

EXISTING CONDITIONS PLAN

R. HOLT EASLEY'S SUBDIVISION SILVER SPRING LOT 17 PLAT 18072 B16 Thayer Ave PLAT 54 LOT 18 PLAT 24539

Privateer Properties, LLC L. 29021 F. 66 CBD-0.5 OFFICE Residence At Thayer LLC CBD-0.5 UNDER CONSTRUCTION EX. 20' PUBLIC ALLEY R. HOLT EASLEY'S SUBDIVISION EX. COMMERCIAL BLDG. SILVER SPRING CR-3.0 C-2.0 R-2.75 H-60 1 SEE SHEET A103 FOR DETAILS ON EX. COMMERCIAL BLDG. 8215 Fenton Street LLC L 21612 F. 170 \_\_\_.\_.......... CR-3.0 C-2.0 R-2.75 H-80 T RETAIL Lot 21 PLAT 24640 EX. COMMERCIAL BLDG. 8211 Fenton Street LLC L 28022 F, 104 LOT 13 PLAT 5277 CR-3.0 C-2.0 R-2.75 H-60 T

R. HOLT EASLEY'S LOT 14 PLAT 5277 SUBDIVISION SILVER SPRING CR-3.0 C-2.0 R-2.75 H-60 T RETAIL STREET ARIES) Joseph & Rochel Penny . L 34256 F. 170 CR-3.0 C-2.0 R-2.75 H-60 T RETAIL EX. COMMERCIAL BLDG. ₽R-1,5 C-1,0 R-1.5 H-60 T CR-1.5 C-1.0 R-1.5 H-60 T CR-1,5 C-1,0 R-1,5 H-60 T CR-3.0 C-2.0 R-2.75 H-60 T 817 Silver Spring Ave Clobe Associates Limited Partnership L. 6353 F. 491 815 Silver Spring Ave Florence Crittenton Home L. 6082 F. 516 813 Silver Spring Ave R & R Lighting Co. Inc. L. 5375 F. 491 LOT 17 PLAT 5277 CR-3.0 C-2.0 R-2.75 H-60 T RETAIL EX. COMMERCIAL EX. COMMERCIAL EX. COMMERCIAL BLDG. USPS MAILBOX BLDG. CR-3.0 C-2.0 R-2.75 H-60 T RETAIL EX. CONC. WALK SILVER SPRING AVENUE MASTER PLAN R/W 1-EX. CONC. SIDEWALK PLAT 968 " EX. ASPHALT F CR3.0 C2.0 R2.75 H 60 T CR-1.5 C-1.0 R-1.5 H-60 T PARKING CR-1.5 C-1.0 R-1.5 H-60 T PARKING CR3.0 C2.0 R2.75 H 60 T CR-1.5 C-1.0 R-1.5 H-60 T EX. ASPHALT PAVING R. HOLT EASLEY'S SUBDIVISION SILVER SPRING

### GENERAL NOTES:

- 1. Property Zoning: CR-3.0 C-2.0 R-2.75 H60 T, Fenton Village Overlay Zone
- 2. The property is designated Lot 21, Block H in R. Holl Easley's Subdivision Silver Spring which is recorded among the Land Records of Montgomery County, Maryland as Plat No. 24640 and is shown on Tax Map JN 343 and WSSC Sheet 210NW01
- 3. This lot is served by public water and sewer.
- 4. The property drains through the Sligo Creek Watershed which is designated as Class I by the State of Maryland.
- 5. The property is not in a Special Protection Area.
- 6. There are no streams, floodplains, wetlands, erodible soils or slopes greater than 15% on the property.
- 7. There were not rare threatened or endangered species observed on the property. The Maryland Department of Natural Resources determined there were no State or Federal records or rare threatened or endangered species on the subject property on December 18, 2013.
- 8. There are no cultural features or historic sites in the immediate vicinity of the
- 9. MNCPPC approved NRI 42015105E on December 18, 2014, and acknowledged an exemption from the Forest Conservation Regulations under section 22A-5(s)(1) of the Montgomery County Code. M-NCPPC staff must inspect all tree—save areas and protection devices before clearing and grading.
- 10. The Stormwater Management Concept was approved for this property on October 9, 2014. SM File #: 265435
- 11. Final configuration of Green Roof to be coordinated with rooftop penetrations and mechanical equipment and to be as approved by MC-DPS for SWM purposes.

12.	M-NCPPC St	aff must	inspect	all	tree-save	areas	and	protection	devices	before
clear	ring and gradi	ng.								

Site Plan Data Table							
Development Standard	Zoning Ordinance Required/ Permitted	Approved &Binding on Applicant					
Gross Tract Area (sf) Existing Lot 21: CR-3.0 C-2.0 R-2.75 H-60 T Prior Dedications TOTAL	n/a n/a	8,400 2,100 <b>10,50</b> 0					
Max. Density (Existing Lot 21)  CR-3.0 C-2.0 R-2.75 H-60 T  Commercial FAR/GFA  Residential FAR/GFA	2.0/21,000 2.75/28,875	1.15/12,110					
Max. Building Height (feet) CR-3.0 C-2.0 R-2.75 H-60 T	60/452	45					
Min. Setback (feet) Front Side Rear	0	0 0					
Open Space	O	0					
Parking (spaces)  General office Min./Max.  Office/restaurant (worst case) Min./Max.	25/37 32/59	12³					
	Gross Tract Area (sf) Existing Lot 21: CR-3.0 C-2.0 R-2.75 H-60 T Prior Dedications  TOTAL  Max: Density ( Existing Lot 21) CR-3.0 C-2.0 R-2.75 H-60 T  Commercial FAR/GFA Residential FAR/GFA Residential FAR/GFA  Max. Building Height (feet) CR-3.0 C-2.0 R-2.75 H-60 T  Min. Setback (feet) Front Side Rear  Open Space  Parking (spaces) General office  Min./Max.	Development Standard					

DEADLINE		TASK	
Before Building Permit Issuance		Covenant filed in County Land Records that reflects restrictions created for Small Business Opportunities.  The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the latest architectural drawings included in the Certified Site Plan.  Certification the building is at least 2.5% more energy efficient than the standard building type.  Plans show vegetated roof covering more than 33% of the building roof, excluding space for mechanical equipment.  Plans show any roof area not covered by vegetated roof to be constructed of materials with finishes and colors to provide a minimum Solar Reflectance Index (SRI) of 75.  Financial Surety to M-NCPPC for the required site plan elements.	
Stormwater Management, Erosion and Sediment Control		M-NCPPC Staff must inspect all Tree-Save Areas and protection devices prior to clearing and grading. Install sediment control devices. Existing concrete driveway to be used as stabilized construction entrance and stormwater management in accordance sequence of construction on approved Erosion and Sediment Control Plan.	
Before Issuance of Use and Occupancy Permit.		Installation of streetlights, wayfaring sign, sidewalks and bicycle facilities must be installed before release of any use and occupancy certificate for the building. The landscape plantings may wait until the next planting season.	

CONSULTING ENGINEERS



SILVER SPRING AVENUE

SCALE: 1" = 2000'

# LEGEND

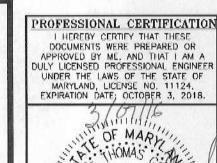
- GAS VALVE FIRE HYDRANT → WATER VALVE
- ■GAS GAS METER SUEL FUEL FILLER (S) SEWER MANHOLE -O- POWER POLE STORM DRAIN MANHOLE
- W WATER MANHOLE (E) ELECTRIC MANHOLE
- TELEPHONE MANHOLE ROOF DRAIN

R PARKING METER

SEWER ----- STORM DRAIN

--- PROPERTY BOUNDARY - DH ----- OVERHEAD WIRE —— G —— UNDERGROUND GAS -----  $\varepsilon$ ------ UNDERGROUND ELECTRIC

## Developer's Certificate The Undersigned agrees to execute all the features of the Plan Approval No. 820140090 including Approval Conditions, Development Program, and Certified Site Plan. Developer Hopscotch Properties, LLC Jaime W. Aparisi Address: 8630 Fenton Street, Suite 917 Silver Spring, MD 20910 Phone: 301-562-1416





# 819 SILVER SPRING AVENUE

M-NCPPC SITE PLAN 820140090

LOT 21, BLOCK H R. HOLT EASLEY'S SUBDIVISION SILVER SPRING L. 46659 F. 396

SURVEYORS

13TH ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND 6110 EXECUTIVE BLVD, SUITE 110 PHONE: (301) 230-5881 SCALE: AS SHOWN FAX: (301) 230-5884 DATE: MAR. 07, 2015 ROCKVILLE, MARYLAND 20852

PLANNERS

MONTGOMERY COUNTY PLANNING BOARD R MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 15-118 Sketch Plan No. 320150080 819 Silver Spring Avenue

Date of Hearing: September 17, 2015

## NOV 1 0 2015

WHEREAS, under Section 59.7.3.3. of the Montgomery County Code the Montgomery County Planning Board ("Planning Board" or "Board") is authorized to review sketch plan applications; and

RESOLUTION

WHEREAS, on June 19, 2015, Hopscotch Properties LLC ("Applicant"), filed an application for approval of a sketch plan for construction of up to 12,110 square feet of non-residential uses, including general office, retail, and restaurant uses on 0.19 acres of CR-3.0 C-2.0 R-2.75 H-60T and Fenton Village Overlay zoned land, located at 819 Silver Spring Avenue, approximately 60 feet east of Fenton Street ("Subject Property") in the Silver Spring CBD sector plan ("Sector Plan") area; and

WHEREAS, Applicant's sketch plan application was designated Sketch Plan No. 320150080, 819 Silver Spring Avenue ("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 September 4, 2015, setting forth its analysis of and recommendation for approval of the Application subject to certain binding elements and conditions ("Staff Report"); and

WHEREAS, on September 17, 2015, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on September 17, 2015 the Planning Board voted to approve the Application subject to certain binding elements and conditions, on the motion of Commissioner Fani-Gonzales, seconded by Commissioner Presley, with a vote of 5-0; Chair Anderson, Commissioners Dreyfus, Fani-Gonzales, Presley and Wells-Harley

NOW, THEREFORE, BE IT RESOLVED that, the Planning Board approves Sketch Plan No. 320150080 819 Silver Spring Avenue, for construction of up to 12,110

10/29/15 qualities salous) nghoard ore E-Mail: men-chair@mneppe-me.org

MCPB No. 15-118 Sketch Plan No. 320150080 Project Name: 819 Silver Spring Avenue

e) Integrate an appropriate balance of employment and housing opportunities.

Fenton Village includes a balance of built and approved residential and nonresidential development, the latter including office, retail, restaurant, and service uses. This contextual smaller scale development will provide employment opportunities in a new building, upgrading existing commercial

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

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

In addition the Application meets the purpose of the Fenton Village Overlay Zone

Facilitate the implementation of an organized and cohesive development pattern that is appropriate for an urban environment; Encourage attractive design and ensure compatibility with existing buildings and uses with and adjacent to the Overlay zone; Provide flexibility in the standards encourage innovative design solutions; Allow for the transfer of the public open space requirements to other properties within the Overlay zone; and Allow new uses.

The Application continues the transition from the single-family homes of the East Silver Spring neighborhood to the more intensified mix of commercial and residential uses of Fenton Village. Replacing an existing 2.5-story house used as an office with a new four-story mixed-use commercial building will maintain the uses while improving the quality of the architecture, streetscape, and public amenities in Fenton Village. As discussed above, the building height is comparable to other existing commercial buildings and approved multi-family and hotel uses on the block. Under the new zoning code, the size of the site eliminated the requirement to provide public open space on-site, allowing an organized and cohesive redevelopment of the site. The Application meets the

substantially conform with the recommendations of the applicable master plan;

purposes of the Fenton Village Overlay Zone.

As discussed in Finding 1.a) above, the Application substantially conforms to the Silver Spring CBD Sector Plan.

Sketch Plan No. 320150080 Project Name: 819 Silver Spring Avenue

square feet of non-residential uses, including general office, retail, and restaurant uses, on the Subject Property, subject to the following binding elements and conditions:1

. Binding Elements. The following site development elements shown on the Sketch Plan stamped "Received" by the M-NCPPC on June 19, 2015 are binding under Section 59.7.3.3.F of the Montgomery County Zoning Ordinance:

Maximum density and height;

Approximate location of lots and public dedications; General location of vehicular access points; and

All other elements are illustrative.

Public benefit schedule.

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

Density

The development is limited to a maximum of 12,110 square feet of total nonresidential development

Height

The development is limited to the maximum height of 45 feet.

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.1. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59-4.5.4.2.a. The requirements of Division 59-4.7 and the CR Zone Incentive Density Implementation Guidelines must be fulfilled for each public benefit. Final points will be established at Site Plan approval.

 Transit Proximity, achieved through proximity to a Metro station; b Connectivity and Mobility, achieved through Way-finding and Minimum

c. Diversity of Uses and Activities, achieved through Small Business Opportunities: d. Quality of Building and Site Design, achieved through Architectural Elevations

and Public Art: and e. Protection and Enhancement of the Natural Environment achieved through Energy Conservation and Generation, Vegetated Roof and Cool Roof.

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

Sketch Plan No. 320150080 Project Name: 819 Silver Spring Avenue

3. satisfy any development plan or schematic development plan in effect on

The site is not subject to a development plan or schematic development plan.

4. under Section 7.7.1.B.5, for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment, satisfy any green area requirement in effect on October 29, 2014; any green area under this provision includes and is not in addition to any open space requirement of the property's zoning on October 30, 2014;

This finding is not applicable because the Property's zoning classification on October 29, 2014 was not a result of a Local Map Amendment.

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

As discussed above, the redevelopment updates an existing commercial development on the block in scale with existing and approved development on

provides satisfactory general vehicular, pedestrian, and bicyclist access,

The small site is centrally located at the edge of Fenton Village, with easy vehicular access to the site from both Fenton Street and Silver Spring Avenue, pedestrian access from an extensive sidewalk network, and bicycle access from local and regional streets alike. The Application will have minimal vehicular circulation, only 12 parking spaces and one loading space, with adequate space to accommodate each.

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

The Application includes public benefits that address the general incentive and density considerations required by Section 59-4.7.1.B. The public benefits: a. Take into consideration "the recommendations of the applicable master plan" by enhancing the selection of commercial transit-oriented development at the

surrounding residential and commercial development; b. Meet the 2012 Commercial/Residential Zones Incentive Density Implementation Guidelines (CR Guidelines) by providing the proper calculations and criteria for each public benefit;

edge of the CBD by providing a building designed to be compatible with the

MCPB No. 15-118 Sketch Plan No. 320150080 Project Name: 819 Silver Spring Avenue

BE IT FURTHER RESOLVED that, having given full consideration to the ecommendations 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, the Planning Board finds that as conditioned herein the elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan. Specifically, the Planning Board FINDS the Sketch Plan:

 meet the objectives, general requirements, and standards of this Chapter; The Sketch Plan meets the development standards of Section 59-4.5.4. as shown in Table 1, Sketch Plan Project Data Table.

Table 1-5ketch Plan Data Table						
Section 59 - 4	Development Standard	Permitted/ Required	Approved			
	Gross Tract Area (sf) Existing Lot 21: CR-3.0 C-2.0 R-2.75 H-60 T Prior Dedications TOTAL	n/a n/a	8,400 2,100 <b>10,50</b> 0			
4.5.4.B.2. b	Max. Density (Existing Lot 21) CR-3.0 C-2.0 R-2.75 H-60 T Commercial FAR/GFA Residential FAR/GFA	2.0/21,000 2.75/28,875	1.15/12,110 0/0			
4.5,4.B.2. b	Max. Building Height (feet) CR-3.0 C-2.0 R-2.75 H-60 T	60/45²	45			
4.5.4.8.3	Min. Setback (feet) Front Side Rear	0 0 0	0 0			
4.5.4.B.1	Open Space	0	0			
6.2.4.B	Parking (spaces) General office Min./Max. Office/restaurant (worst case) Min./Max.	25/37 32/59	12³			

<sup>2</sup> As limited by the Fenton Village Overlay Zone for non-residential uses on blocks containing single-family residential zoning (4.9.7.C.1.d.) Site is within the Silver Spring Parking Lot District and will be paying the ad valorum tax per 59.6.2 H.1.a.

Meet "any design guidelines adopted for the applicable master plan area" by

d. Are appropriate for "the size and configuration of the site" by improving the

e. Adequately address "the relationship of the site to adjacent properties" by

f. Consider "the presence or lack of similar public benefits nearby" through the

g. Provide "enhancements beyond the elements listed in an individual public

and massing that complements the existing character of the area;

Table 2 shows the public benefits approved in concept at Sketch Plan:

Table 2- Sketch Plan Public Benefits Points

installing the Silver Spring streetscape along the site frontage and public art

existing configuration of surface parking lot and aging existing building with a

mixed-use project with office and restaurant/retail uses, and minimal parking

designing the building at an appropriate scale for the surroundings with height

provision of public art, small business opportunities, environmental benefits,

and enhanced pedestrian connections, all of which are currently needed in

benefit that increase public access to, or enjoyment of, the benefit" which

echo the interconnectivity of the Sector Plan themes by renewing commercial

uses in the CBD in a manner compatible with the surrounding neighborhood

Requested |

117.5

Approved in

12.5

117.5

MCPB No. 15-118 Sketch Plan No. 320150080 Project Name: 819 Silver Spring Avenue

Civic Downtown

Sketch Plan No. 320150080

Project Name: 819 Silver Spring Avenue

Overlay Zone:

Sector Plan Vision Themes

fransit-Oriented Downtown

Commercial Downtown

Residential Downtown

As defined in 59.4.5.1.A. the intent of the CR-Zone is to:

a) Implement the recommendations of applicable master plans.

The Sketch Plan is consistent with, and furthers, the recommendations of

the 2000 Silver Spring CBD Sector Plan. The Sector Plans does not have

site specific recommendations for this Property; however the project is

consistent with the Sector Plan vision themes and the Fenton Village

The Sector Plan's themes articulate the shared goals and vision for the CBD

and demonstrate how successful development incorporates multiple themes

to "create varied land uses, development patterns, environments, and

transportation choices...to create variety, the hallmark of an active

downtown."(p. 15) The development meets these goals and vision by

creating a mixed-use commercial building that is scaled to the surrounding neighborhood and enhances the pedestrian experience in its vicinity.

The Property is located approximately 1/3 mile from the Silver Spring

Metro/MARC train/Transit Center and is also less than a 1/4 mile from a

future Purple Line station. By locating within the walksheds of these

The Application allows for a mix of commercial uses including office, retail,

and/or restaurant. These uses will complement the existing commercial

Although the Application does not include residential uses, it shares a block

of Silver Spring Avenue that includes both single-family homes as well as

approved 4-6-story multi-family development immediately across the street.

At four stories the new commercial building will be compatible with these residential uses as the uses on the block intensify toward Fenton Street.

The new streetscape, public art and architectural treatments provide a

number of elements adding to the fabric of the civic spaces of the Sector

transportation choices, the workers and visitors coming to the site increase

transit demand and support transit-oriented development.

uses in Fenton Village in an up-to-date and attractive building.

in the Zoning Ordinance. The Property is also located between ¼ mile and ½ mile from a MARC Train station, and less than a ¼ mile from a planned Purple Line station. Therefore the Planning Board approves the full 30 points as suggested in the 2012 Commercial/Residential Zones Incentive Density Implementation Guidelines (CR Guidelines).

requested amount.

Minimum Parking: Section 59-4.7.3.C.2. allows up to 10 points for providing fewer than the maximum allowed number of parking spaces, where a maximum is applicable. The maximum is set by the CR zone, which for this project is 59 spaces. The Applicant proposes 12 parking spaces (included one handicap space), which is less than the maximum set by the zone. Therefore, the Planning Board approves the full 10 points.

Way-finding: Section 59-4.7.3.C.9. allows up to 10 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities and transit opportunities. The Applicant will implement a way-finding system, but given the small size of the site, the Planning Board approves only the 5 points requested.

Diversity of Uses and Activities Small Business Opportunities: Section 59-4.7.3.D.7. of the Zoning Ordinance permits up to 20 public benefit points for providing on-site space for small, neighborhood oriented businesses. The Applicant must provide on site space for small, neighborhood-oriented businesses as follows:

 Provide retail bays of no more than 5,000 square feet for all commercial spaces for a period of six years after the issuance of the initial use and occupancy permits

 The six-year time period is binding upon future owners and successors in title. · Before a building permit is submitted for approval, the Applicant must file a covenant in the County land records that reflects these restrictions.

The Planning Board approves the Applicant's request of 20 points.

Quality of Building and Site Design Architectural elevations: Section 59-4.7.3.E.1. of the Zoning Ordinance permits up to 20 public benefit points for providing elevations of architectural facades and agreeing to be bound by particular elements of design that affect the perception of mass, pedestrian comfort, or enhance neighborhood compatibility. The building is designed for compatibility with the adjacent and confronting buildings on Silver Spring Avenue. The Applicant is bound by substantial conformance with the design elements, including transparency, materials, entry design, and public art location, illustrated on the architectural façade drawings in the Certified Site Plan. The Applicant requests 20 points and the Planning Board approves the

PROFESSIONAL CERTIFICATIO

APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEE

UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 11124, EXPIRATION DATE: OCTOBER 3, 2018.

OF MARL

MCPB No. 15-118 Sketch Plan No. 320150080 Project Name: 819 Silver Spring Avenue

Public art Section 59-4.7.3.E.5. of the Zoning Ordinance permits up to 15 public benefit points for installing public art reviewed for comment by the Public Arts trust Steering Committee (Art Review Panel). The Applicant requests 10 points for providing a lighted sculpture on the front of the building. The Applicant presented an initial artwork concept to the Art Review Panel, and will present a revised concept to the Panel before Certified Site Plan. The Planning Board approves the 10 points requested.

Protection and Enhancement of the Natural Environment

Energy Conservation and Generation: Section 59-4.7.3.F.3. of the Zoning Ordinance permits up to 15 public benefit points for constructing buildings that exceed energy-efficiency standards by 17.5% for new buildings. The CR Guidelines specify that 5 points may be granted for new building construction that exceeds the standard efficiency by 2.5%. Under the modeled guidance of a LEED-accredited professional, the Applicant has committed to making the building at least 2.5% more energy efficient than the standard building of this type. The Planning Board approves the 5 points requested.

Vegetated Roof. Section 59-4.7.3.F.9 of the Zoning Ordinance permits up to 15 public benefit points for installing a vegetated roof with a soil depth of at least 4 inclhes and covering at least 33% of the total roof excluding space for mechanical equipment. The Applicant proposes a 4-inch thick vegetated roof covering at least 55% of the total roof. The Applicant requests 12.5 points and the Planning Board approves the requested amount.

Cool Roof: Section 59-4.7.3.F.2. of the Zoning Ordinance permits up to 10 public benefit points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, (and a minimum SRI of 25 for slopes above 2:12). The Applicant commits to using appropriate material, finishes and colors to provide the cool roof benefits; therefore the Planning Board approves the full 5 points.

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

The development will be built in one phase.

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MCPB No. 15-118

Sketch Plan No. 320150080

Project Name: 819 Silver Spring Avenue

building tenants.

Parking Lot District.

featuring public art.

Pedestrian-Friendly Downtown

surface parking lots with a mix of uses.

The Application includes recommended elements of the Green Downtown

such as new public streetscape, with street trees and other landscape

plantings, and provides green roof and landscaped elevated plazas for the

The Application provides new streetscape per the Silver Spring Design

Guidelines including sidewalks, lighting and street trees. The Applicant will

also provide a way-finding system orienting pedestrians and cyclists to

destinations such as major open spaces, cultural facilities and transit

opportunities. The building which includes pubic art on the façade is scaled

and designed in a manner sensitive to the comfort/perception of the nearby

The Application will enable redevelopment of the existing single-use

commercial building with a higher-density project featuring a mix of office.

restaurant, and retail uses. The redevelopment will include a surface

parking lot with only 12 spaces and will take advantage of the metered

public parking available on-street and in nearby lots and garages within the

c) Encourage development that integrates a combination of housing types,

where parking is prohibited between the building and the street.

neighborhood and further promote compatibility.

mobility options, commercial services, and public facilities and amenities,

The development will include a mix of non-residential uses, accessible by

diverse transport methods, and will present an attractive new facade

d) Allow a flexible mix of uses, densities, and building heights appropriate to

various settings to ensure compatible relationships with adjoining

As required by the Fenton Village Overlay Zone, this non-residential

development is limited to four stories in height, compatible with adjacent and

approved development on the block. The improved streetscape along the

Property's frontage will improve the pedestrian experience for the larger

b) Target opportunities for redevelopment of single-use commercial areas and

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 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 elements of the plans for Sketch Plan No.

320150080 819 Silver Spring Avenue, stamped received by M-NCPPC on June 19, 2015 are required except as modified herein; and BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 1 0 2015 (which is the

date that this Resolution is malled to all parties of record); and BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this

Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

## 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 Fani-González, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Hartey, and Commissioners Presley and Fani-González voting in favor, and Commissioner Dreyfuss absent, at its regular meeting hold on Thursday, November 5, 2015, in Silver Spring, Maryland.

> Casev Ariderson, Chai Montgomery County Planning Board



October 9, 2014

Mr. Charles T. Grimsley, P.E. Landmark Engineering, Inc. 6110 Executive Boulevard, Suite 110 Rockville, MD 20852

Stormwater Management CONCEPT Request for R. Holt Easeley's Subdivision Silver Spring/819 Silver Spring Avenue Tract Size/Zone: 0.19 Ac./CBD-1 Total Concept Area: 0.19 Ac. Watershed: Silgo Creek

Based on a review by the Department of Permitting Services Review Staff, the stormwater management concept for the above mentioned site is acceptable. The stormwater management concept proposes to meet required stormwater management goals via ESD to the MEP by the use of green roof. This site is considered as redevelopment. Since less than a Pe of one inch is provided, a walver of QI and Qn are granted due to site constraints and existing shallow storm drain.

The following Items will need to be addressed during the detailed sediment control/stormwater management plan stage:

1. A detailed review of the stormwater management computations will occur at the time of detailed plan review. Make sure to check compa for correct inputs.

An engineered sediment control plan must be submitted for this development. 3. All filtration media for manufactured best management practices, whether for new development or

redevellopment, must consist of MDE approved material. 4. Landscaping shown on the approved Landscape Plan as part of the approved Site Plan are for illustrative purpose only and may be changed at the time of detailed plan review of the Sediment Control/Storm Water Management plans by the Mont. Co. Department of Permitting Services,

5. Green roof is to be designed by a professional with green roof experience.

8. You propose 2,650 square feet of two inch green roof. Suggest that if possible provide more

This list may not be all-inclusive and may change based on available information at the time.

e service a resident

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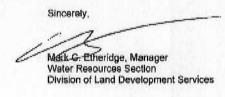
Diane R. Schwartz Jones

Payment of a stormwater management contribution in accordance with Section 2 of the Stormwater Management Regulation 4-90 is required.

> submittal. The concept approval is based on all stormwater management structures being located outside of the Public Utility Easement, the Public Improvement Easement, and the Public Right of Way unless specifically approved on the concept plan. Any divergence from the information provided to this office; or additional information received during the development process; or a change in an applicable Executive Regulation may constitute grounds to rescind or amend any approval actions taken, and to reevaluate the site for additional or amended stormwater management requirements. If there are subsequent additions or modifications to the development, a separate concept request shall be required

This letter must appear on the sediment control/stormwater management plan at its initial

If you have any questions regarding these actions, please feel free to contact David Kuykendall at



MCE: me CN265435 819 Sliver Spring Avenue DWK

ESD Acres: STRUCTURAL Acres: WAIVED Acres:

59-4.7.3.B: Transit Proximity

Minimum Parking

**Architectural Elevations** 

Public Art

Vegetated Roof

59-4.7.3.C: Connectivity and Mobility

59-4.7.3.D: Diversity of Uses and Activities

Energy Conservation and Generation

59-4.7.3.E: Quality of Building and Site Design

59-4.7.3.F: Protection and Enhancement of the Natural Envir

Sketch Plan No. 320150080

Page 8

Project Name: 819 Silver Spring Avenue

this area; and

and transit-supportive.

MONTGOMERY COUNTY PLANNING DEPARTMENT

The Property is located between 1/4 mile and 1/2 mile from the Silver Spring Metro

Station which allows the development to be eligible for Level 1 transit as defined

December 18, 2014

Jaimi Aparisi 8630 Fenton Street, Suite 932 Silver Spring, MD. 20910

Re: Forest Conservation Exemption 42015105E; 819 Silver Spring Avenue

Dear Madam or Sir:

Based on the review by staff of the Montgomery County Planning Department, the Forest Conservation Exemption Request submitted on December 10, 2014 for the plan identified above, is confirmed. The project site is exempt from Article II of the Montgomery County Code, Chapter 22A (Forest Conservation Law), Section 22A-5(s)(1) because this activity is being conducted on a tract less than 1.5 acres with no existing forest, or existing specimen or champion tree, and the afforestation requirements would not exceed 10,000 square feet.

An on-site pre-construction meeting is required after the limits of disturbance have been staked and flagged, but before any clearing or grading begins. The property owner, construction superintendent, forest conservation inspector, and Department of Permitting Services (DPS) sediment control inspector should attend this pre-construction meeting.

If you have any questions regarding these actions, please feel free to contact by email at david.wigglesworth@montgomeryplanning.org or at (301) 495-4581.

David Wigglesworth

**Development Applications & Regulatory Coordination** 

CC: 42015105E Charles Grimsley (Landmark)

> 8787 Georgia Avenue, Silver Spring, Maryland 20910 Development Application and Regulatory Coordination Division: 301.495.4550 Fax: 301.495.1306 www.MongtomeryPlanning.org





SILVER SPRING AVENUE

SCALE: 1" = 2000'

CERTIFIED SITE PLAN RESOLUTIONS 819 SILVER SPRING AVENUE LOT 21, BLOCK H

L. 46659 F. 396

13TH ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND PROJECT NO.: 1305 6110 EXECUTIVE BLVD, SUITE 110 PHONE: (301) 230-5881 SCALE: N/A FAX: (301) 230-5884 DATE: MAR. 07, 2015 SURVEYORS CONSULTING ENGINEERS PLANNERS

ZAMONZ



M-NCPPC SITE PLAN 820140090

R. HOLT EASLEY'S SUBDIVISION SILVER SPRING

SHEET 2 OF 4



MONTGOMERY COUNTY PLANNING BOARD HR MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB No. 15-119 Site Plan No. 820140090 819 Silver Spring Avenue Date of Hearing: September 17, 2015

NOV 1 0 2015

## RESOLUTION

WHEREAS, under Montgomery County Code 59-7.1.2, the Montgomery County Planning Board is authorized to review site plan applications; and

WHEREAS, on April 28, 2014, Hopscotch Properties LLC ("Applicant"), filed an application for approval of a site plan for a total of up to 12,110 square feet of nonresidential uses, including up to 12,110 square feet of general office and up to 5,110 square feet of restaurant/retail uses on 0.19 acres of CR-3.0 C-2.0 R-2.75 H-60T and Fenton Village Overlay zoned land, located at 819 Silver Spring Avenue, approximately 60 feet East of Fenton Street ("Subject Property"), in the Silver Spring CBD Sector Plan ("Sector Plan") area; and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820140090, 819 Silver Spring Avenue ("Site 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 September 4, 2015, setting forth its analysis of and recommendation for approval of the Application, subject to certain conditions ("Staff Report"); and

WHEREAS, on September 17, 2015, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on September 17, 2015 the Planning Board voted to approve the Application subject to certain binding elements and conditions, on the motion of Commissioner Fant-Gonzales, seconded by Commissioner Presley, with a vote of 5-0; Chair Anderson, Commissioners Dreyfus, Fani-Gonzales, Presley and Wells-Harley

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820140090 for a total of up to 12,110 square feet of non-residential uses.

TA (0/29/15 Approved as to Legal Sufficient State Sales And Action Phone: 301.495.4605 Fax: 301.495.1320 Site Plan No. 820140090 819 Silver Spring Avenue

including up to 12,110 square feet of general office and up to 5,110 square feet of restaurant/retail uses, on the Subject Property, subject to the following conditions:1

### Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320150080 and any amendments.

# Public Amenities & Landscaping

- a. The Applicant must construct the streetscape improvements along the Property's frontage on the north side of Silver Spring Avenue consistent with the Silver Spring Streetscape Design Guidelines
- b. Amenities including, but not limited to, lighting, bicycle racks and canopy, public artwork and streetscape improvements must be installed prior to
- c. The Applicant must install the landscaping associated with the project no later than the next growing season after completion of site work.

release of any Use and Occupancy Certificate.

### Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities on or fronting the Subject Property including, but not limited to pedestrian pathways, landscaping/hardscape, and art, unless contracted to a third party.

### 4. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the CR Zone Incentive Density Implementation Guidelines for each one.

### a. Transit Proximity

The Subject Property is located between 1/4 mile and 1/4 mile from the Silver Spring Metro Station which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. Furthermore the Property is also located between 1/2 mile and 1/2 mile from a MARC Train station, and less than a 1/4 mile from a planned Purple Line station.

<sup>1</sup> For the purpose of these conditions, the term "Applicant" shall also mean the developer, the owner or

MCPR No. 15-119 Site Plan No. 820140090 819 Silver Spring Avenue

### b. Connectivity and Mobility

- i) Minimum Parking: The Applicant must provide a maximum of 12 parking spaces (included one handicap space), which is less than the maximum
- set by the zone. ii) Way-finding: The Applicant must design and implement a way-finding system for orienting pedestrians and cyclists to major open spaces, cultural facilities and transit opportunities. The Way-finding sign/system will be approved by M-NCPPC Staff and be shown on the Certified Site
- c. Diversity of Uses and Activities

occupancy permits.

- Small Business Opportunities: The Applicant must provide on-site space for small, neighborhood-oriented businesses as follows: i) Provide retail bays of no more than 5,000 square feet for all commercial spaces for a period of six years after the issuance of the initial use and
- The six-year time period is binding upon future owners and successors in
- iii) Before a building permit is submitted for approval, the Applicant must file a covenant in the County land records that reflects these restrictions.

### d. Quality Building and Site Design

- i) Architectural Elevations: The Applicant is bound by substantial conformance with the design elements, including transparency, materials, entry design, and public art location, illustrated on the architectural façade drawings in the Certified Site Plan.
- ii) Public Art: The Applicant must provide a sculpture on the front of the building. The final design will be approved by the Art Review Panel prior to, and illustrated on, the Certifled Site Plan approval.

### e. Protection and Enhancement of the Natural Environment

- Energy Conservation and Generation: the building must be at least 2.5% more energy efficient than the standard building of this type, as determined by DPS at the time of building permit review
- ii) Vegetated Roof: the Applicant must install a vegetated roof with a soil depth of a minimum of 4 inches covering a minimum of 33% of the building's roof, excluding space for mechanical equipment.

### MCPB No. 15-119 Site Plan No. 820140090 819 Silver Spring Avenue

iii) Cool Roof: the Applicant must construct any roof area not covered by a vegetated roof with material, finishes and colors that provide a minimum. solar reflectance index (SRI) of 75.

### 5. Pedestrian & Bicycle Circulation a. The Applicant must provide 3 weather-protected private bicycle parking

- b. The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) in its memo dated June 26, 2015, and does hereby incorporate them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the memo, which may be amended by MCDPS, provided that the amendments do not conflict with other conditions of the Site Plan approval.

### 6. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Fire and Rescue Services (MCFRS) Fire Code Enforcement Section in its approval dated September 12, 2014.

## Stormwater Management

he Planning Board accepts the recommendations of MCDPS - Water Resources Section in its stormwater management concept letter dated October 9, 2014, and hereby incorporates them as conditions of the Site Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDPS - Water Resources Section provided that the amendments do not conflict with other conditions of the Site Plan

# The maximum height for the building is 45 feet as measured from the building

height measuring point illustrated on the Certified Site Plan.

The exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the latest approved architectural drawings included in the Certified Site Plan, as determined by M-NCPPC Staff

### 10. Lighting

a. Prior to Certified Site Plan, the Applicant must provide certification from a qualified professional that the exterior lighting in this Site Plan conforms to the

### MCPB No. 15-119 Site Plan No. 820140090 819 Silver Spring Avenue

latest Illuminating Engineering Society of North America (IESNA) recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as superseded) for a development of this type. All onsite exterior area lighting must be in accordance with the latest IESNA outdoor lighting recommendations (Model Lighting Ordinance-MLO: June 15, 2011, or as

- b. Deflectors must be installed on all up-lighting fixtures to prevent excess illumination and glare.
- c. Streetlights and other pole-mounted lights must not exceed the height illustrated on the Certified Site Plan.

### 11. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit, the Applicant must enter into a Site Plan Surety and Maintenance Agreement with the Planning Board in a form approved by the M-NCPPC Office of General Counsel that outlines the responsibilities of the Applicant. The Agreement must include a performance bond(s) or other form of surety in accordance with Section 59.7.3.4 K.4 of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon M-NCPPC Staff approval, will establish the surety amount;
- b. The cost estimate must include applicable Site Plan elements, including, but
- not limited to, plant material, on-site lighting, and artwork. c. The bond or surety must be tied to the development program, and completion of plantings and installation of particular materials and facilities covered by the surety will be followed by inspection and release of the surety.

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved prior to the approval of the

### 13. Certified Site Plan

Prior to approval of the Certified Site Plan, the following revisions must be made and/or information provided subject to Staff review and approval: a. Include the final forest conservation exemption approval letter, stormwater management concept approval letter, development program, Sketch Plan

resolution, and Site Plan resolution on the approval or cover sheet(s).

MCPB No. 15-119 Site Plan No. 820140090 819 Silver Spring Avenue

- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all treesave areas and protection devices before clearing and grading."
- c. Add a note stating that "Minor modifications to the limits of disturbance shown on the Site Plan within the public right-of-way for utility connections may be done during the review of the right-of-way permit drawings by the Department of Permitting Services."
- d. Modify data table to reflect development standards approved by the Planning
- e. Ensure consistency of all details and layout between Site and Landscape

BE IT FURTHER RESOLVED, that all site development elements as shown on ne latest electronic version of the 819 Silver Spring Avenue drawings submitted via ePlans to the M-NCPPC as of the date of the Planning Board Hearing are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED, that, having considered the recommendations and findings of its Staff as presented at the hearing and as set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, that:

- When reviewing an application, the approval findings apply only to the site covered by the application.
- 2. To approve a site plan, the Planning Board must find that the development:
- a. satisfies any previous approval that applies to the site The Site Plan conforms to all binding elements of the Sketch Plan No. 320150080 regarding density, height, site design including building location and circulation, and the public benefit schedule.
- satisfies under Section 7.7.1.8.5 the binding elements of any development plan or schematic development plan in effect on October 29, 2014;

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

### MCPB No. 15-119 Site Plan No. 820140090 819 Silver Spring Avenue

requirements under this Chapter,

Development Standards

c. satisfies under Section 7.7.1.B.5 any green area requirement in effect on October 29, 2014 for a property where the zoning classification on October 29, 2014 was the result of a Local Map Amendment;

This section is not applicable as the Property's zoning classification on October 29, 2014, was not the result of a Local Map Amendment.

i. Division 4.5. Commercial/Residential Zones as modified by 4.9.7.C. Fenton Village Overlay Zone

standards of both zones as shown in the below table.

The Property is approximately 0.19 acres zoned CR-3.0 C-2.0 R-2.75 H-60T

and Fenton Village Overlay. The Application satisfies the development

d. satisfies applicable use standards, development standards, and general

MCPB No. 15-119 Site Plan No. 820140090 819 Silver Spring Avenue

Section Se A	Deriviopment Standard	Zoning Ordinance Required/	Approved &Binding on Applicant
naka akang majarah akang m	Gross Tract Area (sf) Existing Lot 21: CR-3.0 C-2.0 R-2.75 H-60 T Prior Dedications TOTAL	n/a n/a	8,400 2,100 10,500
4.5.4.B.2.b	Max. Density (Existing Lot 21) CR-3.0 C-2.0 R-2.75 H-60 T Commercial FAR/GFA Residential FAR/GFA	2.0/21,000 2.75/28,875	1:15/12,210 0/0
4.5.4.B.2.b	Max. Building Height (feet) CR-3.0 C-2.0 R-2.75 H-60 T	60/452	45
4.5.4.8.3	Min. Setback (ført) Front Side Rear	0	0
4.5.4.0.1	Open Space	0	0
6.2.4.9	Parking (spaces) General office Min./Max. Office/restaurant (worst case) Min./Max.	25/37 32/59	123

Site Plan Data Table

- ii. Division 4.7 Optional Method Public Benefits The Application includes public benefits that address the general incentive
- a. Take into consideration "the recommendations of the applicable master plan" by enhancing the selection of commercial transit-oriented development at the edge of the CBD by providing a building designed to be compatible with the surrounding residential and commercial

and density considerations required by Section 59-4.7.1.B. The public

As limited by the Fenton Village Overlay Zone for non-residential uses on blocks containing single-family Site is within the Silver Spring Parking Lot District and will be paying the ad valorum tax per 59.6.2 H. i.a.

### MCPB No. 15-119 Site Plan No. 820140090 819 Silver Spring Avenue

b. Meet the 2012 Commercial/Residential Zones Incentive Density Implementation Guidelines (CR Guidelines) by providing the proper

with a mixed-use project with office and restaurant/retail uses, and

benefits, and enhanced pedestrian connections, all of which are currently

c. Meet "any design guidelines adopted for the applicable master plan area" by installing the Silver Spring streetscape along the site frontage and public art on the facade; d. Are appropriate for "the size and configuration of the site" by improving the existing configuration of surface parking lot and eging existing building

calculations and criteria for each public benefit;

- minimal parking close to transit; e. Adequately address "the relationship of the site to adjacent properties" by designing the building at an appropriate scale for the surroundings with height and massing that complements the existing character of the area; f. Consider "the presence or lack of similar public benefits nearby" through the provision of public art, small business opportunities, environmental
- 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 echo the interconnectivity of the Sector Plan themes by renewing commercial uses in the CBD in a manner compatible with the surrounding eighborhood and transit-supportive.

Public Benefit	Incentive Density Points		
	Requested	Approved	
59-4.7.3.8: Transit Proximity	30	30	
59-4.7.3.C: Commethity and Mobility	300		
Minimum Parking	10	10	
Way-finding	5	5	
59-4.7.3.D: Diversity of Uses and Activities	Transfer to the second		
Small Business Opportunities	20	20	
59-4,7.3,E: Quality of Building and Site Design		3.177	
Public Art	10	10	
Architectural Elevations	20	20	
\$5-4.7.3.F: Protection and Enhancement of the Natural Environmen			
Energy Conservation and Generation	5	5	
Vegetated Roof	12.5	12.5	
Coal Roof	5	5	
191/4	30357-57452888.2	200 May 17 A 200	

### MCPB No. 15-119 Site Plan No. 82014009 819 Silver Spring Avenue

Transit Proximity The Property is located between 1/4 mile and 1/4 mile from the Silver Spring Metro Station which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. The Property is also located between 1/2 mile and 1/2 mile from a MARC Train station, and less than a 1/2 mile from a planned Purple Line station. Therefore, the Planning Board approves the full 30 points as suggested in the 2012 Commercial/Residential Zones Incentive Density Implementation Guidelines (CR Guidelines).

Minimum Parking: Section 59-4.7.3.C.2. allows up to 10 points for providing fewer than the maximum allowed number of parking spaces, where a maximum is applicable. The maximum is set by the CR zone, which for this project is 59 spaces. The Applicant proposes 12 parking spaces (included one handicap space), which is less than the maximum set by the zone. Therefore, the Planning Board approves the full 10 points.

Way-finding: Section 59-4.7.3.C.9. allows up to 10 points for design and implementation of a way-finding system orienting pedestrians and cyclists to major open spaces, cultural facilities and transit opportunities. The Applicant will implement a way-finding system, but given the small size of the site, the Planning Board approves the 5 points requested

### Diversity of Uses and Activities Small Business Opportunities: Section 59-4.7.3.D.7. of the Zoning Ordinance permits up to 20 public benefit points for providing on-site space for small, neighborhood oriented businesses. The Applicant must provide on-site space.

· Provide retail bays of no more than 5,000 square feet for all commercial spaces for a period of six years after the issuance of the initial use and occupancy permits. The six-year time period is binding upon future owners and successors in

Before a building permit is submitted for approval, the Applicant must file a

covenant in the County land records that reflects these restrictions. The Planning Board approves the Applicant's request of 20 points.

for small, neighborhood-oriented businesses as follows:

Quality of Building and Site Design

Architectural elevations: Section 59-4:7.3.E.1. of the Zoning Ordinance permits up to 20 public benefit points for providing elevations of architectural facades and agreeing to be bound by particular elements of design that affect

### MCPB No. 15-119 Site Plan No. 820140090 819 Silver Spring Avenue

the perception of mass, pedestrian comfort, or enhance neighborhood compatibility. The building is designed for compatibility with the adjacent and confronting buildings on Silver Spring Avenue. The Applicant is bound to substantially conform to the design elements, including transparency, materials, entry design, and public art location, illustrated on the architectural façade drawings in the Certified Site Plan. The Applicant requests 20 points and the Planning Board approves the requested amount.

Public art. Section 59-4.7.3.E.5. of the Zoning Ordinance permits up to 15 public benefit points for installing public art reviewed for comment by the Public Arts trust Steering Committee (Art Review Panel). The Applicant requests 10 points for providing a lighted sculpture on the front of the building. The Applicant presented an initial artwork concept to the Art Review Panel. and will present a revised concept to the Panel before Certified Site Plan. The Planning Board approves the 10 points requested.

Protection and Enhancement of the Natural Environment

Energy Conservation and Generation: Section 59-4.7.3.F.3. of the Zoning Ordinance permits up to 15 public benefit points for constructing buildings that exceed energy-efficiency standards by 17.5% for new buildings. The CR Guidelines specify that 5 points may be granted for new building construction that exceeds the standard efficiency by 2.5 %. Under the modeled guidance the building at least 2.5% more energy efficient than the standard building of this type. The Planning Board approves the 5 points requested.

Vegetated Roof: Section 59-4.7.3.F.9. of the Zoning Ordinance permits up to 15 public benefit points for Installing a vegetated roof with a soil depth of at least 4 inches and covering at least 33% of the total roof excluding space for mechanical equipment. The Applicant proposes a 4-inch thick vegetated roof covering at least 55% of the total roof. The Applicant requests 12.5 points and the Planning Board approves the requested amount.

Cool Roof: Section 59-4.7.3.F.2. of the Zoning Ordinance permits up to 10 public benefit points for constructing any roof area that is not covered by a vegetated roof with a minimum solar reflectance index (SRI) of 75 for roofs with a slope at or below a ratio of 2:12, (and a minimum SRI of 25 for slopes above 2:12). The Applicant commits to using appropriate material, finishes and colors to provide the cool roof benefits; therefore the Planning Board approves the full 5 points.

### MCPB No. 15-119 Site Plan No. 820140090 819 Silver Spring Avenue

iii. Division 6.1. Site Access

The Application will utilize the existing access point off of Silver Spring

iv. Division 6.2. Parking, Queuing, and Loading

Parking for the building will be provided at the rear surface lot. The Property is also within the Silver Spring Parking District. Vehicular and loading access is located at the rear via a private driveway. The site frontage also accommodates parking.

v. Division 6.3. Open Space and Recreation

The non-realdential devictopment is not subject to open space or recreation requirements.

Division 6.4. General Landscaping and Outdoor Lighting

Landscaping and lighting will be provided to ensure that these facilities will be safe and in character with the surrounding community, primarily through mplementation of the Silver Spring Streetscape Standard along the site

As shown in the Development Standards table, the Site Plan meets all of the general requirements and development standards of Section 4.5 of the Zoning Ordinance, the optional method public benefits provisions of Division 4.7 of the Zoning Ordinance, and the general development requirements of Article 59-6 of

### the Zoning Ordinance. satisfies the applicable requirements of:

Chapter 19, Erosion, Sediment Control, and Stormwater Management; and

The existing site conditions are mostly impervious with no stormwater management. A Stormwater Concept Plan was approved by the Montgomery County Department of Permitting Services on October 9, 2014. The Site Plan proposes to meet stormwater management goals via ESD to the Maximum Extent Practicable (MEP) by use of a green roof.

### MCPB No. 15-119 Site Plan No. 820140090 819 Silver Spring Avenue

applicable plan;

ii. Chapter 22A, Forest Conservation. There are no environmentally sensitive features associated with the site, such

within the Sligo Creek watershed, a Use I watershed.

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the activity occurs on a tract of land less than 1.5 acres with no existing forest, or existing specimen. or champion tree, and the afforestation requirements would not exceed 10,000 square feet. The forest conservation exemption, application #

as streams, wetlands floodplains or associated buffers. The site is located

42015105E was confirmed on December 18, 2014. provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;

loading for the building. Loading, parking and driveway access are provided from the existing curb cut. Along with streetscape enhancements the project includes reasonable access to an existing Metro station/MARC train as well as future access to Purple Line rail

The Application provides adequate, safe, and efficient parking and circulation

patterns. The private driveway appropriately functions for vehicular access and

with existing and proposed development on the block, enhancing that relationship with site amenities including public art, wayfinding, and streetscape g. substantially conforms with the recommendations of the applicable master plan

station. Private sheltered bike parking is also provided in addition to public art.

The Application provides a safe and well-integrated building that is compatible

The Site Plan is consistent with, and furthers, the recommendations of the 2000 Silver Spring CBD Sector Plan. The Sector Plans does not have alte specific recommendations for this Property; however the project is consistent with the Sector Plan vision themes and the Fenton Village Overlay Zone:

and any guidelines approved by the Planning Board that implement the

### MCPB No. 15-119 Site Plan No. 820140090 819 Silver Spring Avenue

Sector Plan Vision Themes The Sector Plan's themes articulate the shared goals and vision for the CBD and demonstrate how successful development incorporates multiple themes to create varied land uses, development patterns, environments, and transportation choices...to create variety, the hallmark of an active downtown."(p. 15) The Application meets these goals and vision by creating a mixed-use

enhances the pedestrian experience in its vicinity.

uses on the block intensify toward Fenton Street.

commercial building that is scaled to the surrounding neighborhood and

Transit-Oriented Downtown The Property is located approximately 1/3 mile from the Silver Spring Metro/MARC train/Transit Center and is also less than a ¼ mile from a future Purple Line station. By locating within the walksheds of these transportation choices, the workers and visitors coming to the site increase transit demand and support transit-oriented development.

The Application allows for a mix of commercial uses including office, retail, and/or

restaurant. These uses will complement the existing commercial uses in Fenton Village in an up-to-date and attractive building. Residential Downtown Although the Application does not include residential uses, it shares a block of Silver Spring Avenue that includes both single-family homes as well as approved 4-6-story multi-family development immediately across the street. At four stories the new commercial building will be compatible with these residential uses as the

Civic Downtown The new streetscape, public art and architectural treatments provide a number of elements adding to the fabric of the civic spaces of the Sector Plan area.

provides green roof and landscaped elevated plazas for the building tenants. Pedestrian-Friendly Downtown

Green Downtown

Commercial Downtown

The Application provides new streetscape per the Stiver Spring Design Guidelines including sidewalks, lighting and street trees. The Applicant will also provide a way-finding system orienting pedestrians and cyclists to destinations such as major open spaces, cultural facilities and transit opportunities. The

The Application includes recommended elements of the Green Downtown such

as new public streetscape, with street trees and other landscape plantings, and

### MCPB No. 15-119 Site Plan No. 820140090 819 Silver Spring Avenue

building which includes public art on the façade is scaled and designed in a

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

The building will be served by existing public services, utilities, and facilities, which are adequate to serve the development. The Adequate Public Facilities test is satisfied by the traffic exemption statement, dated April 15, 2014, because the use will generate fewer than 30 peak-hour trips.

on a property in a Rural Residential or Residential zone, is compatible with the

fire protection, water, sanitary sewer, public roads, and storm drainage;

The Property is not located in a Rural Residential or Residential zone. on a property in all other zones, is compatible with existing and approved or

character of the residential neighborhood; and

pending adjacent development. The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The structure steps down in building height towards Fenton Street to create an appropriate transition from the four story office building to the east and lower commercial structure to the west.

To approve a site plan for a Restaurant with a Drive-Thru, the Planning Board must

also find that a need exists for the proposed use due to an insufficient number of

similar uses presently serving existing population concentrations in the County, and

the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood. Not applicable, this Site Plan does not include a restaurant with a drive-thru.

4. For a property zoned C-1 or C-2 on October 29, 2014 that has not been rezoned by

Sectional Map Amendment or Local Map Amendment after October 30, 2014, if the

819 Silver Spring Avenue

Site Plan No. 820140090

MCPB No. 15-119

information; and

proposed development includes less gross floor area for Retail/Service Establishment uses than the existing development, the Planning Board must consider if the decrease in gross floor area will have an adverse impact on the surrounding area.

Not applicable, the Property was zoned CBD-1 on October 29, 2014 and has not been subject to a Sectional Map Amendment or Local Map Amendment. BE IT FURTHER RESOLVED, that this Resolution incorporates by reference all

BE IT FURTHER RESOLVED, that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; 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 NOV 1 0 205

evidence of record, including maps, drawings, memoranda, correspondence, and other

(which is the date that this Resolution is mailed to all parties of record); and BE IT FURTHER RESOLVED, that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this Resolution, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).

### \* \* \* \* \* \* \* \* \* \* \* 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 Fani-González, seconded by Commissioner Presley, with Chair Anderson, Vice Chair Wells-Harley, and Commissioners Presley and Fani-González voting in favor, and Commissioner Dreyfuss absent, at its regular meeting held on Thursday, November 5, 2015, in Silver Spring,

> Casey Anderson, Chair Montgomery County Planning Board

## Developer's Certificate The Undersigned agrees to execute all the features of the Plan Approval No. 820140090 including Approval Conditions, Development Program, and Certified Site Plan. Developer Hopscotch Properties, LLC Jaime W. Aparisi Address: 8630 Fenton Street, Suite 917 Silver Spring, MD 20910 304-562-1416 -



# M-NCPPC SITE PLAN 820140090

CERTIFIED SITE PLAN RESOLUTION 819 SILVER SPRING AVENUE

LOT 21, BLOCK H R. HOLT EASLEY'S SUBDIVISION SILVER SPRING

L. 46659 F. 396

13TH ELECTION DISTRICT LANDMARK ENGINEERING, INC.

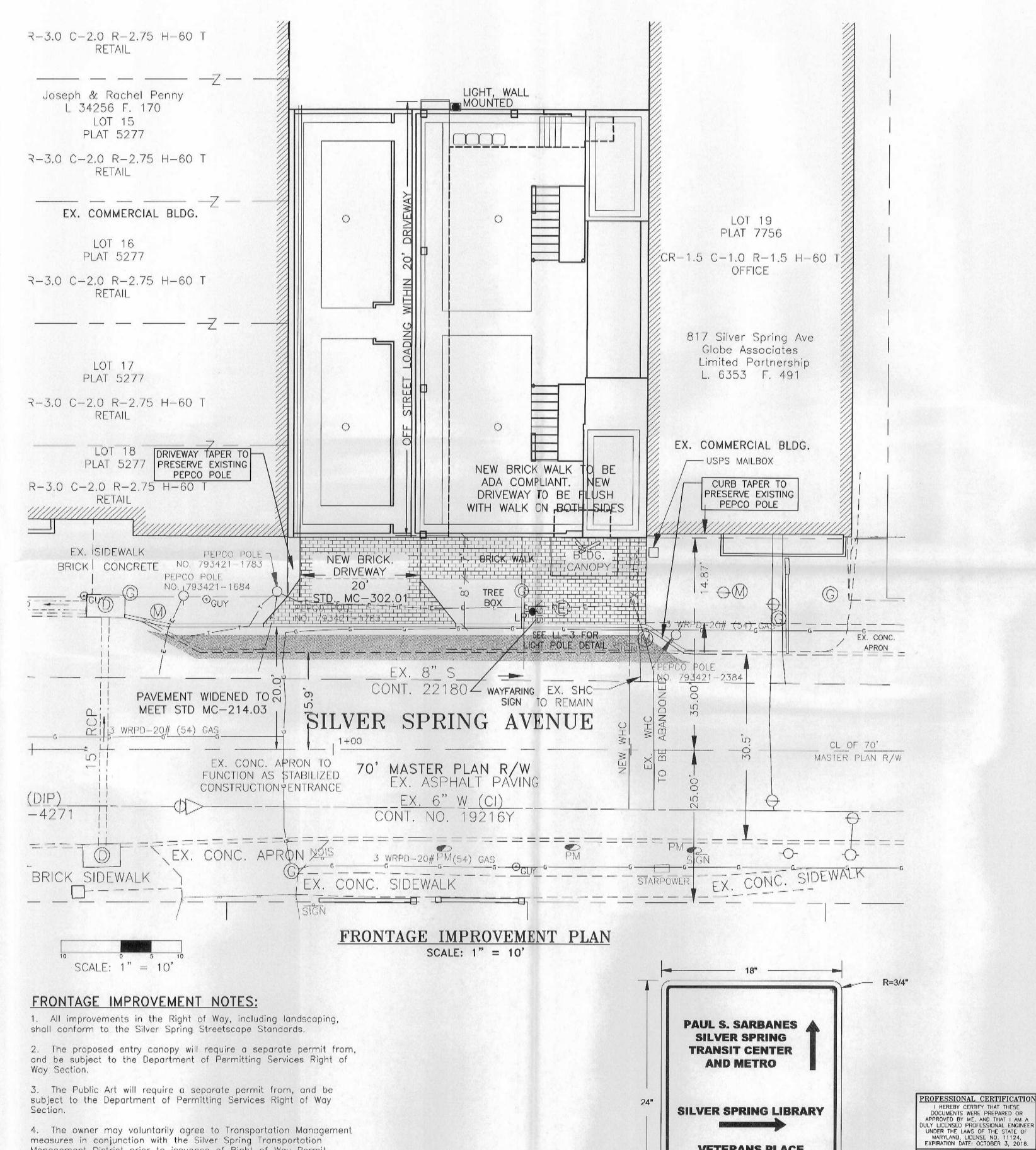
MONTGOMERY COUNTY, MARYLAND

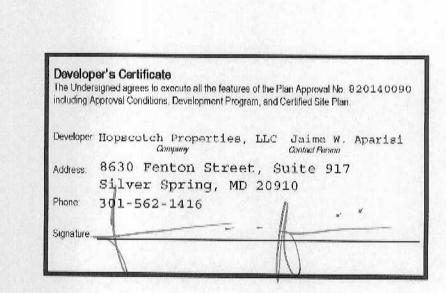
PROJECT NO.: 1305 SHEET 3 OF 4

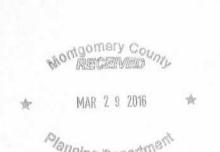
6110 EXECUTIVE BLVD, SUITE 110 PHONE: (301) 230-5881 SCALE: AS SHOWN FAX: (301) 230-5884 DATE: MAR. 07, 2015 ROCKVILLE, MARYLAND 20852 CONSULTING ENGINEERS PLANNERS SURVEYORS

# PROFESSIONAL CERTIFICATIO I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A OULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 11124, EXPIRATION DATE: OCTOBER 3, 2018. OF MARY









# M-NCPPC SITE PLAN 820140090

# SITE PLAN DETAILS 819 SILVER SPRING AVENUE

LOT 21, BLOCK H

SURVEYORS

R. HOLT EASLEY'S SUBDIVISION SILVER SPRING L. 46659 F. 396

13TH ELECTION DISTRICT MONTGOMERY COUNTY, MARYLAND 6110 EXECUTIVE BLVD, SUITE 110 PHONE: (301) 230-5881 SCALE: AS SHOWN

PLANNERS

ROCKVILLE, MARYLAND 20852

CONSULTING ENGINEERS

FAX: (301) 230-5884 DATE: MAR. 07, 2015

**VETERANS PLACE** 

**GREYHOUND STATION** 

WAYFARING SIGN FOR

819 SILVER SPRING AVENUE

OF MARI

SMOHY

# measures in conjunction with the Silver Spring Transportation Management District prior to issuance of Right of Way Permit.

5. Acknowledgement from the adjoining neighbor is required for the left side of the driveway apron to extend in front of Lot 18.

6. Minor modifications to the Limits of Disturbance shown on the Site Plan within the public right-of-way for utility connections may be done during the review of the Right of Way permit drawings by Montgomery County, Department of Permitting Services.

ROOF DRAIN # PARKING METER --- PROPERTY BOUNDARY DH OVERHEAD WIRE 

(G) GAS VALVE

MOAS GAS METER

FUEL FILLER

-O- POWER POLE

\_ LIGHT POLE (PROPOSED)

----- €----- € UNDERGROUND ELECTRIC \_\_\_\_\_ SEWER ----- STORM DRAIN

**LEGEND** 

FIRE HYDRANT

→ WATER VALVE

SEWER MANHOLE

WATER MANHOLE

TELEPHONE MANHOLE

ELECTRIC MANHOLE

NEW PAVEMENT