

RIPLEY II

SKETCH PLAN AMENDMENT NO. 32015003B AND SITE PLAN AMENDMENT NO. 82016007A

JUSTIFICATION STATEMENT

I. INTRODUCTION

Ripley West, LLC (the “Applicant”) was the selected developer pursuant to 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 (the former site of the County’s Progress Place facility – “Progress Place”), and 8206 Dixon Avenue (currently owned by the County and the current site of Public Parking Lot No. 20 – “Parking Lot 20”) (Progress Place and Parking Lot 20 are collectively referred to as the “Property”). The resulting public-private partnership was documented through a General Development Agreement (“GDA”) which establishes the Applicant’s right to privately redevelop the Property in return for the Applicant constructing for the public (via the County) a new building for Progress Place, at 8110 Georgia Avenue behind the Silver Spring Fire Station on that site. Upon completion of construction of Progress Place in December 2016, the facility was delivered to the County for the County’s ownership and operation and the Progress Place property was conveyed to the Applicant (in April 2017). Parking Lot 20 will be conveyed to the Applicant prior to commencement of the private redevelopment of the Property.

The private redevelopment of the Property was the subject of approved Sketch Plan No. 320150030 (the “Sketch Plan”), approved per Montgomery County Planning Board (the “Planning Board”) Resolution MCPB No. 15-15 on March 2, 2015. The Sketch Plan approval allows for up to 419,286 square feet of residential development (including 15% moderately priced dwelling units or “MPDUs” and the associated 22% bonus density) and up to 18,088 square feet of non-residential uses on the Property, at a building height of 200 feet (the “Project”).¹ On October 19, 2016 the Planning Board issued Resolution MCPB No. 16-098, approving Preliminary Plan No. 120160190 (the “Preliminary Plan”), and Resolution MCPB No. 16-099, approving Site Plan No. 820160070 (the “Site Plan”), permitting up to 440 multi-family

¹ The new Progress Place facility was approved through the mandatory referral process established by State and County law, concurrently with approval of the Sketch Plan.

dwelling units and up to 18,083 square feet of non-residential uses at a maximum building height of 200 feet.² The Sketch Plan, Preliminary Plan, and Site Plan are collectively referred to as the “Prior Approvals”.

Subsequent to the Prior Approvals and prior to the Applicant’s start of construction on the private redevelopment Project pursuant to the Prior Approvals, the Montgomery County Council (the “County Council”) approved Zoning Text Amendment No. 17-05 (“Ripley/Silver Spring South Overlay Zone – Standards” – the “ZTA”) on October 10, 2017. The ZTA provides, “[f]or a property zoned CR and mapped at 200 feet, the Planning Board may approve a maximum building height of 270 feet, if an optional method development project includes the provision of an on-site or off-site major public facility under Section 4.7.3.A [of the 2014 Montgomery County Zoning Ordinance – the “Zoning Ordinance”] and also provides a ground floor level grocery store or other qualifying basic service under Section 4.7.3.C.3 of at least 10,000 square feet of floor area”. While Section 59-4.7.3.C.3 of the Zoning Ordinance does not itself define “qualifying basic service”, the CR Zone Incentive Density Implementation Guidelines (September 2017) define “qualifying basic services” to “include banks, cafes, care centers, community/civic centers, convenience stores, dry cleaners, hair care services, hardware stores, health clubs, laundromats, libraries, medical and dental offices, parks, pharmacies, police and fire stations, post offices, religious institutions, restaurants, schools, supermarkets, theaters.” (p. 24).³

Pursuant to this ZTA, the Applicant is now submitting amendments to the Sketch Plan and the Site Plan in order to increase the maximum building height of the Project to 270 feet (the “Revised Project”).⁴ The previously approved 440 multi-family dwelling units and 18,083 square feet of non-residential uses will remain the same; the ZTA does not permit and the

² The Sketch Plan was also concurrently amended at this time to reflect changes to the public benefit point categories.

³ It is instructive to also note that the County Council’s Planning, Housing, and Economic Development (“PHED”) Committee found in its worksession at which it considered the ZTA that the additional building height was warranted because it would allow the provision of land uses that enhance the development of the Silver Spring CBD, specifically the provision of a major public facility and a grocery store or other qualifying basic service.

⁴ Maryland-National Capital Park and Planning Commission (“M-NCPPC”) Staff determined that an amendment to the Preliminary Plan is not required.

Applicant does not propose any additional density.⁵ The extra building height will permit the Applicant to relocate what had previously been below-grade structured parking, above-grade instead. On the ground floor, instead of the limited retail (in the form of live/work units) that had been proposed under the Prior Approvals, the Applicant will be able to provide a significant retail space occupying much of the ground floor, in the form of an activating, vibrant “qualifying basic service” use that is designed to attract a food hall/urban market, but that could also be adaptable to a number of other uses that would similarly provide a “qualifying basic service” (as discussed further below). Parking for the Revised Project will be provided in four levels above the ground floor retail, with the multi-family residential units located above the parking. There is significant cost savings in providing above-grade structured parking rather than below-grade, and these cost savings are critical to the economic viability of the overall public-private partnership that provides: (i) delivery by the Applicant of a major public facility (Progress Place) for the County; (ii) dedication by the Applicant of over 30% of the site to public right-of-way; and (iii) construction by the Applicant of a significant amount of new roads, streetscape, and public plazas along with an enhanced tax base through the Revised Project. The proposed ground floor retail (partially providing the basis for the increase in height from 200 feet to 270 feet), and the current state of the retail market in the Ripley District in general, are described in detail in Section IV below.

As a result, the Applicant is now submitting an application for Sketch Plan amendment (the “Amended Sketch Plan”) and Site Plan amendment (the “Amended Site Plan”) approval under the optional method of development in the CR Zone in accordance with Sections 7.3.3 and 7.3.4 of Chapter 59 (the “Zoning Ordinance”) of the Montgomery County Code, 2004, as amended (the “County Code”). The Amended Sketch Plan and Amended Site Plan are collectively referred to as the “Applications”.

II. THE PROPERTY AND SURROUNDING AREA

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 72,335

⁵ The maximum gross floor area (“GFA”) and floor area ratio (“FAR”) for the Project will not change from that approved per the Prior Approvals, as parking is not included in the calculation of GFA.

square feet of gross tract area, which is the basis for density calculation as described herein. The Property is zoned CR-5.0, C-4.0, R-4.75, H-200T and Ripley/South Silver Spring Overlay Zone, and 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 Property occupies a visible location in the Silver Spring CBD, situated right along the Metro/CSX railroad tracks just south of the 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 former Progress Place facility and Parking Lot 20, as described above.

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. Just north of this strip, at the corner of Georgia Avenue and Bonifant Street, the Ripley East project is under construction, being developed by a related entity of the Applicant to a building height of 200 feet, with ground floor retail and multi-family residential units above. 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 Revised Project represents an opportunity to continue the overall revitalization of the Silver Spring CBD and specifically to provide for the urban redevelopment of the Ripley

District of the CBD with further higher density mixed-use vibrancy in this prominent location near the Silver Spring Transit Center.

III. THE REVISED PROJECT

The proposed redevelopment of the Property will be located on one new subdivision lot of record (consisting of 41,915 square feet of net lot area). As noted, the Applications propose to develop the Property with up to 440 multi-family residential units (including 15% MPDUs) and up to 18,083 square feet of ground-floor non-residential uses⁶, as well as private above-grade structured parking (four 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-6.045, C-0.25, and R-5.795⁷, with an H (height) component of 270 feet. 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 (and with the non-residential square footage, including importantly (for purposes of allowing the 270 feet of height) a minimum of 10,000 square feet of “qualifying basic service” use – as discussed more fully below). The maximum building height under all possible scenarios will be 270 feet.

⁶ 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.

⁷ While the Property’s zoning under the CR Zone is 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.

All access to the Revised Project will be from the Property's sole street frontage along Dixon Avenue. The entrance to the above-grade structured parking garage will be located on the northern edge of the Property, with the loading and service access just to the south of the garage entrance. All of the parking for the Revised Project is proposed to be located in above-grade structure, sandwiched between the ground floor retail use and the multi-family residential uses located above, and the Applicant anticipates that there will be four levels of parking (with final numbers of parking spaces, bike storage spaces, and loading spaces to be established at the time of certified site plan). The residential entrance for pedestrians is from the public plaza (discussed further below). A dedicated bicycle entry and storage room will be accessed from the western side of the building, adjacent to the Metropolitan Branch Trail (in recognition of the large number of bicyclists expected to live at and visit the Revised Project, given its adjacency to the Metropolitan Branch Trail and proximity to other bicycle routes in and around the Silver Spring CBD).

Significantly, and consistent with the Sector Plan, 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 connection provides an important additional access into the heart of the Ripley District from Georgia Avenue and dramatically improves the circulation within the District. The Revised 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 Revised 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 off-site 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.

Proposed Architecture

The Revised Project's frontage 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 proposed massing is broken up into distinct volumes based on the surrounding context and the program. The design of the base and surrounding landscape is driven by the anticipated retail, which will be a destination for Silver Spring and the greater DC area. Further, the proximity of the Property to multiple transportation hubs lends itself to a high-density design. All of these factors have been 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 Revised Project is able to respond to this varied urban context, while activating the streetscape along the Dixon Avenue extension.

The Revised Project will hold the street edge of the Dixon Avenue extension at the northernmost end of the Property to create an L-shaped building. Where Dixon Avenue connects to Silver Spring Avenue, the upper floors of the east façade are significantly set back from the curvature of the right-of-way. The massing for the Revised Project consists of four basic forms along this eastern Property frontage: a 5-story base, a 26-story massing, stepping down to a 23-story massing and stepping down further to a 16-story massing. There is also a lower 30-foot volume at the ground level. These features are then connected by a transparent glass massing. In order to accentuate the alignment of the building base with Solaire Silver Spring and Eleven55 Ripley to the north, the 30-foot volume has been added below the tower. This volume projects out from the main facade to enhance visibility of the main retail and residential entrances from Dixon and Silver Spring Avenues. This volume has a gentle curve to complement the curvature of the street, but is slightly pulled back leaving room for public open space and outdoor dining. This datum emphasizes the more public zone on the ground floor of the building, while bringing the massing down to the pedestrian scale. The glass massing repeats itself at the northern end, acting as a 16-story connector between the Revised Project and the existing Solaire Silver Spring tower. At the 23rd 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 Revised Project has an articulated roofline at the masonry towers. These massing considerations will add 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 above grade parking creates a lower 5-story volume that holds the edge of the railroad tracks, while the residential tower sets back at the 6th floor to create a private shared outdoor space for the residents that is oriented southwest. The facades on the courtyard side will be slightly more modest, but will relate to the main facades in massing, materials, 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 Revised Project are comprised of residential dwelling units with select areas allocated for residential amenity space, as well as the retail space on the ground floor, described more fully below. The centrally located main entrance opens into a tall residential lobby and lounge area. The glassy curved volume at the building's base provides a strong visual and physical connection with the streetscape and will help to activate it. For cyclists and dog owners, a conveniently located bike storage facility and dog washing room will be in close proximity to the western building entry off the Metropolitan Branch Trail, and will connect to the service elevator.

Additional social amenities serving the future residents of the Revised Project such as a club lounge, bar/kitchen/dining area, a collaborative work space, and a gaming area will be located at the 6th floor of the building in order to take advantage of the landscaped courtyard and grill areas at this level. These amenities will also have an indoor/outdoor connection with the courtyard. At the lower roof level there will be a fitness center, and at the high roof level there will be a raised pool deck and small lounge, 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 Revised 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 Revised Project is comprised of four distinct areas: the streetscape along Dixon Avenue and a portion of Silver Spring Avenue, including a 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, two public plazas are proposed, one on each side of Dixon Avenue, that allow for seating, circulation and gathering, a bike station and bike racks, and significant planting areas. The main public plaza will be primarily activated by the Revised Project's retail space, as well as the residential lobby use, and options for seating in the form of benches, café tables, and movable seats. The second plaza on the east side of Dixon Avenue will incorporate the bike station, bike racks, and additional seating and planting. Other amenities in the plazas include interesting pavement material, 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 along Dixon Avenue will include brick pavers, street trees in tree pits, street lamps, and site furniture.

The Metropolitan Branch Trail extension along the west side of the Property includes a 10-foot-wide 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 retail and building amenities to the extended trail. A terrace for outdoor dining abuts the trail, to activate the west side of the building and communicate the building's ground floor retail use to trail users and people coming from the Metro.

The roof terrace atop the parking (at the 6th level of the building) will build upon the unique framing features of the architecture and extend the language into the landscape. Shade structures will frame views to the terrace and views beyond. The courtyard plantings will include separate areas of bio-retention basins and raised planters. The bio-retention planters will be filled with water inundation-tolerant plants, providing a rich palette of color and texture throughout the seasons. The raised planters will also serve as seat walls and will build on the plant palette used in the bio-retention areas with broad-leafed evergreen and flowering shrubs, groundcover, and

ornamental trees. 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, along with shade structures.

Green Features and Stormwater Management

Currently, stormwater from the Property enters the public storm drain system without any retention or treatment. The Revised 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 Revised Project proposes six micro-bioretenment 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. The Applicant is continuing to coordinate with the Montgomery County Department of Permitting Services (“MCDPS”) for the necessary stormwater management approvals.

IV. RETAIL IN THE RIPLEY DISTRICT AND AT RIPLEY II

Since the early 2000s, Washington Property Company (“WPC”, the parent company of the Applicant) developed a vision in the Silver Spring area and in particular the Ripley District, at a time when nobody else was looking at this industrial part of Downtown Silver Spring as a redevelopment opportunity. Despite being within an easy walk of the Silver Spring Metro Station and downtown Silver Spring, the Ripley District was primarily comprised of condemned auto repair shops and other industrial and service-type uses that distinctly were not inviting, most definitely were not adding to the County’s economic base, and were a far cry from being the

highest and best use of such a transit- and downtown-proximate area. But where others saw a struggling, deteriorating, and more often than not failing and forgotten (and all too frequently unsafe) part of the CBD that bordered on urban blight, WPC saw incredible opportunity for revitalization and began assembling properties and coordinating public and private efforts to transform this neighborhood from decay to a successful urban center and another important part of the successful revitalization of the CBD. With the completion of Ripley II, WPC's vision will have brought over 1,000 apartments, including over 150 MPDUs, 28,000 square feet of retail, the new Progress Place facility for the County, and an emerging 18-hour urban vibrancy to the Ripley District. WPC's commitment to the Ripley District's success as a significant, vibrant neighborhood in downtown Silver Spring receives little attention but should be celebrated.

While Downtown Silver Spring has been somewhat bifurcated into the "old" part of Silver Spring (the southwestern end) and the "new" part (northeastern end) over the last decade, it is with great excitement that WPC has strived to create a metro-centric place for new retailers to be discovered in this somewhat older and less invested part of downtown Silver Spring. While the "newer" part of Silver Spring boasts multiple chain restaurants, a first run movie theatre, arcade style entertainment, and junior box discount retail stores, it is hoped that through strategic planning and thoughtful investment into the original retail corridor of Georgia Avenue, the Ripley District can continue to serve as a catalyst to bring unique, independent, and organic energy back to the southern end of the downtown. The Revised Project is another critical part of the Ripley District revitalization, and as summarized above the redesign of the Project is necessary to allow this project – and on a larger scale the entire public-private project that includes the new Progress Place – to be economically viable. Without the additional height and the resulting ability to relocate structured parking above grade, the project cannot succeed. The street-level retail that is designed to attract "qualifying basic service" uses is still a work in progress, but WPC remains committed to delivering this space and use or uses as an important part of this successful project.

Notwithstanding the strong vision and committed implementation efforts by WPC for this area, though, there are challenges that still must be carefully addressed to ensure that this revitalization will remain economically viable as driven primarily by the realities of location and market-

driven forces. To help “set the table” for this Revised Project, WPC is currently leasing up its 15,000 square feet of retail space under construction at the corner of Georgia Avenue and Bonifant Street, and is talking to a variety of users including several restaurants, coffee shops, bars, banks, and other retail entities in an effort to activate the streetscape and bring vibrant outdoor café seating areas. However it is critical to understand that Ripley II is located 300 feet off of Georgia Avenue and back along the railroad tracks, making it a somewhat more challenging location to be attractive to the retail market – at least until enough of the Ripley District is redeveloped to allow it to become its own place. Early in the planning process for this Revised Project, WPC had been in discussions with several grocers, including a local grocery store for Ripley II, but in the end it turned out other locations were more attractive to them. As the Ripley District currently stands in its relative newness, there needs to be as much flexibility as possible in the types of retail uses allowed in order to foster entrepreneurship to bring activating retail to this location. The ZTA allowing more height for the Property envisioned a grocery store as an anchor to a project utilizing more height (as well as also requiring provision of a major public facility which obviously has been achieved), but it also recognizes the need for flexibility while still requiring a commitment to retail uses that constitute a “qualifying basic service”. The Revised Project is designed to attract a qualifying retail use and WPC is committed to provide tenants who will offer the “basic service” intended.

Proposed Retail Space, Including the Food Hall/Urban Market Vision

While the design of the Revised Project is intended to allow the flexibility in delivering a multitude of “qualifying basic service” uses, as required per the Zoning Ordinance, the primary intended use for this location is a food hall/urban market. (For reference, attached is marketing strategies and supporting information which WPC and its consultants are utilizing in market pursuit of this proposed “first class” food market opportunity.) Food halls, also called urban markets, help to define and bolster a community by providing large variety and changing offerings to appeal to a diversity of visitors seeking a distinctive experience. There will of course be permanent and semi-permanent vendors at the market, but there is also an opportunity for “pop-up” vendors, rotating chefs, unique cultural events, and different types of community participation due to the large scale “common area” nature of these types of market

projects. Given that a food hall is a far less structured environment than a single user restaurant, it allows new start-up vendors and chefs to bring concepts to the market that they otherwise could not afford to do at a stand-alone location.

After studying other successful food hall/urban markets (both historical and new), WPC strongly believes that this retail use is viable at this location and also believes strongly that this type of use is right and provides the type of activating service suited for this community. Given the required “nexus” between the additional building height necessary to make this overall project viable (considering also the other public benefits delivered by this public-private partnership and project) and the provision of a retail use that is a “qualifying basic service”, it is important to specifically describe both the tangible efforts incorporated into the Revised Project design and architecture as well as the more intangible marketing efforts that WPC is committed to in pursuing a tenant or tenants that provide a “qualifying basic service” use or uses. While a food hall/urban market as described certainly will satisfy the retail requirement for the Revised Project, these types of food markets are difficult in their planning, difficult in their execution, and difficult in their ongoing management for precisely the same reasons that they are unique and embraced by the communities in which they reside. Due to the many complexities of planning, opening, and operating a food market, the ownership decided to engage with Streetsense Consulting to better understand and begin to plan for this “big idea”. Streetsense is nationally and internationally regarded in programming, architecture, and design in their efforts to make these types of retail related projects successful. Today’s food markets must be far superior in both operational design as well as interior design in order to succeed in programming and curating the best possible vendors. (For additional reference, attached is information provided by Streetsense, highlighting some of the better food markets found all over the United States.) In turn, it is these well selected vendors that will then drive the most amount of pedestrian traffic and deliver the best possible consumer experiences. In that light, WPC will also engage an experienced operator to help program, invest and manage the food hall/urban market.

By all traditional measures, the retail footprint at Ripley II will be difficult space to lease and program (i.e., there is a limited site line to the main road (Georgia Avenue), it is a secondary

retail location, and the space is long and narrow). However, it is specifically these “quirky” attributes that we believe are positives in the creation of a successful food hall/market. For example, the metro-centric location off the main avenue creates an intimate community-gathering space in contrast to the more auto-reliant, chain retail of downtown Silver Spring. The adjacent bike path and railroad further convey the sense of an authentic urban pedestrian experience. It also serves as a distinctive setting for indoor/outdoor seating and programming such as farmers’ markets or events. The design team envisions large roll-up style garage doors along the rear of the food hall to blur the line between indoor and outdoor space, as well as to provide the market with dramatic light and air. An additional patio on the Dixon Avenue frontage will similarly animate the streetscape. Inside, the long and narrow retail space – a challenge to traditional retailers – actually works well in circulating visitors around the various vendors and strategically-placed bars and seating areas. Additional design elements incorporated to appeal to the food hall vendor include generous ceiling height and ample black iron to accommodate several small-scale kitchens.

As designed, the retail space at Ripley II offers an opportunity for a type of retail experience not currently found in downtown Silver Spring. Its success as a retail destination will also be supported by the following area benefits:

- A very dense area including over 1,000 apartment units directly adjacent.
- There is a younger, educated population moving in large numbers to the Silver Spring area as they are priced out of Washington, DC proper and other traditionally desirable urban areas.
- Silver Spring’s Red Line Metro Station is among the busiest in the subway system with over 13,000 riders on both weekdays and weekends.
- The Purple Line, with its estimated completion in 2022, will serve to connect many parts of Prince George’s and eastern Montgomery counties to downtown Silver Spring in a very efficient manner.
- There are eight area hotels with over 1,000 rooms.
- It is located in an eclectic area of the city.

- Silver Spring is central to best in class culture and arts to include AFI Cinemas (which specializes in limited release and independent films) as well as the Fillmore Music Hall.
- The surrounding growing “maker” community includes three breweries as well an urban style winery.
- A sophisticated residential population that is “hungry” for authentic offerings and experiences that only a large scale venue can provide.

While all of the unique design characteristics and area benefits, statistics, and relevant marketing data described above are cast in the context of attracting a food hall/urban market, these same unique characteristics and design features will also serve to attract uses other than a food hall that will similarly provide the community with the type of “basic service” use or uses required for this Revised Project. Whether it is a food hall/urban market, a grocery, a fitness center, a restaurant or any of the other uses identified as a “qualifying basic service” per the ZTA, it is important to note that the Ripley District retail market will evolve as it develops over time. The type of retail will change and adapt to the market and needs of the community it serves. It is the goal of all parties to bring as much vibrancy to the public spaces and streets as possible along the way.

V. FINDINGS REQUIRED FOR APPROVAL OF THE AMENDED SKETCH PLAN

The Revised Project satisfies all of the requirements for approval of the Amended 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 Zone

Section 59-4.5.1.A of the Zoning Ordinance lists the intents of the CR Zone. The Amended 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 Revised 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 Revised Project proposes a mixed-use development with high-rise residential uses as well as ground-floor non-residential uses (while this space is anticipated to be a food hall/urban market discussed above, any of the “qualifying basic services” described in Footnote 3 are permitted). The Revised Project proposes up to 440 multi-family residential units (with final unit count and unit mix to be determined at certified site plan, but not to exceed this maximum) 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 retail use, in combination with the residential units in the Revised Project as well as the several hundred other residential units in the immediate vicinity, will help to ensure vitality of the area during daytime, evening, and weekend hours.

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

The Revised Project will provide the important Sector-Planned connection of Dixon Avenue to Silver Spring Avenue. The Revised 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 Revised 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 Revised Project continues to provide a mixed-use development as had been proposed under the Prior Approvals, but with a more significant and activating ground floor retail component than had been previously proposed. The 70 additional feet of building height are necessary precisely to facilitate market feasible development. It is not possible for the Applicant to provide a major public facility (Progress Place) and significant retail component, while also providing parking below-grade at the previously approved 200 feet in height. The additional building height will permit the Applicant to provide the uses and public benefits that are proposed with the Revised Project in a financially feasible manner. The Revised Project will also 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.*

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 Revised 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 Revised 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.*

The Revised 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 Revised 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 is no longer zoned CBD-2, as the result of the Countywide District Map Amendment that took effect on October 30, 2014. This notwithstanding, the Revised 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 Revised Project is located approximately 1,000 feet south of the Silver Spring Transit Center, and directly adjacent to the Metropolitan Branch Trail. The Revised 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 Revised 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 Revised Project's public plaza at the curve where Dixon Avenue meets Silver Spring Avenue will be activated by the ground floor retail use as described above, and will provide seating areas for eating and gathering. In addition, the Applicant will be providing a bikeshare station on the eastern side of the curve where Dixon and Silver Spring Avenues meet. The Applicant will also be constructing the next segment of the Metropolitan Branch Trail along the western edge of the Property. In addition, the Revised 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 Revised Project's public plaza at the curve where Dixon Avenue meets Silver Spring Avenue provides the opportunity for activation and gathering. The Applicant will also continue the extension of the Metropolitan Branch Trail southward, constructing that portion adjacent to the Property. The Revised 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 Revised Project fulfills the intent of this Sector Plan recommendation, as found by M-NCPPC Staff and the Planning Board at the time of approval of the Sketch Plan, 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.

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 plans included with the Applications, at the southern end of the plaza the Revised 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 Revised Project and Silver Spring Avenue ensure fulfillment of the Sector Plan goal for adequate light and air along Dixon Avenue.

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 stepbacks. With the exception of the 30-foot base, the majority of the tower is setback from the right-of-way, and follows the geometry of the adjacent Solaire Silver Spring building. At the shared northern property line, the massing of the Revised Project steps down to 15 stories to transition to the existing buildings to the north. The remainder of the tower is then further articulated by material changes to break up the massing. The materiality of the

first five stories will have more variation and range to add interest at the pedestrian level. The upper floors of the building will be a lighter material, which will contrast and complement the material below. An accent material is used in a recessive application to further highlight setbacks and to unify the building language.

- (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 Revised Project includes market-rate residential units in a variety of unit types (studios and 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 Revised Project and create a true 18-hour environment. The Revised 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 Revised Project for bicycles in recognition of the significant number of bicyclists likely to live at or visit the Revised 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 Revised 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 under construction 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 Revised 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, including the ground floor non-residential use in the Revised Project, and fostering the image of 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 Revised Project will offer a variety of housing options through provision of both market-rate units and MPDUs in an array of unit sizes.

(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 Revised 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 Applications and further described below.

Purpose Statement of the Ripley/South Silver Spring (RSS) Overlay Zone

Section 59-4.9.13.A of the Zoning Ordinance lists the purposes of the Ripley/South Silver Spring Overlay Zone. The Amended Sketch Plan meets all of these purposes, as follows:

- (a) *Facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment.*

The Revised Project fills in a missing gap in the development pattern in the Ripley District. North of the Property is Solaire Silver Spring, a high-rise mixed-use development, and south of the Property is the Silver Spring Fire Station and recently constructed Progress Place facility. The Property is currently comprised of an aging, underutilized building (the former Progress Place) and Parking Lot 20, and is certainly not being utilized for its highest and best use at this time. The Revised Project's ground floor non-residential uses and residential units above will provide an important connection between the new uses in the northern end of the Ripley District, bringing redevelopment further south to connect to the Fire Station and Progress Place.

- (b) *Encourage attractive design and ensure compatibility with existing buildings and uses within and adjacent to the Overlay zone.*

The Property is surrounded by existing high-rise buildings to the north and west, with additional high-rise buildings under construction to the east across Georgia Avenue. The Ripley District in general is a developing and urbanizing district, but economic realities in the form of first the recession, and now stagnating rents and rising costs of construction, have posed challenges. Several times over the past 10 years the County has amended the Zoning Ordinance in order to permit additional building height in the Ripley District in furtherance of desired public policy goals – provision of a public parking garage, ground floor retail, and now in this case a major public facility along with a grocery store or other “qualifying basic service”. Despite its 270 feet in building height, the Revised Project has employed many features to assist in breaking down this massing and relate to the surrounding context. In order to accentuate the alignment of the building base with Solaire Silver Spring and Eleven55 Ripley to the north, a 30-foot volume has been added below the tower. This volume projects out from the main facade to enhance visibility of the main retail and residential entrances from Dixon and Silver Spring Avenues. This datum emphasizes the more public zone on the ground floor of the building, while bringing the massing down to the pedestrian scale. A 15-story glass connector is used to transition

between the Revised Project and the existing Solaire Silver Spring tower. This glassy volume weaves throughout the project to separate the masonry volumes. On the north side of the building, closest to the existing high-rise buildings, the masonry material steps down to 23 stories to relate to the height of the projects to the north. Double height recessed balconies have been added to the top of the 26-story masonry towers on the east and north sides to accentuate the top of the building. With the use of various materials and building setbacks, the Revised Project will complement the surrounding context and enhance the building fabric of Downtown Silver Spring.

(c) *Provide flexibility of development standards to encourage innovative design solutions.*

As mentioned above, the provisions of the Ripley/South Silver Spring Overlay Zone have been amended several times over the past decade to provide flexibility of development standards, primarily in the form of an increase in building height, in order to render redevelopment projects feasible. With the Revised Project, the increase in permissible building height allows the Applicant to provide the Progress Place facility that was delivered to the County, as well as a large ground floor non-residential use that would not be feasible were it not for the additional building height and ability to provide parking above-grade. The economic realities of the Ripley District dictate that flexibility is needed in order to continue the evolution of this District despite what are still economically challenging times for development in emerging areas of the County.

(d) *Allow for the transfer of the public open space requirement to other properties within the Overlay zone.*

The Revised Project is able to provide significant public open space along both the west and east sides of Dixon Avenue where it turns into Silver Spring Avenue, and thus there is no need to transfer public open space in this instance.

(e) *Allow new uses.*

The Revised Project proposes uses that are permitted under the CR Zone and Ripley/South Silver Spring Overlay Zone. As noted, however, the building height flexibility permitted by the ZTA will allow the Applicant to provide a significantly larger non-residential use on the ground floor than would otherwise have been provided.

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 Amended Sketch Plan meets all of these general requirements, as follows:

(a) *Procedure for approval.*

The submittal of these Applications and accompanying materials satisfies this requirement. The Applicant is concurrently filing an Amended Site Plan (in conjunction with an Amended Preliminary Plan) in order to implement the Amended Sketch Plan.

(b) *Public benefit points and categories.*

Attached to this Justification Statement are 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.⁸ The Revised Project will 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 attached to this Justification Statement. All public benefits comply with the specifications prescribed by the CR Zone Incentive Density Implementation Guidelines, as discussed below.⁹

Major public facilities

As discussed above, the Applicant has constructed for the County a new facility for Progress Place adjacent to the Silver Spring Fire Station just southeast of the Property. For these reasons, the Applicant is entitled to receive 70 public benefit points for construction of this major public

⁸ 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.

⁹ The Incentive Density Calculations Summary Table and Public Benefits Calculations chart contain in detail the methodology used in calculating each public benefit point category.

facility, on which construction was completed in December 2016 and Progress Place was subsequently turned over to the County.

Transit proximity

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

Connectivity and mobility

Minimum parking. As noted in the development standards table above and included on the Amended Site Plan, as well as the Incentive Density Calculations Summary Table and Public Benefits Calculations chart, the Revised Project proposes to provide 235 parking spaces, fewer than the maximum number of parking spaces permitted under the Zoning Ordinance. Thus, the Revised Project achieves 10 points in this public benefit category.

Diversity of uses and activities

Moderately priced dwelling units. The Revised Project will provide 15% of its multi-family residential units as MPDUs, thus achieving 30 points in this public benefit category. The materials included with the Site Plan application reflect the current proposed unit count and unit mix. The Applicant will work with the Montgomery County Department of Housing and Community Affairs on final unit count, mix, and location, and will enter into the required Agreement to Build MPDUs prior to release of building permit.

Quality building and site design

The Application is entitled to receive public benefit points for quality building and site design (30 points) as noted:

Public open space. The Revised Project will provide public open space (20%), 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. All of the Revised Project's parking spaces will be provided in an above-grade parking garage, achieving 10 points in this public benefit category. Layout of the parking garage is depicted in the architectural plans included with the Amended Site Plan application.

Protection and enhancement of the natural environment

The Application is entitled to receive public benefit points for protection and enhancement of the natural environment (18.6 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.

Energy conservation and generation. The Revised Project has been designed to exceed the energy efficiency standards for its building type for a new building by 10%, through such features as a centralized mechanical system for water source heat pumps, central water heating with heat recovery, and energy efficient LED lighting. The use of LED light fixtures in the garage in addition to using bright colored paint on walls will reduce the required lighting loads in the parking garage. The superior performance of the mechanical systems is enhanced by exceeding minimum exterior envelope requirements, such as high performance glazing and high insulation values for walls and roofs. Thus, the Revised Project achieves 10 points in this public benefit category. This will be further described in a Preliminary Energy Analysis Report, which is in the process of being prepared by the Applicant's consultant and will be submitted as part of the Applicant's post-Development Review Committee submission.

(c) *Building type.*

The Revised 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 Revised 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 Amended 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, the Amended Sketch Plan proposes that 20% open space will be provided.

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

The Revised Project utilizes the optional method of development and proposes 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 uses¹⁰ and the maximum height (270 feet) permitted for the Property under the CR Zone and Ripley/South Silver Spring Overlay Zone.

(c) *Placement.*

While Section 59-4.5.4.B.3 of the Zoning Ordinance provides that setbacks for principal buildings, accessory structures, and parking are established by the site plan approval process,

¹⁰ Total square footage of the Revised Project will not exceed the maximum square footage permitted under the zoning of the Property (plus the 22% MPDU density bonus on the residential component).

zero setbacks are proposed on all four Property frontages, which is typical of an urban, infill, CBD project. As noted, 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 non-residential uses. 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. There are no accessory structures proposed, and all parking will be located underground internal to the Revised Project, and therefore accessory structure and parking setbacks are not relevant.

(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. All public and highly visible frontages will feature significant glass features and activating uses. The Revised Project proposes significant glass and activating features including the residential entrance on the eastern side of the ground-floor level, adjacent to the public plaza where Dixon Avenue curves to meet Silver Spring Avenue. The non-residential uses on the western side of the ground-level floor will spill out into seating areas adjacent to the Metropolitan Branch Trail. The northern end of the Revised Project contains the parking, loading, and bicycle access for the Revised Project. The southern side of the Revised Project abuts a property currently improved with one-story uses and surface parking, which will likely redevelop independently in the future.

Development Standard	Permitted/Required per the Zoning Ordinance	Prior Approvals	Proposed for the Applications
Gross Tract Area (GTA)	N/A	72,335 sf	72,335 sf
Maximum Density (CR)¹¹	5.0 FAR (361,765 sf) 4.0 FAR (289,412 sf)	Up to 6.045 FAR (437,265 sf)	Up to 6.045 FAR (437,265 sf)
Maximum Non-Residential Density (C)	4.75 FAR (343,677 sf)	Up to 0.25 FAR (18,083 sf)	Up to 0.25 FAR (18,083 sf)
Maximum Residential Density (R) ¹²		Up to 5.795 FAR (419,181 sf)	Up to 5.795 FAR (419,181 sf)

¹¹ 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.

Maximum Building Height (H)	270 feet	200 feet	270 feet
Open Space	0% of net lot area	20% of net tract area (8,383 sf)	20%
Vehicle Parking¹³		223	235
Residential	Min. 1 sp/unit, max. 1 sp/studio, 1.25 sp/1BR, 1.5 sp/2BR		
Restaurant	Min. 4 sp/1,000 sf of patron use; max. 12 sp/1,000 sf of patron use		
Retail/service establishment	Min. 3.5 sp/1,000 sf GLA, max. 6 sp/1,000 sf GLA		

Development Standards for the Ripley/South Silver Spring (RSS) Overlay Zone

Section 59-C-4.9.13.C of the Zoning Ordinance lists the development standards for the Ripley/South Silver Spring Overlay Zone. The Amended Sketch Plan meets the applicable development standards, as follows:

(a) *Building height.*

Section 59-4.9.13.C.1.c provides: “For a property zoned CR and mapped at 200 feet, the Planning Board may approve a maximum building height of 270 feet, if an optional method development project includes the provision of an on-site or off-site major public facility under Section 4.7.3.A and also provides a ground floor level grocery store or other qualifying basic service under Section 4.7.3.C.3 of at least 10,000 square feet of floor area.” The Property is zoned CR and mapped at 200 feet. As described in detail above, the Applicant provided an off-site major public facility (the new Progress Place facility), and includes at least 10,000 square feet (in this case, approximately 18,000 square feet are proposed) of “qualifying basic service” uses on the ground floor level.

(b) *Parking between the street and the front building line of properties fronting on Georgia Avenue is prohibited.*

The Revised Project does not front on Georgia Avenue, but also does not propose any parking between the street and front building line.

¹² See Footnote 10.

¹³ Additional reductions to the baseline minimums provided in Section 59-6.2.4 of the Zoning Ordinance are permitted pursuant to Section 59-6.2.3.I, and are reflected in further detail on the data table included with the Site Plan.

- (c) *Costs associated with meeting the public open space off-site may be shared by multiple property owners.*

This standard is not applicable, as the Revised Project is not providing any public open space off-site; all public open space is on-site.

- (d) *In the CR zone, under the standard method of development, the maximum FAR is 1.0 if approved by site plan under Section 7.3.4.*

This standard is not applicable, as the Revised Project utilizes the optional method of development.

- (e) *Under standard method development, the public open space requirement may be transferred to other properties within the Overlay zone if approved by a site plan under Section 7.3.4.*

This standard is not applicable, as the Revised Project utilizes the optional method of development.

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

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

(3) The Sketch Plan satisfies under Section 59-7.7.1.B.5 the binding elements 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.

(4) The Sketch Plan satisfies under Section 59-7.7.1.B.5, for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment, any green area requirement in effect on October 29, 2014.

The zoning of the Property on October 29, 2014 was not the result of a Local Map Amendment, and therefore this requirement is inapplicable.

(5) 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 Revised 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 under construction 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.

(6) 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 Revised Project will provide the important Sector-Planned connection of Dixon Avenue to Silver Spring Avenue. The Revised 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 Revised Project also includes construction of that portion of the Metropolitan Branch Trail adjacent to the Property.

(7) 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 Revised Project will 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 Applications and described above.

- (8) 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 private development project in one phase. Note that the Applicant has already completed construction on the new Progress Place facility and turned that building over to the County.

VI. FINDINGS REQUIRED FOR APPROVAL OF THE AMENDED SITE PLAN

The Revised Project satisfies all of the requirements for approval of the Amended Site Plan under the optional method of development in the CR Zone, as provided in Section 59-7.3.4 of the Zoning Ordinance and discussed fully below.

- (1) The Site Plan satisfies any previous approval that applies to the site.**

The Sketch Plan is being amended concurrently with the Site Plan, and thus there are no previous approvals that are applicable to the Revised Project.

- (2) The Site Plan satisfies under Section 59-7.7.1.B.5 the binding elements of 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.

- (3) The Site Plan satisfies under Section 59-7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment.**

The zoning of the Property on October 29, 2014 was the result of the comprehensive rezoning undertaken subsequent to the approval of the Sector Plan in 2000, and was not the result of a Local Map Amendment; therefore this requirement is inapplicable.

- (4) The Site Plan satisfies applicable use standards, development standards, and general requirements under this Chapter.**

As described in detail above, the Revised Project satisfies all of the applicable general requirements and development standards for the CR Zone optional method of development.

Use Standards

Section 59-3.1.6 of the Zoning Ordinance lists the uses that are permitted in the CR Zone. The Revised Project proposes multi-family residential units, which are permitted in the CR Zone, as well as non-residential uses. The non-residential uses included in the Revised Project will comply with Section 59-3.1.6, as well as with the definition of “qualifying basic service” per the “Commercial/Residential and Employment Zones Incentive Density Implementation Guidelines” (September 2017), as provided by the ZTA described above.

General Development Requirements

Article 59-6 of the Zoning Ordinance lists general development requirements applicable to all zones. The Amended Site Plan meets all of these requirements, as follows:

(a) *Site Access (Division 6.1).*

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 and loading 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 Revised Project will provide the important Sector-Planned connection of Dixon Avenue to Silver Spring Avenue. The Revised 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 Revised Project also includes construction of that portion of the Metropolitan Branch Trail adjacent to the Property.

(b) *Parking, Queuing, and Loading (Division 6.2).*

As discussed above, all access to the Revised Project will be from the Property's sole street frontage along Dixon Avenue. The entrance to the above-grade 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 Revised Project is proposed to be located above-grade, and the Applicant anticipates that there will be four levels of parking (with numbers of parking spaces, bike storage spaces, and loading spaces to be finalized at the time of certified site plan).

(c) *Open Space and Recreation (Division 6.3).*

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, the Amended Site Plan proposes that 20% open space will be provided. In addition, the Revised Project satisfies the Recreation Guidelines, as reflected on the Amended Site Plan.

(d) *General Landscaping and Outdoor Lighting (Division 6.4).*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for residents and visitors to the Revised Project. The Revised Project will include streetscaping along the Dixon Avenue and Silver Spring Avenue frontages, with widened sidewalks, street trees, and lighting. The Revised Project also includes landscaping and lighting in the courtyard of the Revised Project and on the rooftop in order to provide an attractive outdoor environment for use by the residents.

(e) *Screening Requirements (Division 6.5).*

Division 6.5 of the Zoning Ordinance only applies to standard method development, and thus is not applicable to this optional method project.

(f) *Outdoor Display and Storage (Division 6.6).*

This Division is inapplicable because the Revised Project does not propose any outside display or storage.

(g) *Signs (Division 6.7).*

The Applicant will obtain all necessary approvals for signage at the Revised Project from MCDPS.

(5) The Site Plan satisfies the applicable requirements of: (i) Chapter 19, Erosion, Sediment Control, and Stormwater Management; and (ii) Chapter 22A, Forest Conservation.

The Applicant will provide sediment and erosion control and water quality treatment for stormwater as required by County laws, rules, and regulations. The Applicant has submitted a stormwater management concept plan to MCDPS, demonstrating environmental site design to the maximum extent practicable as required by State and local regulations. The Applicant will continue to coordinate with MCDPS on all required sediment and erosion control and stormwater management approvals as the entitlement process progresses.

All applicable requirements for forest conservation under Chapter 22A are satisfied. Under Section 22A-5(s) and as confirmed in a letter dated August 20, 2014, the Project is exempt from the forest conservation requirements (but plantings will be provided throughout the Project, as detailed above).

(6) The Site Plan provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities.

As discussed, the proposed design, scale, and façade of the Revised 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 are under construction 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.

As noted, 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 and loading 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 Revised Project will provide the important Sector-Planned connection of Dixon Avenue to Silver Spring Avenue, improving overall circulation in the Ripley District.

- (7) The Site Plan substantially conforms with the recommendations of the Sector Plan and any guidelines approved by the Planning Board that implement the applicable plan.**

As discussed in detail above, the Property is located in the area defined by the Sector Plan as the Ripley District, and the Revised Project conforms to the vision and objectives provided by the Sector Plan for the Property.

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

Adequacy of public facilities was evaluated at the time of the Prior Approvals, and per the Preliminary Plan Resolution dated October 19, 2016, the finding of adequacy of public facilities remains valid for 85 months, until November 19, 2023. The Revised Project does not propose any increase in the number of residential units or square footage of non-residential uses previously approved, and therefore a new finding of adequacy of public facilities is not required.

- (9) On a property in a Rural Residential or Residential zone, the Site Plan is compatible with the character of the residential neighborhood.**

This requirement is not applicable, as the Property is not located in a Rural Residential or Residential zone.

- (10) On a property in all other zones, the Site Plan is compatible with existing and approved or pending adjacent development.**

As discussed, the proposed design, scale, and façade of the Revised 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 are under construction 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.

VII. CONCLUSION

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