



**819 Silver Spring Avenue, Sketch Plan No. 320150080 and Site Plan No. 820140090**

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**Description**

Completed: 09.04.15

- 12,110 total square feet of non-residential uses, including general office, retail, and restaurant uses.
- Current use: Service commercial (vacant);
- Located: 819 Silver Spring Avenue, 60 feet East of Fenton Street
- 10,500 gross square feet tract area zoned CR-3.0 C-2.0 R-2.75 H-60T and Fenton Village Overlay in the Silver Spring CBD Sector Plan area;
- Applicant: Hopscotch Properties LLC



**Summary**

- Under the provisions of the Fenton Village Overlay Zone, which covers this Property, a development of this size would be allowed to proceed under the Standard Method requirements. However, to take advantage of the flexibility afforded to small sites like this for public open space, the Applicant elected to pursue the Optional Method of development for the project, including provision of public benefits.
- No correspondence from the public has been received regarding this application.
- Staff Recommendation: Approval with conditions

## SECTION 2: RECOMMENDATION AND CONDITIONS

### Sketch Plan No. 320150080

Staff recommends approval of Sketch Plan No. 320150080, 819 Silver Spring Avenue, for construction of a maximum total density of 12,110 square feet of non-residential uses, including general office, retail, and restaurant uses on the Subject Property, zoned CR-3.0 C-2.0 R-2.75 H-60T and Fenton Village Overlay. 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:

1. Maximum density and height;
2. General location and extent of building and circulation;
3. Public benefit schedule.

All other elements of the Sketch Plan are illustrative.

### The approval is subject to the following conditions:

1. Density

The development is limited to a maximum of 12,110 square feet of total non-residential development.

2. Height

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

3. Incentive Density

The development must be constructed with the public benefits listed below, unless modifications are made under Section 59-7.3.3.I. 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 proposed. Final points will be established at Site Plan approval.

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

### Site Plan No. 820140090: 819 Silver Spring Avenue

Staff recommends approval of Site Plan 820140090 for a total of up to 12,110 square feet of non-residential uses, including up to 12,110 square feet of general office and up to 5,110 square feet of restaurant/retail uses, on approximately 0.19 acres in the CR-3.0 C-2.0 R-2.75 H-60T and Fenton Village Overlay zones. All site development elements shown on the latest electronic version as of the date of this Staff Report submitted via ePlans to the M-NCPPC are required except as modified by the following conditions.<sup>1</sup>

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

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**

2. 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 release of any Use and Occupancy Certificate.
- c. The Applicant must install the landscaping associated with the project no later than the next growing season after completion of site work.

3. 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 ¼ mile and ½ 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 ¼ mile and ½ mile from a MARC Train station, and less than a ¼ mile from a proposed Purple Line station.

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 of 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 Plan.

c. *Diversity of Uses and Activities*

**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 occupancy permits.
- ii) The six-year time period is binding upon future owners and successors in title.
- 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 Certified Site Plan approval.

e. *Protection and Enhancement of the Natural Environment*

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

## **Transportation & Circulation**

5. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 3 weather-protected private bicycle parking spaces.
- 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.

7. Stormwater Management

The 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 approval.

## **Site Plan**

8. Building Height

The maximum height for the building is 45 feet as measured from the building height measuring point illustrated on the Certified Site Plan.

9. Architecture

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 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 superseded).
- b. Deflectors must be installed on all proposed 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.

12. Development Program

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 Certified Site Plan.

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).
- b. Add a note to the Site Plan stating that "M-NCPPC Staff must inspect all tree-save 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 Board.
- e. Ensure consistency of all details and layout between Site and Landscape plans.

### SECTION 3: SITE DESCRIPTION

#### Site Vicinity

The subject site (Subject Property or Property) comprises of one recorded lot, located at 819 Silver Spring Avenue, on the north side Silver Spring Avenue, approximately 60 feet east of the intersection with Fenton Street. It is located in the 2000 *Silver Spring CBD Sector Plan* (Sector Plan) area, on the eastern edge of the CBD. The site is also within the Fenton Village Overlay Zone. The Subject Property is within ¼ mile of a master-planned Purple Line station entrance and less than ½ mile from the existing Silver Spring Metro and MARC train stations.



Figure 1-Vicinity Map

North ↑

The site vicinity includes the single-family East Silver Spring neighborhood to the east and mixed-use Fenton Village to the north, west, and south, with low- to mid-rise commercial buildings and low- and high-rise residential buildings. The properties to the north and west have the same zoning as the Subject Property (CR-3.0 C-2.0 R-2.75 H-60T), while the property abutting to the east is zoned CR-1.5 C-1.0 R-1.5 H-60T. The approved but unbuilt mid-rise residential, hotel, and office Silver Spring Park mixed-use project (Site Plan # 82010012A) is across the street towards the south. The new Silver Spring Library is located within a ¼-mile.



Figure 2-Aerial View

North ↑

### Site Analysis

The 0.19-acre Property contains a currently vacant 2-story house that had been used as office space, with drive aisles and a surface parking lot. The Property consists of one platted lot identified as Lot 21 in plat # 24640.

There are no known historic properties or features on or near the site. There is a small lawn area fronting the building along with few shrubs and one tree associated with the Property. The site is generally flat with minor sloping toward the rear (north). Three sides of the site are bounded by the walls of existing buildings. Engineered drainage systems convey the runoff away from the site.



Figure 3- North facing photo of site from Silver Spring Ave.

## SECTION 4: PROJECT DESCRIPTION

### Proposal

#### Uses and Density

The Applicant proposes to demolish the existing building and redevelop the site with up to 12,110 square feet of non-residential uses, including general office, retail, and restaurant uses in a four-story, 45-foot tall building.

#### Access and Circulation

All vehicular access to the site will be from Silver Spring Avenue, including both parking and service access. Parking is situated at the rear of the site. Vehicles will pass underneath the western portion of the building to access the 12 parking spaces (which include one handicap space). A private bicycle parking shelter is also located at the rear of the site.



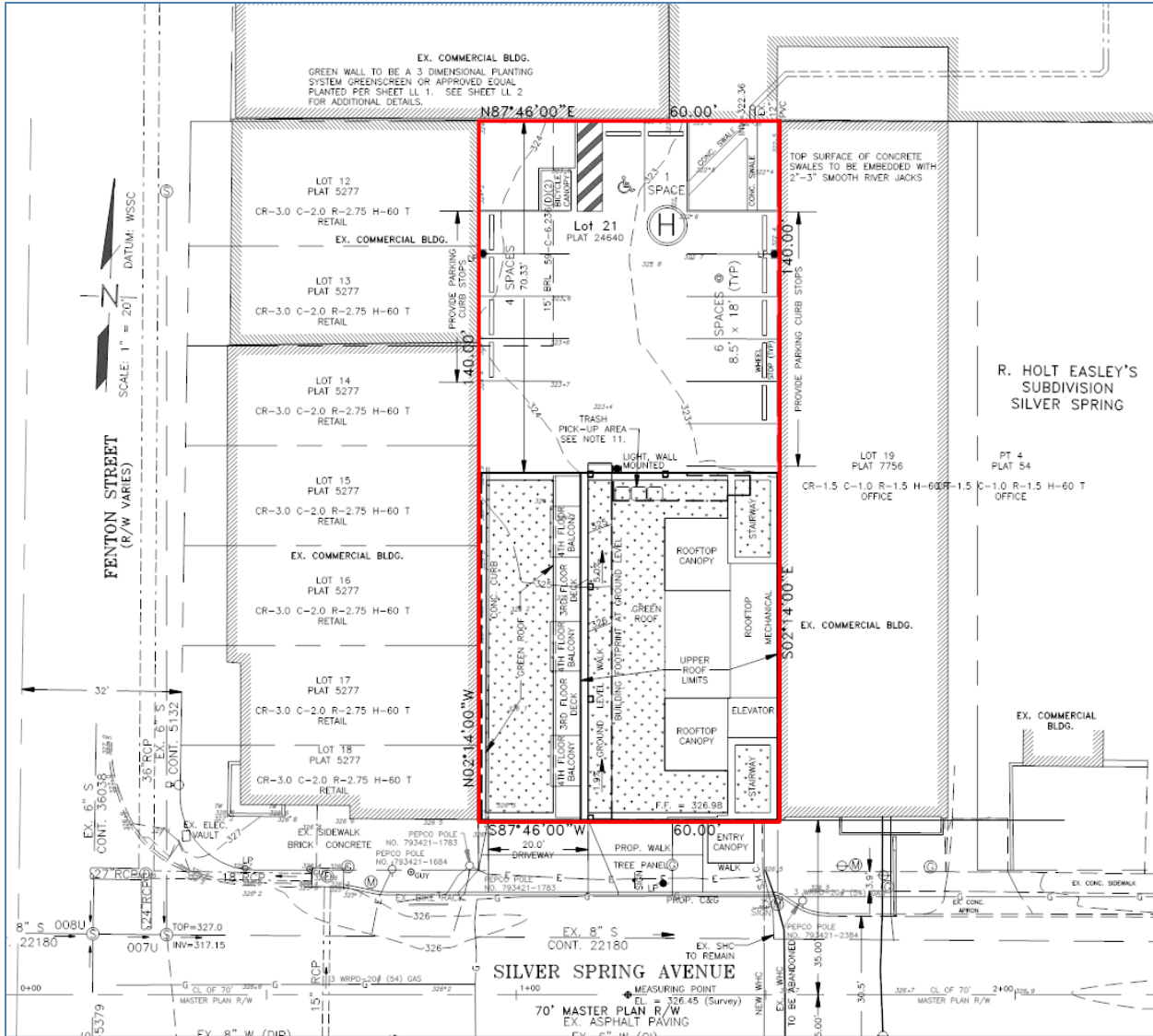


Figure 4- Site Plan

### Building

The building will be located along Silver Spring Avenue to extend the existing streetwall created by the adjacent commercial buildings. The building, illustrated below, features a contemporary design with extensive glazing in the occupiable areas and a more opaque treatment in the edge service areas. The final design will include a public art element on the Silver Spring Avenue façade, and two elevated private outdoor terraces for tenants' use.

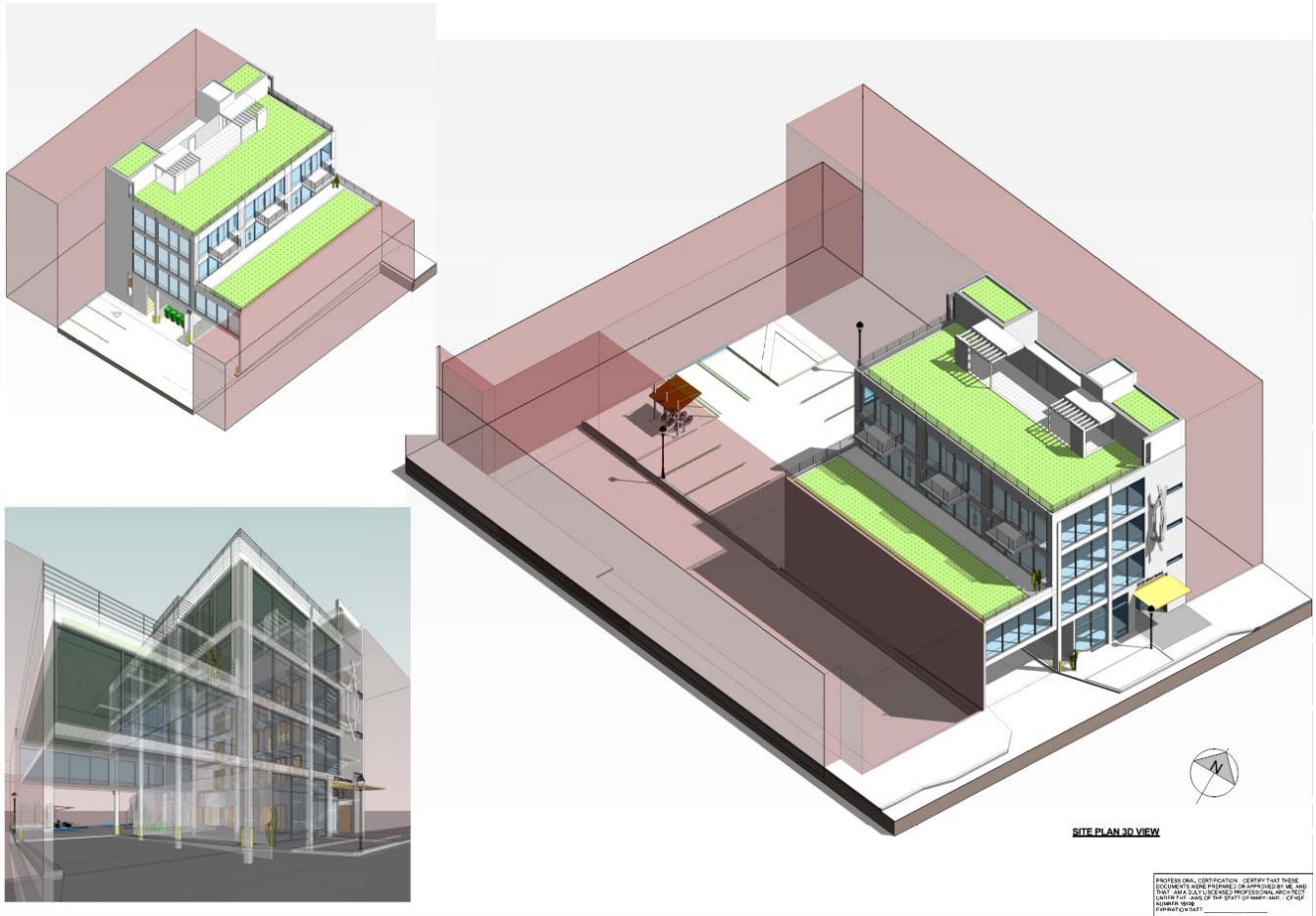


Figure 5- Architectural perspective

Open Space

Given the size of the Property (only about 10,000 square feet) and the sole public frontage, the zoning code does not require public open space for this project.

**SECTION 5: SKETCH PLAN FINDINGS**

The purpose of a Sketch Plan is to identify general design, density, circulation, public benefits and relationship to the master plan. Details of this proposed development are determined during Site Plan review. The Applicant has filed Sketch Plan No. 320140030 under the 2014 Zoning Ordinance (along with a concurrently filed site plan, No. 820140090).

**PROJECT FINDINGS**

Section 59-7.3.3.E of the Zoning Ordinance states: “To approve a sketch plan, the Planning Board must find that the following elements are appropriate in concept and appropriate for further detailed review at site plan. The sketch plan must:”

1. 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 (and Site Plan) Project Data Table.

<b>Table 1-Sketch Plan (and Site Plan) Data Table</b>			
<b>Section 59 - 4</b>	<b>Development Standard</b>	<b>Permitted/ Required</b>	<b>Proposed</b>
	<b>Gross Tract Area (sf)</b> Existing Lot 21: CR-3.0 C-2.0 R-2.75 H-60 T Prior Dedications <b>TOTAL</b>	n/a n/a	8,400 2,100 <b>10,500</b>
<b>4.5.4.B.2.b</b>	<b>Max. Density ( Existing Lot 21)</b> 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
<b>4.5.4.B.2.b</b>	<b>Max. Building Height (feet)</b> CR-3.0 C-2.0 R-2.75 H-60 T	60/45 <sup>2</sup>	45
<b>4.5.4.B.3</b>	<b>Min. Setback (feet)</b> Front Side Rear	0 0 0	0 0 0
<b>4.5.4.B.1</b>	<b>Open Space</b>	0	0
<b>6.2.4.B</b>	<b>Parking (spaces)</b> General office Office/restaurant (worst case)	Min./Max. 25/37 Min./Max. 32/59	12 <sup>3</sup>

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 proposed 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 Overlay Zone:

<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.)

<sup>3</sup> Site is within the Silver Spring Parking Lot District and will be paying the ad valorem tax per 59.6.2 H.1.a.

### 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 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.

### 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.

### Commercial Downtown

The project 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 project 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.

### 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.

### Green Downtown

The project 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 building tenants.

### Pedestrian-Friendly Downtown

The project 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 public art on the façade is scaled and designed in a manner sensitive to the comfort/perception of the nearby pedestrians.

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

The Project will redevelop 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, but with only 12 spaces, and will take advantage of the metered public parking available on-street and in nearby lots and garages within the Parking Lot District.

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

The development will include a mix of non-residential uses, accessible by diverse transport methods, and will present an attractive new façade featuring public art.

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

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 neighborhood and further promote compatibility.

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

Fenton Village includes a balance of built and approved residential and non-residential 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 uses on the site.

- 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 Project 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 project meets the purpose of the *Fenton Village Overlay Zone* as defined in 59.4.9.7.A.:

*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 to encourage innovate design solutions; Allow for the transfer of the public open space requirements to other properties within the Overlay zone; and Allow new uses.*

The project 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 project meets the purposes of the Fenton Village Overlay Zone.

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

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

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

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 the block.

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

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 project will have minimal vehicular circulation, only 12 parking spaces and one loading space, with adequate space to accommodate each.

7. *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 edge of the CBD by providing a building designed to be compatible with 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;
- 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 aging existing building with a mixed-use project with office and restaurant/retail uses, and 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 benefits, and enhanced pedestrian connections, all of which are currently needed in this area; and
- g. Provide "enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit" which echo the interconnectivity of the Sector Plan themes by

renewing commercial uses in the CBD in a manner compatible with the surrounding neighborhood and transit-supportive.

Table 2 shows the public benefits recommended at Sketch Plan:

<b>Table 2- Sketch/Site Plan Public Benefits Points</b>		
<b>Public Benefit</b>	<b>Incentive Density Points</b>	
	<b>Requested</b>	<b>Recommended</b>
<b>59-4.7.3.B: Transit Proximity</b>	<b>30</b>	<b>30</b>
<b>59-4.7.3.C: Connectivity and Mobility</b>		
<b>Minimum Parking</b>	<b>10</b>	<b>10</b>
<b>Way-finding</b>	<b>5</b>	<b>5</b>
<b>59-4.7.3.D: Diversity of Uses and Activities</b>		
<b>Small Business Opportunities</b>	<b>20</b>	<b>20</b>
<b>59-4.7.3.E: Quality of Building and Site Design</b>		
<b>Public Art</b>	<b>10</b>	<b>10</b>
<b>Architectural Elevations</b>	<b>20</b>	<b>20</b>
<b>59-4.7.3.F: Protection and Enhancement of the Natural Environment</b>		
<b>Energy Conservation and Generation</b>	<b>5</b>	<b>5</b>
<b>Vegetated Roof</b>	<b>12.5</b>	<b>12.5</b>
<b>Cool Roof</b>	<b>5</b>	<b>5</b>
<b>TOTAL</b>	<b>117.5</b>	<b>117.5</b>

Transit Proximity

The Property is located between ¼ mile and ½ 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 ¼ mile and ½ mile from a MARC Train station, and less than a ¼ mile from a proposed Purple Line station. Therefore Staff recommends the full 30 points as suggested in the *2012 Commercial/Residential Zones Incentive Density Implementation Guidelines* (CR Guidelines).

Connectivity and Mobility

*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 Staff recommends 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, Staff recommends approval of 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.

Staff supports 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 Staff supports 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. Staff supports 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. Staff supports 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 Staff supports 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 Staff recommends the full 5 points.



8. *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.

## **SECTION 8: SITE PLAN FINDINGS**

### FINDINGS

1. *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 proposed 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.

- b. *satisfies under Section 7.7.1.B.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.

- 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.

- d. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*
  - i. *Division 4.5. Commercial/Residential Zones as modified by 4.9.7.C. Fenton Village Overlay Zone*

#### Development Standards

The Project is approximately 0.19 acres zoned CR-3.0 C-2.0 R-2.75 H-60T and Fenton Village Overlay. As illustrated in Table 1 above, the application satisfies the development standards of both zones.

- ii. *Division 4.7 Optional Method Public Benefits*

As discussed in the Sketch Plan Findings above, the Project meets all Public Benefits requirements.

- iii. *Division 6.1. Site Access*

The project will utilize the existing access point off of Silver Spring Avenue.

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 is also accommodates parking.

v. *Division 6.3. Open Space and Recreation*

The non-residential development is not subject to open space or recreation requirements.

vi. *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 implementation of the Silver Spring Streetscape Standard along the site frontage.

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.

e. *satisfies the applicable requirements of:*

i. *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 plan proposes to meet stormwater management goals via ESD to the Maximum Extent Practicable (MEP) by use of a green roof.

ii. *Chapter 22A, Forest Conservation.*

There are no environmentally sensitive features associated with the site, such as streams, wetlands floodplains or associated buffers. The site is located within the Sligo Creek watershed, a Use I<sup>4</sup> watershed.

This Project 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 proposed 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 of 10,000 square feet. The forest conservation exemption, application # 42015105E was confirmed on December 18, 2014. (Attachment B)

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<sup>4</sup> Use I:

WATER CONTACT RECREATION, PROTECTION OF AQUATIC LIFE. Waters that are suitable for: water contact sports: play and leisure time activities where the human body may come in direct contact with the surface water; fishing; the growth and propagation of fish (other than trout); other aquatic life, and wildlife; agricultural water supply; and industrial water supply.

- f. *provides safe, well-integrated parking, circulation patterns, building massing and, where required, open spaces and site amenities;*

The Project provides adequate, safe, and efficient parking and circulation patterns. The private driveway appropriately functions for vehicular access and 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 station. Private sheltered bike parking is also provided in addition public art.

The Project provides a safe and well-integrated building that is compatible with existing and proposed development on the block, enhancing that relationship with site amenities including public art, wayfinding, and streetscape improvements.

- g. *substantially conforms with the recommendations of the applicable master plan and any guidelines approved by the Planning Board that implement the applicable plan;*

As discussed in the concurrently filed Sketch Plan No. 320150080, the development substantially conforms with the recommendations of the Sector Plan. Specifically, the Site Plan satisfies the Sector Plan's applicable vision themes.

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

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 proposed use will generate fewer than 30 peak-hour trips.

- i. *on a property in a Rural Residential or Residential zone, is compatible with the character of the residential neighborhood; and*

The Property is not located in a Rural Residential or Residential zone.

- j. *on a property in all other zones, is compatible with existing and approved or pending adjacent development.*

The Site Plan is compatible with other uses and other site plans, as well with existing and proposed adjacent development. The proposed 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.

3. *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 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.

#### **ATTACHMENT**

- A. Agency Correspondence
- B. Forest Conservation Exemption

**DPS-ROW CONDITIONS OF APPROVAL**

**June 26, 2015**

**820140090 819 Silver Spring Ave**

Contact: Sam Farhadi at 240 777-6333

Site Plan file “**07-SITE-820140090-002.pdf V2**” uploaded on/ dated “**6/19/2015**” meets our DRC comments. We recommend the followings to be the conditions of certified site plan:

1. The proposed curb extension to be implemented per DPS detail.
2. The applicant to contact Commuter Services (Sande Brecher at (240) 777-8383) to discuss implementation of voluntary Transportation Demand Management measures in conjunction with the Silver Spring Transportation Management District.



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

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](mailto:david.wigglesworth@montgomeryplanning.org) or at (301) 495-4581.

Sincerely,

A handwritten signature in blue ink that reads "David Wigglesworth".

David Wigglesworth  
Sr. Planner  
Development Applications & Regulatory Coordination

CC: 42015105E  
Charles Grimsley (Landmark)