



**MONTGOMERY COUNTY PLANNING BOARD**  
THE 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 10 2015

**RESOLUTION**

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

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 voting in favor.

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

Approved as to  
Legal Sufficiency:

 10/29/15

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:<sup>1</sup>

A. 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:

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

All other elements are illustrative.

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

1. Density

The development is limited to a maximum 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 59-7.3.3.1. 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.

- 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.

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