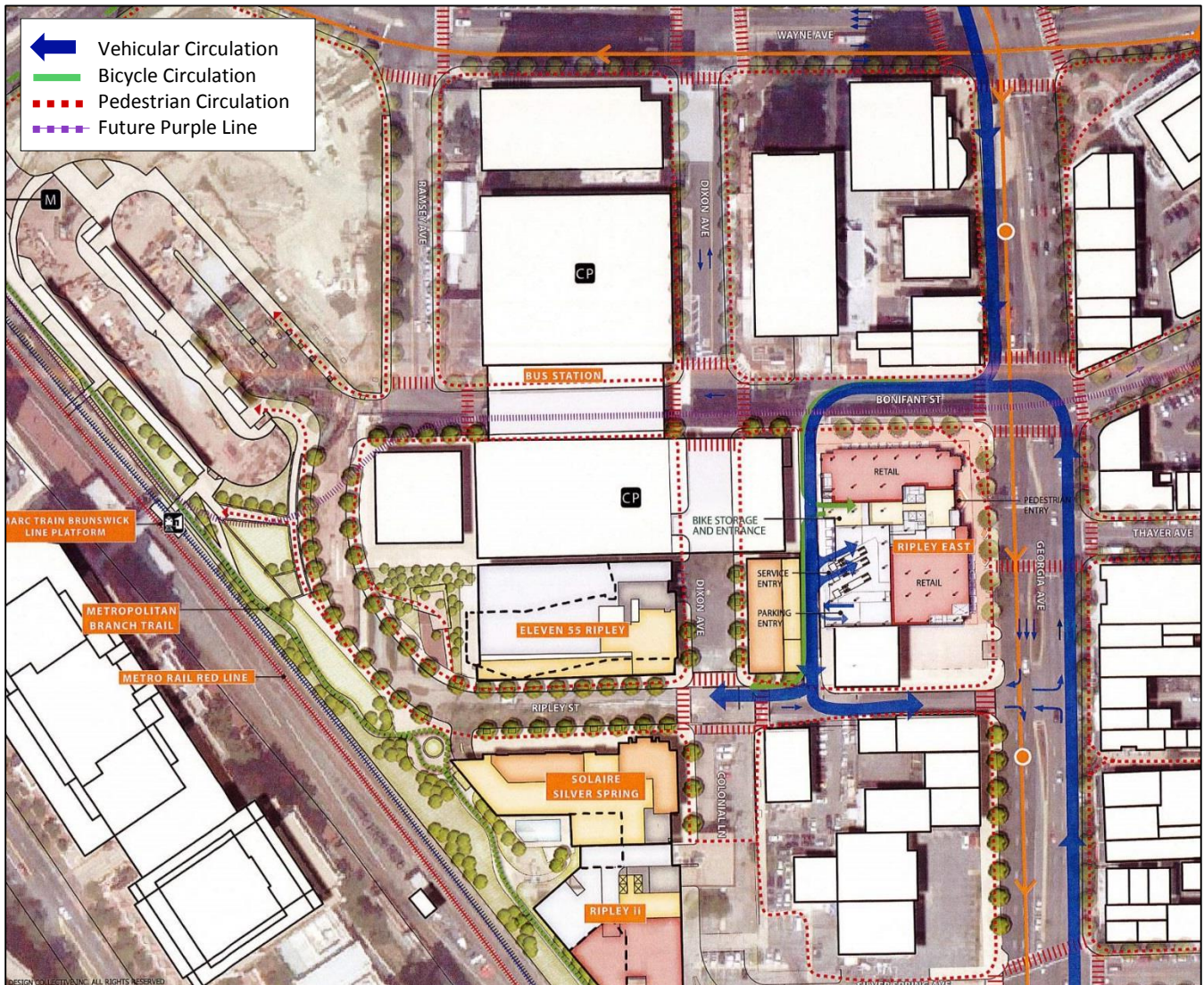


Figure 8-Pedestrian Circulation

Pedestrian and bicycle access to the Subject Property will be provided along the property's Georgia Avenue and Bonifant Street frontages (Figure 13). As a result of the proposed right-of-way dedication, the pedestrian accommodation on the Bonifant Street frontage will be at least 20 feet from the building face to roadway, significantly greater than the existing 5 foot-wide sidewalk. Additionally, the Application provides a designated bicycle garage entrance for building residents via the public alley along the rear of the building. No specific master planned bikeways are recommended for either Bonifant Street or Georgia Avenue, though the Sector Plan

identifies Bonifant Street as a “mixed street” that could accommodate bicyclists within the vehicular travelway. However, the Sector Plan did not anticipate the Purple Line on Bonifant Street.

Transit Connectivity

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 west, and a Purple Line station at the new Silver Spring Library to the east. Specific transit routes near the Site include:

1. RideOn Bus Routes 1, 2, 3, 4, 5, 8, 9, 11, 12, 13, 14, and 15
2. WMATA Metrobus Routes J5, Q1, Q2, Q4, S2, S4, Y5, Y7, Y8, Y9, Z2, Z6, Z8, Z9, Z11, Z13

Sector-Planned Transportation Demand Management

As a commercial 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.

Master Plan Roadways and Pedestrian/Bikeway Facilities

The following summarizes recommendations included in the 2000 *Silver Spring CBD Sector Plan*, 2005 *Countywide Bikeways Functional Master Plan*, and 2013 *Countywide Transit Corridors Functional Master Plan* for nearby transportation facilities:

1. Bonifant Street: a Business District roadway with a minimum master planned right-of-way of 70 feet. Master planned on-road bicycle facilities are recommended along the northern Site frontage, between Cedar Street and the Metropolitan Branch Trail.
2. Georgia Avenue: a six-lane Major Highway with a minimum master planned right-of-way of 140- feet. The Georgia Avenue South Bus Rapid Transit Corridor is planned to run along the site frontage, between Veirs Mill Road (MD 586) and the District of Columbia.

Adequate Public Facilities

A traffic study, dated July 31, 2015, was submitted for the subject application per the *LATR/TPAR Guidelines* since the proposed 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. A site trip generation summary for the proposed development, provided in Table 3 below, shows that the Project will generate 117 peak-hour trips during the weekday morning peak period and 143 peak-hour trips during the weekday evening peak period.

TABLE 3: SUMMARY OF SITE TRIP GENERATION, PROPOSED RIPLEY EAST PROJECT

Trip Generation	Morning Peak-Hour			Evening Peak-Hour		
	In	Out	Total	In	Out	Total
Proposed						
360 High Rise Dwelling Units	22	86	108	76	32	108
17,300 SF General Retail	5	4	9	18	17	35
Total Net New Peak Hour Trips	27	90	117	94	49	143

Source: Kimley Horn traffic study dated July 31, 2015.

A summary of the capacity analysis/Critical Lane Volume (CLV) analysis for the weekday morning and evening peak-hour periods, presented in Table 4, shows that the total (Build) condition will remain within the policy area congestion standard of 1,800 CLV. Based on the analysis presented in the traffic study, the subject application will satisfy the LATR requirements of the APF test.

TABLE 4: SUMMARY OF CAPACITY CALCULATIONS, PROPOSED RIPLEY EAST PROJECT

Intersection	Traffic Conditions					
	Existing		Background		Total	
	AM	PM	AM	PM	AM	PM
Colesville Rd/ Wayne Ave/ 2 nd Street	656	636	759	727	771	731
Georgia Ave/ Wayne Ave	918	1050	979	1246	1007	1268
Georgia Ave/ Bonifant St	729	566	815	681	828	695
Georgia Ave/ Thayer Ave	725	801	800	941	800	962
Georgia Ave/ Ripley St	607	598	644	655	734	704
Bonifant St/ Public Alley	-	-	-	-	221	224
Ripley St/ Public Alley	-	-	-	-	140	153

Source: Kimley Horn traffic study dated July 31, 2015.

Transportation Policy Area Review (TPAR)

Since the proposed 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 proposed 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 proposed development. The Subject Property is proposed to 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 Property. The Subject Property is located in the Blair School Cluster. The Application 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 middle and high school levels (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.

Compliance with Zoning Ordinance and Subdivision Regulations

This Application has been reviewed for compliance with the Montgomery County Code, Chapter 50, Subdivision Regulations. The Application meets all applicable sections. The size, width, shape, and orientation of the proposed 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. 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.

Section 50-26(c)(3) of the Subdivision Regulations requires that the property lines of corner lots be truncated 25 feet from the intersection. This provides additional right-of-way area at intersections that ensures adequate sight distance is available and creates space for traffic channelization. But the regulation also allows the Planning Board to specify a greater or lesser truncation depending on the specific sight distance and channelization needs at the intersections adjacent to the Subject Property.

In this case, the Applicant is not proposing truncation at the intersection of the Public Alley and Bonifant Street. Truncation at this intersection is not necessary because adequate sight distance exists. Providing truncation would negatively impact the design of the development and the provision of the required public use space. For these reasons, Staff recommends that the Planning Board find that truncation in this location is not necessary at this intersection.

As discussed in the Sketch Plan Amendment section of this report, consistent with the approved Sketch Plan No. 320150010, the Preliminary Plan Application substantially conforms to the *Silver Spring CBD Sector Plan*. 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. As evidenced by the Preliminary Plan, the lot is sufficiently dimensioned to efficiently accommodate the proposed mix of uses.

Environment

Forest Conservation

This Preliminary Plan 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. (Attachment D)

Noise

The proposed Ripley East development provides residential units within a busy urban environment that produces adverse levels of noise impacts. To address the associated development standards regarding noise mitigation the Applicant coordinated with an engineer specialized in acoustics. Phoenix Noise & Vibration, LLC conducted an analysis of transportation noise impact upon the proposed Ripley East mixed-use multifamily building (Ripley East Phase I Noise Analysis dated September 11, 2015). The analysis concluded the following:

Ripley East will be exposed to future transportation noise levels up to 76 dBA Ldn. While this represents a high level of noise impact, compliance with Montgomery County's residential noise regulations can be achieved through modifications to proposed building architecture.

While noise impact upon Ripley East will be above the recommended outdoor noise level of 65 dBA Ldn, compliance with Montgomery County's residential 45 dBA Ldn interior noise level requirement can be achieved through modifications to proposed building construction. Depending upon the noise level specific to each impacted unit, modifications may include increased window/door STC ratings and slight adjustments to exterior wall construction. Further analysis is required to determine the exact mitigation designs necessary, which will be established once architectural plans (building elevations, window/door schedule, unit plans) are further developed.

The noise analysis confirms that some of the proposed units would be subject to higher levels of noise impacts, in excess of the Planning Board's noise guidelines. However, appropriate treatments of the building shells and windows would readily mitigate the interior noise to acceptable levels. The outdoor common space areas are not

overly impacted by noise levels and do not require mitigation. Conditions of approvals are included to ensure that further analysis and appropriate mitigation are provided prior to certain stages of the development process.

Stormwater Management

Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on April 1, 2015 (Attachment E). The plan proposes to meet stormwater management requirements through the use of a green roof and micro-bioretenion planter boxes.

SECTION 7: SITE PLAN 820150130

FINDINGS

1. *When reviewing an application, the approval findings apply only to the site covered by the application.*
2. *To approve a site plan, the Planning Board must find that the proposed development:*

- a. *satisfies any previous approval that applies to the site;*

The Site Plan conforms to all bindings elements of Sketch Plan No. 320150010 and Sketch Plan Amendment No. 32015001A.

- b. *satisfies under Section 7.7.1.B.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;*

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

- c. *satisfies under Section 7.7.1.B.5 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 section is not applicable as the Subject Property’s zoning classification on October 29, 2014 was not the result of a Local Map Amendment.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

- i. *Division 4.5. Commercial/Residential Zones*

Development Standards

The Subject Project is approximately 1.4 acres, zoned CR-5.0, C-4.0, R-4.75, H-200T and Ripley/South Silver Spring Overlay Zone. The following table, Table 5, shows the Application’s conformance to the development standards of the zone.

Table 5-Site Plan 820150130 Project Data Table

Section 59-4	Development Standard	Permitted/Required	Proposed
	Net Tract Area (sf)	n/a	35,298
	Gross Tract Area (sf)	n/a	60,812
4.5.4.B.2.b	Maximum Density (CR)	5.0 FAR (304,060 sf)	Up to 6.05 FAR (367,606 sf)²
	Non-residential (C)	4.0 FAR (243,248 sf)	Up to 0.25 FAR (15,200 sf)
	Residential (R) ¹	4.75 FAR (288,857 sf)	Up to 5.80 FAR (352,406 sf)
	Dwelling Units	n/a	Up to 360
	MPDUs (% / units)	12.5% / 45 units	15% / 54 units
4.5.4.B.2.b	Building Height (feet)	200' ³	Up to 200' on Bonifant Street Up to 175' on Georgia Avenue
4.5.4.B.1	Minimum Public Open Space (%)	5% (1,781 sf)	5% (1,781 sf)
4.5.4.B.3	Min. Building Setbacks		
	East Side	0'	0'
	West Side	0'	0'
	North Side	0'	0'
	South Side	0'	0'
6.2	Parking Spaces, minimum-maximum⁴		
	Residential	201-441	
	Retail/Service Establishment	53-91	
	TOTAL	254-532	262
	Loading, Accessible Spaces, Motorcycle & Bicycle		
	Loading		2
	ADA spaces		1
	Car Share Spaces		2
	Electric Vehicle Charging Station		3
	Motorcycle/Scooter		6
	Bicycle-Public		4
	Bicycle-Private		112

¹ 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.

² The Application utilizes the optional method of development to develop the Subject Property with up to the maximum density (6.05 FAR, with up to 5.80 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.

³ Section 59-4.9.11 of the Zoning Ordinance contains the provisions applicable to properties located in the Ripley/South Silver Spring Overlay Zone. Section 59-4.9.11.C.1.b provides that the Planning Board may approve a maximum building height of 200 feet in any CR optional method development project that provides ground-floor retail, as the Subject Project does.

⁴ The parking minimums and maximums are based on 360 multi-family residential units, consisting of 306 market-rate units and 54 MPDUs (Market-rate: 74 studios, 147 one bedroom units, 85 two bedroom units; MPDUs: 13 studios, 26 one bedroom units, 15 two bedroom units). 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.

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 proposes significant glass features at the ground-level for transparency as well as activating features on the ground-floor level, including the public plaza, the residential entrance at the corner of Georgia Avenue and Bonifant Street, and retail uses and outdoor seating along both frontages. The western side of the Project contains the parking, loading and bicycle access, and the southern side of the Project abuts the lot located on the corner of Georgia Avenue and Ripley Street. All public and highly visible frontages will feature significant glass features and activating uses. 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.

ii. *Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59-4.7.1, the Site Plan proposes the following public benefits to satisfy the requirements: Transit Proximity; Connectivity and Mobility; Diversity of Uses and Activities; Quality Building and Site Design; and Protection and Enhancement of the Natural Environment.

Transit Proximity

The Property is located within one-quarter mile of the Silver Spring Metro Station. Staff supports the Applicant's request for 40 points as suggested in the *2012 Commercial/Residential Zones Incentive Density Implementation Guidelines*.

Connectivity and Mobility

Minimum Parking: The Project proposes to provide 262 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. Staff 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. Staff supports the Applicant's request of 10 points.

Diversity of Uses and Activities

Affordable Housing: 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 (360 multi-family units). The Applicant will provide 54 MPDUs, which yields 30 points. Staff supports the Applicant's request.

Quality of Building and Site Design

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 and the layout of the parking garage is depicted in the architectural plans and will be included in the Certified Site Plan. Staff supports 20 points for this benefit.

Tower step-back: Up to 10 points can be granted for stepping back a building's upper floors by a minimum of six feet behind the first floor façade and must begin at a height no greater than 72 feet. A two-story volume, up to approximately 35 feet in height at the retail base, brings the building forward to the property line along Georgia Avenue and Bonifant Street to create a more pedestrian scale and relate to the surrounding retail buildings. The building steps back approximately 10 feet above the second floor and a second step-back on the Georgia Avenue façade is provided at approximately the 150-foot level. The step backs are depicted in the architectural plans and will be included in the Certified Site Plan. The Applicant is requesting 5 points for the tower step-back. Staff supports 5 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 for 7.2 public benefit points. Staff supports this request.

Cool Roof: The Project includes 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 5 points in this public benefit category. The layout and details of the cool roof are included with the Site Plan application and will be shown on the Certified Site Plan. Staff supports 5 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 for water source heat pumps and central water heating with heat recovery, energy efficient LED lighting, and low-flow plumbing fixtures. 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 Staff supports the Applicant's request.

Vegetated Roof: The Applicant requests 7.5 points for providing vegetated roofs with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment on the building. The Project includes a vegetated roof and the layout and planting design is included with the Site Plan and will be included in the Certified Site Plan. The CR Guidelines recommend 7.5 points for development that meets the Zoning Ordinance requirements. Staff supports the 7.5 points as recommended in the CR Guidelines because the Project meets the requirement of the Zoning Ordinance.

Table 6 - Site Plan Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Sketch Plan	Requested	Recommended
59-4.7.3B: Transit Proximity	40	40	40
59-4.7.3C: Connectivity and Mobility			
Minimum Parking	9	9	9
Trip Mitigation	10	10	10
59-4.7.3D: Diversity of Uses and Activities			
Affordable Housing (MPDUs)	30	30	30
59-4.7.3E: Quality of Building and Site Design			
Structured Parking	20	20	20
Tower Step-back	5	5	5
59-59-4.7.3F: Protection and Enhancement of the Natural Environment			
Building Lot Terminations	7.2	7.2	7.2
Cool Roof	5	5	5
Energy Conservation and Generation	10	10	10
Vegetated Roof	7.5	7.5	7.5
TOTAL	143.7	143.7	143.7

iii. Division 6.1. Site Access

The Public Alley on the west side of the Subject Property appropriately functions for vehicular access (cars and bicycles will each have their own designated access point) and loading. Pedestrians will be able to enter the Project from the corner of Georgia Avenue and Bonifant Street, or may enter the Project with their bicycles through the separate bicycle entry point at the northern end of the public alley. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

iv. Division 6.2. Parking, Queuing, and Loading

Parking for the mixed-use building will be provided in a below-grade facility. Vehicular and loading access is appropriately located off of the one-way north to south public alley along the west side of the Property.

v. Division 6.3. Open Space and Recreation

The Project has a 5 percent public open space requirement. The Project proposes 5 percent, totaling 1,781 square feet of public open space.

In addition, the Project meets the active and passive recreation space required by the zone. The proposed development will provide the following on-site recreation facilities: 6 picnic/sitting areas, a pedestrian system, an indoor community space, and an indoor fitness facility. The development can also take advantage of the off-site multi-age playground located at Bullis Park, less than a mile from the Property.

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.

vi. *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 year-round use and enjoyment by residents and visitors. The Project will transform existing streetscape along the frontage on Georgia Avenue and Bonifant Street with new street trees, improved, wider sidewalks, street lighting, and street furniture. The on-site lighting will limit the necessary light levels to streets and sidewalks. The Project also includes landscaping and lighting in the courtyard and on the rooftop in order to provide an attractive outdoor environment for use by the residents. Site furnishings will be integrated within the site to create a unique and interesting place and ensure accessibility and comfort.

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.

e. *satisfies the applicable requirements of:*

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

A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on April 1, 2015. The plan proposes to meet stormwater management requirements through the use of a green roof and micro-bioretenion planter boxes.

ii. *Chapter 22A, 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.

f. *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. The Project appropriately locates the residential entrance and non-residential uses along the Georgia Avenue and Bonifant Street frontages to activate the pedestrian environment. The wide streetscapes further enhance the pedestrian experience. The public alley on the west side of the Subject Property appropriately functions for vehicular access and loading. By separating the more activating pedestrian uses from the vehicular circulation, the Project provides safe and adequate vehicular, pedestrian and bicyclist access, circulation, parking and loading.

The Project provides a safe and well-integrated building, open spaces and site amenities. The Project incorporates low two- to three-story volumes along both the Georgia Avenue and Bonifant Street frontages at the retail base, providing setbacks at the street level. This feature brings the building to a more pedestrian scale at the street level and better integrates with the surrounding retail buildings. In addition, a second step-back on the Georgia Avenue facade occurs at the 150-foot level, with an additional step-back on the south façade at the 150-foot level. These step-backs further break down the massing of

the building along Georgia Avenue. In addition, the Project will provide an offset roofline, with the roofline of the Bonifant Street façade rising to 200 feet and the roofline of the Georgia Avenue frontage stepping down to 175 feet to transition toward Fenton Village and the surrounding neighborhoods on the east side of Georgia Avenue. The Project provides amenities for the residents of the Project, on the ground floor level, second floor with access to the courtyard plaza and rooftop amenities.

- g. substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

As discussed in the concurrently filed Sketch Plan Amendment No. 32015001A, the Site Plan substantially conforms with the recommendations of the Sector Plan. The Site Plan proposes a mixed-use development with both high-rise residential uses as well as potential ground-floor retail. The Project proposes up to 360 multi-family residential units with 15% on-site MPDUs and up to 15,200 square feet of non-residential uses, as well as underground parking, on-site amenities for the residents, and public open space.

The Sector Plan calls for facilitating improvements to the character of Georgia Avenue and the Project will improve upon the existing street frontages of Georgia Avenue and Bonifant Street, providing an enhanced pedestrian environment through setbacks for a wider sidewalk and streetscaping features. All loading and vehicular access will be from the alley on the west side of the Subject Property.

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 Applicant has assembled the Property by acquiring a number of small parcels in the Ripley District. While the Project is not located adjacent to the Metropolitan Branch Trail, the Applicant anticipates the significant number of residents who will take advantage of the nearby bicycle facilities and trails, and therefore proposes a bicycle-only access into the Property from the alley on the west side of the building. With easy access to two Purple Line stations (the SSTC and the proposed Library Station), residents and visitors to the site will have improved connection to these CBD facilities and neighborhoods that surround them. The Project's generously wide sidewalks along the Georgia Avenue and Bonifant Street frontage provide ample room for pedestrian traffic, tree pits, outdoor café zones at the building edge and benches/planters for sitting and gathering spaces. In addition, the Project proposes recreational facilities and amenities for its residents such as a rooftop pool, indoor fitness facility, and an indoor community space.

The Project proposes to hold the street edges of Georgia Avenue and Bonifant Street to create an L-shaped building, which is comprised of two major masses at varying heights set atop a base level that meet at the Georgia Avenue and Bonifant Street corner.

To contribute to an attractive and coherent Street, the building design modulates its massing to break down the overall scale of the building. The massing along Georgia Avenue is lower and set back to transition towards Fenton Village and the surrounding neighborhoods on the east side of Georgia Avenue. At the retail base of the building, a low two- to three-story volume of approximately 35 feet in height brings the building forward to the property line along Georgia Avenue to create a more pedestrian scale and relate to the surrounding retail buildings. Above this, the primary mass of the building steps back approximately 10 feet, de-emphasizing the overall building height and enhancing compatibility with the buildings across Georgia Avenue. At 150 feet, the building steps back again along both Georgia Avenue and the southern facade facing Pyramid Atlantic and Ripley Street. These step-backs further break down the massing along Georgia Avenue, particularly as viewed from the south. The Project also provides

an offset roofline, with the Bonifant Street side rising to 200 feet and along the Georgia Avenue frontage stepping down to 175 feet.

- h. 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. If an approved adequate public facilities test is currently valid and the impact of the development is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required the Planning Board must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage;*

As discussed in the Preliminary Plan No. 120150220 findings, the proposed 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.

- i. on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

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

- j. on a property in all other zones, 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 west and the recently approved Ripley II Sketch Plan.

- 3. To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must also find that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed 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.

- 4. 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.

Community Outreach

The Applicant has met all signage, noticing, and submission meeting requirements. On April 13, 2015, the Applicant held a pre-submittal public meeting at the Silver Spring Civic Building. Staff has not received any correspondence on this Project.

CONCLUSION

The proposed development complies with the general requirements and development standards of Section 4.5, the optional method public benefits provisions of Division 4.7, and the general development requirements of Article 59-6 of the Zoning Ordinance. The proposed development satisfies the findings of the Subdivision Regulations and is consistent with the goals and recommendations of the 2000 *Silver Spring CBD Sector Plan* and Ripley/South Silver Spring Overlay Zone. Therefore, Staff recommends approval of the Sketch Plan Amendment No. 32015001A, Preliminary Plan No. 120150220, and Site Plan No. 820150130 with the conditions specified at the beginning of this report.

ATTACHMENTS

- A. Sketch Plan 320150010 Staff Report
- B. Sketch Plan 320150010 Adopted Resolution (MCPB No. 15-31)
- C. Preliminary Plan
- D. FCP Exemption Letter
- E. DPS Stormwater Concept Letter
- F. Agency Letters