



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

MCPB No. 17-090
Sketch Plan No. 320170080
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 sketch plan applications; and

WHEREAS, on April 10, 2017, Guardian Building Associates, LLC (“Applicant”) filed an application for approval of a sketch plan to convert an existing office building into a mixed-use project with up to 142,414 square feet of residential uses 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 sketch plan application was designated Sketch Plan No. 320170080, Guardian Building (“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 October 6, 2017, setting forth its analysis and recommendation for approval of the Application subject to certain binding elements and conditions (“Staff Report”); and

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

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

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Sketch Plan No. 320170080, Guardian Building, to convert an existing office building

Approved as to
Legal Sufficiency:

M-NCPPC Legal Department
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into a mixed-use project with up to 142,414 square feet of residential uses and up to 7,496 square feet of non-residential development on the Subject Property, subject to the following binding elements and conditions:¹

A. Binding Elements. The following site development elements 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 and extent of public open space;
4. General location of vehicular access points; and
5. Public benefit schedule.

All other elements are illustrative.

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

1. Density

The Sketch Plan is limited to a maximum of 149,910 square feet of total development on the Subject Property.

2. Height

The development is limited to a maximum height of 145 feet, as measured from the building height measuring point, as illustrated on the Certified Site Plan.

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 at the time of Site Plan. Total points must equal at least 100 and be chosen from at least four categories as required by Section 59-4.5.4.A.2. 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 location within 1,200 feet of the Silver Spring Metro Station;
- b. Connectivity and Mobility, achieved through minimum parking;
- c. Quality of Building and Site Design, achieved through architectural elevations, exceptional design, public open space, and structured parking;
- d. Protection and Enhancement of the Natural Environment, achieved through building lot terminations; and
- e. Building reuse.

¹ 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.

4. Building Lot Terminations (BLTs)

Prior to release of any building permit, the Applicant must provide proof of purchase and/or payment for the required BLTs.

5. Transportation

The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated June 9, 2017 (as amended via e-mail dated October 19, 2017), and hereby incorporates them as conditions of the Sketch Plan approval. The Applicant must comply with each of the recommendations as set forth in the letter, which may be amended by MCDOT, provided that the amendments do not conflict with other conditions of the Sketch Plan approval.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations 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 and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that:

1. *The Sketch Plan meets the objectives, general requirements, and standards of 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 data table below demonstrates the Application's conformance to the applicable development standards of the zone.

Project Data Table for the CR5.0 C4.0 R4.75 H145T Zone		
Development Standard Section 59 – 4.5.4	Permitted/Required	Approved
Gross Tract Area (sf)	n/a	29,982
Maximum Density (CR) <i>Non-residential (C)</i> <i>Residential (R)</i>	5.0 FAR (149,910 sf) 4.0 FAR (119,928 sf) 4.75 FAR (142,414 sf)	Up to 5.0 FAR (149,910 sf) Up to 0.25 FAR (7,496 sf) Up to 4.75 FAR (142,414 sf)
Building Height (feet)	145'	145'
Minimum Public Open Space (%) of Net Lot	0%	7% (1,174 sf)
Parking (spaces)		

Multi-family	Minimum 1 space/unit; Maximum 1 space/studio, 1.25 space/one bedroom, 1.5/two bedroom	TBD at Site Plan
Retail/service establishment	Minimum 3.5 space/1,000 sf GLA; Maximum 6 space/1,000 sf of GLA	TBD at Site Plan

The Application will provide the minimum required number of bicycle parking spaces within the building, which will be determined at the time of Site Plan. The final number of vehicular parking spaces will be determined at Site Plan based on the residential units and retail square footage.

2. *The Sketch Plan substantially conforms to the recommendations of the Sector Plan.*

The Project lies within the “Core” revitalization area of the 2000 *Silver Spring CBD Sector Plan*. “The Core will be rejuvenated as Silver Spring’s varied and active town center, with housing, office, and retail development in a pedestrian-friendly environment, enhanced with parks and open spaces.” (Sector Plan, p. 36) The Project’s conversion of under-utilized office space to vibrant multifamily residential uses with street-activating non-residential uses in close proximity to the Silver Spring Metro Station will help enhance the Core area of Silver Spring. The Project provides minimal on-site vehicular parking, supporting the use of transit, bicycles, and walking in lieu of automobile transportation. 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, and providing connectivity improvements that improve the safety and character of the existing streets.

The Sector Plan is organized around six themes, which are applicable to the Project, including transit-oriented downtown, commercial downtown, residential downtown, civic downtown, green downtown, and pedestrian friendly downtown. (Sector Plan, pp. 14-25)

Transit-Oriented Downtown

The Sector Plan identifies Silver Spring as a transportation center where regional train, bus, road and trail systems come together. (Sector Plan, p. 13) The Project will be less than a mile walking distance from the Silver Spring Metro and from the multi-modal Paul S. Sarbanes Transit Center that includes the MARC commuter rail station, WMATA Metrobus, Montgomery County Ride-On Bus service, and the University of Maryland bus. A future

Purple Line stop will be located near the Silver Spring Metro Station. The Project limits on-site parking to discourage the use of single-occupancy vehicles by residents, employees, and patrons. The existing bus stop along the Property's frontage is heavily used and will serve future residents, employees and patrons of the Project. Additionally, Bus Rapid Transit (BRT) is proposed along Georgia Avenue with a station to be established in the vicinity of the Georgia Avenue and Cameron Street intersection. The potential for BRT service at the doorstep of the Project will enhance the Sector Plan's transit-oriented vision for Downtown Silver Spring. Lastly, the Applicant will restripe Cameron Street for a bike lane to the extent required, which will encourage an additional mode of transportation to and from the Project.

Commercial Downtown

The Sector Plan's commercial downtown theme seeks to create a rejuvenated mix of commercial uses that will combine with housing and civic uses, all linked to the area by transit, to create a complete and active downtown (Sector Plan, p. 18).

"Silver Spring's location, infrastructure, and position in the metropolitan area market will continue its role as an employment center. New retail development will serve the local community with a mix of chain and independent businesses offering convenience and specialty shopping, restaurants and entertainment" (Sector Plan, p.18).

The Plan is quite specific throughout its text regarding the Core, which includes the Property, noting its objective "to recreate the Core as the active center of downtown Silver Spring, ensuring that development contributes to the Plan's vision for downtown Silver Spring" (Sector Plan, p. 4). The location of the Property in the Core of the CBD makes it an appropriate candidate for a mixed-use project. The Project's conversion of a largely vacant and significantly underutilized office building in the Core will result in 7,496 square feet of ground floor commercial uses at the Property. The ground floor commercial uses will activate the street. The addition of up to 177 multifamily residential units will create activity at this prominent corner.

Residential Downtown

The Sector Plan's residential downtown theme seeks to create a mix of housing choices supported by parks, shopping, cultural, civic and employment uses with transit. "CBD housing choices will offer size, ownership, and location options to old and young, families and singles. Expanding the residential population will build a community that uses and supports the

CBD” (Sector Plan, p. 19). The Project will create up to 177 multifamily dwelling units with associated amenities, including a variety of housing options through provision of both market-rate units and MPDUs in an array of unit sizes. The Property’s transit-oriented and pedestrian-friendly context is ideally situated for multifamily residential uses, and will contribute to the Sector Plan’s vision for a residential downtown.

Civic Downtown

“Civic spaces are formal or informal, large or small, public or private-anywhere people meet, cross paths, and gather. From sidewalks to plazas, Silver Spring should have a variety of civic spaces” (Sector Plan, p. 21). The Project proposes open space along the Property’s Georgia Avenue frontage, as an extension of the sidewalk area. The Applicant will also make streetscape improvements as necessary along the Georgia Avenue and Cameron Street frontages to contribute to the public realm and promote pedestrian-friendly activities at the Property. The use of transparent glass at the ground floor, along with public use space and streetscape improvements, will help to promote a civic downtown.

Green Downtown

The green downtown theme of the Plan envisions shaded, tree-lined streets and well placed green parks and plazas, creating a comprehensive system of open spaces that provide economic, environmental and aesthetic benefits throughout downtown (Sector Plan, page 22). The adaptive reuse of an existing office building provides environmental benefits. The adaptive reuse of the building minimizes the need for demolition, new excavation and soil disturbance. The adaptive reuse of the existing building will require fewer materials for construction, less energy use than new construction, and reduce the need to transport materials to and from the site in connection with the Project’s development.

Although, reuse of the existing office building will eliminate the impact of increased stormwater runoff from redevelopment of the Property, the redevelopment offers a rare opportunity to improve the sites impact on water quality while also offering benefits to the owners, tenants, local community, and neighborhood streams. Although the Department of Permitting Services does not require stormwater management for this Project, the Sector Plan states that, among numerous other references excerpted below, “Stormwater management is the most important environmental issue to address in the Silver Spring CBD” (Sector Plan, p. 143). The Sector Plan also recommends

the incorporation of innovative stormwater management, which has progressed significantly since the adoption of the Sector Plan.

To address the Sector Plan recommendations, the Site Plan will require a system on the roof area that is designed to slow the flow of stormwater release from the rooftop. The system must address the downspout connections from the upper roof surfaces and may consist of planter based containers which include plantings such as horsetails and/or other appropriate plant material. As conditioned, the Project furthers the Sector Plan's vision for a green downtown.

Pedestrian-Friendly Downtown

The pedestrian-friendly downtown theme of the Plan encourages the development of active streets and sidewalks, busy with people walking to shop, commute, or for pleasure. The Plan states "An urban area's greatest economic asset and strongest physical definition comes from its pedestrian environment" (Sector Plan, page 24). Pedestrian circulation will be enhanced by new sidewalks along both street frontages, replacing the existing sidewalks. These improvements will help to reduce pedestrian and vehicular conflicts and will increase the efficiency of vehicular circulation in the area. The addition of street activating commercial uses with public open space and streetscape improvements will promote pedestrian-friendly activities at the Property and the Project's proximity to transit and restrained parking supply will encourage greater use of transit, bicycles, and walking.

3. *The Sketch Plan satisfies, under Section 7.7.1.B.5 of the Zoning Ordinance, the binding elements of any development plan or schematic development plan in effect on October 29, 2014.*

The Sketch Plan is not subject to a development plan or schematic development plan.

4. *The Sketch Plan achieves compatible internal and external relationships between existing and pending nearby development.*

The building is compatible in height and scale with the existing and pending nearby development in the downtown Silver Spring area. The Project's building height provides an appropriate relationship to the existing and future development, including the mixed-use project approved for 8621 Georgia Avenue to the south, the existing office buildings located immediately to the north and east, and both the high-rise buildings and low-rise retail buildings across Georgia Avenue to the west. The Project achieves

compatibility with the building heights and the street edge already established by the surrounding development.

5. *The Sketch Plan provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.*

The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading. The Project appropriately locates activating pedestrian uses along the Georgia Avenue and Cameron Street frontages. The service doors have been located at the eastern end on Cameron Street, 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. Vehicular and loading access will be from Cameron Street. All of the parking for the Project will be located underground.

6. *The Sketch Plan proposes an outline of public benefits that supports the requested incentive density and is appropriate for the specific community.*

Under Section 59.4.7.1.B, in approving any incentive FAR based on the provision of public benefits, the Planning Board must consider:

1. the recommendations of the applicable master plan;
2. *CR Zone Incentive Density Implementation Guidelines*;
3. any design guidelines adopted for the applicable master plan area;
4. the size and configuration of the site;
5. the relationship of the site to adjacent properties;
6. the presence or lack of similar public benefits nearby; and
7. enhancements beyond the elements listed in an individual public benefit that increase public access to, or enjoyment of, the benefit.

The Planning Board finds that the public benefits proposed by the Applicant as set forth in the following table are appropriate in concept and appropriate for further detailed review. Final determination of public benefit point values will be determined at Site Plan(s).

Public Benefits		
Public Benefit	Incentive Density Points	
	Max Allowed	Requested
59-4.7.3B: Transit Proximity	50	30
59-4.7.3C: Connectivity and Mobility		
Minimum Parking	10	10

59-4.7.3E: Quality of Building and Site Design		
Architectural Elevations	20	10
Exceptional Design	10	5
Structured Parking	20	20
Public Open Space	20	7
59-4.7.3F: Protection and Enhancement of the Natural Environment		
BLTs	30	1
59-4.7.3G: Building Reuse	100	90
TOTAL		173

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 Applicant is requesting 30 points as suggested in the 2015 *Commercial/Residential Zones Incentive Density Implementation Guidelines* (CR Guidelines).

Connectivity and Mobility

Minimum Parking: The Applicant requests 10 points for providing fewer than the maximum allowed number of parking spaces. Points for this incentive are granted on a sliding scale from no points for providing the maximum allowable number of on-site spaces to 10 points for providing no more than the minimum numbers of spaces on site. The maximum allowable number of on-site spaces is 257, and the Applicant is proposing to provide 24 parking spaces, although only 9 meet the Zoning Ordinance standards. The Project is also 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.

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 minimum amount of transparency on the first floor, minimal spacing between operable doors, and design priorities of the applicable master plan or implementing design guidelines. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights. Further details and refinement to support Applicant’s request will be provided at the time of Site Plan.

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 at least 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 Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, and heights. Further details and refinement to support Applicant's request will be provided at the time of Site Plan.

Structured Parking: The Applicant requests 20 points for structured parking that will be below grade. The Application provides all parking spaces in a below-ground parking garage with final parking counts to be determined at Site Plan.

Public Open Space: The Applicant requests 7 points for providing public open space (no open space is required). Points for this incentive are granted on a sliding scale based on the percentage of the net lot area. The conceptual layout provides 1,174 square feet of open space as an extension of the sidewalk along the Georgia Avenue frontage.

Protection and Enhancement of the Natural Environment

Building Lot Termination (BLT): The Applicant requests 1 point for the purchase of BLT easements to be purchased or equivalent payment made for every 31,500 square feet of gross floor area comprising the 7.5% incentive density floor area. Points are granted by the calculation of BLTs as provided in Section 59-4.7.3.F of the Zoning Ordinance.

Building Reuse

Up to 100 points may be granted to development that (a) maintains 75% of the structural system of the existing building; (b) uses an architectural deconstruction company or organization to remove recyclable materials prior to any demolition; and (c) submits documentation showing compliance with these criteria before the County issues a building permit for a new development. The Project will retain the existing office building built in the 1950's (approximately 71,653 sq. ft.) for conversion to multifamily residential units. The Project will retain 75% of the structural system of the existing building, and ensure that an architectural deconstruction company is used to remove reusable and recyclable materials before any demolition. The Applicant requests 90 public benefit points for building reuse and further details and refinement will be provided at the time of Site Plan.

7. The Sketch Plan establishes a feasible and appropriate phasing plan for all structures, uses, rights-of-way, sidewalks, dedications, public benefits, and future preliminary and site plan applications.

The Project will be built in one phase.

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 binding site development elements shown on the latest version of the Guardian Building, Sketch Plan No. 320170080, received by 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 this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is NOV 02 2017 (which is the date that this Resolution is mailed to all parties of record); and

* * * * *

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 Vice Chair Dreyfuss, 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, Chairman
Montgomery County Planning Board