



# MONTGOMERY COUNTY PLANNING BOARD

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

DEC 8 2015

MCPB No. 15-142  
Sketch Plan Amendment No. 32015001A  
Project Name: Ripley East  
Date of Hearing: December 3, 2015

## RESOLUTION

WHEREAS, under Section 59-7.1.2 of the Montgomery County Zoning Ordinance, the Montgomery County Planning Board is authorized to review sketch plan applications; and

WHEREAS, on April 9, 2015, by Resolution MCPB No. 15-31, the Planning Board approved Sketch Plan No. 320150010, to allow a maximum total density of 367,147 square feet including up to 349,847 square feet of residential development and up to 17,300 square feet of non-residential development on 1.40 acres of CR5.0 C4.0 R4.75 H200T zoned-land, located at the southwest corner of Georgia Avenue and Bonifant Street ("Subject Property") in the Ripley/South Silver Spring Overlay Zone, Silver Spring CBD Sector Plan ("Sector Plan") area; and

WHEREAS, on July 30, 2015, Diamondback Investors, LLC ("Applicant"), filed an application for approval to amend the previously approved sketch plan under the procedures and standard of the current Zoning Ordinance to update the data table to reflect an increase to the maximum area of residential uses from 349,847 square feet to 352,406 square feet (including the 22% MPDU density bonus), increasing the overall maximum density from 367,147 square feet to 367,606 square feet; amend the public benefit schedule to provide a vegetated roof in place of the vegetated area in the Protection and Enhancement of the Natural Environment category under Section 59-4.7.3.F.9 of the current Zoning Ordinance; and amend the public benefit schedule to eliminate wayfinding and the recycling facility plan; and

WHEREAS, the Applicant's sketch plan amendment application was designated Sketch Plan Amendment No. 32015001A Ripley East ("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 November 20, 2015, setting forth its analysis and recommendation

---

Approved as to  
Legal Sufficiency:  11/23/15

for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

WHEREAS, on December 3, 2015, the Planning Board held a public hearing on the Application at which it heard testimony and received evidence submitted for the record on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan Amendment No. 32015001A, Ripley East, for construction of a maximum total density of 367,606 square feet on the Subject Property, including up to 352,406 square feet of residential uses (including the 22% MPDU density bonus) and up to 17,300 square feet of commercial uses, subject to the following binding elements and conditions, which supersede the binding elements and conditions 1 and 3 approved with Sketch Plan No. 320150010:<sup>1</sup>

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

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

All other elements are illustrative.

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

1. Density

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

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I at the time of Site Plan. The requirements of Division 59-4.7.1 and the 2012 CR Zone Incentive Density Implementation Guidelines must be fulfilled for each public benefit proposed. Final points will be established at Site Plan approval.

---

<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.



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

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

1. *Unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved sketch plan, and all findings not specifically addressed remain in effect.*
2. *The Sketch Plan meets the objectives, general requirements, and standards of the Zoning Ordinance.*

Development Standards

The Subject Property includes approximately 1.40 acres zoned CR5.0 C4.0 R4.75 H200T. The data table below demonstrates the Application's conformance to the applicable development standards of the zone.

<b>Project Data Table for the CR5.0 C4.0 R4.75 H200'T 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>60,812</b>
<b>Maximum Density (CR) Non-residential (C) Residential (R)<sup>2</sup></b>	<b>5.0 FAR (304,060 sf)</b> 4.0 FAR (243,248 sf) 4.75 FAR (288,857 sf)	<b>Up to 6.05 FAR (367,606 sf)<sup>3</sup></b> Up to 0.28 FAR (17,300 sf) Up to 5.80 FAR (352,406 sf)
<b>Building Height (feet)</b>	200 <sup>4</sup>	Up to 200' on Bonifant Street Up to 175' on Georgia Avenue
<b>Minimum Public Open Space (%)</b>	5% (1,781 sf)	5% (1,781 sf)
<b>Parking (spaces) Multi-family</b>	Minimum 1 space/unit; Maximum 1 space/studio, 1.25 space/one bedroom, 1.5/two bedroom	TBD at Site Plan
<b>Restaurant</b>	Minimum 4 space/1,000 sf of patron use; Maximum 12 space/1,000 sf of patron use	TBD at Site Plan
<b>Retail/service establishment</b>	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 proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Under Section 59.4.7.1.B, in approving any incentive FAR based on the provision of public benefits, the Planning Board must:

<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 Subject Property with up to the maximum density (6.05 FAR, with up to 5.80 FAR in residential uses and up to 0.28 FAR in non-residential uses (retail and/or restaurant) and the maximum height (200 feet) permitted for the Subject 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.

<sup>4</sup> Section 59-4.9.11 of the Zoning Ordinance contains the provisions applicable to properties located in the Ripley/South Silver Spring Overlay Zone. Section 59-4.9.11.C.1.b provides that the Planning Board may approve a maximum building height of 200 feet in any CR optional method development project that provides ground-floor retail, as this Application does.



- a. Take into consideration “the recommendations of the applicable master plan” by providing the diversity of housing, structured parking, general sustainability measures, and connectivity improvements;
- b. Meet “the CR Zone Incentive Density Implementation Guidelines” by providing the proper calculations and criteria for each public benefit;
- c. Meet “any design guidelines adopted for the applicable master plan area” by providing connectivity improvements, and articulation in building massing, heights and step-backs which achieves the objectives of the design guidelines;
- d. Are appropriate for “the size and configuration of the site” by improving the existing configuration of surface parking lots and replacing them with structured parking close to transit;
- e. Adequately address “the relationship of the site to adjacent properties” by designing the building at an appropriate scale that complements and enhances the existing character of the area;
- f. Consider “the presence or lack of similar public benefits nearby” through the provision of affordable housing, environmental benefits, and upgraded pedestrian connections, all of which are currently needed in this area; and
- g. Provide “enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit” which will be developed and assessed during Preliminary and Site Plan reviews.

The Planning Board finds that the public benefits proposed by the Applicant as set forth in the following table are appropriate in concept, and appropriate for further detailed review. Final determination of public benefit point values will be determined at Site Plan.

<b>Table 2: Sketch Plan Public Benefits Calculations</b>			
<b>Public Benefit</b>	<b>Incentive Density Points</b>		
	<b>Max Allowed</b>	<b>Requested</b>	<b>Approved in Concept</b>
<b>59-4.7.3B: Transit Proximity</b>	40	40	40
<b>59-4.7.3C: Connectivity and Mobility</b>			
Minimum Parking	10	9	9
Trip Mitigation	20	10	10
<b>59-4.7.3D: Diversity of Uses and Activities</b>			
Affordable Housing (MPDUs)	No limit	30	30
<b>59-4.7.3E: Quality of Building and Site Design</b>			
Structured Parking	20	20	20
Tower Step-back	10	5	5
<b>59-59-4.7.3F: Protection and Enhancement of the Natural Environment</b>			
Building Lot Terminations	30	7.2	7.2
Cool Roof	10	5	5
Energy Conservation and Generation	15	10	10
Vegetated Roof	10	7.5	7.5
<b>TOTAL</b>	<b>205</b>	<b>143.7</b>	<b>143.7</b>



#### Transit Proximity

The Subject 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 *2012 Commercial/Residential Zones Incentive Density Implementation Guidelines* (CR Guidelines).

#### Connectivity and Mobility

*Minimum Parking:* The Applicant will provide fewer than the maximum number of parking spaces permitted under the Zoning Ordinance, and at this time anticipates achieving 9 points. The Planning Board supports the Applicant's request.

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

#### Diversity of Uses and Activities

*Affordable Housing:* The Applicant requests 30 points for providing 15% of the multi-family units as MPDUs. The incentive density points for MPDUs are calculated as a percentage of the total number of dwelling units (assuming 360 multi-family units). The Applicant's initial estimate of providing 54 MPDUs yields 30 points. Final number of MPDU units to be determined at Site Plan. The Planning Board supports the Applicant's request.

#### Quality of Building and Site Design

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

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

#### Protection and Enhancement of the Natural Environment

*BLTs:* Up to 30 points can be granted for the purchase of Building Lot Termination



(BLT) easements or payment to the Agricultural Land Preservation Fund (ALPF). The Applicant will purchase BLT easements for 7.2 public benefit points. The Planning Board supports this request.

*Cool Roof:* The Application 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 5 points in this public benefit category. The final layout will be determined at the time of Site Plan and the Planning Board supports 5 points for this benefit.

*Energy Conservation and Generation:* Up to 15 points can be granted for constructing buildings that exceed the energy-efficiency standards for the building type by 17.5% for new building. The project is being designed to exceed the energy efficiency standards for its building type by 17.5%, through such features as a centralized mechanical system, 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.

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

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the *Silver Spring CBD Sector Plan*, or other requirements; and

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

BE IT FURTHER RESOLVED that all binding site development elements shown on the latest electronic version of Ripley East, Sketch Plan Amendment No. 32015001A, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is DEC 8 2015 (which is the date that this Resolution is mailed to all parties of record); and

\* \* \* \* \*

**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Dreyfuss, seconded by Vice Chair Wells-Harley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Dreyfuss, Presley, and Fani-González voting in favor of the motion, at its regular meeting held on Thursday, December 3, 2015, in Silver Spring, Maryland.



---

Casey Anderson, Chair  
Montgomery County Planning Board