



MCPB  
Item No.  
Date: 10/19/2017

## Guardian Building, Sketch Plan No. 320170080 and Site Plan No. 820170100

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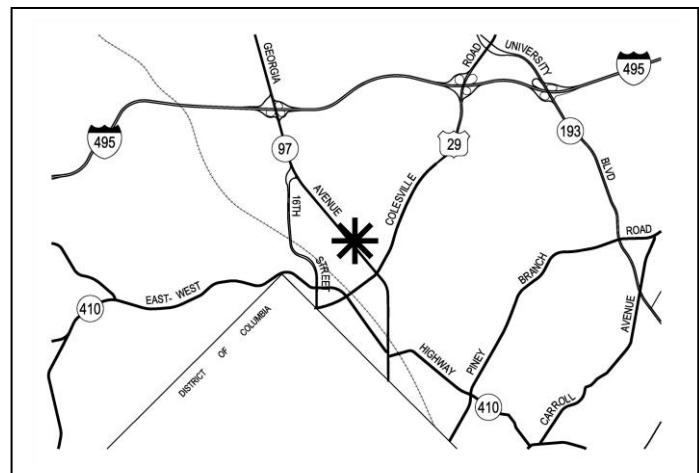
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Completed: 10/6/2017

### Description

- Sketch Plan: 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;
- Site Plan: 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;
- Current use: office building;
- Located at the southeast corner of the intersection of Georgia Avenue and Cameron Street;
- 0.68 gross acres zoned CR 5.0: C 4.0, R 4.75, H 145T in the *Silver Spring CBD Sector Plan*
- Applicant: Guardian Building Associates, LLC;
- Sketch Plan Acceptance date: April 10, 2017;
- Site Plan Acceptance date: May 22, 2017.



### Summary

- In accordance with Section 59.7.3.4.C of the Zoning Ordinance, the Sketch Plan and Site Plan received a Planning Director extension to public hearing, postponing the hearing date from September 14, 2017, to October 19, 2017.
- The Applicant is requesting a waiver of the bicycle parking facility design, which Staff supports.
- The Applicant originally requested a waiver from the required number of long-term bicycle parking, but is no longer requesting this waiver.
- The development proposes the reuse and conversion of the existing 6-story office building on the Property into an 11-story, mixed-use building with public benefits including building reuse, minimum parking, exceptional design, and structured parking.
- The proposed Project is on a recorded lot; therefore, a Preliminary Plan is not required.
- Staff has not received any correspondence from community groups or citizens as of the date of this report.
- Staff recommends approval of the Guardian Building Sketch Plan and Site Plan with conditions.

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## SECTION 1: RECOMMENDATION AND CONDITIONS

### Sketch Plan 320170080

Staff recommends approval of the Guardian Building, Sketch Plan No. 320170080, to reuse and convert the existing 6-story office building on the Property into an 11-story, mixed-use project for up to 142,414 square feet of residential uses and up to 7,496 square feet of non-residential development on 0.68 acres, zoned CR 5.0, C 4.0, R 4.75, H 145T. The following site development elements shown on the Sketch Plan stamped "Received" by the M-NCPPC on June 23, 2017, are binding under Section 59-7.3.3.F:

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 of the Sketch Plan are illustrative and subject to refinement at the time of Site Plan.

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.
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.

## **SITE PLAN 820170100**

Staff recommends approval of Site Plan 820170100 to reuse and convert the existing 6-story office building on the Property into an 11-story, mixed-use project for up to 142,414 square feet of residential uses, with up to 177 multifamily residential units (including 12.5% MPDUs) and up to 7,496 square feet of non-residential development on approximately 0.68 gross acres in the CR 5.0, C 4.0, R 4.75, H 145T Zone. 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.

### **Conformance with Previous Approvals**

1. Sketch Plan Conformance

The development must comply with the binding elements and conditions of approval for Sketch Plan No. 320170080.

### **Environment**

2. Vegetated Roof-Water Quality

Prior to Certified Site Plan approval, the Applicant must revise the plans to show 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 to be approved by Staff.

3. Tree Save

The Applicant must make good faith efforts to appropriately protect the 17" DBH Zelkova tree fronting the site along Georgia Avenue. However, if the tree is excessively impacted and/or removed in association with the construction activities (including access and staging), a replacement tree of the same species shall be provided in coordination with Maryland State Highway Administration (MDSHA). Prior to installing the tree, the Applicant must provide or expand the continuous soils panels per the streetscape standards.

4. Noise Attenuation

- a. Prior to issuance of a building permit, the Applicant must provide Staff with certification from an engineer specializing in acoustics that the building shell has been designed to attenuate projected exterior noise levels to an interior level not to exceed 45 dBA Ldn.
- b. The Applicant must provide a signed commitment to construct the units in accord with these design specifications, with any changes that may affect acoustical performance approved by the engineer and Staff in advance of installation.
- c. After construction is complete, and prior to issuance of final residential occupancy permits, the Applicant must provide staff with a certification from an engineer specializing in acoustics confirming that the dwelling units were constructed in accord with the approved specifications for noise attenuation.
- d. If the plan changes in any manner that affects the validity of the noise analysis for acoustical certifications and noise attenuation features, the Applicant must update the noise analysis to reflect the revised plans, and new noise attenuation features may be required.

### **Open Space, Facilities and Amenities**

5. Public Open Space, Facilities, and Amenities

- a. The Applicant must construct the streetscape improvements including but not limited to paving,

streetscape, streetlights along the Subject Property's frontage on Georgia Avenue and Cameron Street as shown on the Certified Site Plan.

- b. Prior to the issuance of final residential Use and Occupancy certificate, all streetscape on the Subject Property's frontages must be completed.

6. Recreation Facilities

- a. Prior to Certified Site Plan approval, the Applicant must demonstrate conformance with the M-NCPPC Recreation Guidelines.
- b. The Applicant must provide, at a minimum, the following recreation facilities on-site: picnic/sitting areas, an indoor community space, and an indoor exercise room, as shown on the Certified Site Plan.

7. Maintenance of Public Amenities

The Applicant is responsible for maintaining all publicly accessible amenities on the Subject Property including, but not limited to pedestrian pathways, landscaping, hardscape, and publicly accessible recreation facilities.

8. Public Benefits

The Applicant must provide the following public benefits and meet the applicable criteria and requirements of the Zoning Ordinance and the 2012 *CR Zone Incentive Density Implementation Guidelines* for each one:

- a. Transit Proximity  
The Subject Property is located within one-quarter mile to one-half mile of the Silver Spring Transit Center and Metro Station, which allows the development to be eligible for Level 1 transit as defined in the Zoning Ordinance. Final distance calculations must be included on the Certified Site Plan.
- b. Connectivity and Mobility
  - i. Minimum Parking  
The Applicant must not construct more than 24 parking spaces, 9 of which are code-complaint parking spaces.
- c. Quality Building and Site Design
  - i. Architectural Elevations  
Final elevation design must be shown on the Certified Site Plan. The exterior architectural elements must be substantially similar to architectural elevations shown on the submitted architectural drawings, as determined by M-NCPPC Staff.
  - ii. Exceptional Design  
The Applicant must construct the building in a manner consistent with the architectural elevations included in the Certified Site Plan.
  - iii. Structured Parking  
The Applicant must provide structured 24 parking spaces (9 of which are code-compliant) in a below-grade structure as necessary to achieve 20 public benefit points using the following formula from the *Implementation Guidelines*:  $[(A/P)/(A/R)]*10$ , where A=the maximum allowed spaces, R=the minimum required spaces, and P=the proposed spaces.
- d. Protection and Enhancement of the Natural Environment
  - i. Building Lot Terminations  
Prior to issuance of the any above-grade building permit (excluding demolition), the Applicant must provide proof of purchase and/or payment equivalent to 0.19 of BLTs to the MCDPS.
- e. Building Reuse
  - i. Prior to any demolition, the Applicant must use an architectural deconstruction company or organization to remove recyclable materials and submit documentation to M-NCPPC Staff and

- MCDPS evidencing that an architectural deconstruction company or organization to remove recyclable materials was used.
- ii. Prior to issuance of any building permit, the Applicant must submit documentation to M-NCPPC Staff showing compliance with the Retained Building criteria in Section 59-4.7.3.G of the Zoning Ordinance.

## **Transportation & Circulation**

### **9. Transportation**

- a. Prior to issuance of building permit, the Applicant must enter into a Traffic Mitigation Agreement (TMAg) with the Planning Board and MCDOT to participate in the Silver Spring Transportation Management District (TMD).
- b. As shown on the Certified Site Plan, the Applicant must install a stop bar pavement marking for egress movements out of the garage onto the private driveway. All pavement markings must comply with the 2011 Maryland Manual for Uniform Traffic Control Devices.

### **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 August 16, 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 August 16, 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.



## SECTION 2: SITE DESCRIPTION

### Site Vicinity and Analysis

The subject site (Subject Property or Property) is located at 8605 Cameron Street, at the southeast corner of the intersection of Georgia Avenue and Cameron Street. The Property has a tract area of approximately 29,982 square feet and is zoned CR-5.0, C-4.0, R-4.75, H 145T.



Figure 1-Aerial View

The Subject Property is located in the Silver Spring Central Business District (CBD) and is within the area encompassed by the *Silver Spring CBD Sector Plan* (Sector Plan). The Property is located within 1,200 feet of the Silver Spring Metro Station and falls within the Silver Spring Parking Lot District (PLD).

The Property is improved with a largely vacant, 6-story office building with ground-floor retail space and is known as the Guardian Building, that was constructed in the 1950s. The Property has frontage on both Georgia Avenue and Cameron Street.

The site contains no forest, streams, wetlands, or environmental buffers. There are no known rare, threatened, or endangered species on site; there are no 100-year floodplains, stream buffers, or wetlands on site. There are no historic properties on site.

### Surrounding Uses

The Property is surrounded by a mix of commercial, office, retail and residential uses. Directly to the east is an office building with surface and structured parking facilities. To the north across Cameron Street on the east side of Georgia Avenue is an office building and further north is a Sheraton Hotel. To the east of the Property is the Cameron apartments and the United Therapeutics corporate headquarters. A high-rise office building and several low-scale retail buildings are located across Georgia Avenue to the west of the Property.

## SECTION 3: PROJECT DESCRIPTION

### Proposal

#### Uses and Density

The Sketch Plan and Site Plan applications propose to redevelop the Property with up to 142,414 square feet of residential uses with up to 177 residential units, including 12.5% MPDUs, and up to 7,496 square feet of ground floor non-residential uses.

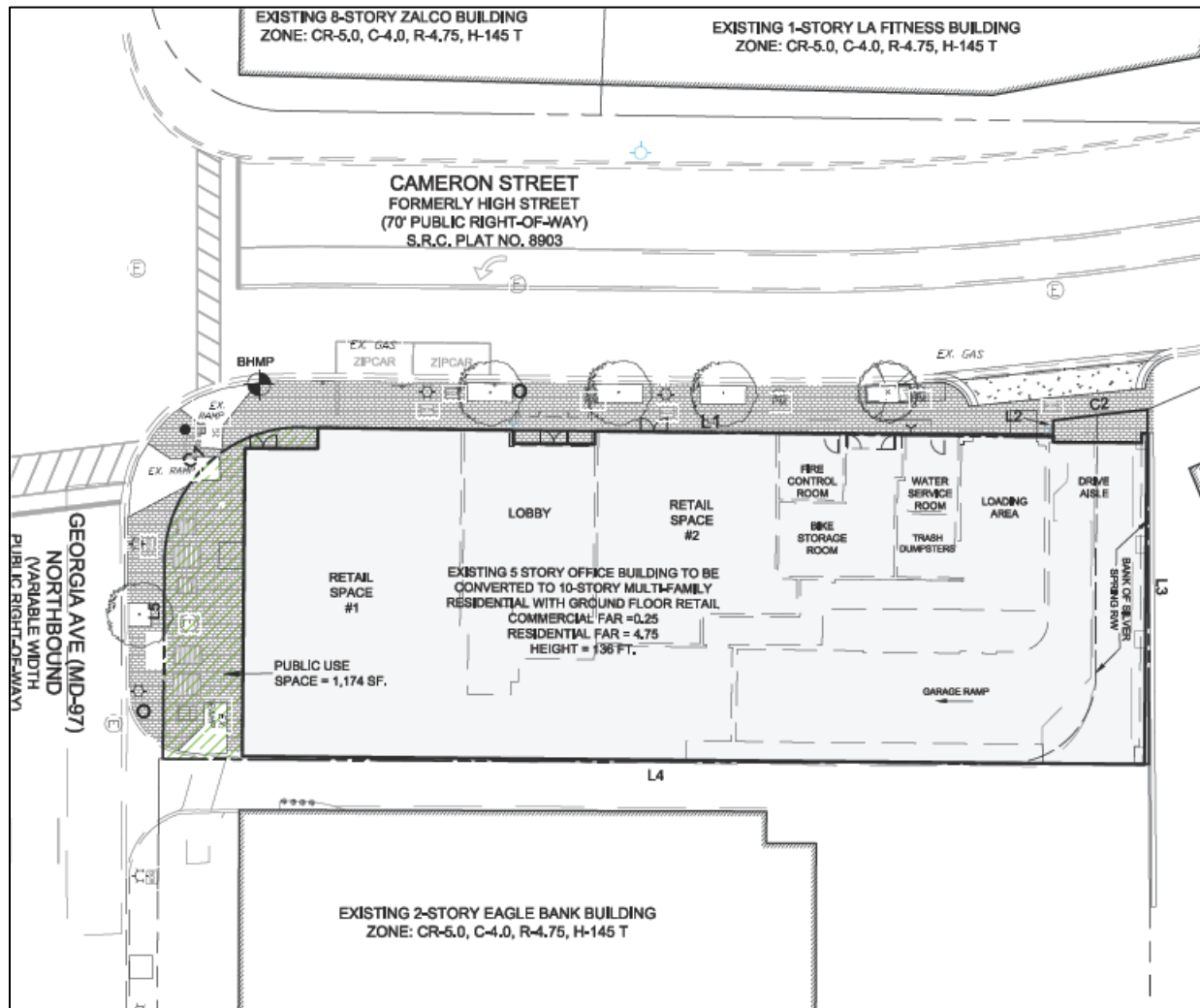


Figure 2-Proposed Sketch Plan



## Buildings

The Project proposes the reuse and conversion of the existing 6-story office building on the Property into an 11-story, 177-unit, multi-family building with ground floor non-residential uses, and one level of private underground parking. The Applicant proposes 24 parking spaces, 9 of which are code-complaint parking spaces. The additional 15 parking spaces with 6 sets of vertically stacked spaces (12 total) and 3 smart car spaces are not defined in the Zoning Ordinance and both are smaller than the standard sized spaces. The stacked 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. All 24 parking spaces are proposed within a new garage to be excavated below the existing building. The first floor will remain retail and will include a lobby for the residents. The penthouse level will provide outdoor space and interior amenity space for the residents.

The existing facades on Georgia Avenue and Cameron Street will be re-skinned with a combination of face brick, oversized brick accents, ribbon windows, and curtain wall. The same treatment will extend through the additional five floors above. Along Cameron Street, the building facade will be modulated with recessed balconies at the transition between the existing structure and the new floors. A projected bay on Georgia Avenue will increase interest to what is essentially the end of the building, facing the prominent Georgia Avenue corridor. The base of the building is primarily glass, which will allow for large retail displays or restaurant views that activate the street level. The Project will also include a glass canopy along the building's entrance at the ground floor level. The penthouse structure is clad in metal panels and these same metal panels extend down the face of the building on Georgia Avenue. The existing brick on the south and east facades (interior lot lines) will be painted while the new brick on the added floors may incorporate a combination of painted and unpainted bricks creating a texture and contrast between the new and the old floors.



*Figure 3- Illustrative Elevations-Corner of Georgia Avenue and Cameron Street*



*Figure 4- Illustrative Street of Cameron Street from Georgia Avenue*

Portions of the existing building's upper levels project into the right-of-way on Cameron Street. However, as the building is planned to remain and the projections are relatively shallow (5-10 inches), Staff requested that these projections be demarcated on drawings included with the submittal, but no mitigation will be required to move forward with the Project as the projections are an existing condition (Figure 5).



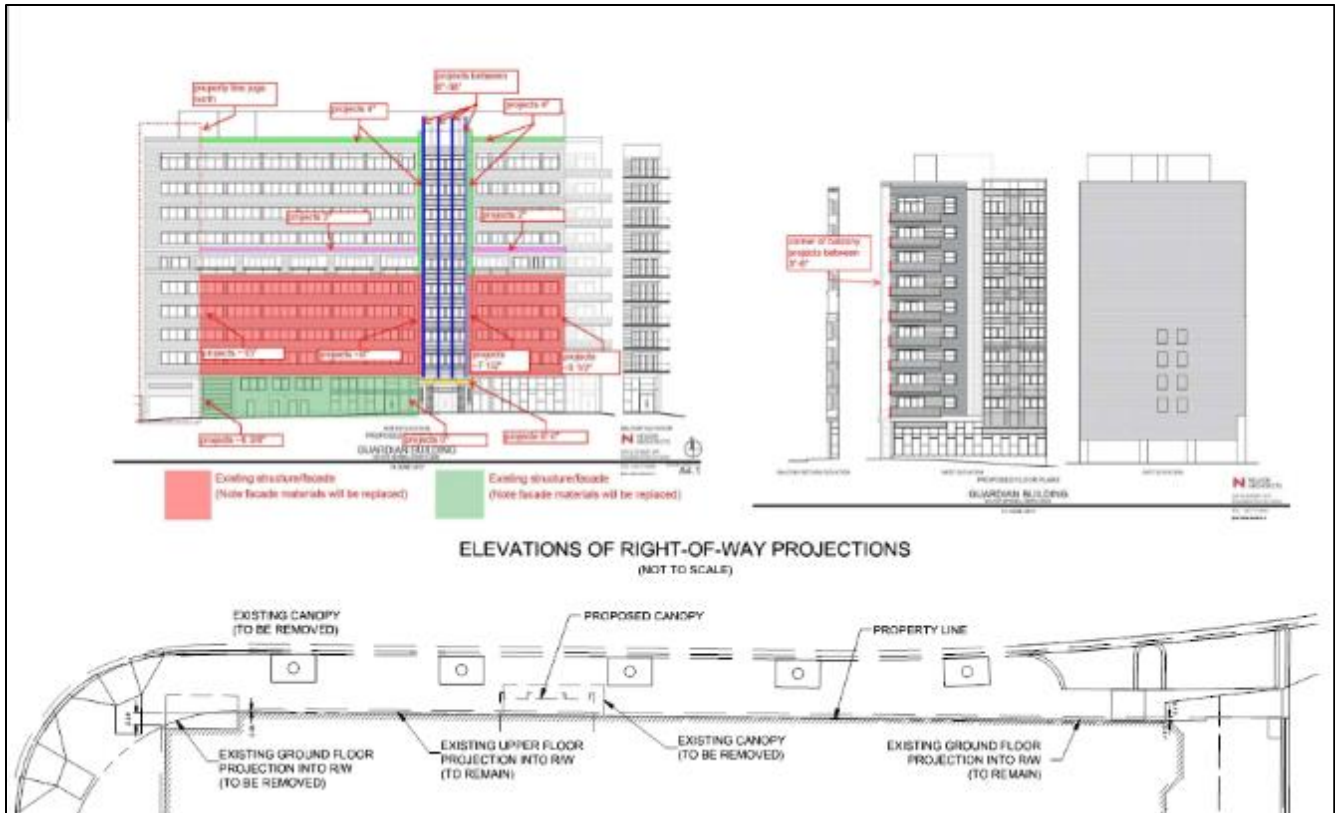


Figure 5: Existing building Right-of-way projections on Cameron Street

The Project will provide streetscape improvements along the Property's frontages on Georgia Avenue and Cameron Street, consistent with the Silver Spring Streetscape Standards.

### Open Space

As the lot area for the Property is under one acre and has two existing right-of-way frontages, the Applicant is not required to provide on-site public open space under the Optional Method of Development in the CR Zone. The Applicant initially proposed 1,174 square feet of public open space 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, and therefore the square footage proposed as public open space will now be right-of-way dedication. The Project will continue to 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.

### Environment

#### *Forest Conservation*

Chapter 22A, Montgomery County Forest Conservation Law, is not applicable at the sketch plan stage, but it is applicable for the Site Plan submission being concurrently reviewed. However, an exemption from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) has already been confirmed through forest conservation exemption application 42016189E 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 10,000 square feet. (Attachment A)

#### *Tree Save*

The site frontage along Cameron Street is lined with oak trees each measuring approximately 6" diameter. The Georgia Avenue frontage contains a 17" diameter Japanese zelkova tree in good condition. The plans propose to remove and replace the trees along Cameron Street. Staff supports the removal and replacement as the trees have some damage and it is questionable whether the continuous soil panels had been installed per the streetscape standards. The replacement trees will be somewhat smaller than the currently existing trees along Cameron Street, however the replacements should thrive in the updated, newly constructed soils panels.

The 17" DBH Zelkova tree along Georgia Avenue is proposed to remain. The canopy is large enough that it extends near the building facade. As conditioned, the Applicant must make good faith efforts to appropriately protect the tree, however, if the tree is excessively impacted and/or removed in association with the construction activities (including access and staging), a replacement tree of the same species shall be provided in coordination with MDSHA. Additionally, prior to installing the tree, the Applicant must provide or expand the continuous soils panels per the streetscape standards.

#### *Stormwater Management/Water Quality*

The Project site straddles two watersheds, Sligo Creek and Rock Creek. The Project is exempt from Soil Erosion, Sediment Control and Stormwater Management requirements because it will not disturb more than 5,000 square feet and under 100 cubic yards of fill. Although there is no stormwater management on the Property which contains nearly 100-percent impervious cover, the proposed redevelopment offers a rare opportunity to improve the site's impact on water quality while also offering benefits to the owners, tenants, local community, and neighborhood streams. Staff is recommending the Applicant revise the plans to show 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 discussed further in the Sketch Plan Analysis and Findings section of the report.

#### *Noise Analysis*

The Project proposes residential units along an arterial roadway, Georgia Avenue, and is therefore subject to the noise guidelines. Additionally, the *Silver Spring CBD Sector Plan* states "Effective noise control is instrumental in assuring the extended sustainability of a community as a desirable place to live, work, and conduct business." (Sector Plan, p. 142)

A noise analysis dated August 15, 2017, was prepared by Phoenix Noise & Vibration, LLC. The study concludes that a high level of transportation noise does impact the Subject Property. The analysis also states interior noise levels can be mitigated to appropriate levels (less than 45 dBA Ldn) by modifications to the building architecture, such as the use of specialized windows. An October 2, 2017 addendum to the noise analysis finds that the rooftop amenity area will experience noise levels below 65 dBA Ldn and therefore does not require further mitigation other than the already proposed four and half foot parapet along the edge of the rooftop.

#### Circulation

Vehicular access to the Property is proposed directly from Cameron Street. The parking garage will be accessed from Cameron Street via an existing driveway on the eastern side of the building. The driveway currently provides ingress/egress access to an existing ATM drive-thru and surface parking lot located on Parcel 166, immediately south of the Property, currently an Eagle Bank. This shared access easement will be maintained, while providing access to the proposed parking garage. The driveway is currently 20' wide, which allows for two-way access for

the parking garage and the existing uses on Parcel 66. This driveway will continue to allow full-movement onto Cameron Street. Vehicular circulation including access to the garage is shown in Figure 6.

The Applicant proposes a new 12' wide loading area immediately adjacent to the existing driveway. A pedestrian refuge is proposed to provide relief to pedestrians crossing the driveway and the loading bay.

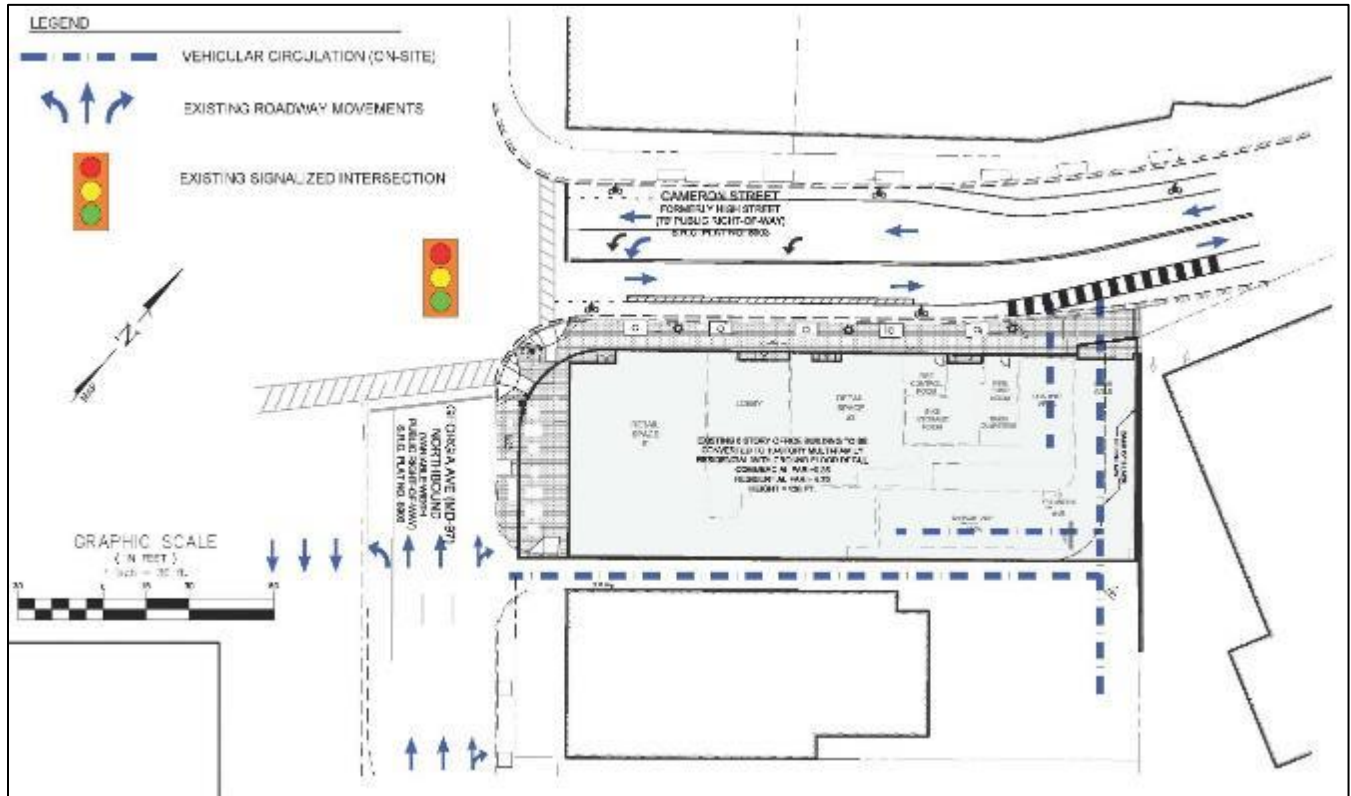


Figure 6-Vehicular Circulation

Pedestrian and bicycle access to the Property will be provided along the Property's frontage on Georgia Avenue and Cameron Street. The Applicant will be providing improvements to the frontage of the Subject Property including improving the sidewalks and maintaining a six-foot clearance around the perimeter of the project. Existing planters in the right-of-way that impede pedestrian flow along Cameron Street and Georgia Avenue will be removed.

The Applicant will be providing improvements to the frontage of the Subject Property with separated bike lanes on Cameron Street as well as sidewalk improvements on Georgia Avenue and Cameron Street and will coordinate with the Department of Transportation (MCDOT) to implement the bicycle facility as part of the Project. The Applicant provided how the separated bike lanes could be accommodated within the master planned right-of-way and proposed pavement width of Cameron Street (Figures 6 and 7). Specific details regarding the facility design will be determined by MCDOT at the time right-of-way permits are issued for this Project. More information on the separated bicycle lanes is covered in Silver Spring Separated Bike Lane subsection of this report.

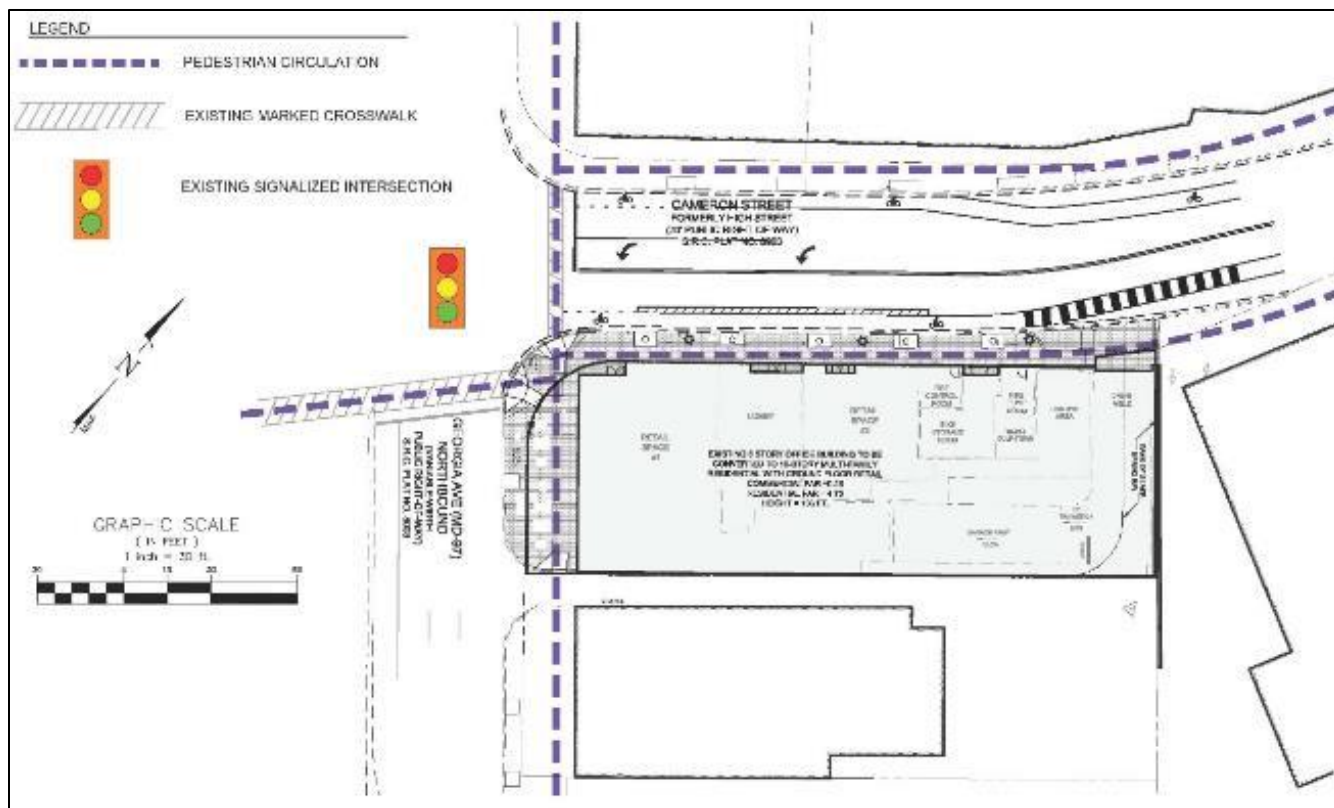


Figure 7-Pedestrian Circulation

Bicycle parking is provided in a locked room on the building's first floor and in a secure portion of the parking garage located one level below surface grade. Residents will access the bike room from a secure entrance on Cameron Street. Bicycle parking in the garage will be accessed from an elevator located in the lobby of the building. The location and parking structures are shown in the Bicycle Parking Exhibit (Figure 8).

The Applicant is requesting a waiver from the bicycle design standards pursuant to Section 59.6.2.10 of the Zoning Ordinance, discussed further in the Site Plan Analysis and Findings section of the report.



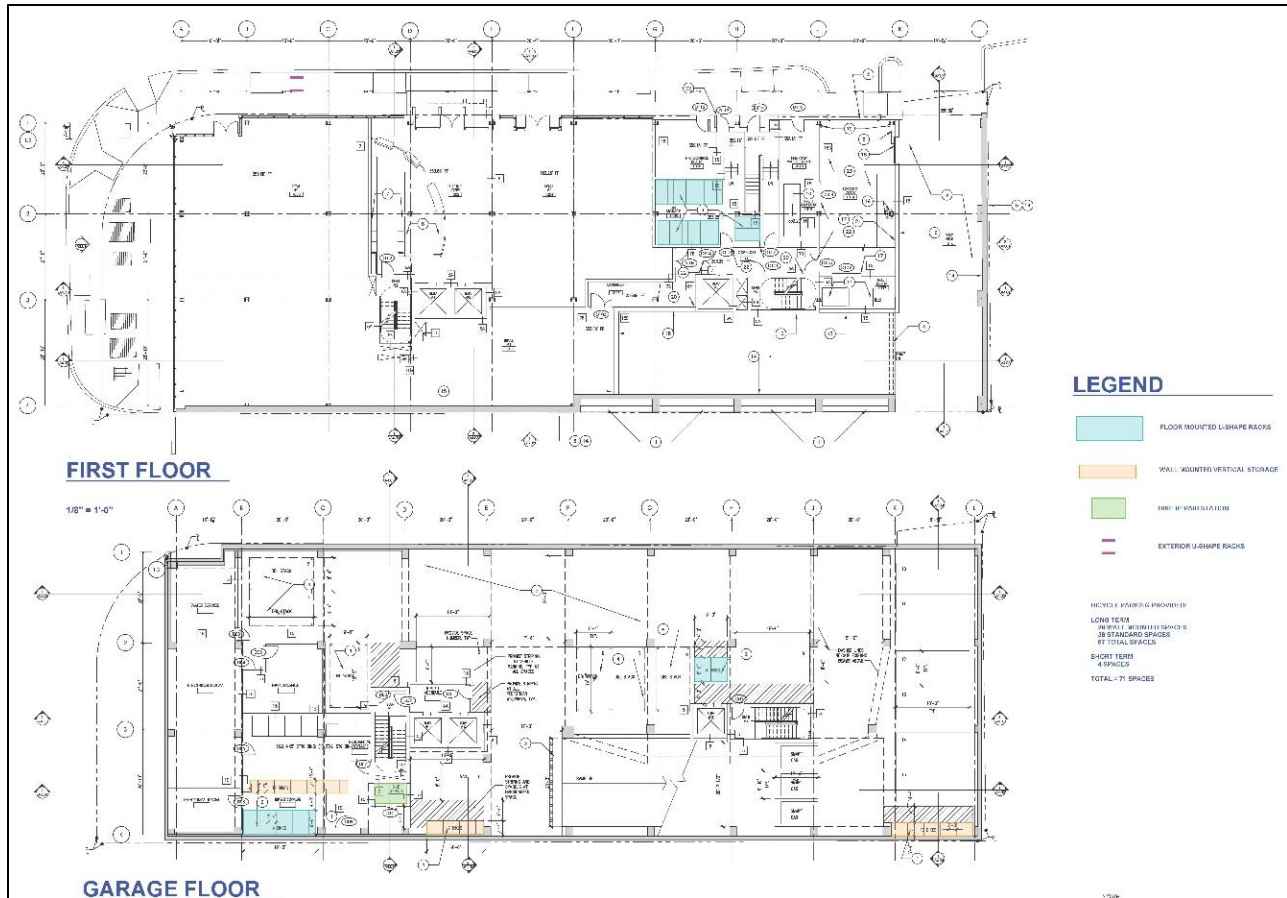


Figure 8-Bicycle Parking Exhibit

### Silver Spring Separated Bicycle Network

In 2016, the County Council endorsed and funded a network of new separated bicycle infrastructure within the Silver Spring CBD. That network identifies Cameron Street as a road that should be improved in the future with separated bicycle lanes (Figure 9). In response to the Council's endorsement of this plan, Staff directed the Applicant to improve the frontage of the Subject Property with separated bike lanes and coordinate with the MCDOT to implement the bicycle facility as part of the subject Project. The Applicant complied with this direction and provided an illustrative sketch detailing how the separated bike lanes could be accommodated within the master planned right-of-way and proposed pavement width of Cameron Street. Specific details regarding the facility design will be determined by MCDOT at the time right-of-way permits are issued for this project.

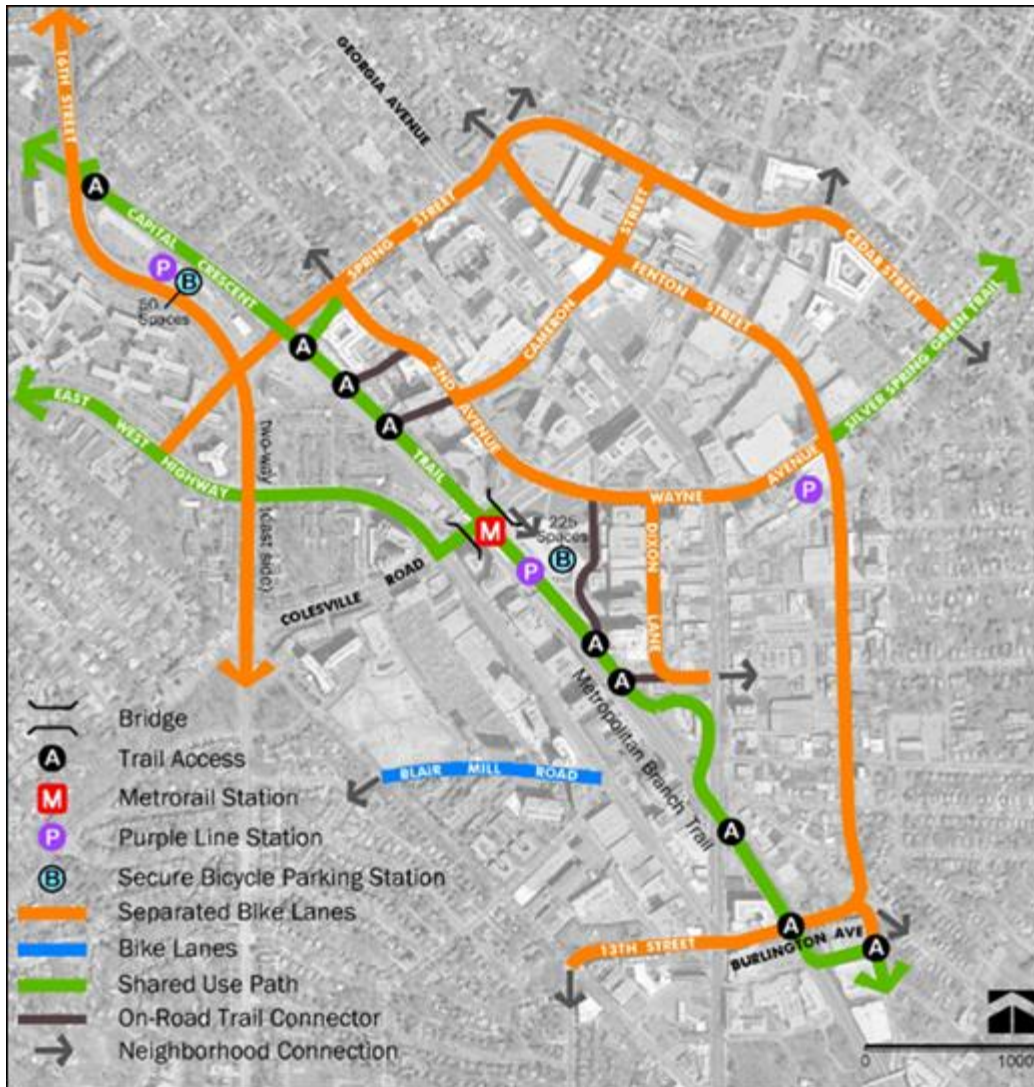


Figure 9: Silver Spring Separated Bicycle Network

#### Transit Connectivity

The immediate area is well served by transit that includes the Red Line Silver Spring Metrorail Station, Metrobus, RideOn, and the Silver Spring VanGo Circulator. Future transit in the area includes a proposed Purple Line station at the existing Silver Spring Metrorail Redline station, to the southwest, and a Purple Line station at the new Silver Spring Library, to the southeast. Specific existing transit routes near the Site include:

1. RideOn Bus Route 28
2. WMATA Metrobus Routes Q1, Q2, Q4, Y2, Y7, Y8,

#### Master Plan Roadways and Pedestrian/Bikeway Facilities

The following summarizes recommendations included in the 2000 *Silver Spring CBD Sector Plan* and the 2005 *Countywide Bikeways Functional Master Plan*:

1. Cameron Street, along the Property's northern frontage, as a business district roadway within a minimum right-of-way width of 75 feet.
2. Georgia Avenue, along the Property's western frontage, as a major highway within a minimum right-of-way width of 126 feet.

### *Right-of-Way Dedication*

The Sector Plan recommends a minimum right-of-way of 75 feet on Cameron Street, however that dimension is non-standard for a business district street such as Cameron Street and additional right-of-way dedication would result in no modification to the street section. For Georgia Avenue, the Sector Plan recommends a minimum right-of-way of 126 feet. To address the Georgia Avenue Sector Plan recommendations, Staff recommends that the Applicant dedicate the additional right-of-way along Georgia Avenue, in a form acceptable to the Maryland State Highway Administration.

### *Sector-Planned Transportation Demand Management*

As a mixed-use development with more than 100 dwelling units within the Silver Spring Transportation Management District (TMD), the Applicant is required to enter into a Traffic Mitigation Agreement to participate in the Silver Spring TMD. An Adequate Public Facilities Transportation Exemption Statement, dated June 15, 2017, was submitted for the subject application per the LATR Guidelines since the proposed development was estimated to generate fewer than 50 peak-hour person trips during the typical weekday morning (6:30 a.m. – 9:30 a.m.) and evening (4:00 p.m. – 7:00 p.m.) peak periods.

A Site trip generation summary for the proposed development, provided in Table 1, shows that the Project will generate 85 fewer peak-hour trips during the weekday morning peak period and 70 fewer peak-hour trips during the weekday evening peak period. This trip generation estimate is based on the addition of up to 177 high rise apartment units and up to 7,496 square feet of retail, as compared with the existing office use.

Table 1: Person Trip Generation Estimate for the Guardian

Land Use		Morning Peak Hour	Evening Peak Hour
<b>Existing</b>	<b>(Credit)</b>		
	71,653 SF Office	192	208
<b>Proposed</b>			
	177 Mid-rise Apartments	108	138
	7,496 SF Retail	N/A*	N/A*
	Subtotal Proposed	108	138
	<b>Net New Peak Hour Person-Trips</b>	<b>-85</b>	<b>-70</b>

Source: ITE Trip Generation Manual 9<sup>th</sup> Edition.

\* The 2017 LATR Guidelines do not estimate peak hour trips for ancillary retail, which is defined as less than 15,000 gross floor area in a building that has at least 90 percent of its floor area ratio devoted to non-retail uses, as long as no parking spaces for retail customers are included in the site plan.

### **Community Outreach**

On January 16, 2017, the Applicant held a pre-submittal public meeting at the Grace Episcopal Church. The Applicant has complied with all submittal and noticing requirements, and Staff has not received correspondence from community groups or citizens as of the date of this report.

## **SECTION 4: SKETCH PLAN ANALYSIS AND FINDINGS**

The purpose of a Sketch Plan is to identify general land uses, development intensity, and public benefits for the optional method of development in the CR, CRT, EOF or LSC Zones. The Sketch Plan is intended to be conceptual in nature with an emphasis on building densities, massing, heights and anticipated uses, the locations of open and

public use spaces, the general circulation patterns for all modes of transportation, an estimated range of peak hour trips and relationships between existing or proposed adjacent buildings and rights-of-way. Details of the proposed development are determined during Preliminary and Site Plan review. 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 the following data table:

<b>Project Data Table for the CR5.0 C4.0 R4.75 H145T Zone</b>		
<b>Development Standard Section 59 – 4.5.4</b>	<b>Permitted/Required</b>	<b>Proposed</b>
Gross Tract Area (sf)	n/a	<b>29,982</b>
Maximum Density (CR) <b>Non-residential (C)</b> <b>Residential (R)</b>	<b>5.0 FAR (149,910 sf)</b> 4.0 FAR (119,928 sf) 4.75 FAR (142,414 sf)	<b>Up to 5.0 FAR (149,910 sf)</b> 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) <b>Multi-family</b>	Minimum 1 space/unit; Maximum 1 space/studio, 1.25 space/one bedroom, 1.5/two bedroom	TBD at Site Plan
<b>Retail/service establishment</b>	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.

The Sketch Plan conforms to the intent of the CR zone as described below.

- a) *Implement the recommendations of applicable master plans.*

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 proposes 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, 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. The 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 implemented 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 proposed 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 proposed 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, Staff recommends a Site Plan condition of approval for 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.

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

The Project will redevelop an existing, aging, and mainly vacant office building that has exclusively non-residential uses into a mixed-use development with ground-floor non-residential uses and upper-level residential units. The Project proposes underground minimal parking in close proximity to the Metro. The Project meets the objective of this finding.

- 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 Application encourages such development by providing market-rate residential units in a variety of unit types and sizes (studios, one-, and two-bedrooms) as well as 12.5% MPDUs, offering housing opportunities for a range of incomes proximate to the numerous transit options of downtown Silver Spring. The non-residential uses on the ground floor can provide commercial services for the residents and surrounding neighborhood. The Application facilitates all modes of transit – pedestrian, bicycle, and vehicular, proximate to the Silver Spring Transit Center the proposed Purple Line by improving the streetscape along Georgia Avenue and Cameron Street. The Project proposes separated access points for vehicular parking and loading access. The Application does not propose any parking between the building and the street frontages.

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

The Project will 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 with a building height of up to 145 feet, as allowed in the CR-5.0, C-4.0, R-4.75, H-145T zone. 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 mix of uses, height and density proposed by the Project are compatible with the desired character of the Silver Spring CBD area.

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

The Project will help to meet the need for additional housing options in the Core area of the CBD. The mixed-use development will provide more residents to patronize local businesses, and given the proximity of well-established employment uses near the Property, it will create an opportunity for individuals to live, work and play in Silver Spring. Additionally, providing more housing stock in the CBD provides greater opportunities for employment, a fundamental ingredient for the "smart growth" promoted by the CBD zones. The Project includes a variety of housing options through provision of both market-rate units and MPDUs in an array of unit sizes. In addition, the Application includes non-residential uses on the ground floor.

- 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.

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

As discussed in Finding 1 above, the Project substantially conforms to recommendations of the *Silver Spring CBD Sector Plan*. The Project proposes a mixed-use development with high-rise residential uses, including MPDUs, as well as ground-floor retail uses within the Core. 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 of Silver Spring. The Project proposes minimal on-site vehicular parking, supporting the use of transit, bicycles, and walking in lieu of automobile transportation. The Project provides connectivity improvements that improve the safety and character of the existing streets. The Sketch Plan conforms to the intent and recommendations of the Sector Plan.

3. *satisfy 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. *achieve 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. *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 is proposed to be located underground.

6. *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 providing the diversity of housing, general sustainability measures, connectivity improvements, and enhancing the pedestrian environment;
- b. Meet “the CR Zone Incentive Density Implementation 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 providing streetscape improvements along Georgia Avenue and Cameron Street that will activate the street and support the ground-floor retail included as part of the Project;
- d. Are appropriate for “the size and configuration of the site” by improving the configuration of the existing and primarily vacant building and converting it to a mixed-use project with multifamily residential units and commercial/retail uses, and structured 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 heights and creating a Project that complements the existing character of the area;
- f. Consider “the presence or lack of similar public benefits nearby” through the provision of environmental benefits and enhanced pedestrian connections, 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 will be developed and assessed during Site Plan review.

For the proposed development, the Zoning Ordinance requires 100 points in four categories. Although at the time of the Sketch Plan review only the categories need be approved, the following table, shows both the categories and points for the public benefits recommended at Sketch Plan to demonstrate the project’s ability to meet the requirement to provide sufficient benefit points.

<b>Public Benefits Calculations</b>		
<b>Public Benefit</b>	<b>Incentive Density Points</b>	
	<b>Max Allowed</b>	<b>Requested</b>
<b>59-4.7.3B: Transit Proximity</b>	<b>50</b>	<b>30</b>
<b>59-4.7.3C: Connectivity and Mobility</b>		
<b>Minimum Parking</b>	<b>10</b>	<b>10</b>
<b>59-4.7.3E: Quality of Building and Site Design</b>		
<b>Architectural Elevations</b>	<b>20</b>	<b>10</b>
<b>Exceptional Design</b>	<b>10</b>	<b>5</b>
<b>Structured Parking</b>	<b>20</b>	<b>20</b>
<b>Public Open Space</b>	<b>20</b>	<b>7</b>
<b>59-4.7.3F: Protection and Enhancement of the Natural Environment</b>		
<b>BLTs</b>	<b>30</b>	<b>1</b>
<b>59-4.7.3G: Building Reuse</b>	<b>100</b>	<b>90</b>
<b>TOTAL</b>		<b>173</b>

#### 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. Staff supports 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. Based on the initial calculation, Staff supports granting 10 points with final parking counts to be determined at Site Plan.

### 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. Staff supports the Applicant's request at this time with further details and refinement to 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. Staff supports the Applicant's request at this time with further details and refinement to be provided at the time of Site Plan.

*Structured Parking:* The Applicant requests 20 points for structured parking for the parking that will be below grade. The Application proposes all parking spaces to be provided in a below-ground parking garage with final parking counts to be determined at Site Plan. Staff supports 20 points for this benefit.

*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 proposes 1,174 square feet of open space as an extension of the sidewalk along the Georgia Avenue frontage, for a total of 7 points. Staff supports 7 points for this benefit, with final determination made at the time of Site Plan.

### 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. Staff supports 1 point for this benefit.

### 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 Staff supports this request at this time with further details and refinement to be provided at the time of Site Plan.

7. *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 Project will be built in one phase.

## SECTION 7: SITE PLAN 820170100

### ANALYSIS AND 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 bindings elements of Sketch Plan No. 320170080.

- 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 Subject 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*

#### Development Standards

The Subject Project is approximately 0.68 acres, zoned CR-5.0, C-4.0, R-4.75, H-145T. The following data table shows the Application's conformance to the development standards of the zone.

Site Plan 820170100 Project Data Table			
Section 59-4	Development Standard	Permitted/Required	Proposed
	Net Lot Area (sf)	n/a	15,704
	Previous Dedications (sf)	n/a	14,278
	Gross Tract Area (sf)	n/a	29,982

<b>4.5.4.B.2.b</b>	<b>Maximum Density (CR)</b> Non-residential (C) Residential (R)	<b>5.0 FAR (149,910 sf)</b> 4.0 FAR (119,928 sf) 4.75 FAR (142,414 sf)	<b>Up to 5.0 FAR (149,910 sf)</b> Up to 0.25 FAR (7,496 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
<b>4.5.4.B.2.b</b>	Building Height (feet)	145	138
<b>4.5.4.B.1</b>	Minimum Public Open Space (%)	0%	0%
<b>4.5.4.B.3</b>	Min. Building Setbacks (feet)		
	East Side	0	0
	West Side	0	15
	North Side	0	0
	South Side	0	0
<b>6.2</b>	<b>Parking Spaces, minimum-maximum<sup>1</sup></b>		
	Residential	177-212	8
	Retail	27-45	0
	Van Accessible Parking	1	1
	<b>TOTAL</b>	<b>204-257</b>	<b>9<sup>2</sup></b>
	<b>Loading, Car-share, Electric Charging Spaces, Motorcycle &amp; Bicycle</b>		
	Loading	1	1
	Bicycle-Public (short-term)	4	4
	Bicycle-Private (long-term)	85	85

<sup>1</sup>The 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.

<sup>2</sup>In addition to the 9 code-complaint spaces provided, the Applicant proposes 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.

#### *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 proposes 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.

#### *ii. Division 4.7. Optional Method Public Benefits*

In accordance with the Zoning Ordinance, Section 59-4.7.1, the Site Plan proposes 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. Staff supports 30 points as suggested in the 2015 *Commercial/Residential Zones Incentive Density Implementation Guidelines* (CR Guidelines).

### Connectivity and Mobility

*Minimum Parking:* The Project proposes to provide 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 proposes an addition 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. Staff supports 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. Staff supports 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. Staff supports 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 proposed 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 proposed 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. The Project will continue to 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, but points will not be given for this public benefit since the square footage proposed as public open space will now be right-of-way dedication.

*Structured Parking:* The Applicant requests 20 points for below-grade structured parking. The Application proposes all parking spaces to be provided in a below-ground parking garage and the layout of the parking garage is depicted in the architectural plans and will be included in the Certified Site Plan. Staff supports 20 points for this benefit.

#### Protection and Enhancement of the Natural Environment

**BLTs:** Up to 30 points can be granted for the purchase of Building Lot Termination (BLT) easements or payment to the Agricultural Land Preservation Fund (ALPF). The Applicant proposes the purchase of 0.19 BLT easements for 1 public benefit point. Staff supports this request.

#### 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 proposed development is inherently low-impact, involving the reuse of the existing building structure and cladding. The adaptive reuse of the building eliminates the need for demolition, new excavation and soil disturbance. Significantly, the adaptive reuse 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 implementation. Although, reuse of the existing office building will decrease the impact of increased stormwater runoff from redevelopment of the Property, the proposed 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. In addition, given the Sector Plan's recommendations and the valuable opportunity to provide some level of enhancements for the receiving Sligo Creek and Rock Creek watersheds, Staff recommends the Applicant revise the plans to show a system on the roof area that is designed to slow the flow of stormwater release from the rooftop. The system will 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. The Project retains approximately 71,653 square feet of gross floor area and proposes to a total of 78,257 square feet of incentive gross floor area. Thus, the Applicant requests 90 public benefit points for building reuse pursuant to the formula in the CR Guidelines. Staff supports this request.

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Requested	Recommended
<b>59-4.7.3B: Transit Proximity</b>	<b>50</b>	<b>30</b>	<b>30</b>
<b>59-4.7.3C: Connectivity and Mobility</b>			
Minimum Parking	10	10	10
<b>59-4.7.3E: Quality of Building and Site Design</b>			
Architectural Elevations	20	10	10
Exceptional Design	10	5	5
Structured Parking	20	20	20
Public Open Space	20	7	0
<b>59-4.7.3F: Protection and Enhancement of the Natural Environment</b>			
BLTs	30	1	1
<b>59-4.7.3G: Building Reuse</b>	<b>100</b>	<b>90</b>	<b>90</b>
<b>TOTAL</b>		<b>173</b>	<b>166</b>

iii. *Division 6.1. Site Access*

Access for bicyclists and pedestrians will be provided along the Property frontages on Georgia Avenue and Cameron Street. Drivers will access the parking garage via the existing driveway on Cameron Street. A new loading bay is proposed adjacent to the existing driveway to keep vehicular and loading access away from Georgia Avenue, a busy roadway for vehicles and pedestrians. 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. The Applicant will work with MCDOT to realize the planned separated bike lanes on Cameron Street. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, parking, and loading.

iv. *Division 6.2. Parking, Queuing, and Loading*

All access to the Project will be from the Property's street frontage Cameron Street. The entrance to the underground parking garage will be located on the northeastern edge of the Property, with the loading and service access immediate adjacent to the west of the existing driveway. All of the parking for the Project is proposed to be located underground, and the Applicant anticipates that there will be one level of parking.

The Project will include bike storage within the underground garage, as well as additional bike storage at the ground-floor level. Between these two bicycle storage areas, the Applicant will provide 85 storage spaces, which will be implemented through Cycle-Safe Wallrack System, or Staff approved equivalent, which requires a waiver from the bicycle design standards, pursuant to Section 59.6.2.10 of the Zoning Ordinance. The proposed bike storage system meets the intent of the Zoning Ordinance and Staffs supports the waiver.

v. *Division 6.3. Open Space and Recreation*

Because the Property's net lot area is less than one-half acre and the Property has only two right-of-way frontages, there is no requirement to provide any open space on-site. However, the Site Plan proposes streetscaping along the Georgia Avenue and Cameron Street frontages, with widened sidewalks, street trees, and lighting.

In addition, the Project meets the active and passive recreation space required by the zone. The proposed development will provide the following on-site recreation facilities: picnic/sitting areas, an indoor community space, and an indoor exercise room.

The development meets the required supply of recreation facilities based on the calculation methods in the M-NCPPC Recreation Guidelines. The development will provide adequate, safe, and efficient recreation facilities to allow residents to lead an active and healthy life.

vi. *Division 6.4. General Landscaping and Outdoor Lighting*

Landscaping and lighting, as well as other site amenities, will be provided to ensure that these facilities will be safe, adequate, and efficient for residents and visitors to the Project. The Project will include streetscaping along the Georgia Avenue and Cameron Street frontages, with widened sidewalks, street trees, and lighting. The building entrance will be lit by two decorative sconces, mounted on each side of the entrance. The glass canopy will also have built-in lighting. The retail spaces will be lit



from within behind the large expanse of storefront glass. Building service doors are proposed to be recessed and will have an overhead, recessed light which will illuminate both the door and the alcove. The Project also includes landscaping on the rooftop in order to provide an attractive outdoor environment for use by the residents of the Project.

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*

This Application is exempt from Erosion, Sediment Control and Stormwater Management requirements because it will not disturb more than 5,000 square feet and under 100 cubic yards of fill.

*ii. Chapter 22A, Forest Conservation.*

This Application is subject to the Chapter 22A, Montgomery County Forest Conservation Law, but is exempt from the requirement to submit a Forest Conservation Plan under Section 22A-5(s)(1) because the 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 10,000 square feet.

*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. Access for bicyclists and pedestrians will be provided along the Property frontages on Georgia Avenue and Cameron Street. Vehicular access to the parking garage is provided via the existing driveway on Cameron Street. A new loading bay is proposed adjacent to the existing driveway to keep vehicular and loading access away from Georgia Avenue, a busy roadway for vehicles and pedestrians. All of the parking for the Project is proposed to be located underground, and the Applicant anticipates that there will be one level of parking with numbers of parking spaces, bike storage spaces, and loading spaces.

The Project is not required to provide any public open space, however it will continue to 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. This will help facilitate safe pedestrian and bike movements along the Property's frontages and to and from the ground floor retail uses on the Property. The Applicant's proposed conversion of the existing office building to multifamily residential apartments, with an additional 5 floors of multifamily residential uses above, will incorporate building massing that is effectively integrated with the Project's amenities. The rooftop will include a dog run, reflecting pool, and seating areas that allow for residents to enjoy views of the Silver Spring CBD. The Project provides a safe and well-integrated building, open spaces and site amenities.

- 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. 320170080, the Site Plan substantially conforms with the recommendations of the Sector Plan.

- 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 proposed development in the Site Plan will be served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. Since this Project will generate fewer than 50 new peak hour person trips, this Application is exempt from Local Area Transportation Review. Therefore, the Project will be served by adequate transportation facilities. Other public facilities and services are available and will be adequate to serve the Project. The Project will be served by Woodlin Elementary School, Sligo Middle School, and Einstein High School. Pursuant to the Schools Test for FY 2018, the elementary and middle schools serving the Project have adequate capacity and the high school serving the Project is inadequate, but open conditionally due to a placeholder project for a 14-classroom addition preventing this cluster from entering moratoria. Additionally, health clinics, police and fire rescue services are currently operating within the standards set by the Growth Policy Resolution currently in effect. The Property is served by public water and sewer and is assigned WSSC categories W-1 and S-1. The existing water and sewer lines will be adequate to serve the additional development proposed by the Project. Dry utilities including electricity, gas, and telephone are also available to the Property.

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

The Subject 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 Project's design and scale is compatible with the existing buildings and approved or pending adjacent development, including the various nearby high-rise commercial and multifamily residential buildings. The proposed reuse of an underutilized office building with 10 floors of multifamily residential units and ground floor retail uses is compatible with the existing and approved development in the vicinity of the Property and throughout the Core of the Silver Spring CBD. The density and building heights proposed by the Project is consistent with existing and approved development in the surrounding area. Given location of the Property, the constrained parking proposed by the Project will encourage the use of alternative forms of transportation. The relationships of building massing and the improved streetscape along Georgia Avenue will help to further activate the street level of this location in a manner that is compatible with the surrounding urban neighborhoods in Silver Spring.

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 Subject Property is not zoned C-1 or C-2.

## **CONCLUSION**

The Sketch Plan application satisfies the findings under Section 59-4.5.4 of the Zoning Ordinance and substantially conforms to the recommendations of the *Silver Spring CBD Sector Plan* area. Therefore, Staff recommends approval of Sketch Plan 320170080 with the conditions specified at the beginning of this report.

The Site Plan complies with the general requirements and development standards of Section 4.5, the optional method public benefits provisions of Division 4.7, and the general development requirements of Article 59-6 of the Zoning Ordinance. The project substantially conforms with the goals and recommendations of the *Silver Spring CBD Sector Plan*. Therefore, Staff recommends approval of Site Plan No. 820170100 with the conditions specified at the beginning of this report.

## **ATTACHMENTS**

- A. FCP Exemption Letter
- B. Sketch Plan
- C. Site Plan
- D. Agency Letters