



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

MAR 2 2015

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

**RESOLUTION**

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

WHEREAS, on October 15, 2014, Ripley West, LLC ("Applicant") filed an application for approval of a sketch plan for construction of a mixed-use project with up to 419,286 square feet of residential development for up to 440 units and up to 18,088 square feet of non-residential uses on 1.66 acres of CR 5.0: C 4.0, R 4.75, H 200T-zoned land, located on Dixon Avenue, approximately 150 feet south of Ripley Street ("Subject Property") in the Ripley/South Silver Spring Overlay Zone, Silver Spring CBD Sector Plan area ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320150030, Ripley II ("Sketch Plan" or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the Planning Board, dated January 30, 2015, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on February 12, 2015, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, at the hearing, the Planning Board voted to approve the Application subject to certain binding elements and conditions, by the vote certified below;

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Approved as to  
Legal Sufficiency:

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

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

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

All other elements are illustrative.

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

1. Density

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

2. Height

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

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I at the time of Site Plan. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59-4.5.4.A.2. The requirements of Division 59-4.7 and the *CR Zone Incentive Density Implementation Guidelines* must be fulfilled for each public benefit proposed. Final points will be established at Site Plan approval.

- a. Major Public Facility, achieved through the construction of the new facility for Progress Place;
- b. Transit Proximity, achieved through location within one-quarter mile of the Silver Spring Transit Center;
- c. Connectivity and Mobility, achieved through minimum parking, trip mitigation and way finding;

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<sup>1</sup> For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

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

BE IT FURTHER RESOLVED that, having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of § 59-7.3.3.E, the Planning Board finds that as conditioned herein the elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS the Sketch Plan:

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

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

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

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

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

<sup>2</sup> 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.

<sup>3</sup> The Application utilizes the optional method of development to develop the Property with up to the maximum density (6.045 FAR, with up to 5.795 FAR in residential uses and up to 0.25 FAR in non-residential uses (retail and/or restaurant) and the maximum height (200 feet) permitted for the Property under the CR Zone and Ripley District Overlay Zone (including as the result of provision of 15% MPDUs and the accompanying 22% residential density bonus). Final density and final building heights will be determined at the time of Site Plan.

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

### **Land Use and Zoning**

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

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

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

Although the 2000 Sector Plan calls to retain the CBD-2 Zone on parcels currently zoned CBD-2 and rezone all CBD-R2 properties in the Ripley District to CBD-2, the Property was rezoned through the Zoning Ordinance rewrite to CR-5.0, C-4.0, R-4.75, H-200T and Ripley Overlay Zone, effective October 31, 2014. The intent of the CBD-2 zoning was to encourage redevelopment near the Transit Center by allowing more commercial density in response to the market, but also provide the flexibility for both commercial or residential high-rises, or mixed use projects. The Project is a mixed-use, high-rise residential development with ground-floor non-residential uses under the optional method of development, which satisfies the intent of the CBD-2 Zone.

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

### **Urban Design**

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

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

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

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

The Project's public plaza at the curve where Dixon Avenue and Silver Spring Avenue meet provides the opportunity for a sitting and gathering space. In addition, the Applicant will be constructing the next segment of the Metropolitan Branch Trail along the eastern edge of the Property. The building also includes recreational facilities and amenities for its residents such as a rooftop pool and fitness center.

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

The public plaza at the curve where Dixon Avenue meets Silver Spring Avenue provides the opportunity for a sitting and gathering space and will be the central open space for Dixon Avenue. Continuing the streetwall established by recent development on the west side of Dixon

Avenue, the plaza will transform the street from a service road to a Ripley District main street. Currently, the Applicant has located the necessary transformers above grade at the southern edge of the public plaza. It is the Planning Board's preference that the transformers are not be located in the public plaza, whether they are placed underground or in an alternative location. The final location of the transformers will be determined at the time of Preliminary and Site Plan. The Applicant will also continue the extension of the Metropolitan Branch Trail southward, constructing that portion adjacent to the Property. The standard Silver Spring streetscape treatment (including pavers, street trees, and lighting) along the Property frontage on Dixon Avenue as well as extending on both sides of the curve where Dixon and Silver Spring Avenues meet will be provided. Further, the Applicant is voluntarily providing the Silver Spring streetscape treatment on the south side of Dixon Avenue extending up to its intersection with Ripley Street, in order to complete the streetscaping on Dixon Avenue south of Ripley Street and improve the pedestrian experience along the entirety of this portion of Dixon Avenue.

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

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

In the case of Eleven55 Ripley, the Planning Board found that there were mitigating factors that made it impractical to explicitly conform to the step-back guideline in the Sector Plan. The parcel was constrained in depth as well as by required street dedication and infrastructure for the Ripley Street and Dixon Avenue right-of-ways and the proposed urban park. The building design featured a three-story

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

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

The Subject Property is similarly constrained, with the adjacent CSX railroad tracks to the west and significant portions of the Property (nearly the entirety of Parking Lot 20) being dedicated to right-of-way for the connection of Dixon Avenue to Silver Spring Avenue. The building is designed to extend the existing street wall on Dixon Avenue and provides a generous public plaza between the buildings and the curved right-of-ways of Dixon Avenue and Silver Spring Avenue. The



public plaza to be constructed on the east side of the curve will ensure adequate light and air and will contribute to an attractive street. The Subject Property has frontage on both Dixon Avenue and Silver Spring Avenue and the proposed building is set back from the property line a considerable distance. While the narrowest point along Dixon Avenue, the proposed building is set back from the property line approximately six feet, as one travels south on Dixon Avenue, which curves and becomes Silver Spring Avenue, the building is set back approximately 96 feet from the property line, allowing for a generous public plaza and pulling the building away from the property line.

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

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

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

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

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

### **Circulation Systems**

The Sector Plan recommends creating a system of trails and bike routes, implementing streetscape to create a safe and pleasant pedestrian environment to assess, and where appropriate, reuse public parking facilities, and to make circulation improvements to local roads. The Project will provide the Sector-Planned connection of Dixon Avenue to Silver Spring Avenue and improve the existing street frontages along Dixon Avenue adjacent to the Property. The Applicant will also improve the eastern side of Dixon Avenue just south of Ripley Street and a portion of Silver Spring Avenue, providing an enhanced pedestrian environment through wide sidewalks and attractive streetscaping features. In addition, the Applicant will construct the portion of the Metropolitan Branch Trail adjacent to the Property.

The Project will upgrade the physical environment in the Ripley District by replacing a surface parking lot and aging building with a mixed-use project, providing vital street and pedestrian linkages between the core of the CBD and other areas of the CBD south and east of the Property. The Application conforms to the Sector Plan recommendations for Circulation Systems.

### **Community Facilities**

The Sector Plan notes that Progress Place and the County have co-located services to serve medical, job training and placement, and emergency needs of a varied and growing low-income and homeless population. The Sector Plan also emphasizes the importance of maintaining Progress Place's presence and purpose in the Ripley District. Thus, while the Sector Plan does not specifically envision Progress Place relocating to the Fire Station site, it recommends the site as a location for public/quasi-public uses and also encourages support for Progress Place and other needed services. Relocation of Progress Place to the Fire Station site provides the opportunity to better serve the needs of the community in a modern facility located in a transit-proximate, pedestrian-

oriented location. The Application conforms to the Sector Plan recommendations for Community Facilities.

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

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

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

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

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

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

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

The Sector Plan made urban design recommendations for new development along Dixon Avenue and Ripley Street in the Ripley District to ensure compatibility with adjoining neighborhoods and to provide a coherent street. This urban design goal assessed compatibility in building heights based on the surrounding neighborhood. The Application is compatible with building heights and the street edge already established by the recently constructed Solaire Silver Spring and Eleven55 Ripley projects directly to the north, along Dixon Avenue. Both the Solaire Silver Spring and Eleven55 Ripley projects were designed and constructed in ways that addressed the intent of the Sector Plan, but did not adhere strictly to the step-back language of the Sector Plan.

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

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

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

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

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

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

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

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

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

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

The building is compatible in height and scale with the existing and pending nearby development in the Ripley District. The Application achieves compatibility with the building heights and the street edge already established by the recently constructed Solaire Silver Spring and Eleven55 Ripley projects directly to the north, along Dixon Avenue.

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

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

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

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

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

**Public Benefits Calculations**

Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Approved at Sketch Plan
<b>59-4.7.3A: Major Public Facilities</b>	70	70	70
<b>59-4.7.3B: Transit Proximity</b>	40	40	40
<b>59-4.7.3C: Connectivity and Mobility</b>			
<b>Minimum Parking</b>	10	10	10
<b>Trip Mitigation</b>	20	10	10

<b>Way-finding</b>	<b>10</b>	<b>5</b>	<b>5</b>
<b>59-4.7.3D: Diversity of Uses and Activities</b>			
<b>Affordable Housing (MPDUs)</b>	<b>No limit</b>	<b>30</b>	<b>30</b>
<b>59-4.7.3E: Quality of Building and Site Design</b>			
<b>Public Open Space</b>	<b>20</b>	<b>20</b>	<b>20</b>
<b>Structured Parking</b>	<b>20</b>	<b>20</b>	<b>20</b>
<b>59-59-4.7.3F: Protection and Enhancement of the Natural Environment</b>			
<b>Building Lot Terminations</b>	<b>30</b>	<b>8.6</b>	<b>8.6</b>
<b>Cool Roof</b>	<b>10</b>	<b>3</b>	<b>3</b>
<b>Energy Conservation and Generation</b>	<b>15</b>	<b>10</b>	<b>10</b>
<b>Recycling Facility Plan</b>	<b>10</b>	<b>5</b>	<b>5</b>
<b>TOTAL</b>		<b>231.6</b>	<b>231.6</b>

Major Public Facilities

The Applicant will construct for the County a new facility for Progress Place, to be located on the site of the nearby Silver Spring Fire Station. The new Progress Place is under concurrent review through a Mandatory Referral. The new Progress Place facility will be comprised of approximately 39,119 gross square feet, located in a four-story building. The first three floors will house Progress Place. The fourth floor will be comprised of 21 PLQs. The Applicant will also construct on the site for use by the Montgomery County Police Department substation located at the Fire Station an approximately 775 square-foot storage barn (for storage of bicycles) and an approximately 80 square-foot flare building.

The Sector Plan notes that Progress Place and the County have co-located services to serve medical, job training and placement, and emergency needs of a varied and growing low-income and homeless population. The Sector Plan also states that locating such services in transit-proximate, pedestrian-oriented locations such as the CBD provides important opportunities for easy access to housing, jobs, and needed services. Thus, while the Sector Plan does not specifically envision Progress Place relocating to the Fire Station site, it recommends the site as a location for public/quasi-public uses and also encourages support for Progress Place and other needed services. The existing Progress Place facility is located in an aging building that has been renovated numerous times, and the building will require additional reconfiguration/renovation as the result of surrounding redevelopment and coming transportation infrastructure in the Ripley District. Because of this, in conjunction with the fact that the services provided at Progress Place and the needs of the clients served have outgrown the existing facility, relocation of Progress Place to the Fire Station site is an excellent opportunity to better serve the needs of the community in a modern facility located in a transit-proximate, pedestrian-oriented location. For these reasons, the Applicant is requesting to

receive public benefit points for construction of this major public facility (70 points). The Planning Board supports the request.

#### Transit Proximity

The Property is located within one-quarter mile of the Silver Spring Transit Center (and Metro Station). The Planning Board supports the Applicant's request for 40 points as suggested in the CR Guidelines.

#### Connectivity and Mobility

*Minimum Parking:* The Applicant proposes to provide fewer than the maximum number of parking spaces permitted under the Zoning Ordinance, and at this time anticipates achieving 10 points. The Planning Board supports the Applicant's request.

*Trip Mitigation:* The Applicant will enter into a binding Traffic Mitigation Agreement to reduce the number of weekday morning and evening peak hour trips to the site in excess of any other regulatory requirement and the agreement must result in a reduction of at least 50% for trips attributable to the site. The Planning Board supports the Applicant's request of 10 points.

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

#### Diversity of Uses and Activities

*Affordable Housing:* The Applicant requests 30 points for providing 15% of the multi-family units as MPDUs. The incentive density points for MPDUs are calculated as a percentage of the total number of dwelling units (assuming 440 multi-family units). The Applicant's initial estimate of providing 66 MPDUs yields 30 points. Final number of MPDU units to be determined at Site Plan. The Planning Board supports the Applicant's request.

#### Quality of Building and Site Design

*Public Open Space:* The Applicant requests 20 points for providing public open space. Points for this incentive are granted on a sliding scale based on the percentage of the net lot area. The conceptual layout yields 13,519 square feet of additional open space above the required square feet of public use space for a total of 20 points. The open space will be: directly accessible to a street; open to the public; designed so that the loading or parking facilities are screened or faced with active uses, contain seating, trash receptacles, landscaping, and other



amenities; be at least 35 feet wide; designed so that walls of any residential floor area facing the open space have windows on at least 60 percent of the façade between three and eight feet; and designed so that any dwelling unit facing the open space will have access to the open space. The Planning Board supports 20 points for this benefit.

*Structured Parking:* The Applicant requests 20 points for structured parking for the parking that will be below grade. The Application proposes all parking spaces to be provided in a below-ground parking garage with final parking counts to be determined at Site Plan. The Planning Board supports 20 points for this benefit.

#### Protection and Enhancement of the Natural Environment

*BLTs:* Up to 30 points can be granted for the purchase of Building Lot Termination (BLT) easements or payment to the Agricultural Land Preservation Fund (ALPF). The Applicant proposes the purchase of BLT easements and final public benefit points will be determined at the time of Site Plan. The Planning Board supports this request.

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

*Energy Conservation and Generation:* Up to 15 points can be granted for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5% for new building. The Project is being designed to exceed the energy efficiency standards for its building type by 17.5%, through such features as a centralized mechanical system, energy efficient lighting, and low-flow plumbing fixtures. The Applicant anticipates achieving 10 points in this public benefit category with further details and refinement to be provided at the time of Site Plan. The Planning Board supports the Applicant's request.

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

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

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

The Project will be built in one phase.

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

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

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

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

Although the Board does not have the authority to provide complete certainty about the conditions of approval or binding elements of a sketch plan, this does not mean that the Board should or will require changes to an approved sketch plan without good reason. To do so would be inefficient and unfair to Applicants and community members whose expectations about the future shape of development will be formed by what the Board approves in a sketch plan; and

BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and


BE IT FURTHER RESOLVED that all elements of the plans for Sketch Plan No. 320150030, Ripley II, stamped received by M-NCPPC on December 23, 2014 are required except as modified herein; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is **MAR 2 2015** (which is the date that this Resolution is mailed to all parties of record).

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission on motion of Commissioner Presley, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor at its regular meeting held on Thursday, February 12, 2015, in Silver Spring, Maryland.

  
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Casey Anderson, Chair  
Montgomery County Planning Board

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

MS. LISA SCHWARTZ  
DHCA  
100 MARYLAND AVENUE  
4<sup>TH</sup> FLOOR  
ROCKVILLE, MD 20850

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

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

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

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

WASHINGTON PROPERTY COMPANY  
EVAN FELDMAN  
4719 HAMPDEN LANE  
3<sup>RD</sup> FLOOR  
BETHESDA, MD 20814

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

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

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

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

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

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

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

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

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

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

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

WASHINGTON PROPERTY COMPANY  
DARLY SOUTH  
4719 HAMPDEN LANE  
3<sup>RD</sup> FLOOR  
BETHESDA, MD 20814