

CORRECTED

Ordinance No: 16-12
Zoning Text Amendment No: 07- 14
Concerning: Ripley/South Silver
Spring Overlay Zone – Development
Standards
Draft No. & Date: 4 – 9/17/07
Introduced: 9/25/07
Public Hearing: 10/30/2007; 1:30 p.m.
Adopted: 11/20/2007
Effective: 12/10/2007

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: Councilmembers Ervin, Floreen, Leventhal, and Trachtenberg

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- amend the definition of “radio and television broadcasting studio”,
- amend height standards in the Ripley/South Silver Spring Overlay zone,
- delete expired credit provisions, and
- generally amend provisions governing the Ripley/South Silver Spring Overlay zone.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-2	“DEFINITIONS AND INTERPRETATION”
Section 59-A-2.1	“Definitions”
DIVISION 59-C-18	“OVERLAY ZONES”
Section 59-C-18.20	“Ripley/South Silver Spring Overlay Zone”
Section 59-C-18.202	“Regulations”
Section 59-C-18.203	“Methods of development”
Section 59-C-18.204	“Density of development”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*

Underlining indicates text that is added to existing laws by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

Clerk’s Note: Typographical error corrected on line 57.

OPINION

Zoning Text Amendment (ZTA) 07-14, sponsored by Councilmembers Ervin, Floreen, Leventhal, and Trachtenberg, was introduced on September 25, 2007. The ZTA proposes to amend the definition of radio and television broadcast studio and to increase the height allowed for buildings on CBD-2 zoned properties in the Ripley/South Silver Spring Overlay Zone (Overlay Zone). ZTA 07-14 would also remove outdated provisions in the Overlay Zone.

The Council held a public hearing on October 30, 2007 to receive testimony on ZTA 07-14. The County Executive, represented by Gary Stith, recommended approval of ZTA 07-14. The Planning Board and Planning Board staff also recommended approval of ZTA 07-14 as introduced. The Planning Board, however, would not support any interpretation that would allow a combination of building and rooftop "structure" to exceed 200 feet.

The Planning, Housing, and Economic Development Committee held a worksession on November 5, 2007 to review the amendment. After careful review of the materials of record, the Committee recommended that ZTA 07-14. The Committee was persuaded that the additional height allowed by ZTA 07-14 would be appropriate for the CBD-2 portion of the Ripley/South Silver Spring Overlay Zone. In addition, ZTA 07-14 would appropriately amend the definition of radio and television broadcasting studio to reflect the distribution of signals by satellite dishes.

The Committee recognizes that the Silver Spring CBD Sector Plan recommends a maximum building height of 90 feet on Georgia Avenue with the ability to build 2 feet higher for every 1 foot back from Georgia Avenue. ZTA 07-14 does not change that guidance. Sites protected by the Master Plan of Historic Sites in the Overlay Zone will remain protected.

The District Council reviewed Zoning Text Amendment No. 07-14 at a worksession held on November 20, 2007. The District Council agreed with the recommendations of the Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 07-14 will be approved as introduced.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-A-2 is amended as follows:

DIVISION 59-C-2. DEFINITIONS AND INTERPRETATION.

59-A-2.1. Definitions.

* * *

Radio and television broadcasting studio: A facility used [for the creation and production of] to create or produce radio, television, [and] or other electronic media programming. [This includes] A broadcasting studio may include studios, stages, editing facilities, post-production facilities, and equipment for program distribution and receipt via satellite, wire, or fiber optic cable. A radio and television broadcasting studio does not include a tower at the same location as the studio.

* * *

Sec. 2. Division 59-C-18 is amended as follows:

DIVISION 59-C-18. OVERLAY ZONES.

* * *

59-C-18.20. Ripley/South Silver Spring Overlay Zone.

* * *

59-C-18.202. Regulations.

* * *

(b) Development standards. The development standards are the same as those in the underlying zones, except:

- (1) Building height in the [Overlay Zone] overlay zone along Newell Street and Eastern Avenue that confronts a residential zone in the District of Columbia must not exceed a height of 45 feet. However, this building height may be increased to:
 - [(i)](A) a maximum of 90 feet for any building or portion of a building that is set back at least 60 feet from the street[,

28 or as allowed in 59-C-18.204(b), Transfer of
29 Development Credits]; or
30 [(ii)] (B) a maximum of 125 feet for residential development
31 that is set back at least 100 feet from Eastern Avenue and
32 Newell Street[,] and [that] includes a public parking
33 garage constructed under a General Development
34 Agreement with [Montgomery] the County[, Maryland].

35 (2) The Planning Board may approve a maximum building height
36 of 200 feet in any CBD-2 zoned optional method of
37 development project that provides ground floor retail. Any
38 structure or device used to collect or radiate electromagnetic
39 waves, including a satellite dish, must not be included in
40 calculating building height under this paragraph.

41 [(2)] (3) Parking must not be allowed in the front yard of [properties]
42 any property fronting on Georgia Avenue [is prohibited].

43 [(3)] (4) The transfer of public use space to other properties [within]
44 in the [Overlay Zone] overlay zone is allowed, and must be
45 shown on an approved project plan or site plan for both the
46 property transferring the public use space and the property
47 receiving the public use space in accordance with Division 59-
48 D-2 and 59-D-3. The public use space may only be transferred
49 between property owners [in accordance with] under an
50 agreement [as] approved by the [Montgomery County]
51 Planning Board.

52 [(4)] (5) Costs associated with meeting the public use space offsite
53 may be shared by multiple property owners.

54 [(5) Transfer of development credits may occur between properties
55 within the overlay zone for Ripley/South Silver Spring.]

56 **59-C-18.203. Methods of [Development] development.**

57 (a) Standard method of development may be approved [in accordance
58 with] under the standards of the underlying zone [provisions].

59 [(1)] The public use space requirement may be transferred to other
60 properties [within] in this overlay zone if approved [by] in a site
61 plan [in accordance with] under Division 59-D-3.

62 [(2)] The transfer of development credits to other properties within
63 the overlay zone may be allowed with approval of a site plan in
64 accordance with Division 59-D-3.]

65 (b) Optional method of development may be approved [in accordance
66 with] under the standards of the underlying zone [Zone provisions]
67 except as modified by this overlay zone.

68 **59-C-18.204. Density of development.**

69 Development in the overlay zone may proceed under one of the following
70 options:

71 (a) Underlying zone standards. Except as [regulated] modified by this
72 overlay zone, development may proceed under the standards of the
73 underlying CBD Zone, in accordance with [the provisions of Sec.]
74 Section 59-C-6.23.

75 [(b)] Development credits. A development credit, in square feet of gross
76 floor area, may be established with the demolition of a building before
77 August 24, 2002 that exceeds the amount of floor area allowed under
78 the standard method of development in this Overlay Zone. A
79 development credit may be retained for purposes of reconstruction on
80 the property generating the development credit, or transferred and

81 used for new construction on any property in this Overlay Zone
82 provided the property to which any development credit is transferred
83 does not confront a one-family zone. Use of a development credit
84 either on property generating the development credit or on another
85 property using the development credit must be submitted before
86 August 24, 2007 and must be shown on either:

87 (1) a site plan approved under Division 59-D-3 for standard method
88 development of a property receiving a development credit. The
89 development credit must not exceed 50% of the FAR allowed
90 for the receiving property under the standard method of
91 development; or

92 (2) a project plan approved under Division 59-D-2. A project plan
93 may exceed the allowable maximum FAR of the underlying
94 zone.

95 (c) 100% of a development credit may be retained by the property
96 generating the development credit and may be utilized by the
97 generating property and other property shown with the generating
98 property on a project plan approved under Division 59-D.2.

99 (d) A development credit to be transferred must be established and
100 attached to a property only by means of documents, including an
101 easement and appropriate releases, in a recordable form approved by
102 the Planning Board. Any easement must:

103 (1) limit future construction of the property that transfers the
104 development credit to the amount of gross square feet of the
105 demolished building minus all development credits transferred;

106 (2) indicate the amount of development credit, in gross square feet
107 to be transferred;

- 108 (3) indicate the maximum gross square feet of future development
109 for the property that transfers the development credit, but no
110 less than the amount that could be constructed on the property
111 under the standard method of development; and
112 (4) be recorded in the land records of Montgomery County.]

113 [(e)] (b) Any building constructed [pursuant to] that satisfies a project plan
114 or site plan approved under this Section is a conforming structure and
115 may be repaired or reconstructed [in accordance with] under the
116 conditions of the approved project plan or site plan.

117 [(f)] (c) Any building for which a valid building permit was issued before
118 February 1, 2000 [approval of the Ripley/South Silver Spring Overlay
119 Zone Sectional Map Amendment,] is a conforming building and may
120 be altered, repaired, or reconstructed under the standards of the zone
121 in effect [at the time] when the building was constructed, except:

122 (1) If the building exceeds the standards of the underlying zone,
123 any alteration, repair, or reconstruction of the building must not
124 increase the gross floor area or the height of the building above
125 that which existed [as of the date of application of the
126 Ripley/South Silver Spring Overlay Zone] on February 1, 2000;
127 or

128 (2) If the building does not exceed the standards of the underlying
129 zone, any alteration, repair, or reconstruction of the building
130 must conform to the standards of the underlying zone, except as
131 may be further [regulated] modified by the Ripley/South Silver
132 Spring Overlay Zone.

133 **Sec. 3. Effective date.** This ordinance takes effect 20 days after the date of
134 Council adoption.

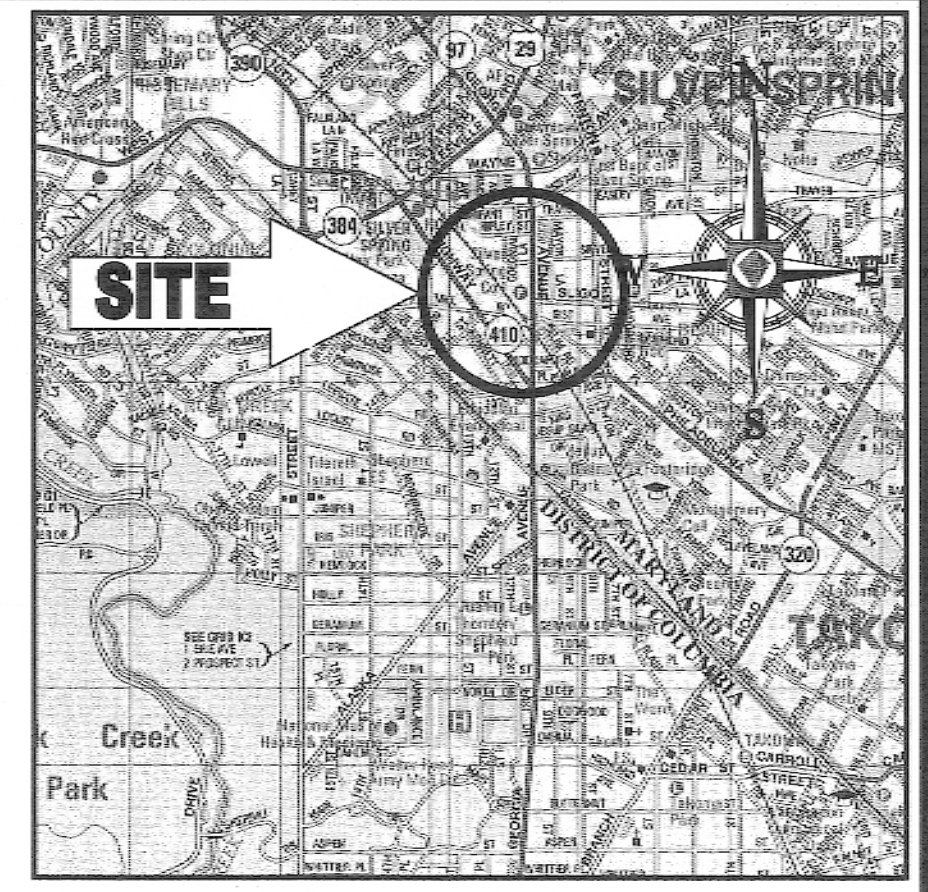
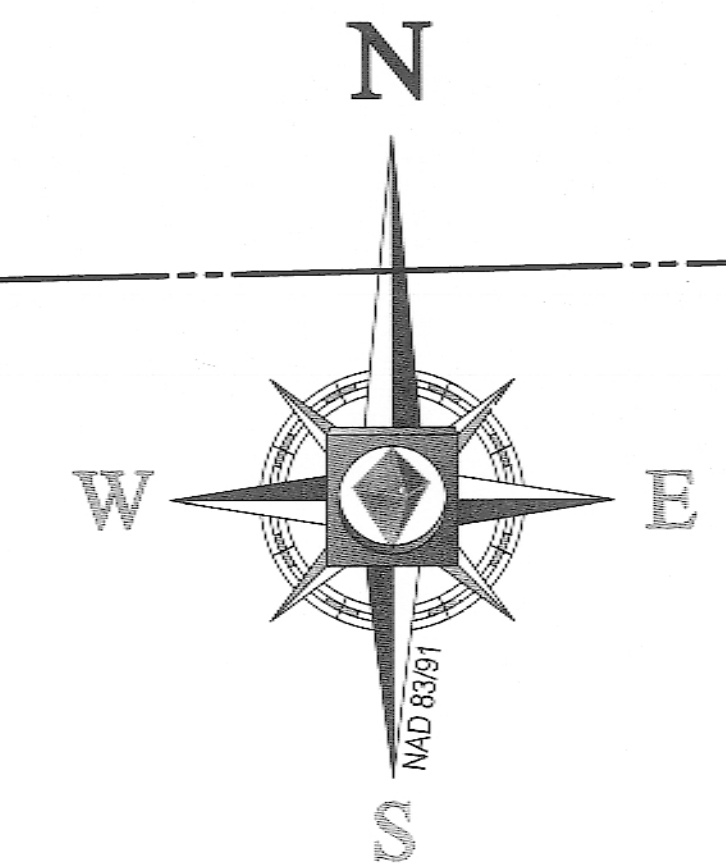
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136 This is a correct copy of Council action.

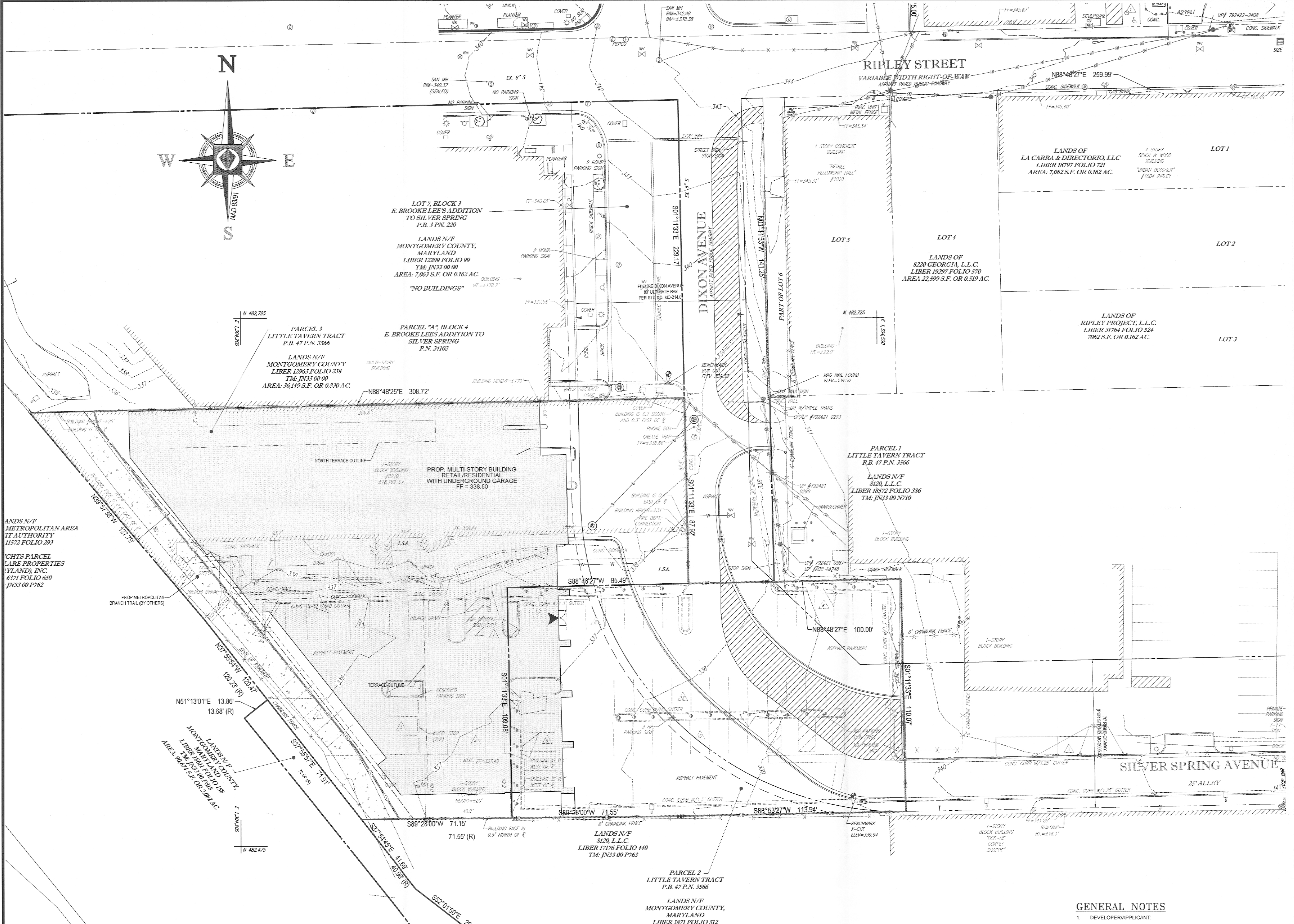
137

138 *Linda M. Lauer*

139 Linda M. Lauer, Clerk of the Council



LOCATION MAP
COPYRIGHT AEC THE MAP PEOPLE
PERMIT USE NO. 2002153-5
SCALE: 1"=200'



LANDS N/F METROPOLITAN AREA AUTHORITY 11572 FOLIO 293
GHTS PARCEL CARE PROPERTIES (VYLAND) INC. 6171 FOLIO 650 JN33 00 P762

LANDS N/F MONTGOMERY COUNTY LIBER 12963 FOLIO 238 TM JN33 00 00 AREA: 36,149 S.F. OR 0.830 AC.
LANDS N/F MONTGOMERY COUNTY LIBER 12309 FOLIO 99 TM JN33 00 00 AREA: 7,063 S.F. OR 0.162 AC.
NO BUILDINGS*

LOT 7, BLOCK 3 E. BROOKE LEES ADDITION TO SILVER SPRING P.B. 3 P.N. 220
LANDS N/F MONTGOMERY COUNTY, MARYLAND LIBER 12309 FOLIO 99 TM JN33 00 00 AREA: 7,063 S.F. OR 0.162 AC.
NO BUILDINGS*

PARCEL 3 LITTLE TAVERN TRACT P.B. 47 P.N. 3566
LANDS N/F MONTGOMERY COUNTY LIBER 12963 FOLIO 238 TM JN33 00 00 AREA: 36,149 S.F. OR 0.830 AC.

PARCEL "A", BLOCK 4 E. BROOKE LEES ADDITION TO SILVER SPRING P.N. 2402
MULTI-STORY BUILDING HT = 222.0'

PROP. MULTI-STORY BUILDING RETAIL/RESIDENTIAL WITH UNDERGROUND GARAGE FF = 338.50

PARCEL 1 LITTLE TAVERN TRACT P.B. 47 P.N. 3566
LANDS N/F MONTGOMERY COUNTY LIBER 12922 FOLIO 386 TM JN33 00 N710

LANDS N/F MONTGOMERY COUNTY, MARYLAND LIBER 12778 FOLIO 440 TM JN33 00 P763
NO BUILDINGS*

PARCEL 2 LITTLE TAVERN TRACT P.B. 47 P.N. 3566
LANDS N/F MONTGOMERY COUNTY, MARYLAND LIBER 12711 FOLIO 512 TM JN33 00 00 AREA: 20,365 S.F. OR 0.468 AC.
NO BUILDINGS*

LEGEND	
	EXISTING PROPERTY LINE
	PROPOSED PROPERTY LINE
	EXISTING CONTOUR
	HYDRANT
	WATER VALVE
	GAS VALVE
	UTILITY POLE
	TRAFFIC SIGNAL
	ELECTRIC METER
	SANITARY MANHOLE
	TELEPHONE MANHOLE
	ELECTRIC MANHOLE
	STORM DRAIN MANHOLE
	WATER METER
	EX TREE
	GAS METER
	SIGN
	BOLLARD
	U-BOLLARD
	FENCE
	LANDSCAPED AREA
	AREA LIGHT
	DOUBLE AREA LIGHT
	CLEAN OUT
	PAINTED ARROWS
	DENOTES PARKING SPACE COUNT
	BENCHMARK
	UTILITY POLE/LIGHT POLE
	TEST PIT/GRADING LOCATION
	GROUND AREA LIGHT

- ### GENERAL NOTES
- DEVELOPER/APPLICANT: DIAMONDBACK INVESTORS, LLC 4718 HAMPDEN LANE, SUITE 300 BETHESDA, MD 20814 CONTACT: EVAN FELDMAN PHONE: (242) 482-0358
 - THIS PLAN IS BASED UPON THE FOLLOWING:
PREPARED BY BOHLER ENGINEERING BOUNDARY & TOPOGRAPHIC SURVEY TITLED "MPC BETHEL WORLD" 48238 GEORGIA AVENUE, WHEATON (13TH) ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND
PREPARED BY: BOHLER ENGINEERING
FIELD DATE: 02/26/14
DATED: 04/14/14
PROJECT NO.: SB122057
 - ZONING DATA: EXISTING: CBD-2 EXISTING USE: OFFICE AND RETAIL PROPOSED USE: RESIDENTIAL AND RETAIL
 - TOTAL FORESTED AREA DISTURBED: 0.50 SQ FT
 - TOTAL DISTURBED AREA: 1.30 AC
 - HSBC 200 SHEET NO. 217M001
 - WATERSHED: LOWER ROCK CREEK
 - TOTAL TRACT AREA: 1,268 AC ±
 - NO STREAMS EXIST ON-SITE.
 - NO FLOODPLAINS EXIST ON THE PROPERTY PER FEMA MAP #24031C0460D
 - NO WETLANDS EXIST ON-SITE.
 - NO KNOWN ENDANGERED SPECIES ARE KNOWN TO EXIST ON THE PROPERTY.
 - NO KNOWN HISTORIC FEATURES EXIST ON THE PROPERTY.
 - NO TREES GREATER THAN OR EQUAL TO 24 INCHES DIAMETER AT CHEST HEIGHT EXIST ON-SITE.
 - NO EXISTING FOREST ON-SITE.

FOREST CONSERVATION PLAN EXEMPTION STATEMENT:
THE PROPOSED DEVELOPMENT QUALIFIES FOR AN EXEMPTION UNDER SECTION 22A-5(S) WHERE:
1. AN ACTIVITY OCCURRING ON A TRACT OF LAND LESS THAN 1.5 ACRES WITH NO EXISTING FOREST, OR EXISTING SPECIMEN OR CHAMPION TREE, AND THE AFFORESTATION REQUIREMENT WOULD NOT EXCEED 10,000 SQUARE FEET

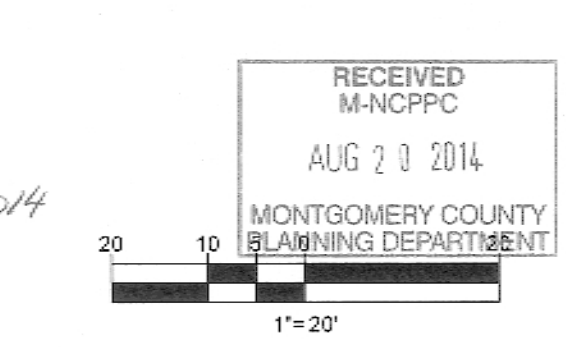
- ### Sequence of Events for Property Owners Required to Comply With Forest Conservation and/or Tree-Save Plans
- #### Pre-Construction
- An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner should contact the Montgomery County Planning Department inspection staff before construction to verify the limits of disturbance and discuss tree protection and tree care measures. The developer's representative, construction superintendent, ISA certified arborist or Maryland-licensed tree expert that will implement the tree protection measures, forest conservation inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.
 - No clearing or grading shall begin before stress-reduction measures have been implemented. Appropriate measures may include, but are not limited to:
 - Root pruning
 - Crown reduction or pruning
 - Watering
 - Fertilizing
 - Vertical mulching
 - Root aeration matting
 Measures not specified on the forest conservation plan may be required as determined by the forest conservation inspector in coordination with the arborist.
 - A Maryland-licensed tree expert or an International Society of Arboriculture-certified arborist must perform all stress reduction measures. Documentation of stress reduction measures must be either observed by the forest conservation inspector or sent to the inspector at 8787 Georgia Avenue, Silver Spring, MD 20910. The forest conservation inspector will determine the exact method to convey the stress reduction measures during the pre-construction meeting.
 - Temporary tree protection devices shall be installed per the Forest Conservation Plan/Tree Save Plan and prior to any construction activities. Tree protection fencing locations should be staked prior to the pre-construction meeting. The forest conservation inspector, in coordination with the DPS sediment control inspector, may make field adjustments to increase the survivability of trees and forest shown as saved on the approved plan. Temporary tree protect devices may include:
 - Chain link fence (four feet high)
 - Super silt fence with wire strung between support poles (minimum 4 feet high) with high visibility flagging.
 - 14 gauge 2 inch x 4 inch welded wire fencing supported by steel T-bar posts (minimum 4 feet high) with high visibility flagging.

- #### During Construction
- Long-term protection devices will be installed per the Forest Conservation Plan/Tree Save Plan and attached details. Installation will occur at the appropriate time during the construction project. Refer to the plan drawing for long-term protection measures to be installed.
- #### Post-Construction
- After construction is completed, an inspection shall be requested. Corrective measures may include:
 - Removal and replacement of dead and dying trees
 - Pruning of dead or declining limbs
 - Soil aeration
 - Fertilization
 - Watering
 - Wound repair
 - Clean up of retention areas
 - After inspection and completion of corrective measures have been undertaken, all temporary protection devices shall be removed from the site. Removal of tree protection devices that also operate for erosion and sediment control must be coordinated with both the Department of Permitting Services and the forest conservation inspector. No additional grading, sodding, or burial may take place after the tree protection fencing is removed.

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
Forest Conservation (FC Exemption)
Tree Save Plan

APPROVED
FC Exemption No. 42015032E
Signature: *David W. Jones* Date: August 20, 2014

Site conditions have not been field-verified as part of this approval.



BOHLER ENGINEERING
CIVIL CONSULTING ENGINEERS
SUBDIVISIONS
PROJECT MANAGERS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS

CIVIL ENGINEERING OFFICE: WARRERS, NJ
SOUTHROCK, MD
BETHESDA, MD
COLUMBIA, PA
CAMP, PA
PHILADELPHIA, PA

REVISIONS				
REV.	DATE	COMMENT	BY	
1	08/19/14	REVISE PER MDCPPC COMMENT	REK	

NOT APPROVED FOR CONSTRUCTION

PROJECT NO. M8122057
DRAWN BY: MKJ
CHECKED BY: C811414
DATE: 7/20
SCALE: 1"=20'
CAD LID: NR1

RIPLEY II
FOR
WASHINGTON PROPERTY COMPANY
LOCATION OF SITE
GEORGIA AVENUE AND
SILVER SPRING AVENUE
SILVER SPRING, MARYLAND
MONTGOMERY COUNTY

BOHLER ENGINEERING
16701 MELFORD BLVD., SUITE 310
BOWIE, MARYLAND 20715
Phone: (301) 808-4500
Fax: (301) 808-4501
www.BohlerEngineering.com

M. K. JONES
PROFESSIONAL ENGINEER
LICENSE NO. 39985, STATE OF MARYLAND
EXPIRES 08/31/2015

SHEET TITLE:
EXISTING CONDITIONS PLAN

SHEET NUMBER:
1 OF 1

RIPLEY DISTRICT

A revitalized Ripley District will be a focal point of high-density commercial development, linking Georgia Avenue and East West Highway with bike trails and pedestrian routes, organized around civic open space.

VISION

Through the combined effort of economically viable zoning and public and private investment, the Ripley District is envisioned as a revitalized, mixed-use district with its primary focal point a high-density commercial development. It will link Georgia Avenue and East West Highway with bike trails and pedestrian routes, organized around open space (Maps 13, 14, 15, and 16). Expanding the range of uses and adding market-responsive commercial density near Metro will stimulate development and allow both commercial and high-rise residential uses. (However, high-rise housing is not viable in today's market because rents supported by the Silver Spring market cannot cover the development cost associated with high-rise housing.)

The zoning objectives for the Ripley District include providing for a new inter-connected street system; expanding the zoning options permitted near Metro to allow uses supported by the current market; addressing obstacles to redevelopment: the need for inter-connected streets creates small parcels not suitable for a combination of building floor area and required open space, and the need for dedication for the Metropolitan Branch Trail reduces the available building area; and addressing the character of Georgia Avenue to create an attractive street with adequate light and air.

Objective:

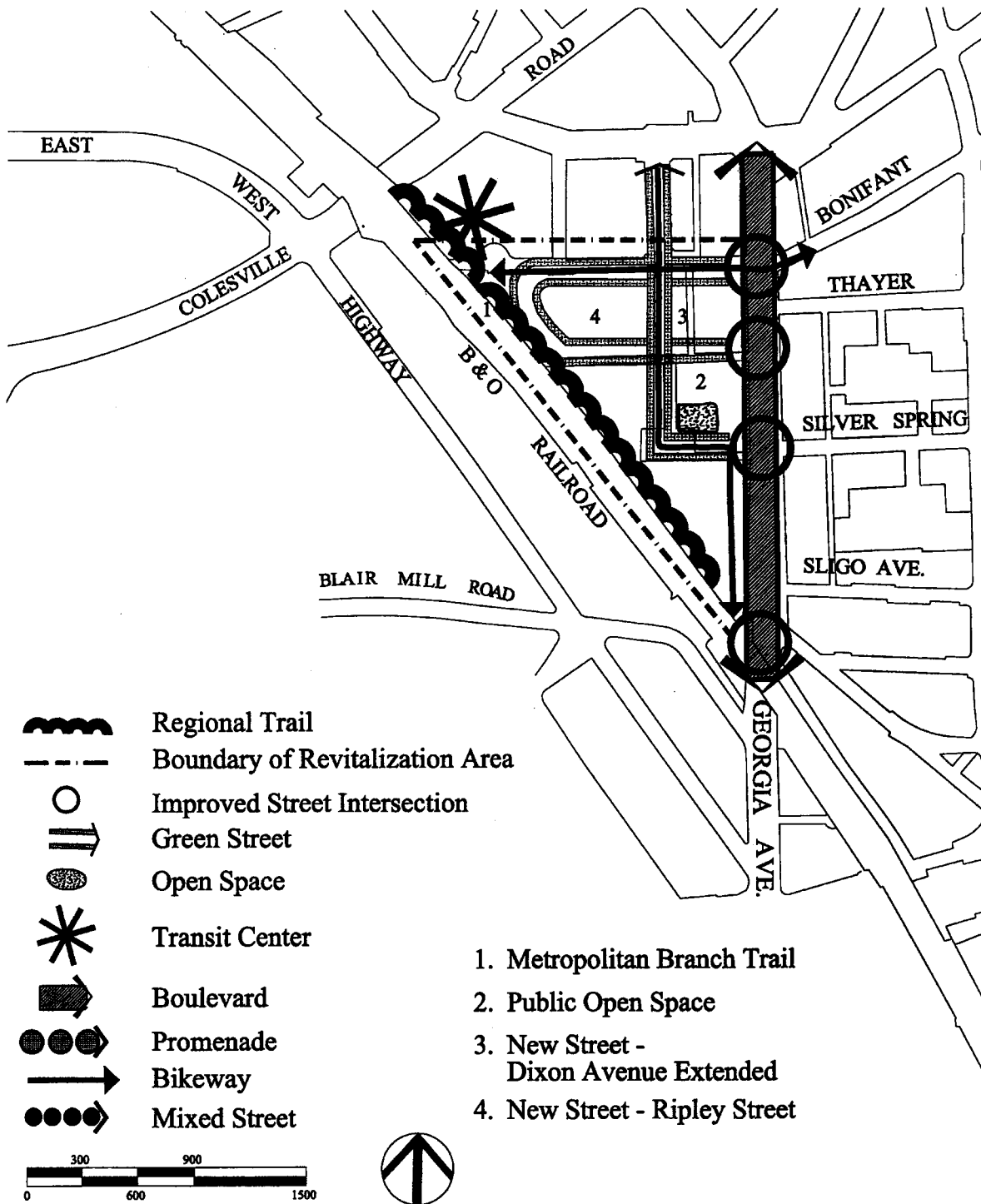
- Encourage mixed-use development near the Transit Center by facilitating market feasible development and upgrading the physical environment.
-

Analysis of Existing Conditions

The Ripley District, a triangular area just south of the Silver Spring Metrorail Station between Bonifant Street, Georgia Avenue, and the CSX railroad tracks, is centrally located in downtown Silver Spring, has frontage along Georgia Avenue, and is near the proposed Transit Center. Despite the area's central location and its proximity to Metrorail, the only new development since 1993 has been a small social service center called Progress Place.

The district is dominated by automotive shops, public and private parking lots and garages, and small warehouse facilities. Existing buildings and land uses do not take advantage of the area's excellent location or development potential.

Map 14 Ripley District Concept Plan



The Ripley District will most likely have the opportunity to capture future private development once key Core properties are developed. There may be potential to jump start development in the Ripley District by relocating selected community facilities, like the Fire Station. (See Community Facilities section.) Many properties in the Ripley District are virtually landlocked. A new interconnected street system and new public open spaces can improve access and circulation throughout the district. As the 1993 Silver Spring CBD Sector Plan stated, the Ripley District may need public improvements to precede redevelopment. Public infrastructure improvements in roads, bike trails, and streetscape should contribute to creating a coherent and vital neighborhood. An interconnected street system, public spaces which improve access, circulation, organization, and a sense of place will change the perception of the Ripley District and attract new development to Georgia Avenue.

RECOMMENDATIONS

This Plan is intended to create a development environment that invites revitalization. Zoning alone, without market demand, cannot make investment happen. However, zoning can deter development. This has been the case in the Ripley District's CBD-R2 zone because achievable rental rates do not cover development costs for high-rise housing, the land use envisioned in Ripley by the 1993 Sector Plan.

New zoning should facilitate a new inter-connected street system, allow an expanded range of market-responsive uses near Metro, and address obstacles to redevelopment 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 zoning should also facilitate improvements to the character of Georgia Avenue.

- Retain the CBD-2 Zone on parcels currently zoned CBD-2.

Existing zoning supports the Plan's vision and goal, as stated above, by allowing a variety of uses and providing enough density to encourage redevelopment of the Ripley District near the Transit Center.

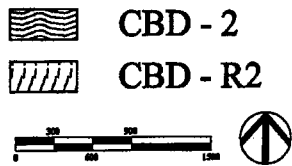
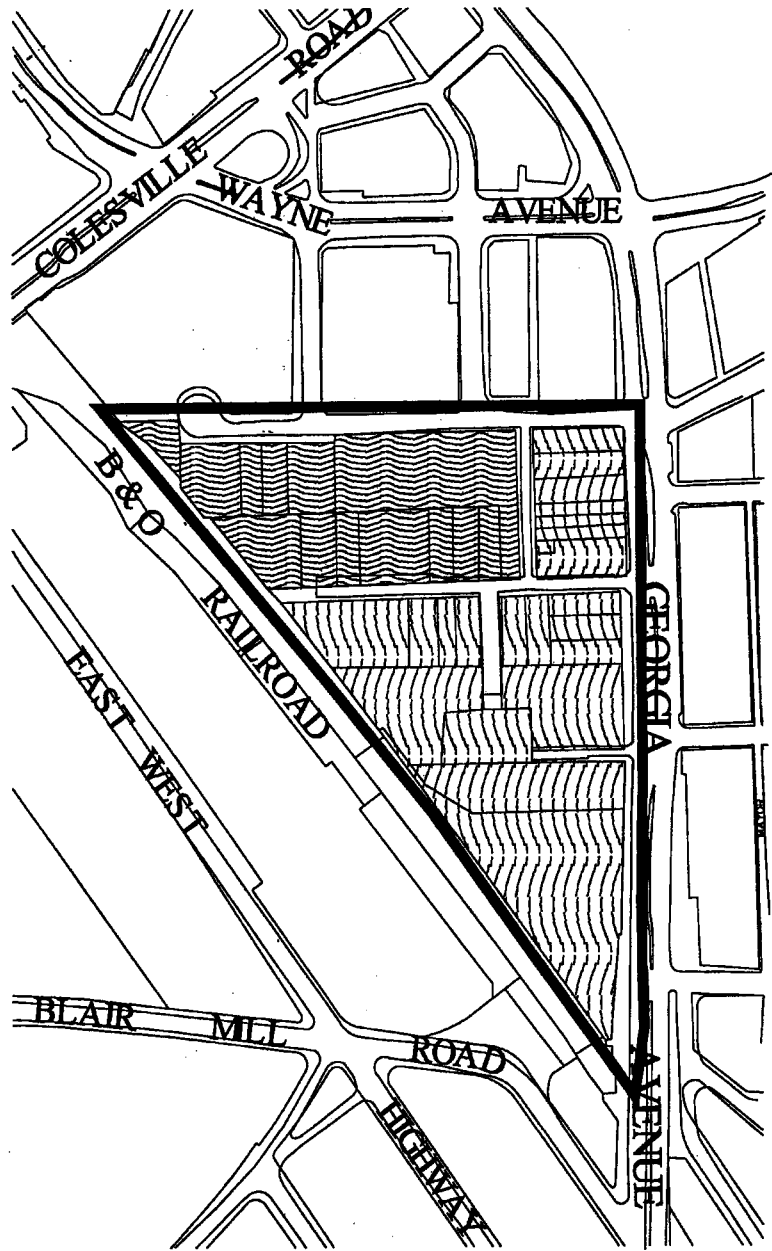
- Rezone all CBD-R2 properties in the Ripley District to CBD-2.

CBD-2 zoning will encourage redevelopment near the Transit Center by allowing more commercial density in response to the current market. CBD-2 also provides the flexibility for both commercial or residential high-rises, or mixed use projects, whereas the CBD-R2 zone was intended primarily to stimulate high-rise residential development. Projects approved under the CBD-R2 zone in the Ripley and South Silver Spring areas have not been built because high-rise housing has not been economically viable in Silver Spring in recent years. (As indicated earlier, the rents which can be supported by the Silver Spring market cannot cover the development costs associated with high-rise housing.)

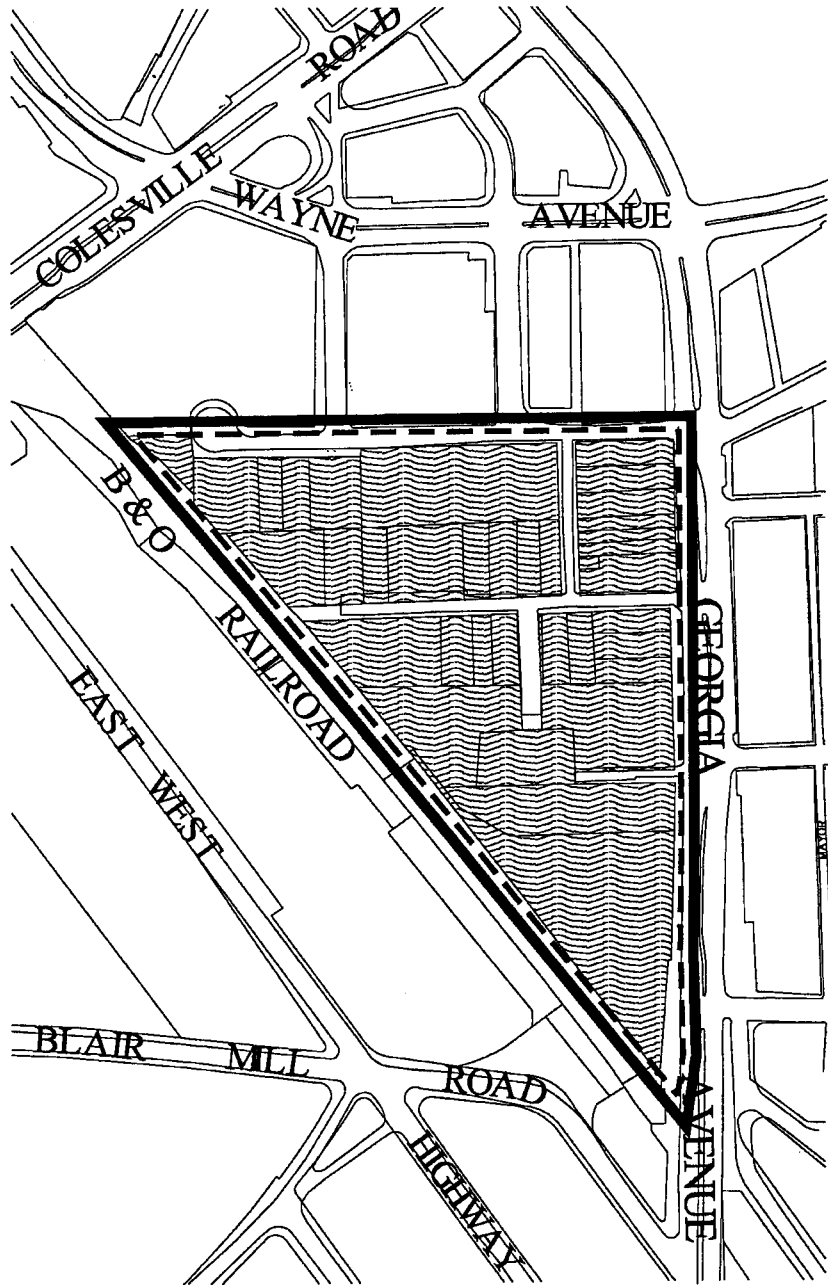
- Apply the Ripley/South Silver Spring Overlay Zone to portions of the Ripley District.


This overlay zone will encourage redevelopment in the Ripley District by providing more flexibility in the development standards and the range of permitted uses, while ensuring that new development is compatible with nearby uses.

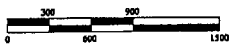
Map 15 Ripley District—Existing Zoning



Map 16 Ripley District—Proposed Zoning Plan



 CBD - 2 (With Overlay Zone)



- Apply the Ripley/South Silver Spring Overlay Zone to portions of South Silver Spring.

This overlay zone will encourage redevelopment in South Silver Spring by providing more flexibility in the development standards and the range of permitted uses, while ensuring that new development is compatible with nearby uses.

Ripley/South Silver Spring Overlay Zone

This overlay zone would encourage redevelopment in the Ripley District and in South Silver Spring by providing more flexibility in the development standards and the range of permitted uses. At the same time, the overlay zone would be structured to ensure that new development is compatible with nearby uses and that it incorporates critical design elements, such as streetscaping and useful public open spaces (Map 20).

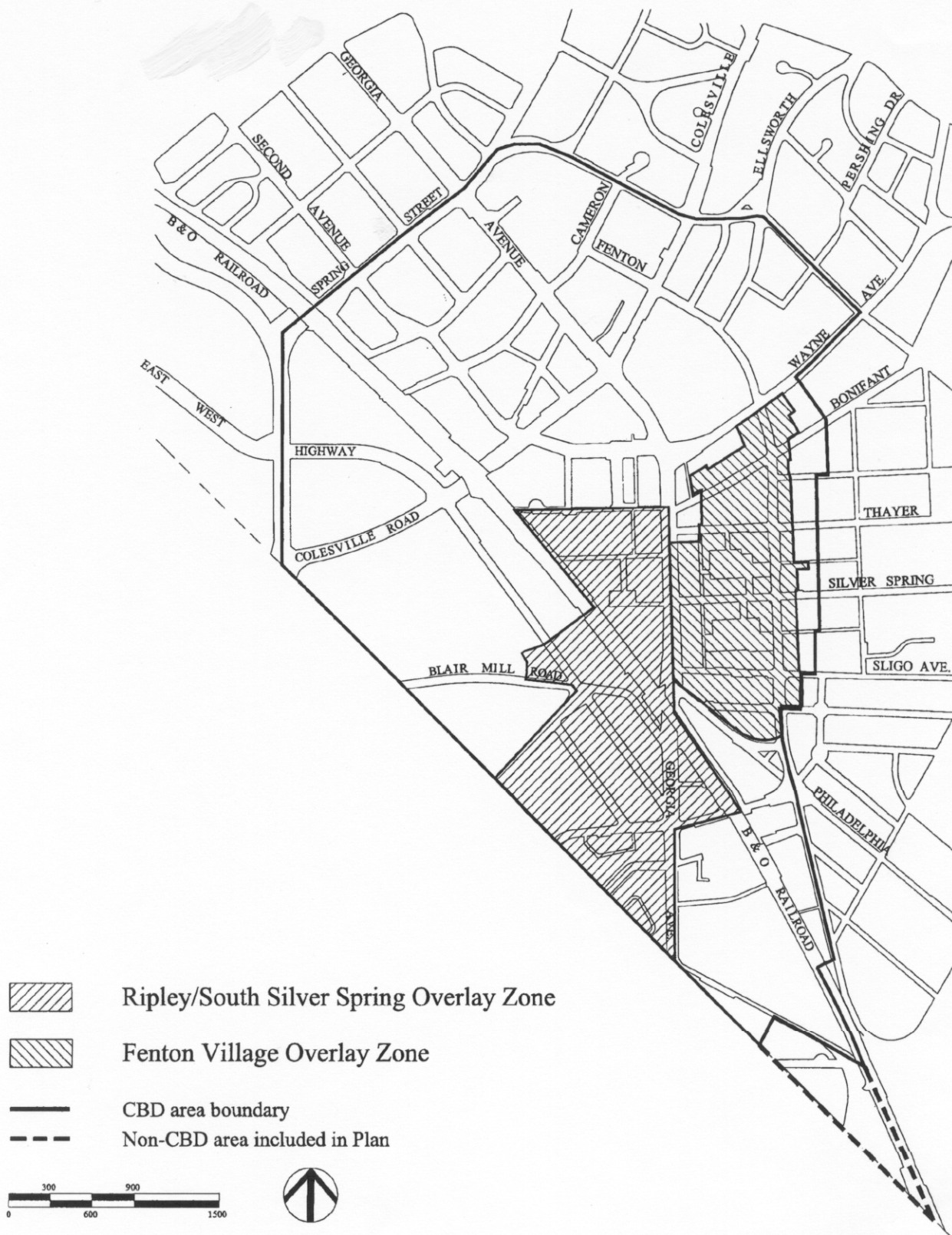
- Apply the Ripley/South Silver Spring Overlay Zone to portions of the Ripley and South Silver Spring Revitalization areas to: allow the needs of a specific area to be addressed without affecting all of the CBD zones, provide for a mix of housing and commercial uses, allow small parcels to become usable development sites, allow transfer of density and open space within the overlay area, improve the character of Georgia Avenue, provide the option to create larger open spaces, and encourage redevelopment of the Williams and Gramax properties in South Silver Spring.

SUMMARY OF RIPLEY/SOUTH SILVER SPRING OVERLAY ZONE

Draft Purpose Clause

- Facilitate the implementation of an organized and cohesive development pattern appropriate for an urban environment.
- Encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the overlay zone.
- Provide flexibility in development standards to encourage innovative design solutions.
- Allow for the transfer of development credits and open space requirements within the Overlay District, which would:
 - recapture some developable area lost to the construction of circulation projects, thereby making small parcels developable
 - enable the transfer of open space increases in the buildable area of the site, thereby providing market feasible floor area on small parcels.
- Allow new uses.

Map 21 Overlay Zones



- minimize conflicts between vehicles and pedestrians, ensuring pedestrians equal or greater prominence in the design, and minimize conflict between buses and vehicles on the Transit Center and Silver Triangle sites.

OTHER CORE PROJECTS

- Develop the Lee Block with a mix of uses that could include housing, office, and retail uses. Buildings here should: incorporate street-activating uses, be designed with sensitivity to the historic Montgomery Arms Apartments along Fenton Street, and incorporate the J.C. Penney facade into new development. The remainder of the block should be included in the Silver Spring Historic District evaluation, and be configured to create through-block pedestrian paths.
- Future development on the Apple Avenue site could include a mix of uses that include housing, office, and retail uses. New development should be compatible with surrounding development including existing high-rise residential and office buildings as well as the townhouses at Cameron and Second Streets.
- Redevelopment of the northwest corner of the intersection of Georgia Avenue and Colesville Road should recognize that site’s critical visual significance and make safe and attractive connections to the Urban Renewal site and to the Silver Triangle.
- Incorporate a public open space along Fidler Lane from Ramsey Avenue to Second Avenue, and redevelop Fidler Lane as a mixed street or park and as a bike-friendly area.
- Establish the Silver Spring Green Trail through the Core as a defining aesthetic feature, and to link pedestrian and bike routes through the downtown.
- Establish a gateway presence with building design and landscaping at Colesville Road and Cedar Street, and at Colesville Road and East West Highway.
- Review existing signs and develop a way-finding plan including directional and informational signs, identification of gateways and districts, banners, kiosks, graphics, and visual cues to enhance the CBD’s image and function.

RIPLEY

The Ripley District’s proximity to the Transit Center and other downtown development projects makes it a natural location for spin-off development. The following goals and guidelines should be incorporated into future development in this area.

- Prepare drawings that illustrate development options for the Ripley District.

These drawings will be used by staff to guide and evaluate optional method development proposals. They should explore development patterns; open space as an organizing feature; car, pedestrian, and bike connections to the proposed Transit Center; and a pedestrian/bike connection across the CSX railroad tracks. A bridge to cross the tracks was a condition of the NOAA phase 3 approval. Although escrow money exists, the bridge has not been built because there is no landing on the north side of the tracks. A site for the bridge should be identified when the Ripley District builds out.

- make connections to the proposed Transit Center, the Capital Crescent/Metropolitan Branch Trail, and other CBD facilities and neighborhoods
- incorporate one or more recreational facilities sized and programmed to meet community interests, and that make use of their urban location
- create open spaces designed to form a new image for this neighborhood, and contribute to an improved visual quality along Georgia Avenue.
- 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 (Figure 5).
 - 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.
- Building heights along Dixon Avenue and Ripley Street should contribute to an attractive street with adequate light and air.
 - To be in proportion with the 70- to 80-foot street widths, building height should be limited to 80 feet at the property line.
 - Beyond 80 feet, the building may step back and its height may be increased up to 143 feet, provided they are contained within a 2:1 slope.

Figure 4 Georgia Avenue Street Section

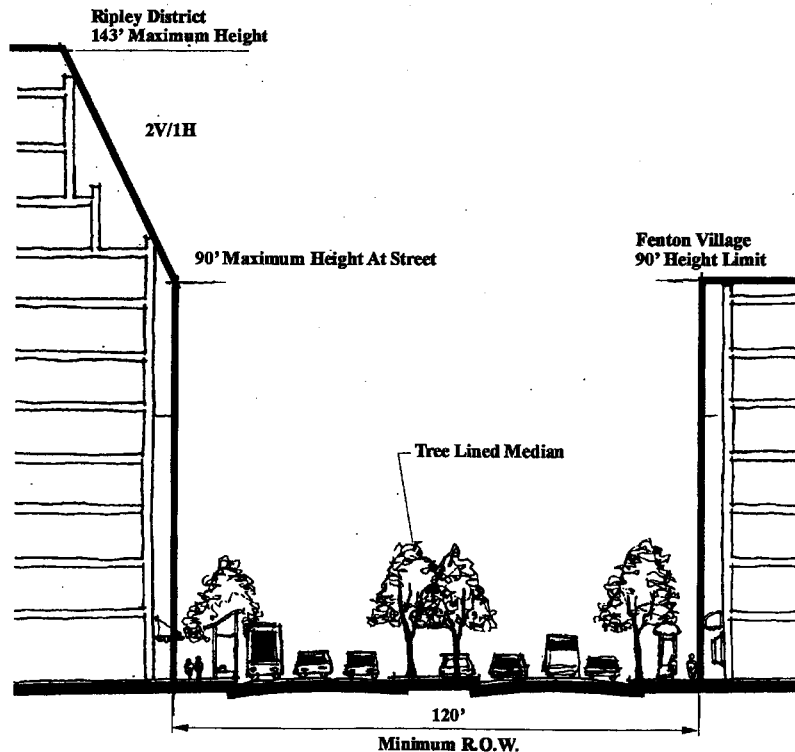
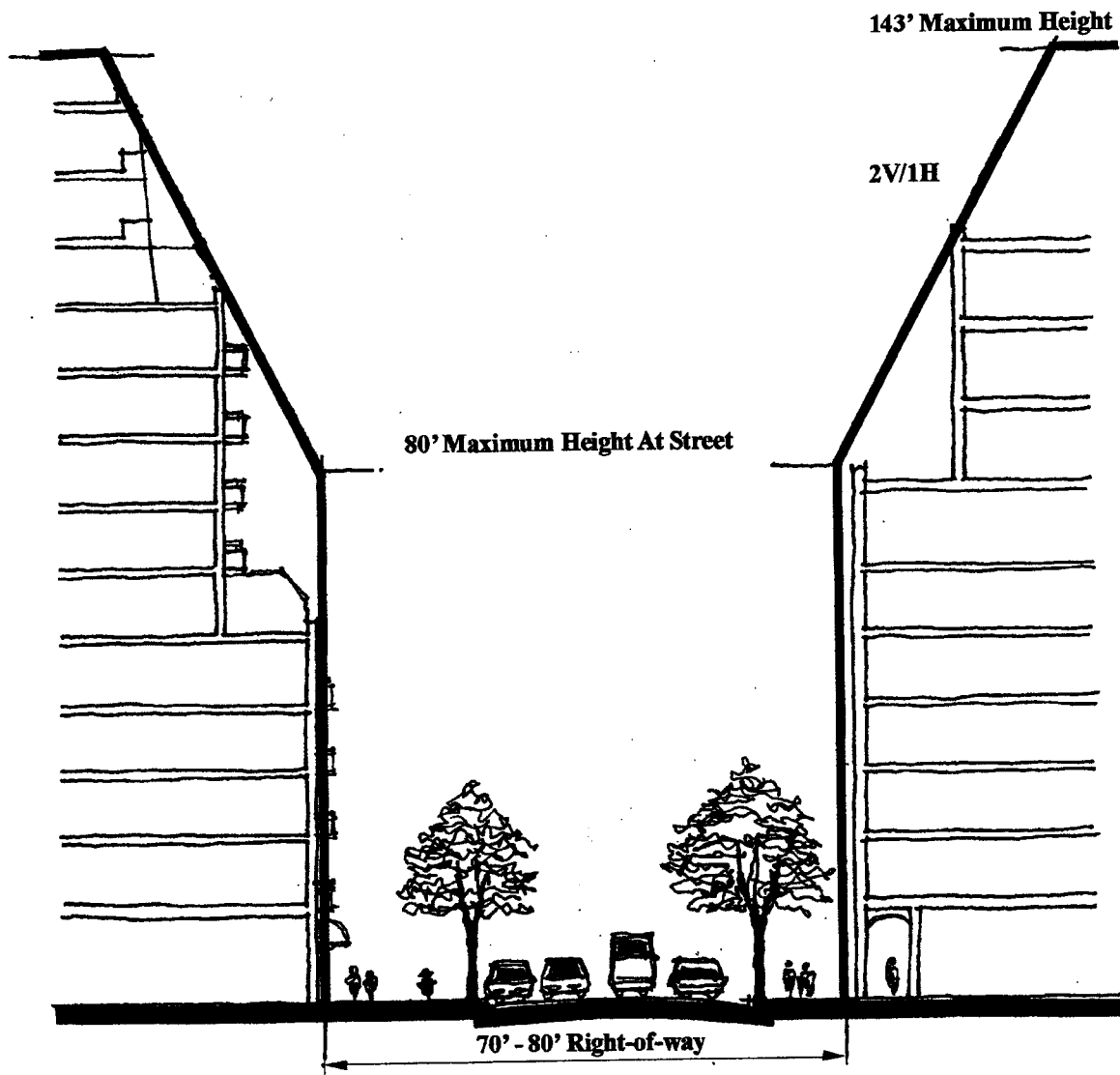


Figure 5 Typical Commercial Street in Ripley District



CIRCULATION SYSTEMS

This Plan's recommendation for increased transit-oriented development generally balances land use and transportation capacity, although it recognizes that in an active urban area, some congestion is inevitable.

VISION

Silver Spring's location and transportation options make it a convenient place to live and work. Public and private development should create an integrated system of pedestrian, bike, vehicular, bus, and rail travel.

Objective:

- Create a connected system of transportation options that provides travel choice and supports downtown redevelopment by balancing car and pedestrian traffic.

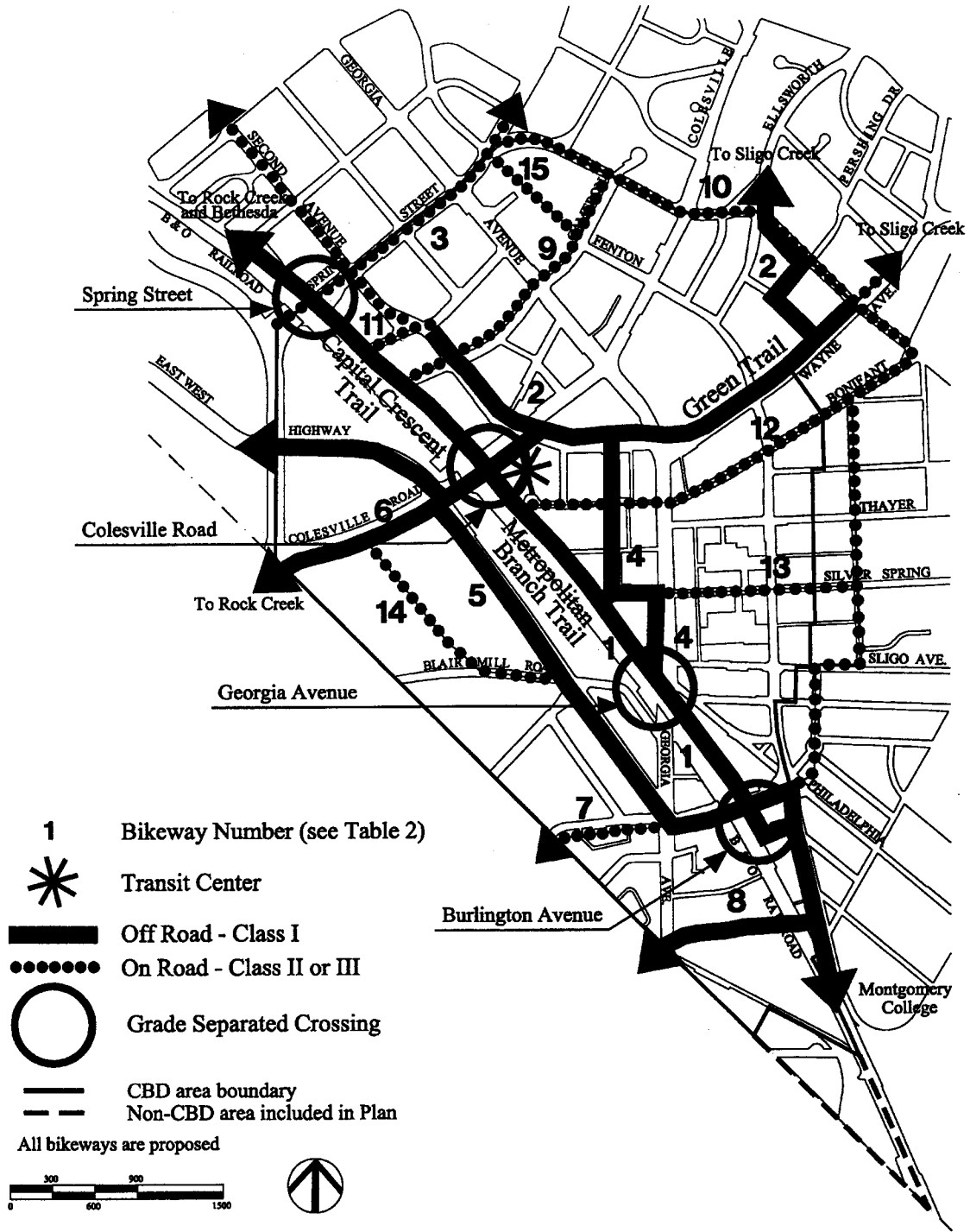
Summary Recommendations:

- Combine regional and local transportation services at the Transit Center, creating a transportation hub.
- Expand Silver Spring's existing Transportation Demand Management program.
- Create a connected system of trails and bike routes.
- Implement streetscape to create a safe and pleasant pedestrian environment.
- Assess, and where appropriate, reuse public parking facilities.
- Make circulation improvements to local roads and reserve rights-of-way where needed.

The Silver Spring CBD is served by a superior multimodal transportation system, resulting from both the CBD's location in the Washington region and investments in local transportation facilities. Silver Spring lies at the northeast edge of the capital city and is formed around the intersection of two commuter routes: Georgia Avenue and Colesville Road. Silver Spring's easy access to the Beltway, Metrorail and MARC train stations, and extensive bike routes make it a strategic location in the regional transportation system (Map 30).

Silver Spring's location within the regional transportation network has enhanced the CBD as a transportation hub and accelerated its development as an urban community. Environmental concerns, Smart Growth legislation, and increased suburban congestion have turned investment interest to redeveloping older inside-the-Beltway downtowns. In Montgomery County, Bethesda and Friendship Heights have also redeveloped around their Metro stations.

Map 32 CBD Bikeway Network Plan



COMMUNITY FACILITIES

Both public and private investment in community facilities will contribute to Silver Spring's growing cultural and civic presence. This Sector Plan recommends the strategic siting and programming of community facilities to encourage downtown revitalization.

VISION

A well-rounded downtown is one where people come to live, work, shop, and participate in the community. Public and private efforts to incorporate civic facilities into downtown Silver Spring will make it a more complete community.

Objective:

- Develop public and private community facilities to spur revitalization, provide needed services, and create places and programs where people can participate in the community.

Summary Recommendations:

- Encourage the development of a variety of civic and cultural facilities in Silver Spring's CBD.
 - Renovate the Silver Theatre, Silver Spring Train Station, and Fire Station One for community, cultural, and/or private use.
 - Construct the Town Center Civic Building.
 - Develop a new downtown fire station and courthouse, and eventually, if needed, a new downtown library and police sub-station in central CBD locations.
 - Explore the potential for a downtown public or private farmers market.
 - Develop a connected open space and trail system for active and passive recreation.
 - Introduce special urban recreational facilities to the CBD, including a skateboard park.
 - Establish an off-site transfer of open space mechanism and open space fund alternative.
 - Renovate existing parks: Jesup Blair Park, South Fenton Gateway Park.
-

Public investment in community facilities, including both civic and cultural facilities and parks and open spaces, will send a message to private investors that Montgomery County is committed to Silver Spring's future. Community facilities at the heart of the CBD will serve everyone. The following discussion of community facilities identifies opportunities and makes recommendations intended to accomplish the following objectives:

- Provide adequate community facilities that meet the human service, security, and active and passive recreational needs of residents and employees of the area.
- Provide community facilities that complement and encourage adjacent development.
- Explore opportunities to create a variety of cultural and civic facilities that will contribute to an active downtown.
- Consider ways to support and encourage the creation of civic and cultural facilities through the use of the optional method of development.

At every opportunity, community facilities including the civic and cultural facilities, and the parks, recreation, and open spaces should be viewed as engines of economic development and as investments in Silver Spring's future.

Civic and Cultural Facilities

Civic and cultural facilities are essential elements to the real business of downtown. Successful civic and cultural facilities are central to a community's economic and social life. Silver Spring has the opportunity to become a successful cultural and civic center amid a supportive physical and economic environment.

A number of groups are interested in the arts and social components of downtown Silver Spring, and see a potential for dances, concerts, live performance, and film presentations that coupled with educational components at area schools, library, and the NOAA Science and History Center can create a varied and active downtown.

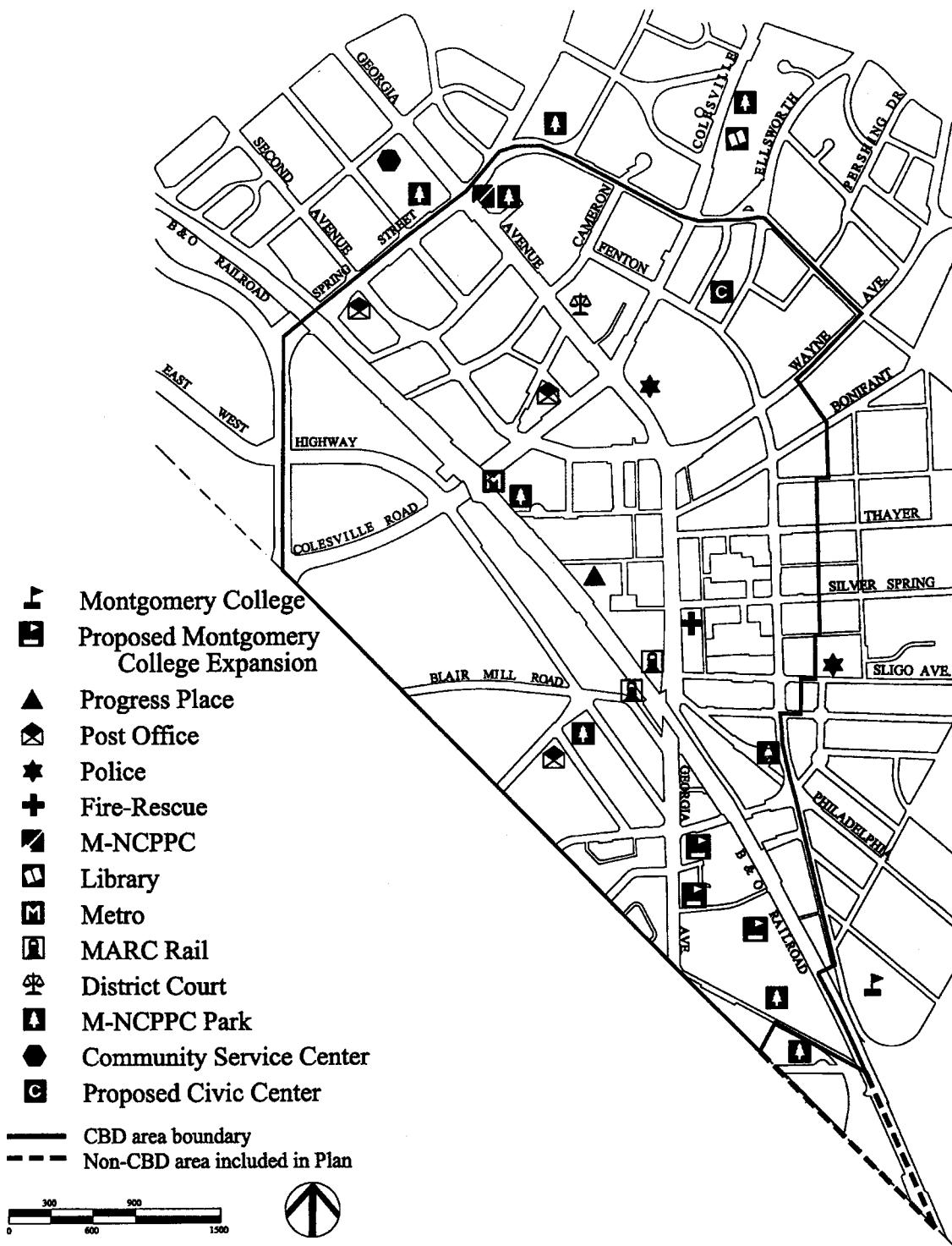
Community-based cultural facilities would serve the residents and employees, as well as draw visitors from the larger community. Those who come for exhibits, performances, classes, or other events will stay to shop and eat. This combination of activities, commercial and cultural, for-profit and non-profit, can create a mutually supportive and active urban environment. Cultural facilities in Silver Spring can be an integral part of revitalizing the CBD. Silver Spring has a variety of civic and cultural facilities, described below and in Map 36, that can support downtown revitalization.

Montgomery College

Educational facilities bring life, people, and opportunities to downtown. Montgomery College's plan to expand the Takoma Park campus into South Silver Spring is a chance to introduce new and reinvigorated uses to this part of the CBD.

Approved plans expand College buildings along Georgia Avenue and into Jesup Blair Park with improvements to the park and to Blair Road. The concept plan also includes a pedestrian/bicycle bridge over the railroad tracks, connecting the expanded campus.

Map 36 Existing and Proposed Community Facilities



RIPLEY II
SKETCH PLAN NO. 320150030
REVISED SKETCH PLAN NARRATIVE AND JUSTIFICATION STATEMENT

I. INTRODUCTION

Ripley West, LLC (the “Applicant”) is the selected developer pursuant a competitive request for expression of interest process conducted by Montgomery County (the “County”) for redevelopment of properties identified as 1014 Ripley Street and 8210 Dixon Avenue (currently owned by the County and the site of the County’s Progress Place facility – “Progress Place”), and 8206 Dixon Avenue (currently owned by the County and the site of Public Parking Lot No. 20 – “Parking Lot 20”) (Progress Place and Parking Lot 20 are collectively referred to as the “Property”). In return for the right to seek private redevelopment of the Property, the Applicant is constructing for the County a new building for Progress Place, to be located 8110 Georgia Avenue behind the current Silver Spring Fire Station on that site (the Fire Station will remain in its current building). After the Applicant constructs the new Progress Place building, the facility will be turn-keyed to the County and the Property will be conveyed to the Applicant, at which time the Applicant will begin construction on the private redevelopment on the Property. The private redevelopment of the Property is the subject of this application for sketch plan approval (the “Sketch Plan” or “Application”), and the new Progress Place facility is being separately but concurrently processed by the Applicant, on behalf of the County, through the mandatory referral process (the “Mandatory Referral Application”).

The Property is located south of Ripley Street along the west side of Dixon Avenue in the Ripley District of the Silver Spring Central Business District (the “CBD”). It is comprised of 72,353 square feet of gross tract area, which is the basis for density calculation as described herein.¹

¹ The gross tract area of the Property is comprised of approximately 63,595 square feet of existing lot area, in addition to area of the Property previously dedicated to public right-of-way for Ripley Street and Dixon Avenue. The gross tract area calculations are shown on a “Gross Tract Area Exhibit” included with this Sketch Plan Application, which also shows the inclusion of the following assembled parcels comprising the Property: 1014 Ripley Street (Tax Account No. 13-01040717) is shown as Lot 7 on Tax Map JN33 (part of the Lees Addition to Silver Spring subdivision) and comprised of 0 net square feet (due to the fact that the entirety of the lot will be dedicated to right-of-way for Dixon Avenue); 8210 Dixon Avenue (Tax Account No. 13- 01046394) is shown as Parcel 3 on Tax Map JN33 (part of the Little

The Property is currently zoned Central Business District-2 (CBD-2) and Ripley Overlay Zone. However, the Property is in the process of being comprehensively rezoned to CR-5.0, C-4.0, R-4.75, H-200T and Ripley Overlay Zone through the Countywide District Map Amendment, approved by the Montgomery County Council (sitting as the District Council) on July 15, 2014 and effective on October 30, 2014. It is under the new CR zoning of the Property that this Application is being processed. The Property is located within the Ripley District area as identified in the Silver Spring CBD Sector Plan (the “Sector Plan”), approved and adopted February 2000.

The Applicant is submitting this Sketch Plan under the optional method of development in the CR Zone in accordance with Section 7.3.3 of Chapter 59 (the “Zoning Ordinance”) of the Montgomery County Code, 2004, as amended (the “County Code”).² [As discussed above, the Applicant is also concurrently submitting a Mandatory Referral Application for construction of the new Progress Place facility at 8110 Georgia Avenue.] The Applicant proposes this Sketch Plan Application to develop the Property with a mixed-use project with up to 440 multi-family residential units (including 15% moderately priced dwelling units, or “MPDUs”) and up to 18,088 square feet of non-residential uses³, as well as private underground parking, private amenities and recreation, and public open space and amenities (the “Project”). As described in detail below, the Project will significantly contribute to the vibrancy of the Ripley District as a

Tavern Tract) and comprised of 31,702 net square feet; and 8206 Dixon Avenue (Tax Account No. 13-01044236) is shown as Parcel 2 on the Tax Map JN33 (part of the Little Tavern Tract) and comprised of 8,612 net square feet on the west side of the Silver Spring Avenue right-of-way and 1,603 on the east side of the Silver Spring Avenue right-of-way. Previously dedicated right-of-way from the Property is 8,758 square feet, and the Sketch Plan proposes future dedication as part of a forthcoming preliminary plan of subdivision of 21,538 square feet.

² The Zoning Ordinance has been substantially rewritten and was adopted as amended on July 15, 2014, effective October 30, 2014, concurrent with the Countywide District Map Amendment which will comprehensively rezone the County to implement the newly amended Zoning Ordinance. While the Montgomery County Planning Board (the “Planning Board”) cannot yet approve of any development pursuant to the new Zoning Ordinance and resulting changes in zoning, because both the Zoning Ordinance and Countywide District Map Amendment have been enacted and will be effective October 30, 2014, property owners are being permitted to submit applications in advance of the October 30th effective date.

³ Final unit count and unit mix and non-residential square footage to be constructed will be determined at the time of certified site plan, but will not exceed these proposed maximums.

mixed-use, urban neighborhood with immediate access to multi-modal transportation (including the Silver Spring Transit Center) and the Metropolitan Branch Trail, helping to fulfill the Sector Plan's urban vision for the emerging Ripley District.

II. THE PROPERTY AND SURROUNDING AREA

The Property occupies a visible location in the Silver Spring CBD, situated right along the Metro/CSX tracks just south of the new Solaire Silver Spring project (developed by an entity related to the Applicant) and Eleven55 Ripley project, and lying approximately 1,000 feet from the Silver Spring Transit Center. The Property represents an opportunity to develop the next logical piece southward in the ongoing redevelopment of the Ripley District. It is currently occupied by the existing Progress Place facility and Parking Lot 20. The Progress Place building is significantly aging and in disrepair, and the services provided and needs of the clients have vastly outgrown the existing facilities.

The surrounding area is comprised of a mix of established residential and non-residential buildings and vacant or underdeveloped properties that will likely redevelop as this urban area further emerges. As noted, directly to the north of the Property is the Solaire Silver Spring, developed and owned by a related entity of the Applicant, and Eleven55 Ripley, both of which are high-rise (approved for up to 200 feet in height), mixed-use buildings (with non-residential on the ground floor and residential units above). East of the Property in a strip along the west side of Georgia Avenue are a number of small-scale retail and service uses. Similarly, to the south of the Property on the southern side of Silver Spring Avenue are numerous small-scale retail and service uses; directly south of those uses is the Silver Spring Fire Station site to which Progress Place will be relocating. Adjacent to the Property on the west are the Metro/CSX railroad tracks; just west of the tracks are a number of mid- and high-rise (commercial and residential) buildings also located within the Silver Spring CBD.

Given the surface parking lot and aging existing building currently on the Property, and the significant recent as well as ongoing redevelopment projects nearby, the Property is ripe to redevelop and the Project represents an opportunity to provide additional density and a mix of uses in this prominent location near the Silver Spring Transit Center.

III. THE PROJECT

The proposed redevelopment of the Property will be located on one new subdivision lot of record (consisting of 42,057 square feet of net lot area). As noted, the Sketch Plan Application proposes to develop the Property with up to 440 multi-family residential units (including 15% MPDUs) and up to 18,088 square feet of ground-floor non-residential uses⁴, as well as private underground parking (anticipated to be three levels), private amenities and recreation, and public open space and amenities. With the Project being primarily residential and the utilization of a 22% density bonus through the provision of 15% of the residential units as MPDUs, the effective proposed FAR of the Project is CR-6.05, C-0.25, and R-5.80⁵, with the H (height) component of 200 feet.⁶ Note, however, that because unit count and non-residential square footage will only be finalized at the time of certified site plan, the Applicant requests the flexibility throughout the entitlement process to shift residential and non-residential square footage within the total maximum FAR permitted (which is a 5 FAR, plus a 22% bonus density on the residential square footage through the provision of 15% MPDUs), with final total FAR and “C” (commercial) and “R” (residential) components to be established at certified site plan. The maximum building height under all possible scenarios for this zoning will be 200 feet.

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

⁴ Final unit count and unit mix and non-residential square footage to be constructed will be determined at the time of certified site plan, but will not exceed these proposed maximums.

⁵ While the Property’s zoning under the CR Zone will be CR-5.0, C-4.0, R-4.75, H-200T, 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. 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, and this density bonus is reflected in both the total (CR) FAR proposed as well as the residential (R) FAR proposed.

⁶ 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 Zone optional method development project that provides ground-floor retail, as this Project does.

is proposed to be located underground, and the Applicant anticipates that there will be three levels of parking (with numbers of parking spaces, bike storage spaces, and loading spaces to be further refined at the time of preliminary plan and site plan, and final count to be established at the time of certified site plan). The residential entrance for pedestrians is from the northern edge of the public plaza (discussed further below), and just north of the pedestrian entrance is a dedicated bicycle entry (in recognition of the large number of bicyclists expected to live at and visit the Project, given its adjacency to the Metropolitan Branch Trail and proximity to other bicycle routes in and around the Silver Spring CBD).

Significantly, the Applicant will be extending the north-south Dixon Avenue along the eastern Property edge, joining it with Silver Spring Avenue, which runs east-west near the southern edge of the Property. This Sector-Planned connection provides an important additional access into the heart of the Ripley District from Georgia Avenue. The Project will include a public plaza on the west side of the curve where Dixon Avenue meets Silver Spring Avenue and a smaller public open space on the east side of the curve, as further described below. The Applicant will also continue the extension of the Metropolitan Branch Trail southward, constructing that portion adjacent to the Property. The Project will provide the standard Silver Spring streetscape treatment (including pavers, street trees, and lighting) along the Property frontage on Dixon Avenue as well as extending on both sides of the curve where Dixon and Silver Spring Avenues meet. Further, the Applicant is voluntarily providing the Silver Spring streetscape treatment on the east side of Dixon Avenue extending up to its intersection with Ripley Street, in order to complete the streetscaping on Dixon Avenue south of Ripley Street and improve the pedestrian experience along the entirety of this portion of Dixon Avenue.

Architecture and Uses

The Project's location along the extension of Dixon Avenue presents numerous design challenges and opportunities. A secondary frontage of the Property adjacent to the Metro/CSX railroad tracks to the west provides additional influences that must be factored into the building massing and design. The characters of these two frontages are eclectic and will continue to evolve overtime as nearby properties are developed. The proximity of the Property to multiple transportation hubs lends itself to a high-density design. Equally, the streetscape and building

scale surrounding the block vary greatly and compatibility is a consideration in the building design. All of these factors must be considered in arriving upon a design that functions for the Property and provides an integrated streetscape for the future Dixon Avenue extension. The massing of this Project is able to respond to this varied urban context, while providing ample open space above and beyond what is required under zoning requirements and setbacks to relate to the surrounding uses and character.

The Project will hold the street edge of the Dixon Avenue extension at the most northern end of the Property to create an L-shaped building. Where Dixon Avenue connects to Silver Spring Avenue, the east façade is significantly set back from the curvature in the right-of-way to create a public plaza. The conceptual massing for the Project consists of three basic forms along this eastern Property frontage: an 18-story masonry tower and a 21-story masonry massing; the towers are then connected by a transparent central glass massing. In order to accentuate the alignment of the building base with Solaire Silver Spring and Eleven55 Ripley directly to the north, a datum line has been added below the 18-story masonry massing at approximately the 40-foot level. This datum emphasizes the commercial zone on the ground floor of the building and the pedestrian scale. The masonry below this datum line is a larger-scale masonry that protrudes approximately 2 feet out from the masonry tower above. To preserve the integrity of the strong massings in the scheme, the datum line is set lower at approximately the 20-foot level along the 21-story masonry massing. The material used below this massing matches the masonry used below the 18-story massing.

At the 18th floor, the tower element of the building is revealed through a step-back, allowing for further design articulation and dynamic views. By carving the building back to reveal this glassy tower, the light from the inside of the building will spill out and serve as a beacon. In addition, the Project has an undulating roofline, as the heights of each of the three masses are at different levels. These massing considerations will add to visual interest and compliment the skyline of the Silver Spring CBD.

The western building face is positioned along the extension of the Metropolitan Branch Trail and Metro/CSX railroad tracks. The two facades along this frontage frame a courtyard located on top

of the residential amenities at the second level of the building. The facades on the courtyard side will be slightly more modest, but will relate to the main facades in massing and proportions.

In all, through the use of building articulation and varying building setbacks, the objective to extend Dixon Avenue with an attractive pedestrian experience is accomplished, also providing a new beacon to the building landscape further enhancing the Sector Plan grid.

The majority of the interior spaces of the Project are comprised of residential dwelling units with select areas allocated for residential amenity space. The residential lobby with two-story volumes is nestled between live-work space along Dixon Avenue, and will help activate the public plaza at this location. This lobby and leasing space contains the essential ground-floor amenities for the tenants such as the concierge desk, mail room, and cyber café. The fitness area is also on the ground-level floor, with full window exposure to the Metropolitan Branch Trail. For cyclists and dog owners, a conveniently located bike storage facility and dog washing room will be in close proximity to the building entries and service elevator. Additional amenities such as lounge, kitchen/dining, and gaming will be located at the second floor of the building in order to take advantage of the tall ceiling heights and landscaped courtyard at this level. These amenities will also have an indoor/outdoor connection with the courtyard. At the rooftop level will be a raised pool deck with a modest amount of ancillary interior space associated with it (such as restrooms and circulation space). Overall, the interior amenity spaces have been carefully placed within the Project to utilize tall ceiling heights, provide the utmost convenience for residents, and take full advantage of the surrounding outdoor spaces and views.

Public Use Space and Streetscape Concept

The landscape of the Project is comprised of four separate areas: the streetscape along Dixon Avenue and a portion of Silver Spring Avenue, including a significant public plaza at the street bend where Dixon and Silver Spring Avenues meet; the Metropolitan Branch Trail extension; a courtyard at the second level of the building; and a penthouse level pool and deck area.

Along the Dixon Avenue extension, a generous public plaza is proposed that allows for seating, gathering, and additional plantings. The public plaza will be activated by the residential lobby and live-work uses. It is envisioned that some plaza seating will occur at the street bend in the

form of seat walls, benches, or movable seats. Other amenities in the plaza may include special lighting and planting beds with shrubs, groundcovers, and perennials. The intention is to create both a destination and a passage anchored by the building facade.

The streetscape will include brick pavers, street trees in tree pits, street lamps, and site furniture. The sidewalks proposed along Dixon Avenue are significant in width and expand as the street bends at the public plaza. This width furthers pedestrian comfort and provides space within the sidewalk for other uses. Streetscape will also be provided along Silver Spring Avenue, including a small public open space area along the east side of the curve where Dixon Avenue meets Silver Spring Avenue.

The Metropolitan Branch Trail extension along the west side of the Property includes a 10-foot-wide meandering bicycle path cut through a 20-foot-wide landscaped setback. Tall windows will anchor the building along the landscaped area, providing a visual connection from the building amenities to the extended trail.

The courtyard atop the ground level amenities (at the second level of the building) will build upon the unique framing features of the architecture and extend the language into the landscape. The design will feature a circular plaza with an integrated water feature anchored by raised planters to create a serene experience for the residents. Large arbor structures will frame views to the terrace and views beyond. The courtyard plantings will include separate areas of bio-retention basins. These will be edged by seat walls along the lawn and include water-tolerant plants, providing a rich palette of color and texture throughout the seasons. Thus, the bio-retention plantings will integrate seamlessly in the garden quality of the space.

At the rooftop level, a small pool and deck area will be provided to capture the drama of the extended views afforded by the height of the tower. The pool is proposed to be four feet in depth, and the deck area will accommodate a variety of seating and sunning opportunities.

Green Features and Stormwater Management

Currently, stormwater from the Property enters the public storm drain system without any retention or treatment. The Project will provide both quantity and quality controls through measures that will double as site amenities, implementing State and local mandates for

Environmental Site Design to the Maximum Extent Practicable (ESD to the MEP). The Project proposes six micro-bioretenion planters to treat stormwater runoff from the proposed building. Roof drains from higher levels will outfall into the planter boxes below. After stormwater is treated, it will be conveyed via storm drain to the existing public storm drain system. The implementation of the previously mentioned facilities provides ESD volume to the maximum extent practicable and provides the minimum treatment per Montgomery County requirements. A waiver will be required for the remaining volume to meet 100% of the ESD required target volume.

In addition and as discussed further below, the Project proposes a cool roof, and will also include a recycling facility plan and energy conservation and generation features, all of which will be part of the “public benefits” package required in order to construct the full incentive density permitted under the CR Zone optional method of development. Through implementation of “ESD to the MEP” and the other environmental features noted, the Project will be a significant improvement over the existing conditions on the Property.

IV. THE PROJECT SATISFIES THE REQUIREMENTS FOR APPROVAL OF A SKETCH PLAN FOR OPTIONAL METHOD DEVELOPMENT IN THE CR ZONE

The Application satisfies all of the requirements for approval of a Sketch Plan under the optional method of development in the CR Zone, as provided in Section 59-7.3.3 of the Zoning Ordinance and discussed fully below.

(1) The Sketch Plan meets the objectives, general requirements, and standards of this Chapter.

Intent Statement of the CR Zones

Section 59-4.5.1.A of the Zoning Ordinance lists the intents of the CR Zones. The Sketch Plan meets all of these intents, as follows:

- (a) *Implements the recommendations of the Sector Plan.*

The Property is located in the area defined by the Sector Plan as the Ripley District. The Project conforms to the vision and objectives provided by the Sector Plan for the Property as follows:

- *The Ripley District is envisioned as a revitalized, mixed-use district.*

The Project proposes a mixed-use development with high-rise residential uses as well as ground-floor non-residential uses (anticipated to be live-work units). The Project proposes up to 440 multi-family residential units (with final unit count and unit mix to be determined at site plan) with 15% on-site MPDUs so that citizens with a variety of income levels can reside in the Ripley District. Incorporation of the ground-floor non-residential uses will help to ensure vitality of the area during daytime, evening, and weekend hours.

- *Provide for a new inter-connected street system.*

The Project will provide the important Sector-Planned connection of Dixon Avenue to Silver Spring Avenue. The Project will also vastly improve upon the existing street frontages along Dixon Avenue adjacent to the Property (the Applicant also proposes to voluntarily improve the eastern side of Dixon Avenue just south of Ripley Street) and a portion of Silver Spring Avenue, providing an enhanced pedestrian environment through wide sidewalks and attractive streetscaping features.

- *Address obstacles to redevelopment such as the need for inter-connected streets which creates small parcels unsuitable for a combination of building floor area and required open space, and dedication of the Metropolitan Branch Trail which further reduces the available building area.*

The Property is an assemblage of three separate small parcels, providing for an efficient consolidation while also including construction of the Dixon Avenue-Silver Spring Avenue connection. Further, the Project includes construction of that portion of the Metropolitan Branch Trail adjacent to the Property.

- *Encourage mixed-use development near the Transit Center by facilitating market feasible development and upgrading the physical environment.*

The Project consists of mixed-use development with residential uses (including 15% MPDUs) and a ground-floor non-residential component, with the proposed density, uses, and layout being necessary to achieve market feasibility. The Project will significantly upgrade the physical environment in the Ripley District by replacing a surface parking lot and aging building with a vibrant mixed-use project, providing vital street and pedestrian linkages between the core of the CBD and other areas of the CBD south and east of the Property. Streetscape improvements to

Dixon Avenue and Silver Spring Avenue will further enhance and add to the growing number of public spaces and amenities within the CBD.

- *Public infrastructure improvements in roads, bike trails, and streetscape should contribute to creating a coherent and vital neighborhood.*

As already described, the Applicant will construct the Sector-Planned connection of Dixon Avenue to Silver Spring Avenue, providing a vital link between the Ripley District, the core of the CBD to the north, and other areas of the CBD to the south and east of the Property. The Project will also help to dramatically improve the frontages of both Dixon Avenue and Silver Spring Avenue with the Silver Spring streetscape. As noted, the Project includes construction of that portion of the Metropolitan Branch Trail adjacent to the Property.

- *An interconnected street system, public spaces which improve access, circulation, organization, and a sense of place will change the perception of the Ripley District and attract new development to Georgia Avenue.*

As mentioned above, the Project will improve the interconnectedness of the Ripley District with South Silver Spring to the south, Fenton Village to the east, and the core of the CBD to the north, primarily through construction of the Sector-Planned Dixon Avenue-Silver Spring Avenue connection, as well as through the extension of the Metropolitan Branch Trail southward adjacent to the Property. The Project will fill in a missing gap along the tracks, and will continue the redevelopment of the Ripley District toward South Silver Spring.

- *Retain the CBD-2 Zone on parcels currently zoned CBD-2. Rezone all CBD-R2 properties in the Ripley District to CBD-2. CBD-2 zoning will encourage redevelopment near the Transit Center by allowing more commercial density in response to the current market. CBD-2 also provides the flexibility for both commercial or residential high-rises, or mixed use projects, whereas the CBD-R2 Zone was intended primarily to stimulate high-rise residential development.*

The Property will no longer be zoned CBD-2 at the time of processing of this Application; this notwithstanding, the Project utilizes the flexibility and density permitted in the CR Zone (much like the CBD Zone described in the Sector Plan) for a residential development with ground-floor non-residential uses under the optional method of development, thereby fulfilling the intent of this Sector Plan recommendation.

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

As discussed, the Project is located approximately 1,000 feet south of the Silver Spring Transit Center, and directly adjacent to the Metropolitan Branch Trail. The Project facilitates pedestrian access to and from these and other CBD facilities with its proposed streetscape along Dixon Avenue and a portion of Silver Spring Avenue, to be improved with the Silver Spring standard. In addition, the Project includes construction of the Metropolitan Branch Trail adjacent to the Property and easy access for bicyclists either residing at or visiting the Project, with a designated bicycle access point. Further, construction of the Sector-Planned Dixon Avenue-Silver Spring Avenue connection will facilitate vehicular connectivity between the core of the CBD to the north, Fenton Village and east Silver Spring to the east, and South Silver Spring to the south of the Property.

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

The Project's public plaza at the curve where Dixon Avenue meets Silver Spring Avenue provides the opportunity for a sitting and gathering space along what is sure to be a heavily traveled pedestrian area. The Applicant will also be constructing the next segment of the Metropolitan Branch Trail along the eastern edge of the Property. In addition, the Project will include recreational facilities and amenities for its residents (such as a rooftop pool, fitness center, and other features, as previously described).

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

As noted, the Project's public plaza at the curve where Dixon Avenue meets Silver Spring Avenue provides the opportunity for a sitting and gathering space. The Applicant will also continue the extension of the Metropolitan Branch Trail southward, constructing that portion adjacent to the Property. The Project will provide the standard Silver Spring streetscape treatment (including pavers, street trees, and lighting) along the Property frontage on Dixon Avenue as well as extending on both sides of the curve where Dixon and Silver Spring Avenues

meet. Further, the Applicant is voluntarily providing the Silver Spring streetscape treatment on the south side of Dixon Avenue extending up to its intersection with Ripley Street, in order to complete the streetscaping on Dixon Avenue south of Ripley Street and improve the pedestrian experience along the entirety of this portion of Dixon Avenue. The public plaza, extension of the Metropolitan Branch Trail, and streetscape improvements along Dixon Avenue and Silver Spring Avenue will provide new open and gathering spaces, and contribute to the visual quality and cohesive feel of the Ripley District.

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

A significant portion of the Property frontage is located along Silver Spring Avenue and only the very northern end fronts Dixon Avenue, so it would reason that this recommendation does not pertain to the Property. Notwithstanding, the Project fulfills the intent of this Sector Plan recommendation, while matching and complimenting the Dixon Avenue building heights, base elements, and street edge already established by the recently constructed Solaire Silver Spring and Eleven55 Ripley projects directly to the north, both of which were designed and constructed in ways that addressed the intent of the Sector Plan, but did not adhere strictly to the stepback language of the Sector Plan. In each of those cases, M-NCPPC Staff explained in the Staff Reports for the projects the “mitigating factors” that do not require the buildings to exactly conform to the stepback guideline (in the case of Eleven55 Ripley) and others aspects that “lead staff to believe it infeasible to require that the building be stepped back further to accomplish this Sector Plan guidance more fully” (in the case of Solaire Silver Spring). Given this precedent, and the fact that the application of this Sector Plan recommendation to this Property is questionable, the most relevant review factor should be consistency of the design of this Project with that which has already recently redeveloped directly to the north.

In the case of Eleven55 Ripley, M-NCPPC Staff found that “there are mitigating factors that don’t require this building to conform” to the stepback design guideline, including that the location on the north side of the street makes shadowing of Ripley Street impossible, the

proposed urban park and Dixon Avenue right-of-way create open space which offsets height and lack of setback, and that the parcel is constrained by narrowness, required street dedication, and infrastructure for the Ripley Street right-of-way. Staff concluded that “[c]onforming to the setback would limit the ability to offset the inefficiencies of the site, and that “[m]aximizing the Sector Plan FAR for this site is important given its key location within the Silver Spring CBD; its proximity to the Transit Center; the goal of providing housing opportunities and the desire to create a livable downtown envisioned for the CBD.” In the case of Solaire Silver Spring, Staff determined that the “relative shallowness of the site, voluntary setback for potential Purple Line alignment, and “a proposed building face to building face distance of roughly 100 feet (30 feet greater than the ROW) across Ripley Street to the [Ripley North] project lead staff to believe it infeasible to require that the building be stepped back further to accomplish this Sector Plan guidance more fully.”

Similarly here, there are numerous factors which justify flexibility in interpreting this Sector Plan recommendation, just as there were for the Solaire Silver Spring and Eleven55 Ripley projects. The Property is constrained in that it is sandwiched between the CSX railroad tracks to the west, and significant portions of the Property (nearly the entirety of Parking Lot 20) are being dedicated to right-of-way for the connection of Dixon Avenue to Silver Spring Avenue. In addition, the public plaza located in front of the Project along the curvature of Silver Spring Avenue and the public plaza to be owned by the Applicant and constructed on the east side of the curvature provide ample light and air along the Property frontage. As reflected in the enclosed revised Sketch Plan, at the southern end of the plaza, the Project’s building edge is over 90 feet from the right-of-way. While the distance from building edge to right-of-way tapers to the north, the wide public plaza located between the Project and Silver Spring Avenue ensure fulfillment of the Sector Plan goal for adequate light and air along Dixon Avenue.

In the case of Eleven55 Ripley, Staff noted the importance of maximizing the FAR on the site given, among other factors, the goal of providing additional housing opportunities. Here, the Project is already not able to maximize FAR because of the previously enumerated constraints on the site, and strict adherence to the Sector Plan setback guidance would further reduce achievable FAR. Given the costs that the Applicant is already incurring to construct a new

facility for Progress Place, it is essential to the economic viability of this public/private partnership that the FAR be maximized. Given the Property constraints and resulting design challenges that would limit the redevelopment of the Property, the Sector Plan objective to maximize housing opportunities in the Ripley District, the questionable applicability of the requirement to begin with, and the precedent of the already-redeveloped properties to the north, the Sector Plan recommendation as to building setback should as a matter of public policy give way to the Sector Plan's recommendation that Progress Place maintain its presence and purpose in the Ripley District. Simply put, Progress Place cannot be relocated out of its aging, deteriorating building if this Project does not move forward.

While the Applicant believes that there is ample argument for flexibility in the Sector Plan recommendation in light of public policy considerations and the context of other Sector Plan recommendations, the Applicant has endeavored to meet Sector Plan design considerations through articulation of the massing on Dixon Avenue in a variety of ways using material changes and vertical and horizontal setbacks. As discussed above, the Project's massing consists of three basic forms along the eastern Property frontage: an 18-story masonry tower and a 21-story masonry massing; the towers are then connected by a transparent central glass massing. In order to accentuate the alignment of the building base with Solaire Silver Spring and Eleven55 Ripley directly to the north, a datum line has been added below the 18-story masonry massing at approximately the 40-foot level. This datum emphasizes the commercial zone and pedestrian scale. The masonry below this datum line is a larger-scale masonry that protrudes approximately 2 feet out from the masonry tower above. To preserve the integrity of the strong massings in the scheme, the datum line is set lower at approximately the 20-foot level along the 21-story masonry massing. The material used below this massing matches the masonry used below the 18-story massing.

Given that the building program below the lower tower is commercial and the program below the taller tower is loading and building services, the increased datum line height at the commercial zone is appropriate given the scale of the public plaza. Equally, the lower datum line at the loading and building services is deemphasized in relation to the program. The datum lines work

together to preserve the integrity of the different massings, which are essential to the visual strength of the Project design.

At the 18th floor, the tower element of the building is revealed through a step-back, allowing for further design articulation and dynamic views. By carving the building back to reveal this glassy tower, the light from the inside of the building will spill out and serve as a beacon. In addition, the Project has an undulating roofline, as the height of the glass tower and the two primary masses are each at different levels. These massing considerations will add to visual interest and compliment the overall skyline of the Silver Spring CBD. Thus, the Project's Dixon Avenue scale and massing matches that of Solaire Silver Spring and Eleven55 Ripley to the north, and continues the coherent and consistent building landscape that has been established along Dixon Avenue specifically and in the Ripley District as a whole.

In conclusion, applying the same reasoning established through precedent, the proposed Project satisfactorily adheres to the overall intents and purposes of the Sector Plan, consistent with the Solaire Silver Spring and Eleven55 Ripley projects. The Applicant has provided significant right-of-way through the eastern half of the Property, public plazas on either side of that right-of-way, and articulation in building massing, thereby achieving many of the same objectives accomplished by building stepback. The totality of the circumstances in this case, just as was found in the Solaire Silver Spring and Eleven55 Ripley cases, establishes that the Project conforms to the Sector Plan recommendation to the extent feasible given the other constraints on the Property and Project, the realities of economic viability and the public benefits to the public/private partnership involving the Project and relocated Progress Place, and the goal to deliver mixed-income housing near a Metro station with a strong urban fabric to the design.

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

The Property is currently comprised of a surface parking lot and aging existing building. It is ripe for redevelopment, particularly given its proximity to transit and prominent and visible location along the Metro/CSX railroad tracks, and the Applicant proposes to do so with an iconic building with activating ground-floor non-residential uses and upper-level residential units.

- (c) *Encourages 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 Project includes 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 demographics and incomes proximate to the numerous transit options of downtown Silver Spring. The proposed non-residential uses on the ground floor provide an opportunity to enliven the area surrounding the Project and create a true 18-hour environment. The Project facilitates all modes of transportation – pedestrian, bicycle, and vehicular. It will include streetscape improvements along Dixon Avenue and a portion of Silver Spring Avenue for pedestrian passage and comfort as well as a public plaza at the Dixon Avenue/Silver Spring Avenue juncture, provide a separate access point into the Project for bicycles in recognition of the significant number of bicyclists likely to live at or visit the Project, and in addition will provide vehicular parking and loading access to meet market demands. The Project does not propose any parking between the building and the street frontages.

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

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

- (e) *Integrates an appropriate balance of employment and housing opportunities.*

The Project will help to meet the need for additional housing options in the Ripley District in order to encourage both transit and pedestrian commutes. The mixed-use development will also help in significantly strengthening the economic status of the Ripley District by providing increased residents to patronize local businesses, and strengthening the Ripley District as a revitalized, mixed-use district. Additionally, providing more housing stock in the CBD provides greater opportunities for employment of persons within the CBD, a fundamental ingredient for the “smart growth” promoted by the CBD (and now, CR) zones. The Project will offer 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, the final amount of which will be determined by the market and specified at the time of site plan.

- (f) *Standardizes 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 Project will provide more than the minimum required public benefit points (100 points), as outlined in the Incentive Density Calculations Summary Table and Public Benefits Calculations chart included with the Application and further described below.

General Requirements for Optional Method Development in the CR Zone

Section 59-C-4.5.4.A of the Zoning Ordinance lists the general requirements for development under the optional method in the CR Zone. The Sketch Plan meets all of these general requirements, as follows:

- (a) *Procedure for approval.*

The submittal of this Application and accompanying materials satisfies this requirement. Following Sketch Plan review and approval, the Applicant will file a site plan application (in conjunction with a preliminary plan application) in order to implement the approved Sketch Plan.

- (b) *Public benefit points and categories.*

The Application contains an Incentive Density Calculations Summary Table as well as a detailed Public Benefits Calculations chart outlining how this optional method development Project will provide the following significant public benefits in order to realize the maximum permitted

density on the Property.⁷ The Project is anticipated to provide in excess of the minimum 100 public benefit points required, as outlined in the Incentive Density Calculations Summary Table and Public Benefits Calculations chart included with the Application. All public benefits will comply with the specifications prescribed by the CR Zone Incentive Density Implementation Guidelines, to be further detailed at the time of site plan.⁸

(i) *Major public facilities.*

As discussed above, the Applicant will construct for the County, at no cost to the County, a new facility for Progress Place, to be located on the site of the Silver Spring Fire Station. The new Progress Place facility will be comprised of approximately 39,119 gross square feet, located in a four-story building. The first three floors will house Progress Place. The fourth floor will be comprised of 21 PLQs. The Applicant will also construct on the site for use by the Montgomery County Police Department substation located at the Fire Station an approximately 775 square-foot storage barn (for storage of bicycles) and an approximately 80 square-foot flare building.

The Sector Plan notes that Progress Place and the County have co-located services to serve medical, job training and placement, and emergency needs of a varied and growing low-income and homeless population. The Sector Plan also stresses that locating such services in transit-proximate, pedestrian-oriented locations such as the CBD provides important opportunities for easy access to housing, jobs, and needed services. Thus, while the Sector Plan does not specifically envision Progress Place relocating to the Fire Station site, it recommends the site as a location for public/quasi-public uses and also encourages support for Progress Place and other needed services. The existing Progress Place facility is located in an aging building that has been renovated numerous times, and the building will require additional

⁷ 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.

⁸ The Incentive Density Calculations Summary Table and Public Benefits Calculations chart included with the Application contains in detail the methodology used in calculating each public benefit point category. This is a work-in-progress and the points will be further updated and refined at the time of site plan.

reconfiguration/renovation as the result of surrounding redevelopment and coming transportation infrastructure in the Ripley District. Because of this, in conjunction with the fact that the services provided at Progress Place and the needs of the clients served have outgrown the existing facility, relocation of Progress Place to the Fire Station site is an excellent opportunity to better serve the needs of the community in a modern facility located in a transit-proximate, pedestrian-oriented location.

For these reasons, the Applicant is entitled to receive public benefit points for construction of this major public facility (70 points).

(ii) *Transit proximity.*

The Property is located within one-quarter mile of the Silver Spring Transit Center (and Metro Station), and accordingly, the Application provides public benefits that justify transit service proximity level points (40 points).

(iii) *Connectivity and mobility.*

The Application is entitled to receive public benefit points for connectivity and mobility (approximately 25 points) as noted:

- *Minimum parking.* The Project will provide fewer than the maximum number of parking spaces permitted under the Zoning Ordinance, and at this time the Applicant anticipates achieving 10 points in this public benefit category.
- *Trip mitigation.* The Applicant will enter into a Traffic Mitigation Agreement with M-NCPPC and the Montgomery County Department of Transportation for this Project, thus achieving 10 points in this public benefit category.
- *Way-finding.* The Project will provide a way-finding system (shown conceptually on the Circulation Plan included with the Application) that orients pedestrians and cyclists to transit facilities, the nearby Metropolitan Branch Trail, public open spaces, and other features, and

the Applicant thus anticipates achieving 5 points in this public benefit category.

(iv) *Diversity of uses and activities.*

- The Project will provide 15% of its multi-family residential units as MPDUs, thus achieving 30 points in this public benefit category.

(v) *Quality building and site design.*

The Application is entitled to receive public benefit points for quality building and site design (approximately 40 points) as noted:

- *Public open space.* The Project will provide public open space (approximately 32.1%), in excess of the minimum public use space required by the CR Zone (0%), and thus is entitled to receive 20 points in this public benefit category.
- *Structured parking.* The Project will provide structured parking, with all of the Project's parking spaces to be provided in a below-ground parking garage, achieving 20 points in this public benefit category.

(vi) *Protection and enhancement of the natural environment.*

The Application is entitled to receive public benefit points for protection and enhancement of the natural environment (approximately 26.6 points) as noted:

- *Building lot termination.* The Project will include purchase of Building Lot Termination (BLT) easements for the requisite 8.6 public benefit points.
- *Cool roof.* The Project will provide a cool roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, and a minimum of SRI of 25 for slopes above 2:12, thus achieving 3 points in this public benefit category.
- *Energy conservation and generation.* The Project is being designed to exceed the energy efficiency standards for its building type by 10%,

through such features as a centralized mechanical system, energy efficient lighting, and low-flow plumbing fixtures (with further details and refinement to be provided at the time of site plan), thus achieving 10 points in this public benefit category.

- *Recycling facility plan.* The Project will propose a recycling facility plan, to be approved at the time of site plan approval, that is in compliance with Montgomery County Executive Regulation 15-04 AM, thus achieving 5 points in this public benefit category.

(vii) *Building reuse.*

The Sketch Plan does not propose to retain any buildings currently existing on the Property.

(c) *Building type.*

The Project proposes a multi-use building. Section 59-C-4.5.4.A.3 of the Zoning Ordinance notes that all building types allowed under Section 59-C-4.1.6 are allowed in the CR Zone under optional method development, and Section 59-C-4.1.6 permits multi-use buildings.

(d) *Compatibility standards.*

Section of the Zoning Ordinance 59-C-4.1.8.A contains setback compatibility standards, and Section 59-C-4.1.8.B contains height compatibility standards. However, Section 59-C-4.1.8.A only applies to CR-zoned property that abuts a property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use, and that proposes development of an apartment, multi-use, or general building type. Here, the Property does not abut any property located in an Agricultural, Rural Residential, or Residential zone. Section 59-C-4.1.8.B applies to property that abuts or confronts a property in an Agricultural, Rural Residential, or Residential zone that is vacant or improved with an agricultural or residential use, and that proposes any building type in a Commercial/Residential, Employment, Industrial, or Floating zone. Again, the Property does not abut any property located in an Agricultural, Rural Residential, or Residential zone. Therefore, the compatibility standards are not applicable to the Property or Project.

Development Standards for Optional Method Development in the CR Zone

Section 59-C-4.5.4.B of the Zoning Ordinance lists the development standards for development under the optional method in the CR Zone. The Sketch Plan meets all of these general requirements, as described and delineated in the development standards chart below:

(a) *Open space.*

Because the Property's net lot area is less than one-half acre and the Property has only one right-of-way frontage, there is no requirement to provide any open space on-site. However, it is anticipated at this time that approximately 32.1% open space will be provided, with final open space provided to be determined at the time of site plan.

(b) *Lot, density, and height.*

The Project utilizes the optional method of development and proposes to develop the 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 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 proposed density and final building heights will be determined at the time of site plan.

(c) *Placement.*

Section 59-4.5.4.B.3 provides that setbacks for principal buildings, accessory structures, and parking are established by the site plan approval process. As noted, the Project proposes generous sidewalks along Dixon Avenue and a portion of Silver Spring Avenue, but these and other relevant features will be detailed at the time of site plan.

(d) *Form.*

Section 59-4.5.4.B.4 provides that form standards are established by the site plan approval process and must address, at a minimum, transparency, blank walls, and active entrances. While the Project proposes significant glass features at the ground-floor level for transparency as well as activating features on the ground-floor level, all of these features will be detailed at the time of site plan.

Development Standard	Permitted/Required per the Zoning Ordinance	Proposed for Sketch Plan Approval
Gross Tract Area (GTA)	N/A	72,353 sf
Maximum Density (CR)⁹ Maximum Non-Residential Density (C) Maximum Residential Density (R) ¹⁰	5.0 FAR (361,765 sf) 4.0 FAR (289,412 sf) 4.75 FAR (343,677 sf)	Up to 6.05 FAR (437,374 sf) Up to 0.25 FAR (18,088 sf) Up to 5.80 FAR (419,286 sf)
Maximum Building Height (H)	200 feet	200 feet
Open Space	0% of net lot area	Approx. 32.1% of net tract area (13,519 sf)
Vehicle Parking¹¹ Residential Restaurant Retail/service establishment	Min. 1 sp/unit, max. 1 sp/studio, 1.25 sp/1BR, 1.5 sp/2BR Min. 4 sp/1,000 sf of patron use; max. 12 sp/1,000 sf of patron use ¹² Min. 3.5 sp/1,000 sf GLA, max. 6 sp/1,000 sf GLA	TBD at Site Plan TBD at Site Plan TBD at Site Plan
Bicycle Parking Residential Restaurant Retail/Service Establishment	Min. 0.5 sp/unit, max. 100 sp Min. 1 sp/10,000 sf of GFA, max. 10 sp Min. 1 sp/10,000 sf of GFA, max. 50 sp	TBD at Site Plan TBD at Site Plan TBD at Site Plan

(2) The Sketch Plan substantially conforms with the recommendations of the Sector Plan.

As discussed in detail above, the Sketch Plan fulfills the Sector Plan’s recommendations for the Property and the surrounding area.

(3) The Sketch Plan satisfies any development plan or schematic development plan in effect on October 29, 2014.

There is no approved development plan or schematic development plan for the Property, and therefore this requirement is inapplicable.

⁹ 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.

¹⁰ See Footnote 9.

¹¹ Additional adjustments to required minimum number of parking spaces pursuant to Section 59-6.2.3.H of the Zoning Ordinance may be reflected at the time of site plan.

¹² In the CR Zone, patron use excludes outdoor seating area.

(4) The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.

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

(5) The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

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

(6) The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.

As noted, the Project is anticipated to provide in excess of the minimum 100 public benefit points required, as outlined in the Incentive Density Calculations Summary Table and Public Benefits Calculations chart included with the Application and described in detail above (and as will be updated and refined at the time of site plan).

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

The Applicant plans to construct the Project in one phase (though as discussed above, construction will only begin on the Project after the Applicant has constructed the new Progress Place facility for the County, and Progress Place has relocated off the Property into the new facility).

V. CONCLUSION

The Applicant respectfully requests that the Planning Board grant approval of the Sketch Plan Application, thereby allowing the construction of this vibrant, mixed-use, optional method development Project in the CR Zone. As explained above and in the plans submitted with the Application, the Project satisfies all of the findings that the Planning Board must make in approving the Sketch Plan under the Zoning Ordinance. This Project will provide high-quality, mixed-use development with multi-family residential units (including MPDUs) and non-residential uses, and continue the successful redevelopment of the Ripley District of the Silver Spring CBD.



DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Isiah Leggett
County Executive

Clarence J. Snuggs
Director

January 9, 2015

Ms. Stephanie Dickel
Area 1 Division
Maryland-National Capital Park and Planning Commission
8787 Georgia Avenue
Silver Spring, Maryland 20910

Re: Ripley II
Sketch Plan No. 320150030

Dear Ms. Dickel:

The Montgomery County Department of Housing and Community Affairs (DHCA) has reviewed the applicant's letter of December 19, 2014 responding to DHCA's Development Review Committee (DRC) comments on the above referenced Sketch Plan. The applicant's letter is responsive to DHCA's DRC comments, and DHCA therefore recommends Approval of the Sketch Plan.

Please note that an MPDU Agreement that is in compliance with Chapter 25A must be executed between the applicant and DHCA prior to the release of any residential building permits.

Sincerely,

Lisa S. Schwartz
Senior Planning Specialist

cc: Heather Dlhopsky, Linowes and Blocher LLP
C. Robert Dalrymple, Linowes and Blocher LLP

Affordable Housing Program FAX 240-777-3709	Multifamily Housing Programs FAX 240-777-3691	Division of Housing Landlord-Tenant Affairs FAX 240-777-3691	Licensing & Registration Unit 240-777-3666 FAX 240-777-3699
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