



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

JUN 24 2021

MCPB No. 21-047
Site Plan No. 82017010A
The Guardian
Date of Hearing: June 3, 2021

RESOLUTION

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

WHEREAS, on October 19, 2017, the Planning Board, by Resolution MCPB No. 17-091, approved Site Plan No. 820170010, to convert an existing office building into a mixed-use project with up to 142,414 square feet of residential uses for up to 177 multifamily residential units (including 12.5% MPDUs) and up to 7,496 square feet of non-residential development on 0.68 acres of CR 5.0 C 4.0 R 4.75 H 145T zoned-land, located at the southeast corner of the intersection of Georgia Avenue and Cameron Street ("Subject Property"), in the Silver Spring CBD Policy Area and *Silver Spring CBD Sector Plan* ("Sector Plan") area; and

WHEREAS, on January 27, 2021, Guardian Building Associates LLC ("Applicant") filed an application for approval of an amendment to the previously approved site plan 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 the Subject Property; and

WHEREAS, the application to amend the site plan was designated Site Plan No. 82017010A, The Guardian ("Site Plan," "Amendment," or "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and other governmental agencies, Staff issued a memorandum to the

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Approved as to
Legal Sufficiency: /s/ Delisa Coleman
M-NCPPC Legal Department

Planning Board, dated May 14, 2021, setting forth its analysis of, and recommendation for approval of the Application, subject to certain conditions (“Staff Report”); and

WHEREAS, on June 3, 2021, the Planning Board held a public hearing on the Application, and at the hearing the Planning Board heard testimony and received evidence submitted for the record on the Application; and

WHEREAS, on June 3, 2021 the Planning Board voted to approve the Application subject to conditions, on the motion of Commissioner Cichy, seconded by Commissioner Verma, with a vote of 5-0; Commissioners Anderson, Cichy, Fani-Gonzalez, Patterson and Verma voting in favor.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board approves Site Plan No. 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 by modifying Conditions 1, 8, 10, 12, 13 and 20 and adding Condition 21:¹

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.

¹ For the purpose of these conditions, the term “Applicant” shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

- 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 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.

BE IT FURTHER RESOLVED that all other site plan conditions of approval for this project remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED that all site development elements shown on the latest electronic version of 82017010A, submitted via ePlans to the M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

BE IT FURTHER RESOLVED that having considered the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record, the Planning Board FINDS, with the conditions of approval, and that unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved site plan, and all findings not specifically addressed remain in effect:

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	Maximum Density (CR)	5.0 FAR (149,910 sf)	5.0 FAR (149,910 sf)	5.0 FAR (149,910 sf)
	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	Parking Spaces, min / max			
	Residential	177-212	8	0
	Retail	27-45	0	0
	Van Accessible Parking	1	1	0
	TOTAL	204-257	9²	0
	Loading, Car-share, Electric Charging Spaces, Motorcycle & Bicycle			
	Loading	1	1	1
Bicycle-Public (short-term)	5	4	4	
Bicycle-Private (long-term)	85	85	87	

¹ 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.

² 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.

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Approved 820170100	Proposed 82017010A
59-4.7.3B: Transit Proximity	50	30	30
59-4.7.3C: Connectivity and Mobility			
Minimum Parking	10	10	10
59-4.7.3E: Quality of Building and Site Design			
Architectural Elevations	20	10	10
Exceptional Design	10	5	5
Structured Parking	20	20	0
Public Open Space	20	0	0
59-4.7.3F: Protection and Enhancement of the Natural Environment			
BLTs	30	1	1
59-4.7.3G: Building Reuse	100	90	90
TOTAL		166	146

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.

BE IT FURTHER RESOLVED that this Resolution incorporates by reference all evidence of record, including maps, drawings, memoranda, correspondence, and other information; and

BE IT FURTHER RESOLVED that this Site Plan shall remain valid as provided in Montgomery County Code § 59-7.3.4.H; and

BE IT FURTHER RESOLVED that this Resolution constitutes the written opinion of the Board in this matter, and the date of this Resolution is JUN 24 2021 (which is the date that this resolution is mailed to all parties of record); and

BE IT FURTHER RESOLVED that any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of

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

* * * * *

CERTIFICATION

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner Verma, with Chair Anderson, Vice Chair Fani-González, and Commissioners Cichy, Patterson, and Verma voting in favor of the motion at its regular meeting held on Thursday, June 17, 2021, in Wheaton, Maryland.



Casey Anderson, Chair
Montgomery County Planning Board