



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

**JUN 24 2021**

MCPB No. 21-046  
Sketch Plan Amendment No. 32017008A  
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 sketch plan applications; and

WHEREAS, on October 19, 2017, the Planning Board, by Resolution MCPB No. 17-090, 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 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 sketch plan 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 on the Subject Property; and

WHEREAS, the application to amend the sketch plan was designated Sketch Plan No. 32017008A, The Guardian ("Sketch 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 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

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

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 Sketch Plan No. 32017008A, The Guardian, 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 on the Subject Property, by modifying Conditions 3 and 5 as set forth below:<sup>1</sup>

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 *Commercial/Residential and Employment Zones 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. 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

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<sup>1</sup> For the purpose of these binding elements and conditions, the term "Applicant" shall also mean the developer, the owner or any successor(s) in interest to the terms of this approval.

amend if the amendments do not conflict with other conditions of Sketch Plan approval.

BE IT FURTHER RESOLVED that all other Sketch Plan conditions of approval for this Project remain valid, unchanged, and in full force and effect.

BE IT FURTHER RESOLVED that having given full consideration to the recommendations and findings of its Staff as presented at the hearing and set forth in the Staff Report, which the Planning Board hereby adopts and incorporates by reference (except as modified herein), and upon consideration of the entire record and all applicable elements of the Zoning Ordinance, the Board finds that as conditioned the necessary elements of the Sketch Plan are appropriate in concept and appropriate for further review at site plan and that unless specifically set forth herein, this Amendment does not alter the intent, objectives, or requirements in the originally approved sketch plan, and all findings not specifically addressed remain in effect. The below paragraphs coincide with those of the original Sketch Plan approval.

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	29,982	29,982
Maximum Density (CR) <i>Non-residential (C)</i> <i>Residential (R)</i>	5.0 FAR (149,910 sf) 4.0 FAR (119,928 sf) 4.75 FAR (142,414 sf)	Up to 5.0 FAR (149,910 sf) Up to 0.25 FAR (7,496 sf) Up to 4.75 FAR (142,414 sf)	5.0 FAR (149,910 sf) 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> <i>Multi-family</i>	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
<i>Retail/service establishment</i>	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.

Public Benefits Calculations			
Public Benefit	Incentive Density Points		
	Max Allowed	Approved 320170080	Proposed 32017008A
<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>

BE IT FURTHER RESOLVED that the Board's approval of a sketch plan is in concept only and subject to further review at site plan, when, based on detailed review the Board may modify the Sketch Plan's binding elements or conditions based on the Montgomery County Code, the Sector Plan, or other requirements; and

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


BE IT FURTHER RESOLVED that all binding site development elements shown on the latest version of 32017008A, received by M-NCPPC as of the date of the Staff Report, are required, except as modified by the above conditions of approval; and

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

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**CERTIFICATION**

This is to certify that the foregoing is a true and correct copy of a resolution adopted by The Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission on motion of Commissioner Cichy, seconded by Commissioner 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.

  
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Casey Anderson, Chair  
Montgomery County Planning Board