



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

MCPB No. 17-091
 Site Plan No. 820170100
 Guardian Building
 Date of Hearing: October 19, 2017

NOV 02 2017

RESOLUTION

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

WHEREAS, on May 22, 2017, Guardian building Associates, LLC (“Applicant”) filed an application for approval of a site plan to convert an existing office building into a mixed-use project with up to 142,414 square feet of residential uses for up to 177 multifamily residential units (including 12.5% MPDUs) and up to 7,496 square feet of non-residential development on 0.68 acres of CR 5.0: C 4.0, R 4.75, H 145T zoned-land, located at the southeast corner of the intersection of Georgia Avenue and Cameron Street (“Subject Property”), in the Silver Spring CBD Policy Area and *Silver Spring CBD Sector Plan* (“Sector Plan”) area; and

WHEREAS, Applicant’s site plan application was designated Site Plan No. 820170100, Guardian Building (“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 October 6, 2017, setting forth its analysis and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on October 19, 2017, the Planning Board held a public hearing at which it heard testimony and received evidence on the Application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 820170100 to convert an existing office building into a mixed-use project with up to 142,414 square feet of residential uses for up to 177 multifamily residential units

Approved as to
 Legal Sufficiency:

[Handwritten Signature]
 10/11/17

10. Pedestrian & Bicycle Circulation

- a. The Applicant must provide 85 long-term bicycle parking spaces and 4 short-term bicycle parking spaces. Short-term public bicycle parking must be installed near the main residential entrance to the multifamily building, as shown on the Certified Site Plan.
- b. Secure long-term bicycle parking must be installed, internal to the proposed residential building, for resident and retail employee use, and the public spaces must be inverted-U racks (or approved equal) installed in a location convenient to the main entrance (weather protected preferred). The specific location(s) of the public and private bicycle parking must be identified on the Certified Site Plan.
- c. The Applicant must provide a minimum 6-foot-wide clearance within the sidewalks along the Subject Property frontages on Georgia Avenue and Cameron Street, as shown on the Certified Site Plan.

11. Right-of way dedication

The Applicant must dedicate along Georgia Avenue (MD 97), in a form acceptable to the Maryland State Highway Administration, the necessary dedication to provide a width of 63 feet between the property line and right-of-way centerline in support of the master-planned future right-of-way of 126 feet.

12. Department of Permitting Services

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services- Right-of-Way Permitting and Plan Review Section (MCDPS-RPP) in its letter dated October 19, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

13. Fire and Rescue

The Planning Board accepts the recommendations of the Montgomery County Department of Permitting Services (MCDPS) Fire Code Enforcement Section in its letter dated June 27, 2017, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDPS may amend if the amendments do not conflict with other conditions of Site Plan approval.

Density & Housing

14. Moderately Priced Dwelling Units (MPDUs)

The Planning Board accepts the recommendations of Department of Housing and Community Affairs (DHCA) in its letter dated September 1, 2017, 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 DHCA may amend provided that the amendments do not conflict with other conditions of the Site Plan approval.

- a) The development must provide 12.5 percent MPDUs on-site consistent with the requirements of Chapter 25A and the *Silver Spring CBD Sector Plan*.
- b) Before issuance of any building permit for any residential unit(s), the MPDU agreement to build between the Applicant and DHCA must be executed.

Site Plan

15. Building Height

The development is limited to the maximum height of 138 feet, from the building height measuring point, as illustrated on the Certified Site Plan.

16. Site Design

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

17. Landscaping

- a. Prior to issuance of the final residential Use and Occupancy Certificate, all on-site amenities shown on the Certified Site Plan including, but not limited to, streetlights, sidewalks/pedestrian pathways, hardscape, benches, trash receptacles, bicycle facilities, and recreation amenities must be installed.
- b. Prior to issuance of the final residential Use and Occupancy Certificate, all rooftop amenities must be installed.
- c. The Applicant must install landscaping no later than the next growing season after completion of site work.

18. Lighting

- a. Prior to Certified Site Plan, the Applicant must provide certification to Staff 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. All onsite down-lights must have full cut-off fixtures.
- c. Deflectors will be installed on all fixtures to prevent excess illumination and glare.

- d. On the rooftop of the building, the light pole height must not exceed the height illustrated on the Certified Site Plan.

19. Site Plan Surety and Maintenance Agreement

Prior to issuance of any building permit and Sediment Control 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 as required by Section 59-7.3.4.G.1. of the Montgomery County Zoning Ordinance, with the following provisions:

- a. A cost estimate of the materials and facilities, which, upon 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, recreational facilities, site furniture, mailbox pad sites, trash enclosures, fences, railings, paths and associated improvements.
- c. The bond or surety must be tied to the development program, and completion of all improvements covered by the surety will be followed by inspection and potential reduction of the surety.
- d. The bond or surety must be clearly described within the Site Plan Surety & Maintenance Agreement including all relevant conditions and specific Certified Site Plan sheets depicting the limits of development.

20. Development Program

The Applicant must construct the development in accordance with a development program table that will be reviewed and approved by Staff prior to the approval of the Certified Site Plan.

21. 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 forest conservation exemption letter, development program, Sketch Plan resolution, and Site Plan resolution on the approval or cover sheet(s).
- b. Add a note stating that "Minor modifications to the limits of disturbance shown on the Certified 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."
- c. Address all MCDPS-RPP comments, dated October 19, 2017.
- 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.

- f. No clearing, grading, or demolition of the site prior to Certified Site Plan approval.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of Guardian Building, Site Plan No. 820170100, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that 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:

1. *The development satisfies any previous approval that applies to the site.*

The Site Plan conforms to all bindings elements of Sketch Plan No. 320170080.

2. *The development satisfies 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.

3. *The development satisfies 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 Subject Property's zoning classification on October 29, 2014, was not the result of a Local Map Amendment.

4. *The development satisfies applicable use standards, development standards, and general requirements under the Zoning Ordinance.*

- a. Development Standards

The Subject Property includes approximately 0.68 acres zoned CR-5.0, C-4.0, R-4.75, H-145T. The Application satisfies the applicable development standards as shown in the following data table:

Data Table

Site Plan 820170100 Project Data Table			
Section 59-4	Development Standard	Permitted/Required	Approved
	Net Lot Area (sf)	n/a	15,704
	Previous Dedications (sf)	n/a	14,278
	Gross Tract Area (sf)	n/a	29,982
4.5.4.B.2.b	Maximum Density (CR)	5.0 FAR (149,910 sf)	Up to 5.0 FAR (149,910 sf)
	Non-residential (C)	4.0 FAR (119,928 sf)	Up to 0.25 FAR (7,496 sf)
	Residential (R)	4.75 FAR (142,414 sf)	Up to 4.75 FAR (142,414 sf)
	Dwelling Units	n/a	Up to 177
	MPDUs (% / units)	12.5% / 23 units	12.5% / 23 units
4.5.4.B.2.b	Building Height (feet)	145	138
4.5.4.B.1	Minimum Public Open Space (%)	0%	0%
4.5.4.B.3	Min. Building Setbacks (feet)		
	East Side	0	0
	West Side	0	15
	North Side	0	0
	South Side	0	0
6.2	Parking Spaces, minimum-maximum ¹		
	Residential	177-212	8
	Retail	27-45	0
	Van Accessible Parking	1	1
	TOTAL	204-257	9 ²
	Loading, Car-share, Electric Charging Spaces, Motorcycle & Bicycle		
	Loading	1	1
	Bicycle-Public (short-term)	4	4
	Bicycle-Private (long-term)	85	85

¹The Project is located within the Silver Spring Parking District and will be subject to the parking district tax regulations in lieu of providing the full minimum parking.

²In addition to the 9 code-complaint spaces provided, the Applicant will provide an addition 15 parking spaces with 6 sets of vertically stacked spaces (12 total) and 3 smart car spaces. The vertically stacked spaces and smart car spaces are not defined in the Zoning Ordinance and both are smaller than the standard sized spaces. The staked spaces are slightly shorter than compact spaces, but at a 20% maximum, it would only amount to a single space. Therefore, only the 9 code-compliant parking spaces are counted towards the parking provided, except to qualify for public benefit points all available spaces, including the non-code compliant spaces are considered.

Section 4.5.4.B.4 - Form Standards

The Site Plan conforms to the intent of the form standards, including transparency, blank walls and active entrances. The Project provides

significant glass features at the ground-level for transparency as well as activating features on the ground-floor level, including street activating retail uses along Georgia Avenue and Cameron Street. The Project will improve upon the existing street frontages along Georgia Avenue and Cameron Street adjacent to the Property, through wide sidewalks and attractive streetscaping features, while removing existing obstructions in the pedestrian zone, providing connectivity improvements that improve the safety and character of the existing streets. As conditioned, the exterior architectural character, proportion, materials, and articulation must be substantially similar to the schematic elevations shown on the architectural drawings included in the Certified Site Plan, as determined by Staff.

i. *Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59-4.7.1, the Site Plan provides the following public benefits to satisfy the requirements: Transit Proximity; Connectivity and Mobility; Quality Building and Site Design; Protection and Enhancement of the Natural Environment; and Building Reuse.

Transit Proximity

The Property is located within ¼- ½ mile of the Silver Spring Metro Station, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. The Board approves 30 points as suggested in the 2015 *Commercial/Residential Zones Incentive Density Implementation Guidelines* (CR Guidelines).

Connectivity and Mobility

Minimum Parking: The Project provides 24 parking space, although only 9 meet the Zoning Ordinance standards, fewer than the maximum number of parking spaces permitted under the Zoning Ordinance. In addition to the 9 code-complaint spaces provided, the Applicant will provide an additional 15 parking spaces with 6 sets of vertically stacked spaces (12 total) and 3 smart car spaces. The Applicant requests 10 points. The layout of the parking garage is depicted in the architectural plans and will be included in the Certified Site Plan. The Board approves the Applicant's request.

Quality of Building and Site Design

Architectural Elevations: The Applicant requests 10 points for providing architectural elevations as part of the certified site plan showing particular elements in the façade including maximizing the amount of transparency on the first floor, minimal spacing between operable doors, and design priorities of the applicable master plan or implementing design guidelines. Although the footprint of the building is predetermined by the existing building, the

massing of this footprint has been modulated on Georgia Avenue by introducing an oriel bay window at the southwest corner. The transition between the existing 6-stories and the new 5-stories is articulated with a row of recessed balconies at the seventh floor along Cameron Street. Due to the existing grades of the sidewalks and the existing first floor slab, all entrances will be on Cameron Street. The service doors have been located at the eastern end, while the retail and building entrance are located closer to Georgia Avenue. The large amount of storefront at the ground floor will enhance the pedestrian experience by showcasing the activity behind the storefront and the lighting that these spaces will provide. The entry tower element and ribbon windows incorporate a unique aesthetic that is a playful reinterpretation of the Art Deco design that Silver Spring was notable for, while the horizontal motif of solid/void is also unusual from the majority of buildings in the Silver Spring CBD. The architectural facade utilizes unique colors, textures, and materials to articulate an 11-story building with a large footprint. The Board approves the Applicant's request.

Exceptional Design: The Applicant requests 5 points for building or site design that enhances the character of a setting. Per the CR Guidelines, incentive density of 5 points is appropriate for development that meets four of the guideline criteria. The Applicant asserts that the Project provides innovative solutions in response to the immediate context; creates a sense of place and serves as a landmark; enhances the public realm in a distinct and original manner; and introduces materials, forms, or building methods unique to the immediate vicinity or applied in a unique way. The Board approves 5 points for this benefit:

- Providing innovative solutions in response to the immediate context: The street level of several buildings in the immediate area have architectural barriers at the ground floor level on Georgia Avenue that discourage retail activity and are not conducive to pedestrian traffic. The Applicant made a decision to provide a dramatic double height glass storefront along Georgia Avenue and Cameron Street to activate this prominent corner and to create visual interest and special relationships between the pedestrian and Project. This design will help to continue the revitalization of the Georgia Avenue corridor by adding desirable retail space and improving the pedestrian experience.
- Creating a sense of place that serves as a landmark: The adaptive reuse of the building gives life to an under-utilized office building, creating a new sense of place and provides an opportunity to embrace past designs while looking to the future. By transforming the existing 6-story building into a mixed use, 11-story building, the Project creates a relationship between design and sustainability. The design approach

utilizes unique colors, textures, and materials to articulate an 11-story building with a large footprint. The rich colors have a contrast to the beige/light tan palette prevalent on the surrounding buildings. The entry portal and bay is intended to serve as the building's iconic image. The retention and conversion of the existing office building to multifamily residential uses with updated ground-floor retail is both market responsive and environmentally sensitive. The reuse, rather than redevelopment, of the existing office building provides environmental benefits, enhancing the Core of Silver Spring.

- Enhancing the public realm in a distinct and original manner: The existing building is underused and mostly vacant. The building's black curtainwall glass detracts from the Silver Spring's successful steps to make its major thoroughfares more vibrant and urban. The Project's design approach proposes to re-clad the facades at the notable intersection of Georgia Avenue and Cameron Street, which provides an opportunity to create something interesting where there is presently unexceptional architecture.
- Introducing materials, forms or buildings methods unique to the immediate vicinity or applied in a unique way: The building uses unique colors and textures to help add visual interest to the character of downtown Silver Spring. Dark textured brick was chosen as a field color. The tone is tempered with flourishes of lighter accents such as the brick window surrounds, Glass Fiber Reinforced Concrete (GFRC) belt course, GFRC vertical bands and metal panels with a slight patina or a stainless steel finish. Steps were taken to soften the scale of the two large main facades through massing and articulation. The transition from existing to new structure was punctuated through recessed terraces on Cameron Street to disguise the planar offset between the existing and new floors. The entrance tower element helps to soften the scale of a long facade and provides Cameron Street with distinct image. On Georgia Avenue, the approach was to use the massing of the bay and balconies as a way to add depth and variety to the streetscape of mostly flat facades. The projecting balconies wrap the corner of the building and their railings visually tie together the railings of the recessed balconies on Cameron Street.

Public Open Space: The Applicant initially requested 7 points for providing 1,174 square feet of public open space (no open space is required) as an extension of the sidewalk from the right-of-way to the building along the Georgia Avenue frontage. However, in order to meet Sector Plan conformance of a minimum right-of-way of 126 feet along Georgia Avenue, the Applicant will be dedicating the additional right-of-way along Georgia Avenue, in a form acceptable to the Maryland State Highway Administration.

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

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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 Cichy, seconded by Commissioner Fani-González, with Chair Anderson, Vice Chair Dreyfuss, and Commissioners Fani-González, Cichy, and Patterson voting in favor at its regular meeting held on Thursday, October 19, 2017, in Silver Spring, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board