



## **Guardian Building, Sketch Plan Amendment No. 32017008A and Site Plan Amendment No. 82017010A**

 Grace Bogdan, Planner Coordinator, DownCounty, [Grace.Bogdan@montgomeryplanning.org](mailto:Grace.Bogdan@montgomeryplanning.org), 301.495.4533

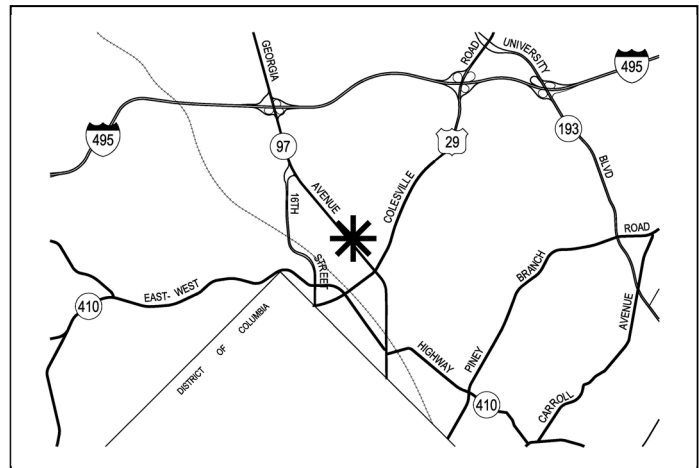
 Stephanie Dickel, Supervisor, DownCounty, [Stephanie.Dickel@montgomeryplanning.org](mailto:Stephanie.Dickel@montgomeryplanning.org), 301.495.4527

 Elza Hisel-McCoy, Chief, DownCounty, [Elza.Hisel-McCoy@montgomeryplanning.org](mailto:Elza.Hisel-McCoy@montgomeryplanning.org), 301.495.2115

**Completed:** 5/14/2021

### **Description**

- Sketch Plan Amendment: Within the approved maximum density, request to increase nonresidential density from 7,496 to 7,827 square feet and correspondingly decrease residential density from 142,414 to 142,083 square feet, and modify public benefit categories;
- Site Plan Amendment: Within the approved maximum density, request to increase nonresidential density from 7,496 to 7,827 square feet and correspondingly decrease residential density from 142,414 to 142,083 square feet, modify public benefit categories, remove all onsite parking, and relocate loading access point;
- 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;
- Acceptance date: January 27, 2021.



### **Summary**

- Staff recommends approval of the Sketch Plan Amendment and Site Plan Amendment with conditions.
- In 2017, the Planning Board approved a Sketch and Site Plan to allow the 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.
- Within the previously approved maximum density of 149,910 square feet and up to 176 dwelling units, the proposed Amendments would increase nonresidential square footage and correspondingly decrease residential square footage. The Amendments will also remove on-site parking entirely from the Project, and relocate the loading access point to the existing driveway. The previous frontage dedicated to loading will be improved with additional retail storefront, improving the pedestrian experience along the Cameron Street frontage. The public benefit points will also be modified to remove points for structured parking.
- While the original approvals were granted in 2017, these Amendments are required to conform to the master-plan vision of the 2018 *Bicycle Master Plan* for separated bicycle lanes along the Cameron Street frontage.
- Staff has received one letter of correspondence from the community, discussed in Section 6 of the Staff Report.

## SECTION 1: RECOMMENDATION AND CONDITIONS

### Sketch Plan 32017008A

Staff recommends approval of Sketch Plan No. 32017008A, to increase nonresidential density from 7,496 to 7,827 square feet and correspondingly decrease residential density from 142,414 to 142,083 square feet within the approved maximum density of 149,910 square feet and up to 176 dwelling units, and modify public benefit categories to remove the structured parking subcategory. Staff recommends modifications to Conditions 3 and 5, which are restated in their entirety below, while all other conditions remain in full force and effect:

#### 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 and exceptional design;
- d. Protection and Enhancement of the Natural Environment, achieved through building lot terminations;  
and
- e. Building reuse.

#### 5. Montgomery County Department of Transportation

The Planning Board accepts the recommendations of the Montgomery County Department of Transportation (MCDOT) in its letter dated April 14, 2021, and hereby incorporates them as conditions of approval. The Applicant must comply with each of the recommendations as set forth in the letter, which MCDOT may amend if the amendments do not conflict with other conditions of Sketch Plan approval.

### SITE PLAN 82017010A

Staff recommends approval of Site Plan 82017010A to increase previously approved nonresidential density from 7,496 to 7,827 square feet and correspondingly decrease residential density from 142,414 to 142,083 square feet, within the approved maximum density of 149,910 square feet and up to 176 dwelling units, modify public benefit categories to remove the structured parking subcategory, remove all onsite parking, and relocate the loading access point, on approximately 0.68 gross acres in the CR 5.0, C 4.0, R 4.75, H 145T Zone. Staff recommends modifications to Conditions 1, 8, 10, 12, 13 and 20 and the addition of Condition 21, which are restated in their entirety below, while all other conditions remain in full force and effect:

#### 1. Sketch Plan Conformance

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

#### 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 off-street parking on-site, which is permitted as it is within the Silver Spring Parking Lot District by payment of applicable tax.
- 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 to be included in the Certified Site Plan.
- 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**

### **10. Pedestrian & Bicycle Circulation**

- a. The Applicant must provide 87 long-term bicycle parking spaces and 4 short-term bicycle parking space. Short-term public bicycle parking must be installed near the main residential entrance to the multifamily building, to be 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, to be shown on the Certified Site Plan.

### **12. Department of Permitting Services**

The Planning Board has reviewed and 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 April 5, 2021, 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 revised May 1, 2021, 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.

20. 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. Modify data table to reflect development standards approved by the Planning Board.
- d. Ensure consistency of all details and layout between Site and Landscape Plans.
- e. No clearing, grading, or demolition of the site prior to Certified Site Plan approval.
- f. Update Sheet A2.31 to ensure driveway design matches Site Plan.

21. Validity

The Adequate Public Facility Review (APF) will remain valid for sixty (60) months from the date of mailing of the original Planning Board Resolution (MCPB 17-091) for Site Plan 820170100.

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



Figure 1- Aerial View

The Property contains 15,704 square feet of site area as depicted on Plat No. 3861, the Cameron Building Corporation's Addition to Silver Spring Subdivision, recorded in 1954. The Property is improved with a vacant 6-story office building with ground-floor retail space which was constructed in the 1950's, known as the Guardian Building. The Site contains no forest, streams, wetlands, or environmental buffers. There are no known rare, threatened, endangered species, 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 mid-high-density residential uses within the Central Business District. 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. Directly to the south is a two-story bank with a drive thru that shares access off Cameron Street and exits onto Georgia Avenue, and a newly constructed residential high-rise building with ground floor retail.



## SECTION 3: PROJECT DESCRIPTION

### Previous Approvals

In 2017, the Planning Board approved Sketch Plan (MCPB No. 17-090, Attachment D) and Site Plan (MCPB No. 17-091, Attachment E) to allow the conversion of an existing office building into a mixed use project with up to 142,414 square feet of residential uses for up to 177 multifamily units with 12.5% MPDUs and 7,495 square feet of nonresidential uses.



*Figure 2 – Rendering of building approved by Site Plan 820170100*

This approval allowed the existing six-story building to be adaptively reused and increased in height with an additional 5 stories for a maximum building height of 138 feet. The approval included ground floor nonresidential uses and residential above, and the existing basement was to be converted into structured parking for a total of 24<sup>1</sup> parking spaces, for which the Applicant received 20 public benefit points for providing structured parking.

### Proposal

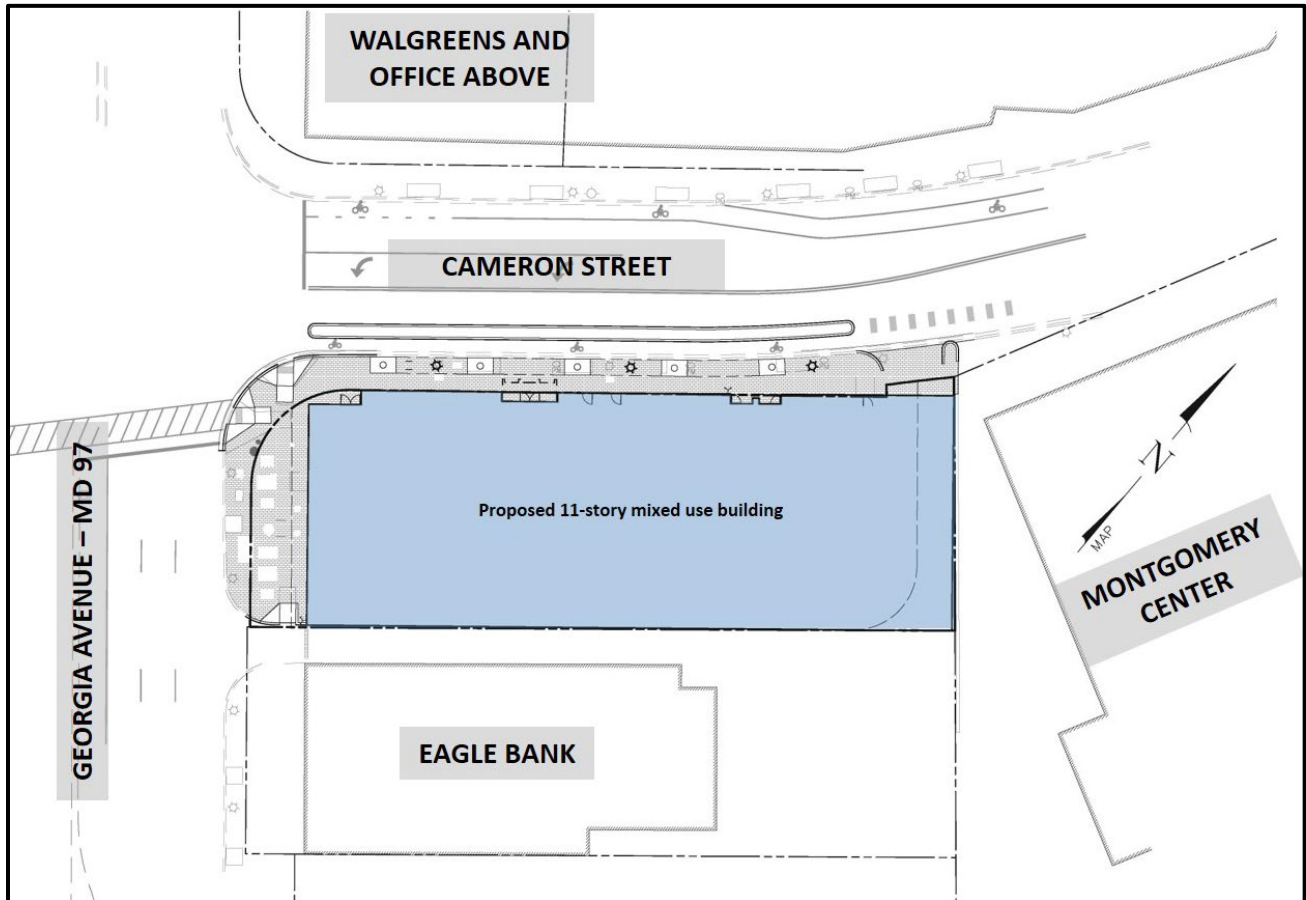
#### Uses and Density

The Applicant proposes to modify the previous approvals by reallocating 331 square feet of residential uses to nonresidential uses within the approved maximum density of 149,910 square feet and up to 176 dwelling units with 12.5% MPDUs, resulting in an increase of ground floor nonresidential uses from 7,496 square feet to 7,827 square feet and a decrease of residential uses from 142,414 square feet to 142,083 square feet. Additionally, the

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<sup>1</sup> The original Site Plan included 24 parking spaces, however only 9 spaces were code-compliant. In addition to the 9 code-compliant spaces, the Applicant proposed an additional 15 parking spaces with 6 sets of vertically stacked spaces (12 total) and 3 smart car spaces.

Applicant proposes to remove the previously approved 24 parking spaces entirely from the site, resulting in the removal of 20 public benefit points for structured parking. Lastly, due to the removal of the parking garage entrance, the Applicant proposes to remove the approved loading entrance and instead utilize the existing curb cut for loading and deliveries (which was the previously approved parking garage entrance).



*Figure 3 - Proposed Site Plan Amendment*

#### Building

The building design has not changed significantly with these Amendments. The main alterations to the previously approved elevations are most notable along the Cameron Street frontage, where the previously approved driveway entrance for loading and parking garage has been reduced in width from 37 feet to 20 feet, allowing additional storefront space where the loading bay was originally located.



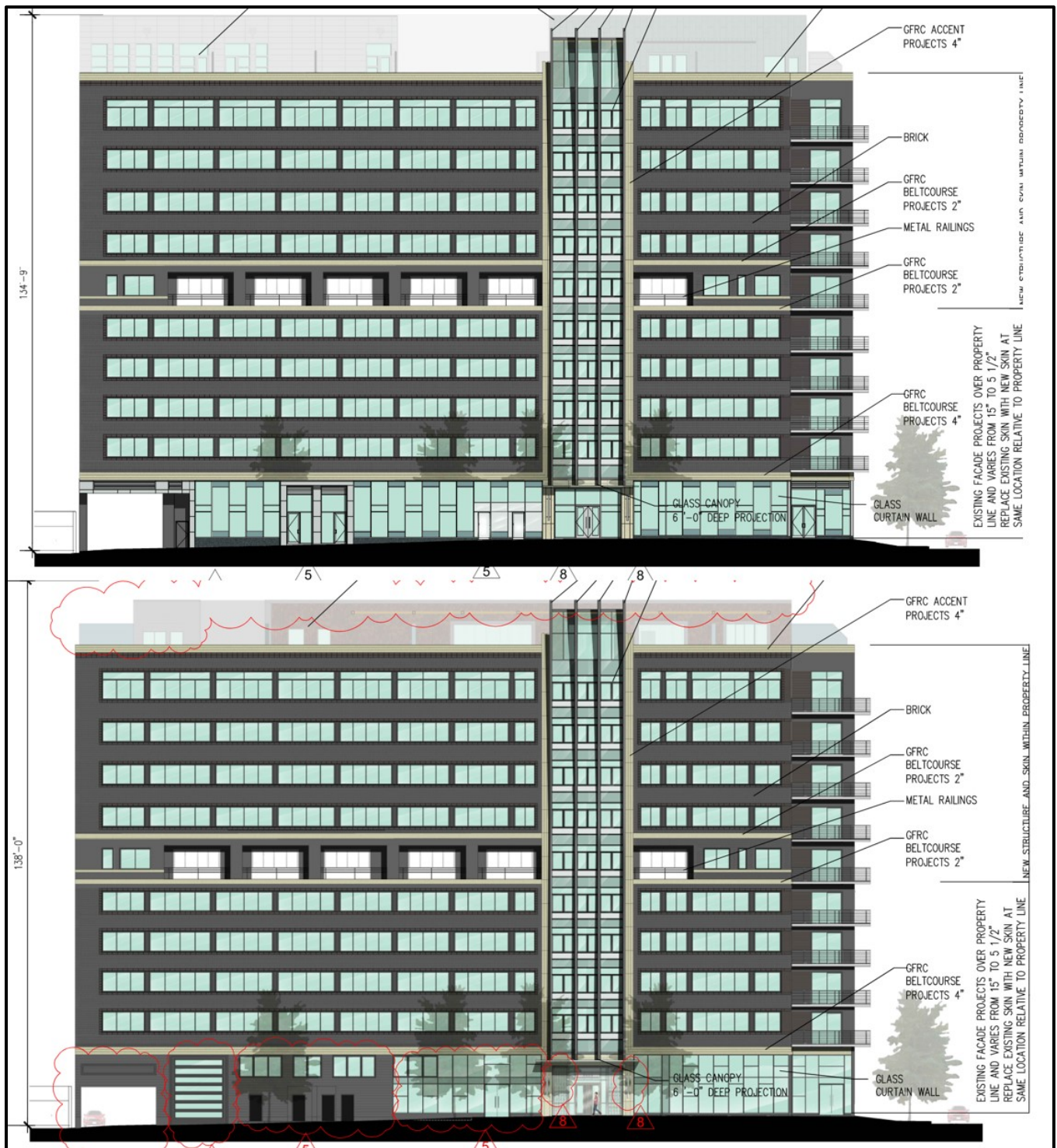


Figure 4 - Proposed Cameron Street Elevation (top) vs Originally approved Cameron Street Elevation (bottom) showing ground floor storefront changes



## Environment

### *Forest Conservation*

Prior to the previously approved Sketch and Site Plan Applications, this Project received approval for a Forest Conservation Exemption under Chapter 22A-5(s)(1) due to the limited size of the property and a scope of work that does not impact or remove any forest or mature trees. The site frontage along Cameron Street is lined with oak trees measuring approximately 6" in diameter while the Georgia Avenue frontage contains a 17" diameter Japanese zelkova tree in good condition.

The previous Applications for this site proposed removal of the street trees along Cameron Street, while the 17" Zelkova was proposed to be protected and saved. Within this amended application, the proposal for these trees remains the same. The trees along Cameron Street are proposed to be removed and replaced with the new trees to be planted in new soil panels which would allow for more successful tree growth. The Zelkova along Georgia Avenue is proposed to remain; however, Staff maintains the condition for the replacement of this tree if it is excessively impacted and/or removed in association with the construction activities.

### *Noise Analysis*

A noise analysis was conducted for the initial Application on August 15, 2017 by Phoenix Noise & Vibration, LLC. The analysis concluded that a high level of transportation noise impacts the Subject Property. The analysis further stated that interior noise levels can be mitigated to appropriate levels (less than 45 dBA Ldn) through modifications to the building architecture, such as the use of specialized windows. An October 2, 2017 addendum to the noise analysis found that the rooftop amenity area will experience noise levels below 65 dBA Ldn and therefore did not require further mitigation.

The amended Applications for the Subject Property proposes revisions to the Cameron Street building façade; however, these changes are strictly related to the loading dock relocation, rather than a change related to noise mitigating features of the design. The Amendments also propose relocation of recreation and amenity spaces, including those located on the rooftop level. As found in the previous noise analysis addendum, the rooftop amenity area will experience noise levels far below the 65 dBA Ldn requirements regardless of the location of these features on the rooftop level. Additionally, all previous conditions related to noise impacts will remain in place to ensure that acceptable noise levels will be met.

## Circulation

Vehicular access to the Property is proposed directly from Cameron Street. The Amendments propose eliminating the previously approved below-grade parking garage, and therefore vehicular access for the uses on-site will only be necessary for loading, deliveries, and trash collection. Eliminating below-grade parking also eliminates the need for the previously approved separate loading area and corresponding curb cut. Instead, the existing driveway will remain and will provide the only vehicular access point for the project. As shown on the proposed Site Plan Amendment, the driveway apron will be improved to be flush with the sidewalk grade to improve pedestrian visibility and safety.

The existing driveway will continue to provide ingress/egress access to the adjacent 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. The driveway is currently 20' wide, which allows for two-way access for the loading and trash collection activities and the existing uses on Parcel 66. This driveway will continue to allow full movement onto Cameron Street. The circulation and traffic operations for the Site are shown in Figure 6.

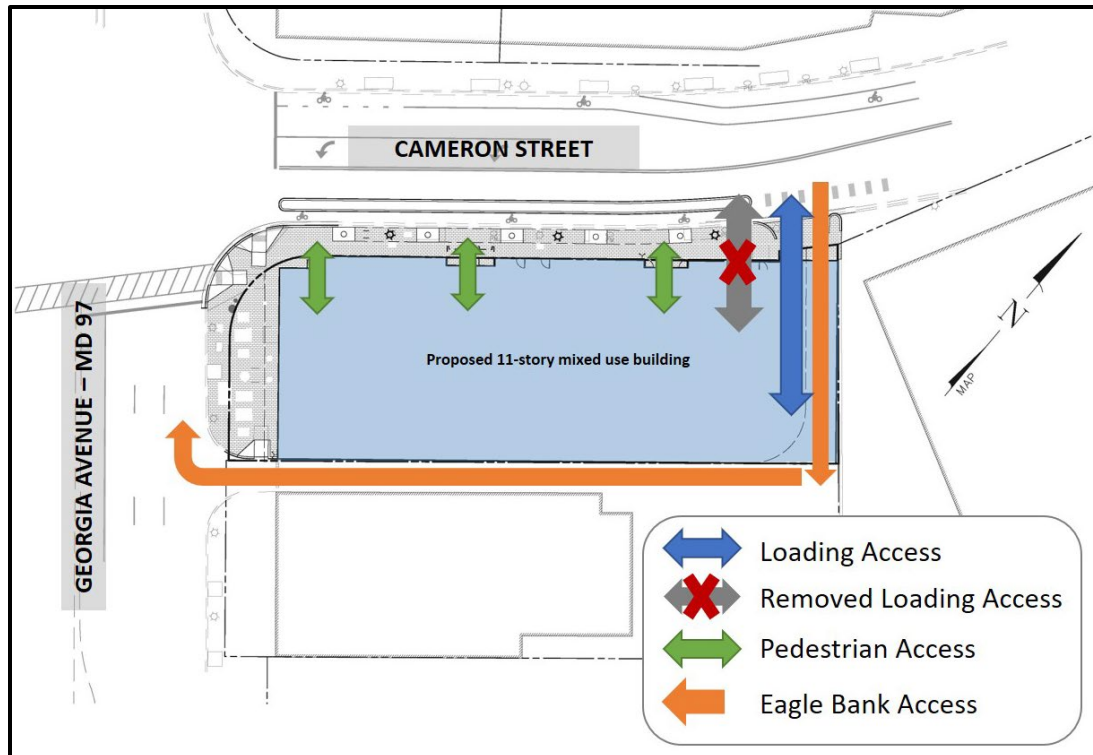


Figure 5 - Access and Circulation

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, as previously approved. Existing planters in the right-of-way that impede pedestrian flow along Cameron Street and Georgia Avenue will be removed.

In support of the Master Planned Bikeway Facility along Cameron Street, the Applicant will participate in upgrading the existing interim striped separated bike lanes by paying \$48,000 towards replacing the existing pavement striping and flex posts with a concrete monolith buffer between the bikeway and the adjacent travel lane along the Site frontage, as approved by MCDOT.

Bicycle parking is provided in a locked room within a secure portion of basement floor of the building. Residents will access the bike room from a secure entrance on Cameron Street. Bicycle parking 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). Short-term parking is required for both the residential and retail uses and will be located in accordance with the Montgomery County *Bicycle Parking Guidelines*.

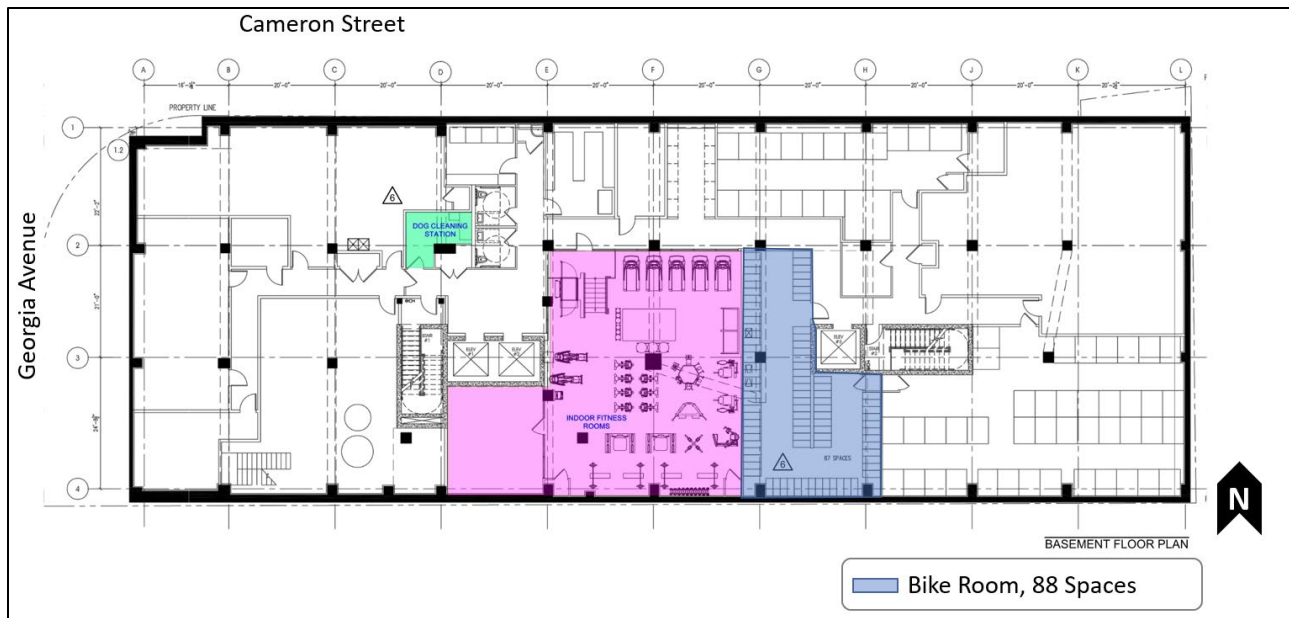


Figure 6 - Bicycle Parking Exhibit

#### 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, with a one-way separated bicycle lane on either side of the street.
2. Georgia Avenue, along the Property's western frontage, as a major highway within a minimum right-of-way width of 126 feet.

#### Local Area Transportation Review

A Site trip generation analysis was conducted in accordance with the 2017 *Local Area Transportation Guidelines* (LATR). A summary of the analysis for the proposed development, provided in Table 1, shows that the Project, as amended, will generate 1 fewer net new peak hour person trip in both the morning and evening periods when compared to what was previously analyzed and approved. This trip generation estimate is based on reducing the previously approved 177 high rise apartment units down to 176 units. Per the 2017 LATR, trips are not estimated for the proposed retail uses because the proposed retail (both previously approved and as amended) does not exceed 15,000 square feet or more than 10% of the building square footage and does not provide vehicular parking for the retail use. The previously approved estimated trip generation is included in the table for reference but is not included in the calculations.

Table 1: Person Trip Generation Estimate for the Project

Land Use	Morning Peak Hour	Evening Peak Hour
<b>Existing</b> (Credit) 71,653 SF Office	192	208
<b>Previously Approved</b> 177 Mid-rise Apartments 7,496 SF Retail	98 N/A <sup>1</sup>	119 N/A <sup>1</sup>
<b>Proposed Amendment</b> 176 Mid-Rise Apartment 7,827 SF Retail	97 N/A <sup>1</sup>	118 N/A <sup>1</sup>
<b>Net New Peak Hour Person-Trips</b>	<b>-95<sup>2</sup></b>	<b>-90<sup>2</sup></b>

Source: MHG Transportation Exemption Statement, dated December 23, 2020, as amended by staff

<sup>1</sup> 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.

<sup>2</sup> The net new person trips are calculated by subtracting the trips generated by the existing use from the total estimated trips generated by the proposed amended densities. The previously analyzed and approved densities are included for reference.



## SECTION 4: SKETCH PLAN 32017008A ANALYSIS AND FINDINGS

The Planning Board approved Sketch Plan No. 320170080 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 nonresidential development on the Subject Property.

Sketch Plan Amendment 32017008A proposes to increase nonresidential density from 7,496 to 7,827 square feet and respectively decrease residential density from 142,414 to 142,083 square feet and modify the public benefit categories to remove the structured parking subcategory. This Amendment does not alter the intent, objectives, or requirements in the originally approved Sketch Plan and all previous findings remain in effect, except as modified below.

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:

Project Data Table			
Development Standard Section 59 – 4.5.4	Permitted/Required	Approved Per 320170080	Proposed Per 32017008A
Gross Tract Area (sf)	n/a	<b>29,982</b>	<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)	<b>5.0 FAR (149,910 sf)</b> 0.26 FAR (7,827 sf) 4.74 FAR (142,083 sf)
Building Height (feet)	145'	145'	145'
Minimum Public Open Space (%) of Net Lot	0%	7% (1,174 sf) <sup>1</sup>	0%
Parking (spaces) <sup>2</sup> <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	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	TBD at Site Plan

<sup>1</sup> At the time of the original Sketch Plan, while no open space was required for the site based on the standards set forth in Section 59.4.5.4.B.1 of the Zoning Ordinance, the Applicant proposed 1,174 square feet of open space located between the building façade and curb along Georgia Avenue. It was determined during site plan review that this space was necessary for right-of-way dedication to SHA and removed from the proposal. This amendment reflects that change.

<sup>2</sup> The data table shows minimum per Section 59.6.2 of the Zoning Ordinance, however the Property is located within the Silver Spring Parking District which allows Applicants to provide fewer than the minimum required parking.

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.

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 access for loading and deliveries will be from Cameron Street. No onsite parking is proposed as part of the Project.

6. *propose an outline of public benefits that supports the requested incentive density and is appropriate for the specific community;*

This Amendment proposes to remove all onsite parking with the exception of loading, resulting in the removal of the previously approved 20 public benefit points for structured parking. In accordance with the Zoning Ordinance, Section 59-4.7.1, the Sketch Plan will still satisfy the required public benefit schedule through: Transit Proximity; Connectivity and Mobility; Quality Building and Site Design; Protection and Enhancement of the Natural Environment; and Building Reuse. The Sketch Plan is required to achieve 100 public benefit points, the original Site Plan was approved for 166 points, and this amendment requests 146 points, far exceeding the minimum requirements.

<b>Public Benefits Calculations</b>			
<b>Public Benefit</b>	<b>Incentive Density Points</b>		
	<b>Max Allowed</b>	<b>Approved 320170080</b>	<b>Proposed 32017008A</b>
<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	0
Public Open Space	20	0	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>166</b>	<b>146</b>

## SECTION 5: SITE PLAN 82017010A ANALYSIS AND FINDINGS

The Planning Board approved Site Plan No. 820170100 to convert an existing office building into a mixed-use project with up to 142,414 square feet of residential uses for up to 176 multifamily residential units (including 12.5% MPDUs) and up to 7,496 square feet of nonresidential development on the Subject Property.

Site Plan Amendment 82017010A proposes to increase nonresidential density from 7,496 to 7,827 square feet and respectively decrease residential density from 142,414 to 142,083 square feet, modify the public benefit categories to remove the structured parking subcategory, remove all onsite parking, and relocate loading access point. This Amendment does not alter the intent, objectives, or requirements in the originally approved Sketch Plan and all previous findings remain in effect, except as modified for Findings 1, 4, 6, and 8 below.

*To approve a site plan, the Planning Board must find that the proposed development:*

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

The Site Plan conforms to all binding elements of Sketch Plan No. 320170080, as amended.

4. *satisfies applicable use standards, development standards, and general requirements under this Chapter;*

a. 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 Amendment's conformance to the development standards of the zone.

Site Plan 82017010A Project Data Table				
Section 59-4	Development Standard	Permitted/Required	Approved per 820170100	Proposed per 82017010A
	Net Lot Area (sf)	n/a	15,704	15,704
	Previous Dedications (sf)	n/a	14,278	14,278
	Gross Tract Area (sf)	n/a	29,982	29,982
4.5.4.B.2.b	<b>Maximum Density (CR)</b>	<b>5.0 FAR (149,910 sf)</b>	<b>5.0 FAR (149,910 sf)</b>	<b>5.0 FAR (149,910 sf)</b>
	Non-residential (C)	4.0 FAR (119,928 sf)	0.25 FAR (7,496 sf)	0.26 FAR (7,827 sf)
	Residential (R)	4.75 FAR (142,414 sf)	4.75 FAR (142,414 sf)	4.74 FAR (142,083 sf)
	Dwelling Units	n/a	Up to 177	Up to 176
	MPDUs (% / units)	12.5% / 23 units	12.5% / 23 units	12.5% / 23 units
4.5.4.B.2.b	Building Height (feet)	145	138	138
4.5.4.B.1	Public Open Space (%)	0%	0%	0%
4.5.4.B.3	Min. Building Setbacks (feet)			
	East Side	0	0	0
	West Side	0	15	15
	North Side	0	0	0
	South Side	0	0	0
6.2	<b>Parking Spaces, min / max</b>			
	Residential	177-212	8	0
	Retail	27-45	0	0
	Van Accessible Parking	1	1	0
	<b>TOTAL</b>	<b>204-257</b>	<b>9<sup>2</sup></b>	<b>0</b>

	<b>Loading, Car-share, Electric Charging Spaces, Motorcycle &amp; Bicycle</b>			
	Loading	1	1	1
	Bicycle-Public (short-term)	5	4	4
	Bicycle-Private (long-term)	85	85	87

<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> The Project previously proposed 24 vehicle spaces, however only 9 vehicle parking spaces met the Zoning Ordinance requirements for size and spacing.

#### *Section 4.5.4.B.4 - Form Standards*

The Form Standards that were established with the original approval remain unchanged for this amendment, with the exception of Cameron Street, which will increase transparency and activation of the street through additional retail entrances with the removal of the entrance to the vehicle parking and the proposed relocation of the loading entrance.

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

This Amendment proposes to remove all onsite parking with the exception of loading, resulting in the removal of the previously approved 20 public benefit points for structured parking. In accordance with the Zoning Ordinance, Section 59-4.7.1, the Site Plan will still satisfy the required public benefit schedule through: Transit Proximity; Connectivity and Mobility; Quality Building and Site Design; Protection and Enhancement of the Natural Environment; and Building Reuse. The Site Plan is required to achieve 100 public benefit points, the original Site Plan was approved for 166 points, and this amendment requests 146 points, far exceeding the minimum requirements.

<b>Public Benefits Calculations</b>			
<b>Public Benefit</b>	<b>Incentive Density Points</b>		
	<b>Max Allowed</b>	<b>Approved 820170100</b>	<b>Proposed 82017010A</b>
<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	0
Public Open Space	20	0	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>166</b>	<b>146</b>



b. General Requirements

i. *Division 6.1. Site Access*

Access for bicyclists and pedestrians will be provided along the Property frontages on Georgia Avenue and Cameron Street. The Amendment proposes to eliminate the previously approved off-street parking, thereby reducing the driveways to only loading and delivery activities. The existing driveway will provide access to the designated on-site loading area, the design of which is proposed to be improved for pedestrian access and safety. The neighboring Property to the south, Eagle Bank, has recorded easements for access to their Property through the Site. 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 participate in the master-planned separated bike lanes on Cameron Street by fee-in-lieu. The Amended Project proposes eliminating the previously approved onsite parking facility. The Project is located within the Silver Spring Parking Lot District and therefore no on-site parking is required, however the Applicant will be subject to the parking district tax regulations in lieu of providing parking. The Project provides satisfactory general vehicular, pedestrian, and bicyclist access, circulation, and loading.

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

All vehicular access to the Project will be from the Property's street frontage Cameron Street. The entrance to the loading and delivery area will be located on the northeastern edge of the Property, where it exists today. The previously approved off-street parking facility is proposed to be eliminated with the Proposed Amendment. The Project is located within the Silver Spring Parking Lot District and therefore no on-site parking is required, however the Applicant will be subject to the parking district tax regulations in lieu of providing parking.

The Project will include bike storage within the basement level of the building in accordance with the County's Bicycle Parking Guidelines. The Applicant will provide 88 long-term spaces and 5 short-term spaces to serve both the proposed retail and residential uses on the Site, with the final total and location to be determined at Certified Site Plan.

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

This Amendment modifies the previously approved outdoor lighting to allow building mounted fixtures at new ground floor entrances that was previously proposed as back of house space, however the landscaping and lighting, as well as other site amenities, will remain safe, adequate, and efficient for residents and visitors to 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.

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

The Project provides adequate, safe, and efficient circulation patterns. Access for bicyclists and pedestrians will be provided along the Property frontages on Georgia Avenue and Cameron Street. Vehicular access to the designated off-street loading area is provided via the existing driveway on Cameron Street. The existing driveway will maintain access to the southern property, Eagle Bank, per the existing access easement. No parking is proposed for the Project, as amended.

8. *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;*

Site Plan approval 820170010 found that the proposed development will be adequately served by adequate public facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities.

The proposed Amendment to reallocate 331 square feet of residential density to nonresidential density will continue to be served by adequate public services and facilities.

## **SECTION 6: COMMUNITY OUTREACH**

A notice regarding the Sketch and Site Plan Amendments was sent to all parties of record by the Applicant on January 28, 2021. The notices gave interested parties 15 days to review and comment on the amended site plan per Montgomery County Zoning Ordinance Section 59.7.3.4.J.1.

Staff received one letter of correspondence from the adjacent neighbor to the south at 8665 Georgia Avenue, the Gallagher Company (Attachment C). This neighboring Property shares right-of-way access from Cameron Street through the rear of the Subject Property to the south, allowing access to their Property's rear parking lot and a bank drive through that exits onto Georgia Avenue (Eagle Bank). The letter opposes the Project's use of the shared driveway and has concerns regarding potential blocking of their access during construction, potential damage to their property, and potential illegal use of their parking lot by the new building's residents. Similar issues were raised at the Public Hearing for the original Sketch and Site Plan by the Gallagher Company. Access to the shared driveway is subject to the terms of the private agreement, to which the Department is not party. Regarding potential construction impacts, Staff recommends the commenter coordinate with the Department of Permitting Services (MCDPS).

This Amendment, which will remove onsite parking, will reduce the use of the existing shared driveway as there will no longer be vehicular parking trips. However as previously discussed at the Planning Board, the construction impacts related to this project are reviewed and monitored by the Department of Permitting Services which requires a construction management plan at the time of building permit to mitigate construction impacts to neighboring properties. The Planning Department nor Planning Board reviews or approves this management plan. Additionally, the Planning Board does not have authority to regulate or enforce illegal parking on private property.

## **CONCLUSION**

The Sketch Plan Amendment 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 32017008A with the conditions specified at the beginning of this report.

The Site Plan Amendment 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. 82017010A with the conditions specified at the beginning of this report.

## **ATTACHMENTS**

- A. Site Plan
- B. Agency Letters
- C. Correspondence
- D. Sketch Plan No. 320170080 Resolution
- E. Site Plan No. 820170100 Resolution