

LANDSCAPE TREE CREDIT LIST					
KEY	QTY	BOTANICAL NAME	COMMON NAME	CAL	CANOPY CREDIT
SHADE TREES					
UAP	2	Ulmus americana 'Princeton'	Princeton Elm	2 1/2"-3"	B&B 1,000 s.f. per tree
TOTAL AFFORESTATION CREDIT REQUIRED: 1,742 s.f. = 0.04 ac					
TOTAL AFFORESTATION CREDIT PROVIDED: 2,000 s.f. = 0.045 ac					

Mayor and City Council
SP-8136-2019
Exhibit #36

Tree cover applied to Afforestation Credits are calculated as outlined on page 21 of the City of Gaithersburg Tree Manual, with specific canopy sizes as shown in Appendix B.



Civil Engineers
Land Planners
Landscape Architects
Land Surveyors

9220 Wightman Road, Suite 120
Montgomery Village, MD 20886
Phone: 301.670.0840
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FRANK C. JOHNSON
2/28/19

DATE
RECOGNIZED AS QUALIFIED PROFESSIONAL BY
MD DEPT. OF NATURAL RESOURCES
COMAR 08.19.08.01

Qualified Professional Certification
I hereby certify that the information shown hereon is correct and that this plan has been prepared in accordance with the requirements of the existing state and city forest conservation legislation.

OWNER / APPLICANT
LOUIS ULPIANO ESQUIRE, LLC
11740 LAKE POTOMAC DRIVE
POTOMAC, MD 20854
EMAIL: luisleon@live.com

ARCHITECT
BATES ARCHITECTS, PC
121 NORTH CHURCH
FREDERICK, MD. 21701
ATTN: C. MARTY BATES, AIA
BEN BATES

REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP FT 51 WSSC 223 NW 09

PLAT 103

9TH ELECTION DISTRICT
CITY OF GAITHERSBURG
MONTGOMERY COUNTY, MARYLAND

**OBSERVATORY HEIGHTS
LOTS 65 AND 66
102 S. FREDERICK AVE.**

PROJ. MGR BJD

DRAWN BY FCJ

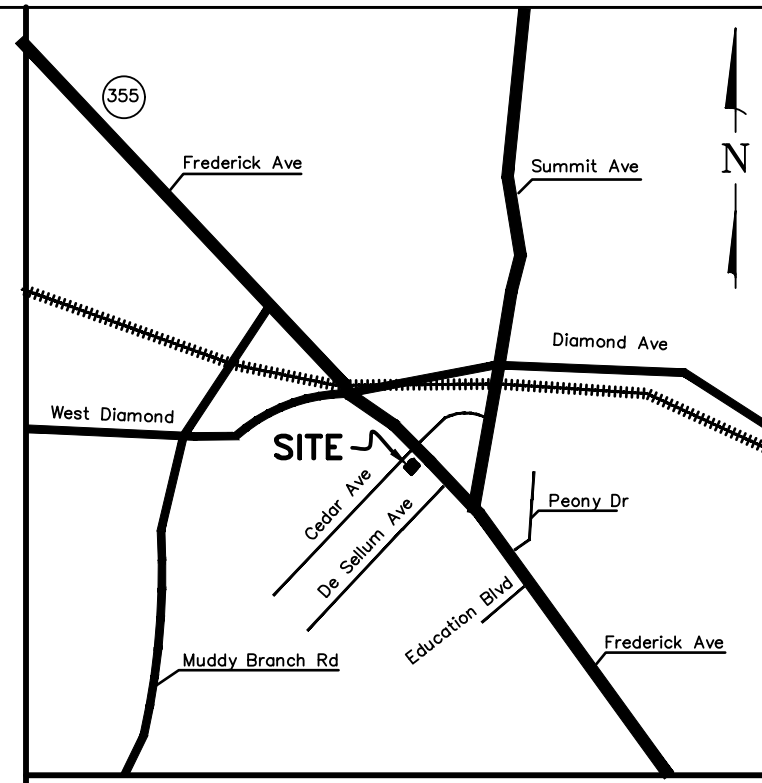
SCALE 1" = 10'

DATE 02/28/2019

**PRELIMINARY FOREST
CONSERVATION PLAN**

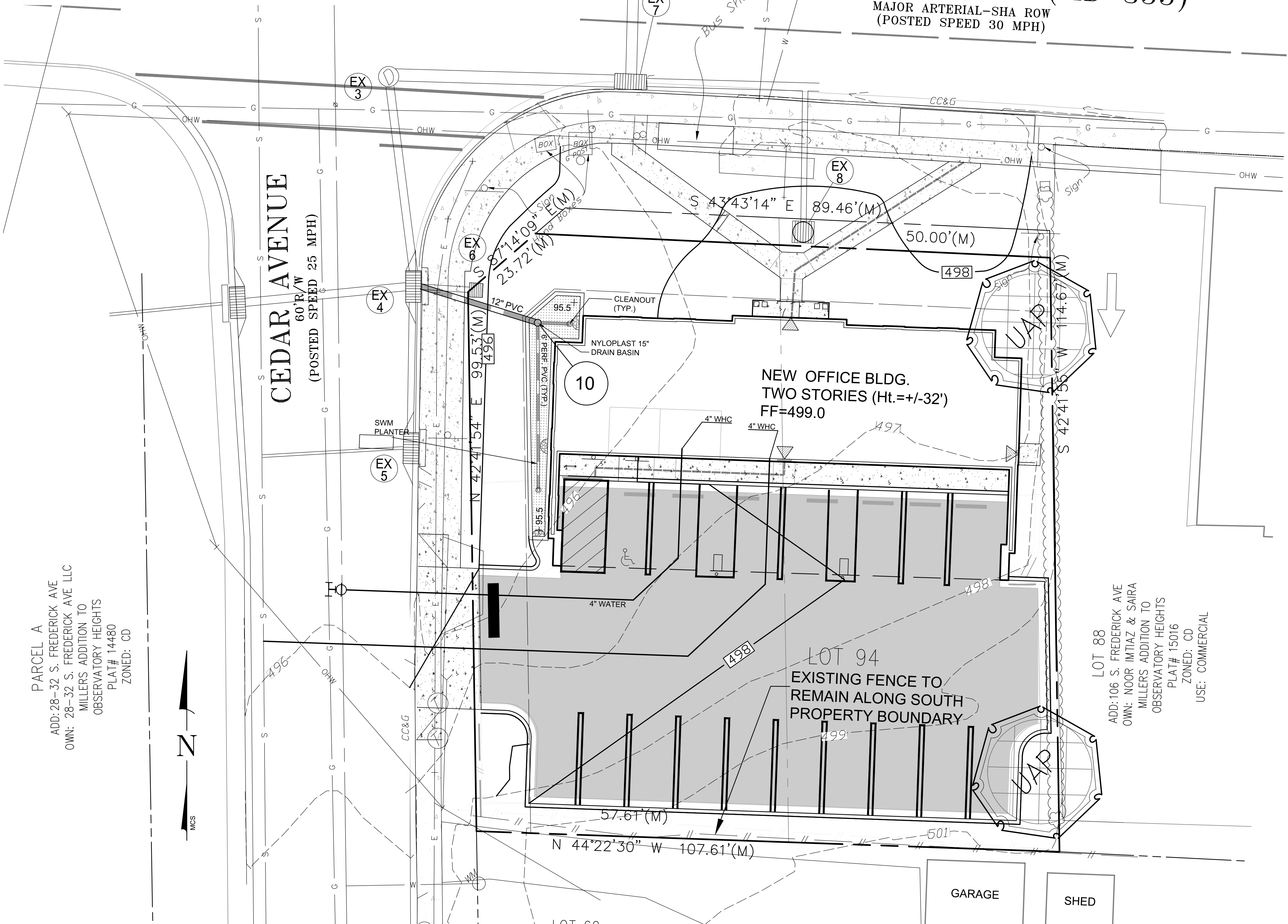
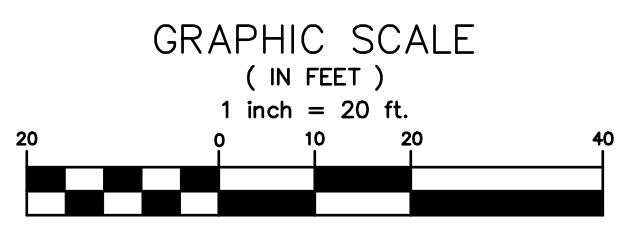
PROJECT NO. 2018.177.11

SHEET NO. 1 OF 2



VICINITY MAP
SCALE 1" = 2,000'

Legend	
EXISTING	PROPOSED
	Paving
	Curb & Gutter
	Sign
	Utility Pole
	Lamp Post
	Post or Bollard
	Light
	Electric
	Overhead Wires
	Sanitary Sewer
	Storm Drain
	Water Line
	Fire Hydrant
	Gas
	Telephone
	Cable
	Buildings
	Concrete
	Spot Elevation
	Contour
	Property Boundary
	Limits of Disturbance
	Shade Tree for Canopy Coverage Credit



PARCEL A
ADD: 28-32 S. FREDERICK AVE
OWN: 28-32 S. FREDERICK AVE LLC
MILLERS ADDITION TO
OBSERVATORY HEIGHTS
PLAT# 14480
ZONED: CD



LOT 62
ADD: 5 CEDAR AVE
OWN: RUNDQUIST PAULA
2 STY. BRICK
MILLERS ADDITION TO
OBSERVATORY HEIGHTS
PLAT# 103
ZONED: R-90

LOT 88
ADD: 106 S. FREDERICK AVE
OWN: NOOR IMTIAZ & SAIRA
MILLERS ADDITION TO
OBSERVATORY HEIGHTS
PLAT# 15016
ZONED: CD
USE: COMMERCIAL

LOT 94
EXISTING FENCE TO
REMAIN ALONG SOUTH
PROPERTY BOUNDARY

GARAGE SHED

I:\1817\dwg\FC_12_01.dwg, 1 of 2, 5/29/2019 1:13:06 PM, Copyright © 2017 Macris, Hendricks & Glascock, P.A.

MEMORANDUM TO: Mayor and City Council
FROM: Jasmine Forbes, Planner
DATE: June 17, 2019
SUBJECT: Preliminary Background Report
SP-8136-2019: 102 and 104 South Frederick Avenue

APPLICANT/ OWNER/DEVELOPER/ATTORNEY:

Luis Ulpiano Esquire, LLC.
11740 Lake Potomac Drive
Potomac, Maryland, 20854

ARCHITECT

Marty Bates and Ben Bates
Bates Architects, PC
121 North Court Street
Frederick, Maryland, 21701

ENGINEER

Brian Donnelly, RLA
Macris, Hendricks & Glascock, PA
9220 Wightman Road
Montgomery Village, Maryland, 20886

TAX MAP REFERENCE:

Lot P65- ID# 09-00841296
Lot P66- ID# 09-00841308

REQUEST:

Application SP-8136-2019¹ has been filed requesting concept site plan approval for the construction of a new two-story, 5,600 square foot office building. The subject properties are zoned CD (Corridor Development).

LOCATION:

The subject properties are 12,238 square feet and are situated at the corner of South Frederick and Cedar Avenue. The subject properties are also located within the Observatory Heights neighborhood. The site is currently accessible from Cedar and South Frederick Avenue.

¹ Exhibit 1



Location Map

REQUIRED ACTIONS

Approval of SP-8136-2019, by the City Council is dependent upon the findings required under § 24-160G.7(b) of the City Code as follows:

- (b) *The city council may approve a schematic development plan or concept plan only upon the finding that:*
- (1) *The plan is substantially in accord with architectural, signage, lighting, streetscape, parking and other regulations, requirements and guidelines adopted by the city council for applicable corridor area.*
 - (2) *The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone; and*
 - (3) *The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration; and*
 - (4) *The plan will be internally and externally compatible and harmonious with existing and planned land uses in the CD zoned area and adjacent areas; and*
 - (5) *The existing or planned public facilities are adequate to service the proposed development contained in the plan; and*
 - (6) *The development staging or phasing program if any, is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and*
 - (7) *The plan, if approved, would be in the public interest.*
 - (8) *The existing buildings with historic significance are considered for preservation and retention pursuant to the city's historic preservation ordinance.*

Therefore, the Applicant has the burden of showing that the application complies with the purpose and intent of the CD Zone and the master plan. Additionally, evidence must be shown that the application will be compatible and harmonious with the surrounding planned and existing land uses and will accomplish the objectives, minimum standards, and requirements of the zone.

SITE PLAN HISTORY

The subject properties was part of the City of Gaithersburg in 1888. The HDC approved demolition permit, DEMO-16655-2018, on June 27, 2018 to demolish the previous 2,903 square foot structure. The lot is currently vacant and undeveloped.

MASTER PLAN HISTORY

1997 Master Plan

The subject properties was included in the 1997 Master Plan, under Neighborhood Two, Study Area 3, Map Designation 8. The 1997 Master Plan recommended that the properties adopt the residential-office land use designation and the zoning to remain R-B (Residential Buffer). The 1997 Master Plan designated the land use for the subject properties as residential-office.

Frederick Avenue Corridor Land Use Plan- 2001

The Frederick Avenue Corridor Land Use Plan was adopted on January 2, 2001, as a guide for development of the Frederick Avenue Corridor. The corridor is divided into three (3) districts: Northern Employment, Fairgrounds Commercial and Southern Residential. The subject properties are situated within the Fairgrounds Commercial District, but was not included as a specific map designation in the 2001 Frederick Avenue Corridor Land Use Plan.

2003 and 2009 Master Plan

The subject properties were not included in the 2003 or 2009 Master Plans as specific map designations. The 2003 and 2009 Master Plans designated the land use for the subject properties as residential-office.

2009 Master Plan- Transportation Element

The Transportation Element of the 2009 Master Plan recommends that the City study the feasibility of bus rapid transit (BRT) and future widening along the MD 355 corridor. The Transportation Element of the 2009 Master Plan recommends a minimum right-of-way of 120 feet for Frederick Avenue. As part of the Concept Site Plan, the Applicant has dedicated approximately five (5) additional feet to meet the 120-foot right-of-way recommendation for the future BRT line. The concept site plan was routed to Montgomery County Department of Transportation for their review.

ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO):

Traffic Impacts

According to the Applicant's statement and traffic statement analysis, the new office building will not generate more than thirty (30) peak hour trips than the previous office building, therefore a traffic impact study is not required. As stated, the new office building generates an additional 3.51 am peak hour trips and 3.56 pm peak hour trips. Transportation Planner, Alyssa Roff, has reviewed the application and concurs with the Applicant's statement that a traffic impact study is not required for this application submission². The Plan, therefore, complies with the City's Adequate Public Facilities requirements for § 24-245.

Adequacy of School Capacity

The proposed development will be an office use, therefore it will have no impact on the school system. The proposed development is exempt from the school test of the Adequate Public Facilities Ordinance (§ 24-246).

Water and Sewer Services and Public Utilities

The subject property is currently served by Category W-1 and S-1 of Washington Suburban Sanitary Commission (WSSC) services. As referenced in the Applicant's statement, the application complies with the requirements of the City's Adequate Public Facility Ordinance (APFO) for water and sewer (§24-247).

Fire and Emergency Services

The City's Adequate Public Facilities Ordinance (APFO) requires that at least two (2) fire stations serve any development project within a ten-minute response time. The subject properties are located within a ten-minute response time of Station 8 (Gaithersburg), Station 28 (Gaithersburg) and Station 32 (Travilah). Therefore, as referenced in the Applicant's statement, the site complies with the requirements for the Adequate Public Facilities requirements for Emergency Services (§ 24-248).

² Exhibit #25

SURROUNDING LAND USE/PHYSICAL CHARACTERISTICS:

The subject properties are 12,238 square feet and currently vacant. The Applicant will submit a preliminary subdivision plan as part of the preliminary/final site plan application to consolidate the two (2) lots. A final record plat will be required prior to the issuance of a site development permit.

The following table demonstrates the land use and zoning for the surrounding properties:

Direction	Zoning	Land Use
North	CBD (Corridor Business District)	Commercial
South	R-90 (Medium Density Residential) R-B (Residential Buffer)	Residential
East	CBD (Corridor Business District) R-90 (Medium Density Residential)	Place of Worship
West	R-90 (Medium Density Residential)	Residential



Zoning Map

HISTORIC DISTRICT COMMISSION COURTESY REVIEW

Pursuant to § 24-227(4), Courtesy Reviews, the architectural design of the proposed office building was brought before the Historic District Commission (HDC) for a courtesy review at the May 22, 2019 meeting.

The HDC had made the following comments³ :

- The three (3) center windows on the rear elevation are not proportionate to the rest of the building. There should be harmony with the architecture.
- The door on the rear elevation should have the same trim color as the windows.

In response to the HDC's comments, the Applicant revised the scale of the three (3) center windows on the rear elevation. By scaling the windows size, the Applicant was able to keep a continuous brick band around the entire building. The Applicant also changed the color of the rear door to match the same color trim of the windows.⁴

CONCEPT SITE PLAN

The Applicant is requesting approval to construct a new two-story, 5,600 square foot office building. The plan proposes to close the existing curb-cut along South Frederick Avenue and maintain the existing entrance along Cedar Avenue. The existing guy wire to the southwest of the property will be relocated so it will not be in conflict with the drive aisle on Cedar Avenue. The building will be sited to front Frederick Avenue and will be located approximately forty-nine (49) feet from the adjacent single-family home to the southwest. A portion of the parking spaces will be located under the second floor of the building, which will be supported by two (2) columns and wing walls. The plan will have two (2) new lead walks in the front of the property to provide a connection to the existing sidewalk along South Frederick Avenue. The plan will not affect the bus stop on South Frederick Avenue. The plan also includes the widening of the existing sidewalk on both Cedar Avenue and South Frederick Avenue. The new sidewalks will be ten (10) feet wide.

As part of the Concept Site Plan, the Applicant submitted a preliminary forest conservation plan⁵. The Applicant is proposing to plant two (2) Princeton Elm trees to meet the afforestation credit requirement.

The Transportation Element of the 2009 Master Plan recommends a minimum right-of-way of 120 foot right-of-way for Frederick Avenue. The Applicant will dedicate approximately five (5) additional feet to meet this requirement. Additionally, Corey Pitts, from Montgomery County Department of Transportation, has reviewed the Concept Site Plans and found that the project will not encroach into the concept limit of disturbance

³ Exhibit #30

⁴ Exhibit #31

⁵ Exhibit #35

for the future 355 BRT project⁶. A new ten (10) public utilities easement (PUE) will be established adjacent to South Frederick Avenue.

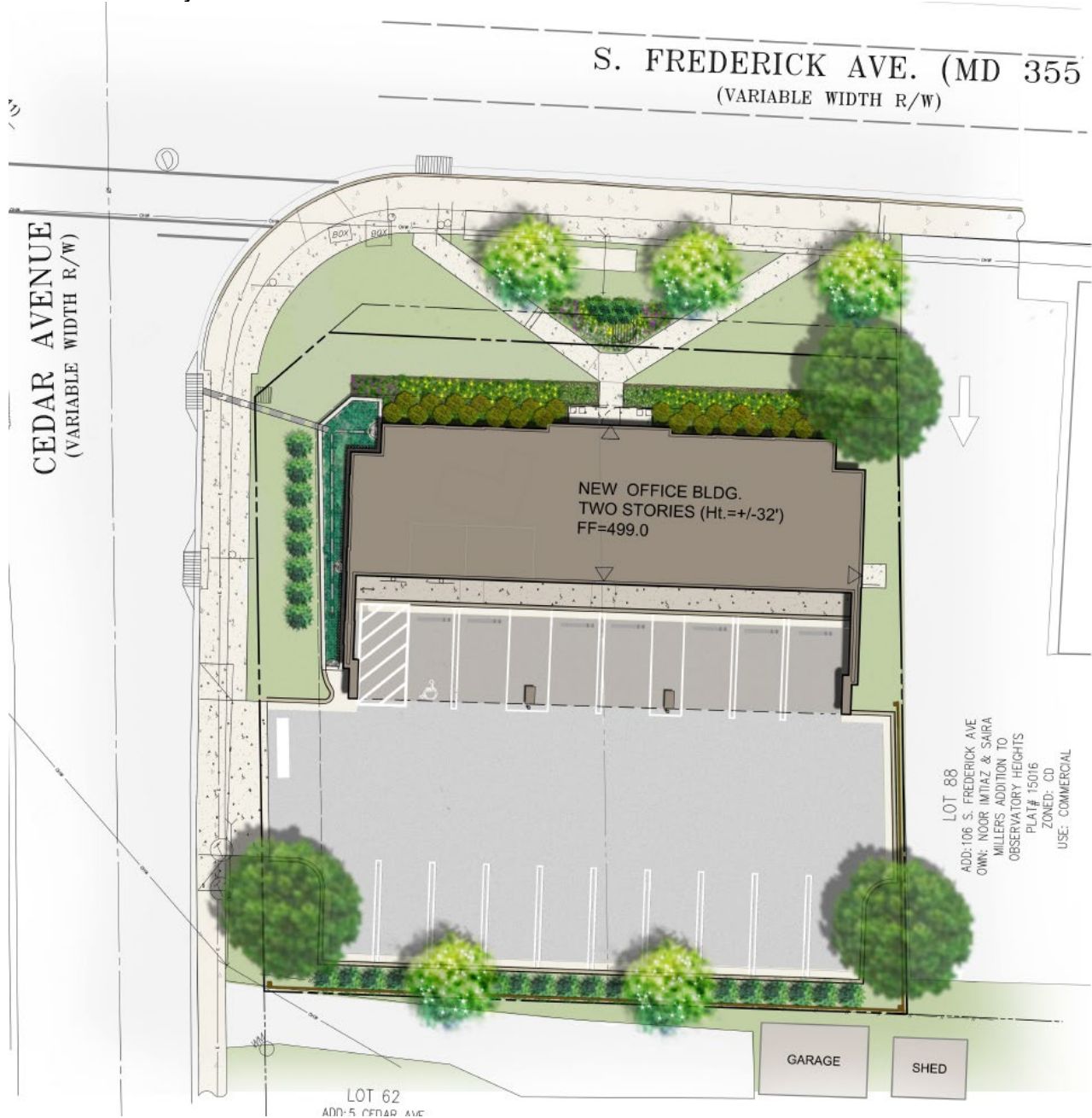


Exhibit #32: Site Plan Rendering

Waiver Request⁷

The Applicant will be requesting from the Council a waiver from the development standards in the CD zone. Pursuant to § 24-160G.5 of the City Code, the City Council may by resolution waive setback requirements in the CD zone. The Applicant is requesting a four (4) foot setback waiver from the property located 106 South Frederick

⁶ Exhibit #24

⁷ Exhibit #11

Avenue. Pursuant to § 24-160G.4(c)(2) of the City Code, if a proposed building is abutting a lot or parcel containing an existing building with windows facing the proposed building, the setback must be at least fifteen (15) feet. In the waiver request letter, the Applicant is requesting a reduction to the fifteen (15) foot setback requirement for buildings abutting a lot containing a building with windows. In the letter it stated that the new office building and the adjacent building will be approximately thirty-three (33) feet apart, which will not detrimentally impact the light and air between the buildings. There is currently a drive aisle between the two (2) buildings.

Parking

The parking is facilitated in the rear of the building, which is accessible from Cedar Avenue. The width of the parking spaces are proposed to vary between 8.5 and 9 feet depending on if they are considered high or low turnover. There is one parking space that will be ten (10) in width that is adjacent to one the wing walls of the building. The parking space would provide space for a passenger to get out of the car. Pursuant to § 24-219 of the City Ordinance, office uses are required to provide one parking space per 300 square foot of gross floor area. This project is required to provide nineteen (19) parking spaces and the plans propose seventeen (17) spaces. The plan also includes two (2) bike racks. Pursuant to § 24-222A of the City Code, the Planning Commission has the authority to grant parking waivers. The Applicant will need to request a two (2) space parking waiver and a waiver for the parking landscape requirement. Pursuant to § 24-160G(e)(2), all parking areas should contain a ten (10) foot landscape perimeter between the parking area and public space or between differing uses. The Applicant is proposing a five (5) foot landscape area between the parking lot and the adjacent single family home. Both of these waivers will be presented to the Planning Commission at Preliminary/Final Site Plan review. At this time, Staff supports both waiver requests.

Architecture Elevations⁸

As part of the Concept Site Plan application, the Applicant has provided conceptual architectural elevations for the new building. The building includes brick veneer, a soldier course trim band, and a cornice. The building will also contain a metal screen wall on the roof of the building for the mechanical equipment. The east (front) elevation will incorporate one Palladian style metal clad wood window, eight (8) six-over-six double hung windows with wood shutters and precast keystone lintel; four (4) columns; metal railing and wood-glass front door. The south (right side) elevation will incorporate five (5) six-over-six double hung metal clad wood windows with precast keystone header and a door. The north (left side) elevation will incorporate six (6) six-over-six double hung windows with precast keystone lintel. The west (rear) elevation will incorporate four (4) six-over-six double hung windows with wood shutters and precast keystone lintel, three (3) six-over-six double hung windows with precast keystone lintel.

⁸ Exhibit #33



Exhibit #33: East (front) elevation



Exhibit #33: South (right) and North (left) elevations

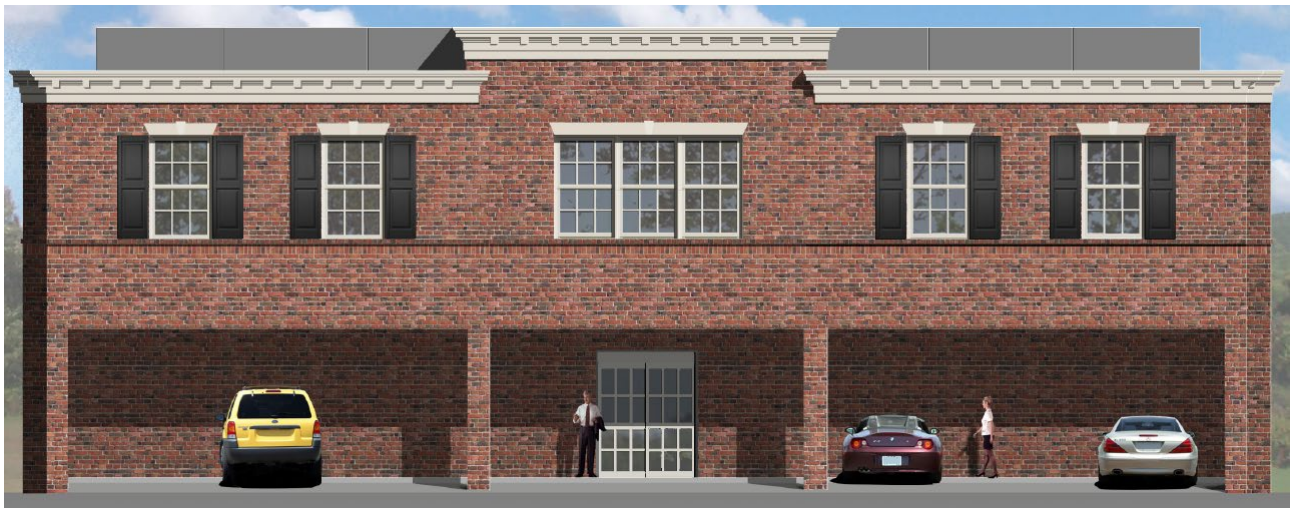


Exhibit #33: West (rear) elevation

STORMWATER MANAGEMENT AND SEDIMENT & EROSION CONTROL⁹

In accordance with the requirement for the submission of a Concept Site Plan, Section 24-160D.9(b), the Applicant has submitted concept stormwater management plan and sediment erosion control plan applications, SEC-8093-2018 and SWM-8092-2018. The Department of Public Works staff is currently reviewing both plans.

SUMMARY:

The Applicant has submitted for consideration concept site plan SP-8136-2019. This a complete application as set forth in § 24-160G.7(b). A public hearing with the Mayor & City Council has been scheduled for June 17, 2019.

Because this is the initial public hearing and Staff continues to complete their analysis of the proposed project, no formal recommendation is provided at this time.

⁹ Exhibits #2 and #3

Observation Heights

Concept Site Plan

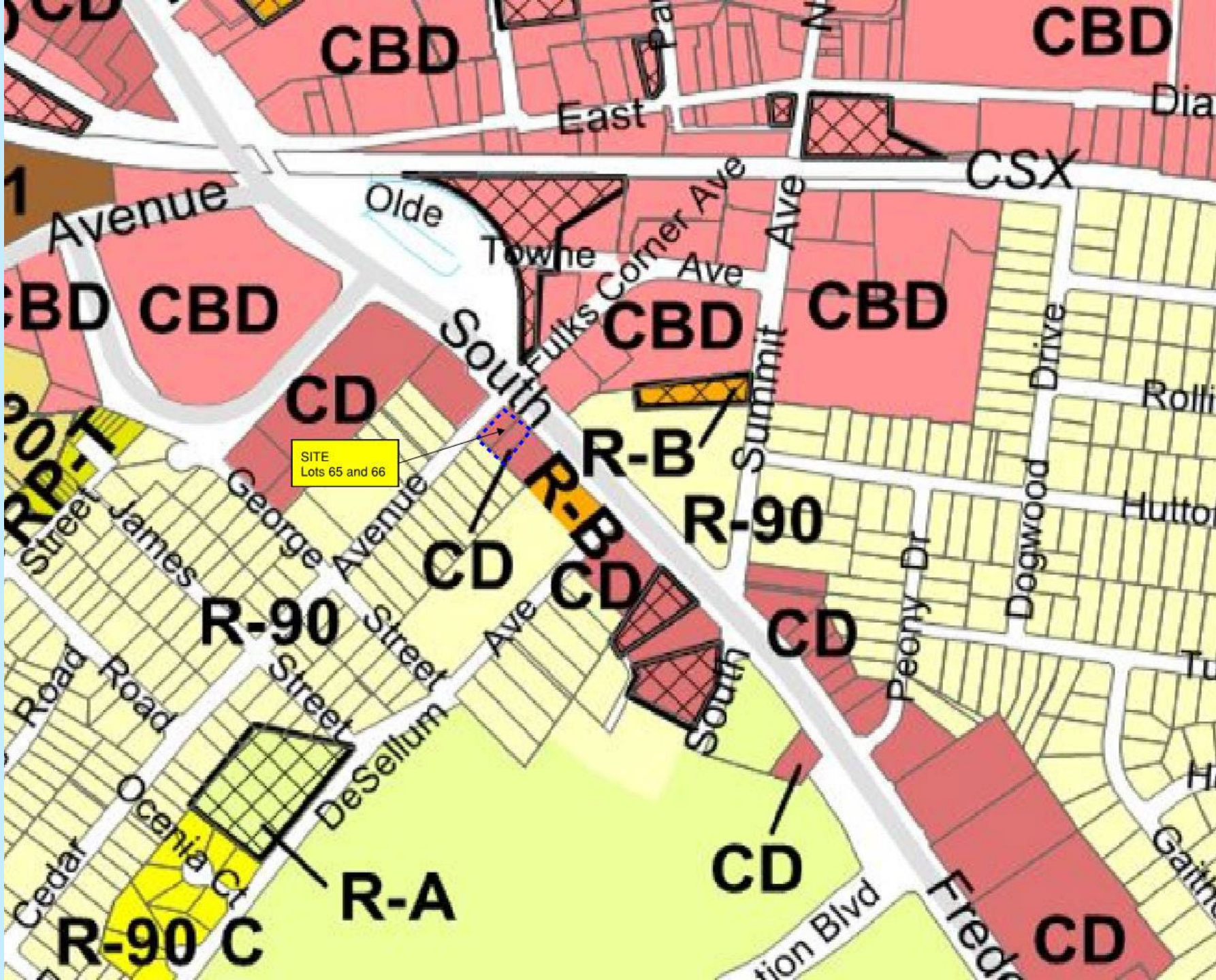
City of Gaithersburg



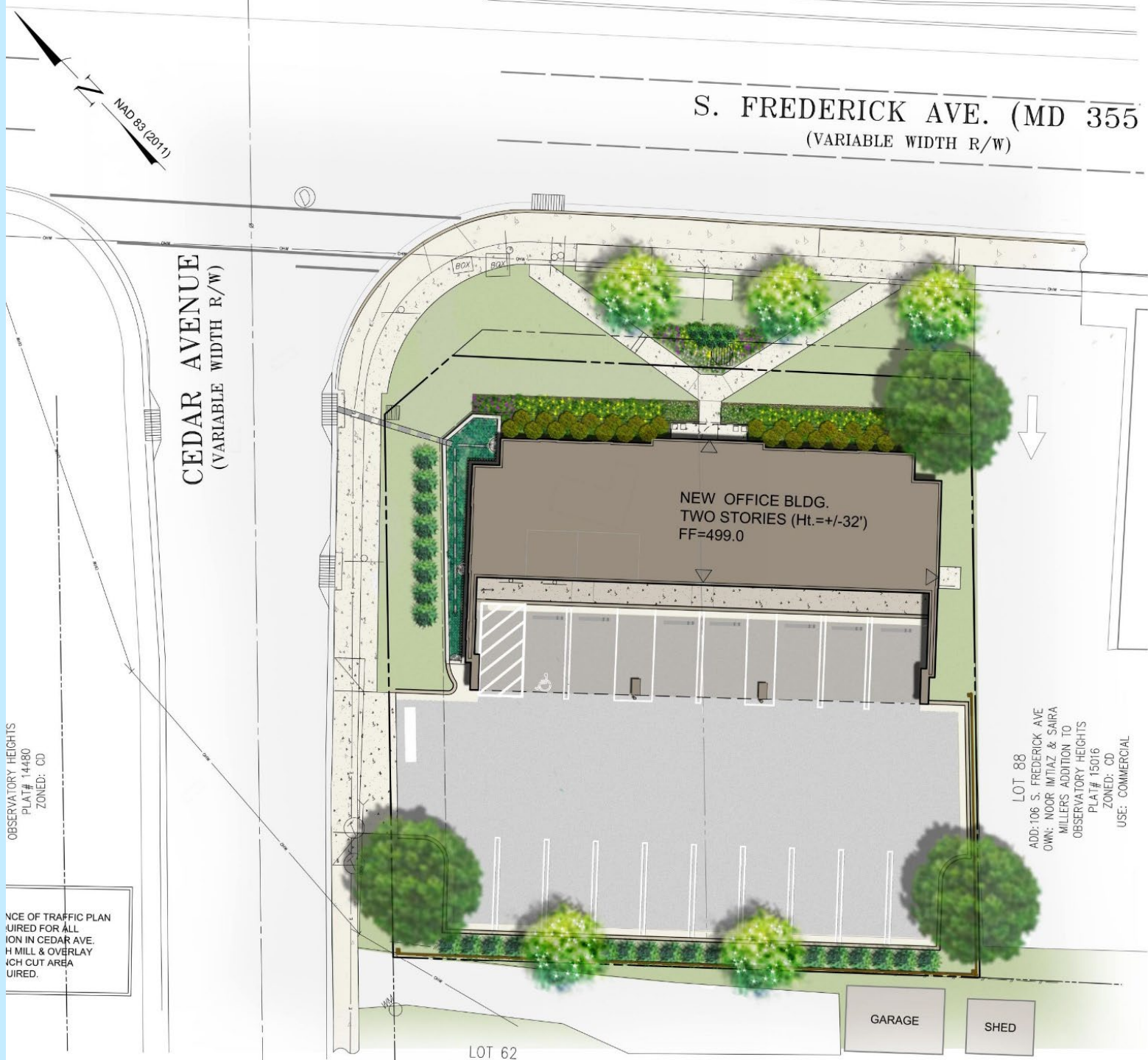
Aerial Image



Zoning Map



Conceptual Site Plan



Elevations



Front Elevation

Elevations



Rear Elevation

Elevations

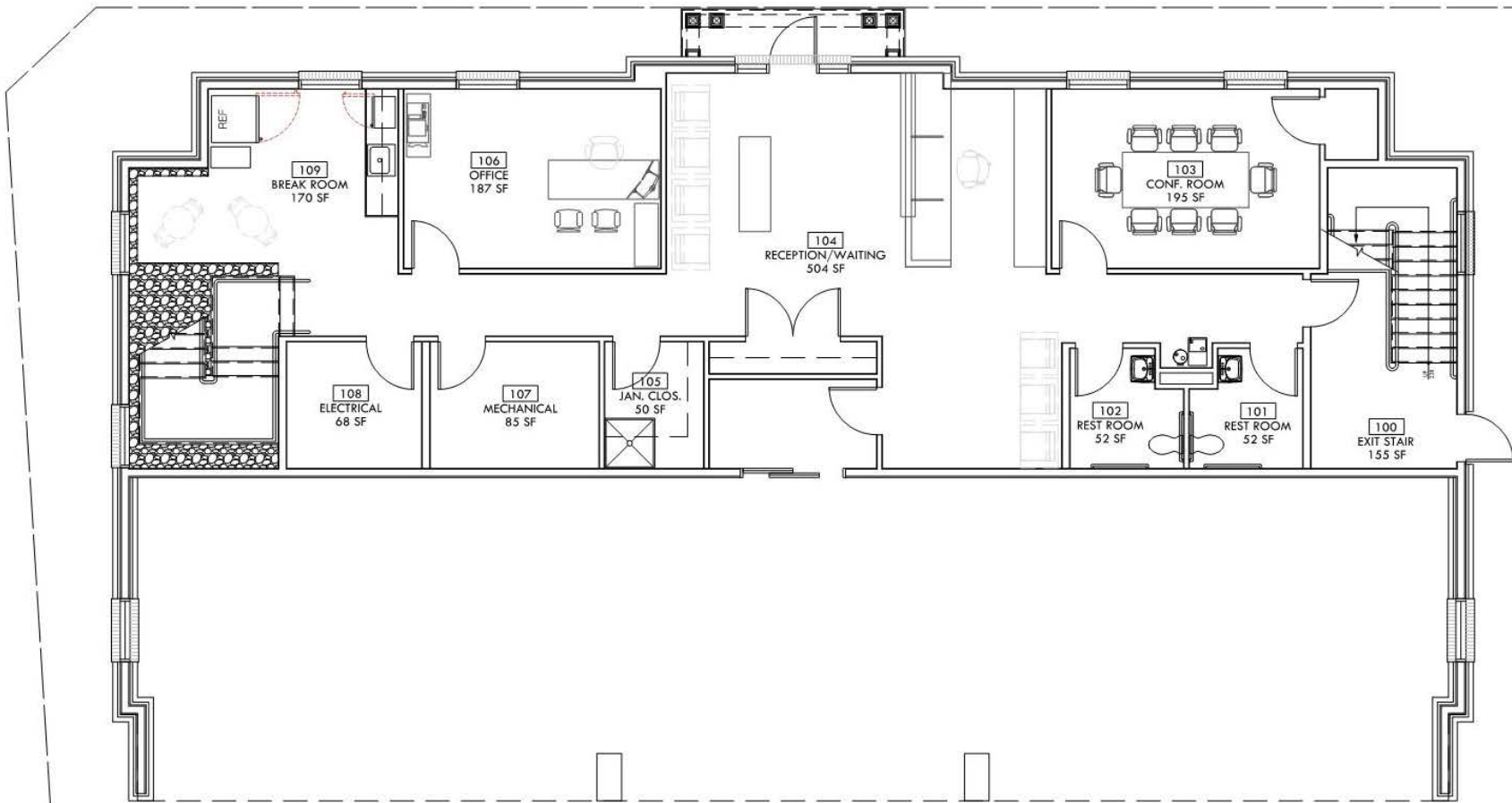


Right Side Elevation

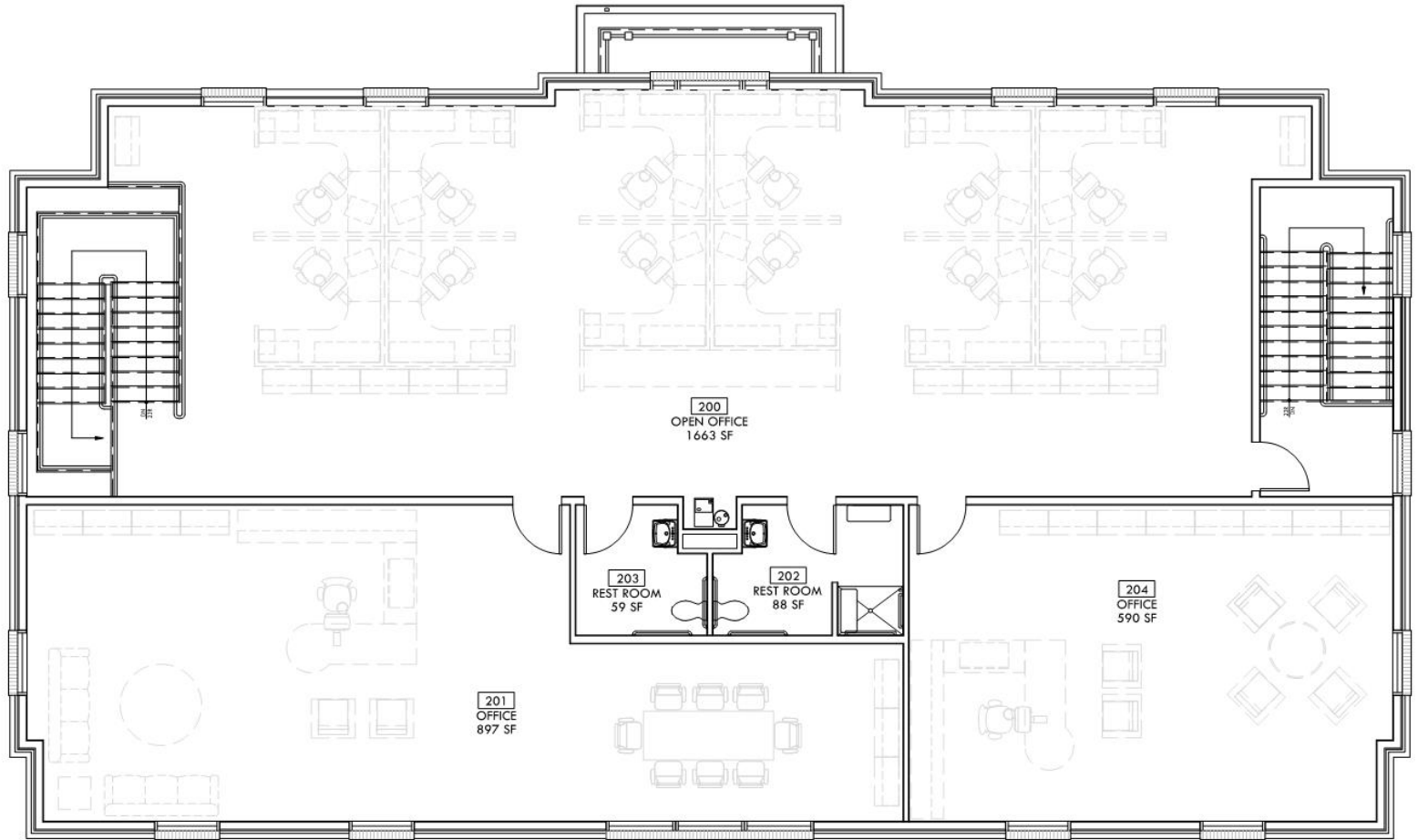


Left Side Elevation

Ground Floor Plan



Second Floor Plan





Historic District Commission

City Hall - Council Chambers
31 South Summit Avenue
Gaithersburg, MD 20877

MINUTES Regular Session

Wednesday, June 27, 2018, 7:30 PM

1. CALL TO ORDER

The Regular Session of the Historic District Commission was called to order at 7:30 PM with Chair Dean Ventola presiding.

Attendee Name	Title	Status	Arrived
Dean Ventola	Chair	Present	
Marc Feinstein	Commissioner	Present	
Chris Kirtz	Commissioner	Present	
Mary Jo LaFrance	Commissioner	Present	
John Roddy	Commissioner	Present	
Robert Love	Alternate Commissioner	Present	

Staff present: Assistant City Attorney Johnson, Planning Division Chief Schwarz, Planner Mann, Planner Berger, and Planner Roakes.

2. APPROVAL OF MINUTES

A. Regular Session held May 23, 2018

RESULT:	APPROVED [3 TO 0]
MOVER:	John Roddy, Commissioner
SECONDER:	Mary Jo LaFrance, Commissioner
FOR:	Dean Ventola, Mary Jo LaFrance, John Roddy
ABSTAIN:	Marc Feinstein, Chris Kirtz

3. DEMOLITION PERMIT APPLICATION REVIEWS

A. DEMO-16655-2018: Demolition of Building More Than 50 Years Old at 102 South Frederick Avenue in the CD (Corridor Development) Zone

There were no conflicts.

Planner Berger provided a presentation. The building at 102 South Frederick is a 2-story Queen Anne style building that was constructed circa 1912 and is located in Observatory Heights. It is not a historically designated property, either individually or as part of a district.

The property is zoned CD (Corridor Development). The demolition permit comes before the HDC in accordance with §24-231 of the City Code, which requires buildings slated for demolition that are more than 50 years old to be reviewed by the HDC for architectural and historical importance in accordance with Sec. 24-226.

The building at 102 South Frederick originated as a residence and in later years was converted into offices at which time the porch likely was enclosed. The building was owned by Mayor Harold Morris in the 1950s and 1960s before he became mayor, but there is no indication he actually lived there.

The applicant, Luis Leon, purchased the building early last year. He received a Staff Approval in May 2017 to replace the exterior wood siding with brick. Before he completed that work, the applicant submitted AFP-7759-2017 to remove the illegal addition on the rear of the building and construct a 2-story addition in its place.

The HDC provided a courtesy review of that application at its December 2017 meeting. Before the applicant proceeded with that addition, a survey revealed that approximately four (4) feet of the front of the building's porch along South Frederick Avenue was located in State of Maryland right-of-way.

The applicant sought to demolish the building. He indicated a desire to replace the building with a new office building on the property. The applicant said he would salvage as many materials as possible.

The Historic Preservation Element of the 2003 Gaithersburg Master Plan, adopted in 2007, listed 102 South Frederick Avenue on a table that was preceded with the following: "Significant research of these properties has not been conducted or limited information regarding the significance of these properties is currently unavailable. Redevelopment proposals involving the removal or significant alteration of these structures and sites should require and include thorough research as to the significance of the sites and structures, in addition to the customary reviews any proposal would elicit."

The building was not included in the recently adopted Historic Preservation Element of the 2018 Gaithersburg Master Plan, because of the drastic exterior alterations.

A Maryland Inventory of Historic Properties form (M-21-125) was completed for the property in 1983. The recorders wrote, "This building has been greatly modified."

The form was updated in 1999. Under the statement of significance, the recorder wrote: This house was built in 1911 as a prominently visible home on the main street of town. As the highway gained more traffic, the house became less desirable as a residence and is now, with several of its neighbors, is an office serving as a commercial buffer to the neighborhood behind it.

The HDC had two (2) options: direct the City Manager to issue the demolition permit, or if the building had the reasonable probability of being designated in accordance with Sec. 24-226, direct the City Manager to withhold issuance of the demo permit for up to six (6) months.

Planner Berger said the subject building is of a simple design and construction and is not unique to the City, state, or country. The building's exterior has been changed, most notably the incompatible enclosed front porch on the front and the recent replacement of the clapboard siding with brick.

The subject building was not the site of a significant, single historic event nor was it strongly identified with a person or group of people who influenced society.

The owner and applicant, Luis Leon, was present. He said he purchased the property with the intention to renovate the existing building, but an illegal addition was discovered. During a

survey, it was discovered that four (4) feet of state-owned right of way extended into the building. Mr. Leon said he intends to replace the building with a new office building. He showed a representative example of a building he believed would be suitable for the property. He stressed that the existing building was dangerous due to the presence of the addition.

No one from the public was present to speak on the project.

Commissioner Kirtz supported demolition.

Vice Chair Roddy said he was conflicted and believed the City Manager should be asked to withhold issuance of a demolition permit. He said the illegal addition could be removed without compromising the building core. Vice Chair Roddy said the state's right of way should have been discovered during the title search. He said the building had a prominent location and retained the same architectural style and form. He believed the neighborhood would lose its character if this building is demolished. Finally, he did not believe the applicant's claim of economic hardship was valid, because the applicant still had the opportunity to use the property.

Assistant City Attorney said economic hardship is only valid for a designated property. He reminded that the HDC's scope was limited to whether or not historic designation of the property should be pursued.

Vice Chair Roddy inquired if should the HDC pursue demolition if the demolition permit would be upheld the full six (6) months. Planner Berger said most of the research had already been completed, but the length would depend on the review by other City boards such as the Planning Commission and Mayor and City Council.

Commissioner LaFrance said the property is a familiar presence along Frederick Avenue and is part of Gaithersburg's story and development heritage. She could not consider the building structurally unsound without a structural engineer's report. Planner Mann reminded that the HDC was reviewing the historic and architectural merit of the building and the demolition permit could be withheld up to six (6) months. Commissioner LaFrance favored withholding the demolition permit to research the building further.

Commissioner Feinstein was not in favor of withholding the demolition permit. He said the structural integrity, right of way issues, and damage to the interior were not considerations, and the real factors were whether or not the building was worthy of further research to determine if it could be historically designated. He said it has been present along a major corridor for many years, but it was not a prominent building. He said a mayor owed it but did not live there. Commissioner Feinstein said it had interesting architectural elements, but none were outstanding and a lot of historical fabric had been lost.

Chair Ventola inquired about the location of the four (4)-foot right of way on the front of the building. He favored removal of the porch but said the massing of the building could be saved. He noted that it was prominent building in its day and few examples remain along Frederick Avenue. Chair Ventola said he understood that the Frederick Avenue corridor needs to have the ability to widen, but he would not want the building demolished if it is possible that it can be retained if Frederick Avenue is widened. Mr. Leon said his replacement building would be set back from Frederick Avenue.

Commissioner LaFrance asked if the applicant would be willing to move the existing building back. Chair Ventola said the expense would be too high.

Commissioner Kirtz said the applicant has exhausted his options and said the building has no

architectural significance.

Commissioner LaFrance asked if material salvage could be required. Assistant City Attorney Johnson said it could be a condition, but it could not necessarily be enforced. He reminded again that the scope of review was whether or not the building had the reasonable probability of historic designation. Commissioner Feinstein noted that a number of the remaining materials are not original to the building.

Chair Ventola inquired about potential setbacks of the replacement building along Frederick Avenue. Mr. Leon indicated he planned to front the building along the road with parking in the rear. Chair Ventola asked if there are plans to widen Frederick Avenue. Planner Mann said a bus rapid transit was planned for the corridor. Chair Ventola asked if placing a building along Frederick Avenue would be counterintuitive. Planner Mann said the building would not conflict with future plans for the corridor.

Motion was made that DEMO-16655-2018, CD (Corridor Development), demolition of building more than 50 years old at 102 South Frederick Avenue, Demolition Permit, may meet the criteria for historic or architectural significance as specified in Sec.24-226 of the City Code and direct the City Manager to temporarily withhold issuance of DEMO-16655-2018, to permit research on the potential for historic designation.

RESULT:	PASSED [3 TO 2]
MOVER:	John Roddy, Commissioner
SECONDER:	Mary Jo LaFrance, Commissioner
FOR:	Dean Ventola, Mary Jo LaFrance, John Roddy
AGAINST:	Marc Feinstein, Chris Kirtz

DEMO-16655-2018: Demolition of Building More Than 50 Years Old at 102 South Frederick Avenue in the CD (Corridor Development) Zone

Mr. Leon asked how long the research would take. Chair Ventola said it will be done as quickly as possible.

Commissioner Kirtz asked those who voted to withhold issuance of the Demolition Permit what information they sought. Chair Ventola said he wanted more information on potential widening of Frederick Avenue and whether 102 South Frederick Avenue would be affected. Commissioner Kirtz responded that it would be a difficult to receive an answer from the State Highway Administration.

Planning Division Chief Trudy Schwarz reminded that the purpose of the study would be whether or not to designate the building. She said the building would require a Mayor and City Council hearing with Planning Commission and HDC recommendations. Chair Ventola said he was not aware that was the focus of the application. Assistant City Attorney Johnson said the six (6) month time limit would be to pursue historic designation if there is a reasonable probability.

Chair Ventola said he was unaware the motion was based solely on whether or not to pursue historic designation and asked to reopen the vote.

Motion was made to reopen the vote on DEMO-16655-2018.

RESULT:	PASSED [3 TO 0]
MOVER:	Dean Ventola, Chair
SECONDER:	Marc Feinstein, Commissioner
FOR:	Dean Ventola, Marc Feinstein, Chris Kirtz
ABSTAIN:	Mary Jo LaFrance, John Roddy

DEMO-16655-2018: Demolition of Building More Than 50 Years Old at 102 South Frederick Avenue in the CD (Corridor Development) Zone

The HDC re-voted on the original motion.

Motion was made that DEMO-16655-2018, CD (Corridor Development), demolition of building more than 50 years old at 102 South Frederick Avenue, Demolition Permit, may meet the criteria for historic or architectural significance as specified in Sec.24-226 of the City Code and direct the City Manager to temporarily withhold issuance of DEMO-16655-2018 to permit research on the potential for historic designation.

RESULT:	FAILED [2 TO 3]
MOVER:	John Roddy, Commissioner
SECONDER:	Mary Jo LaFrance, Commissioner
FOR:	Mary Jo LaFrance, John Roddy
AGAINST:	Dean Ventola, Marc Feinstein, Chris Kirtz

DEMO-16655-2018: Demolition of Building More Than 50 Years Old at 102 South Frederick Avenue in the CD (Corridor Development) Zone

Motion was made that DEMO-16655-2018, CD (Corridor Development), demolition of building more than 50 years old at 102 South Frederick Avenue, Demolition Permit, does not meet the criteria for historic or architectural significance, and the HDC does not direct the City Manager to withhold issuance of the demolition permit with one (1) condition:

- 1. The applicant shall have all salvageable building materials and appliances removed before demolition.*

RESULT:	PASSED [4 TO 1]
MOVER:	Chris Kirtz, Commissioner
SECONDER:	Marc Feinstein, Commissioner
FOR:	Dean Ventola, Marc Feinstein, Chris Kirtz, Mary Jo LaFrance
AGAINST:	John Roddy

4. FROM STAFF

A. City Project Updates

Planner Berger showed photos of the brick installed over the footer of the porch at the Kentlands Mansion. The HDC approved stone veneer to cover the footer at the May 23, 2018, meeting as part of HIST-7919-2018 with the option to cover with brick. All agreed the brick turned out well.

Planner Berger next showed plans for the Forest Oak Cemetery gate and fencing along Frederick Avenue. The arch gate will be similar in appearance to the original arch that was removed in the 1960s.

Planner Berger said the Arts Barn's cedar shake roof will be replaced in kind, the cupola will be repaired, and the shingles in the gable ends will be repaired and replaced in kind if necessary.

Planner Berger showed photos of the tree at 104 Chestnut Street that fell on the residence at 102 Chestnut Street on June 18, 2018. No one was injured, but the tree caused significant damage to 102 Chestnut. The owners intend to repair.

Finally, Planner Berger sought direction from the HDC on which properties they would like to pursue as Impact Review Areas before the subject was broached to the Mayor and City Council. Impact Review Areas are parcels that adjoin designated properties and would allow the HDC to essentially provide a Courtesy Review on concept and amendment to site plans before the Planning Commission final review. The Mayor and City Council establishes Impact Review Areas, but none are in place now. He showed maps of all eligible properties.

Chair Ventola asked about what kind of control the HDC would have over potential Impact Review Areas. Planner Berger said it would provide nonbinding recommendations.

Commissioner LaFrance noted that a number of the eligible properties already are in Courtesy Review areas, so Impact Review Areas would be good quality control. She said she would like to change in the sign ordinance of the historic districts so it is similar to Olde Towne.

Chair Ventola asked how it would affect Staff workload. Planner Berger said it would difficult to ascertain.

Commissioner Feinstein inquired about the commercial development at 205 Perry Parkway and whether sign permits would be reviewed by the HDC. Planner Berger said only Amendment to Final Site Plan applications would receive HDC review. Planning Division Chief Schwarz noted that the buildings at 205 Perry Parkway are some distance away from the Chestnut/Meem Historic District.

Alternate Commissioner Love asked how much time Impact Reviews would add to an applicant's timeline. Planner Berger said about a month.

The HDC requested to review the information and discuss at a future meeting.

5. FROM COMMISSION

Commissioner LaFrance asked what will happen to the Forest Oak Cemetery fencing to be removed. Planning Division Chief Schwarz said it will be stored by the cemetery and potentially reused.

Commissioner Kirtz attended the Maryland Association of Historic District Commissions symposium on June 16, 2018, and said he purchased food for the symposium-goers on behalf of the HDC.

6. ADJOURNMENT

There being no further business, the session was adjourned at 8:52 PM

Respectfully submitted,

There being no further business, the session was adjourned at 8:52 p.m.

Respectfully submitted,

Chris Berger

DRAFT

STAFF ANALYSIS FOR HISTORIC DISTRICT COMMISSION

REPORT DATE: June 14, 2018

RESPONSIBLE STAFF: Chris Berger,
Planner II

PUBLIC MEETING DATE

June 27, 2018

APPLICATION NUMBER

DEMO-16655-2018

SUMMARY OF REQUEST

Demolition of building more than 50 years old.

APPLICANT

Luis Ulpiano Leon

SUBJECT PROPERTY ADDRESS

102 South Frederick Avenue

ZONE

CD (Corridor Development)

HISTORIC PROPERTY/DISTRICT

Not applicable

STAFF RECOMMENDATION

Staff recommends **THAT THE HISTORIC DISTRICT COMMISSION, BASED ON THE EXHIBITS SUBMITTED, THE APPLICANT'S TESTIMONY, AND THE STAFF REPORT, FINDINGS AND RECOMMENDATION, MAKE A DETERMINATION, THAT THE BUILDING OVER 50 YEARS OLD, LOCATED AT 102 SOUTH FREDERICK AVENUE, DOES NOT MEET THE CRITERIA FOR HISTORIC OR ARCHITECTURAL SIGNIFICANCE, AS SPECIFIED IN §24-226 OF THE CITY CODE, AND DOES NOT DIRECT THE CITY MANAGER TO WITHHOLD ISSUANCE OF DEMO-16655-2018 WITH ONE (1) CONDITION.**

Approve

Approve With Conditions

Deny

Defer

Enclosures:

Staff Comments and Location Map
Exhibits

Exhibit 1: DEMO-16655-2018 Application
Exhibit 2: DEMO-16655-2018 Applicant Statement
Exhibit 3: DEMO-16655-2018 Applicant Photos

Exhibit 4: DEMO-16655-2018 M-21-125
Exhibit 5: DEMO-16655-2018 Staff Photos
Exhibit 6: DEMO-16655-2018 Notifications

LOCATION MAP



STAFF ANALYSIS

I. BACKGROUND

The applicant, Luis Ulpiano Leon, has submitted a demolition permit application (DEMO-15500-2017) for the building at 102 South Frederick Avenue (Exhibits 1-3). The HDC previously provided a courtesy review (AFP-7759-2017) for an addition to the building at its December 20, 2017, meeting.

II. SCOPE OF REVIEW

The criteria utilized by the HDC for demolition procedures for non-designated buildings and structures are specified in §24-231 of the City Code and are as follows:

- (a) Applications for issuance of a demolition permit for non-designated buildings and structures shall be filed with the city manager, or designee. The application shall be in a form and contain such information as may be required to provide information as shall be necessary for the historic district commission to evaluate and act upon such applications in accordance with the provisions of this article.
- (b) Prior to issuance of each demolition permit, the historic district commission shall review each structure or building more than fifty (50) years old for potential historic or architectural significance under the criteria specified in section 24-226. The historic district commission shall schedule and conduct a public meeting on the application, giving notice pursuant to subsection (c).
- (c) After scheduling a public meeting notice thereof shall be accomplished by city staff, by ordinary mail, being given to property owners within two hundred (200) feet of the property, not less than seven (7) days prior to the meeting at which the matter is to be heard, and to those citizens or organizations the city manager or designee determines may have an interest in the proceedings. In addition, notice shall be accomplished by posting an appropriate sign on the site and publication at least once, not less than seven (7) days prior to the meeting.
- (d) The historic district commission may instruct the city manager or designee to:
 - (1) Issue the demolition permit.
 - (2) Where the historic district commission determines that any site, group of sites, structure or object is undergoing active consideration as a historic district, historic site or historic resource, or has the reasonable probability of being so designated or has been so designated, it may direct the city manager to withhold issuance of any permit to demolish, grade or

substantially alter the exterior features of any such site, structure or object. The city manager shall withhold such permit for a maximum of six (6) months from the date of the directive of the commission.

- (i) The commission may withdraw its directive to the city manager if it determines that failure to grant the permit applied for will have the effect of denying the property owner all reasonable use of the property or would cause the property owner to suffer undue economic hardship.

The criteria utilized by the HDC to determine potential historic or architectural significance are specified in §24-226 of The City Code:

- (1) Historic and cultural significance. The historic resource:
 - (i) Has character, interest or value as part of the development, heritage or cultural characteristics of the city, county, state or nation;
 - (ii) Is the site of a significant historic event;
 - (iii) Is identified with a person or a group of persons who influenced society; or
 - (iv) Exemplifies the cultural, economic, social, political or historic heritage of the city and its communities.
- (2) Architectural and design significance. The historic resource:
 - (i) Embodies the distinctive characteristics of a type, period or method of construction;
 - (ii) Represents the work of a master;
 - (iii) Possesses high artistic values;
 - (iv) Represents a significant and distinguishable entity whose components may lack individual distinction;
 - (v) Represents an established and familiar visual feature of the neighborhood, community or city due to its singular physical characteristic or landscape; or
 - (vi) Embodies design, setting, materials, workmanship and ambience to the city's sense of time, place and historic development.

III. DEMOLITION PERMIT ANALYSIS AND FINDINGS

Staff provides the following comments and findings for HDC consideration:

Location

The building at 102 South Frederick Avenue is located at the corner of South Frederick and Cedar Avenue. The subject property is approximately 12,238 square feet and situated within Observatory Heights. The site is accessible from Cedar and South Frederick avenues.

Land Use and Zoning

The subject property is zoned CD (Corridor Development). The land to the north across Frederick Avenue is zoned CBD (Central Business District), the land to the south is zoned R-90 (Medium Density Residential) and R-B (Residential Buffer), and the land to the west is zoned R-90 (Medium Density Residential).

SITE HISTORY

The subject building was constructed circa 1912 and originated as a residence built for railroad employee John "Pop" Engle and Dorothy Llewellyn Engle. It was transferred in 1942 to Edith R. Engle and Frank E. Kaufman, who sold it back to Dorothy Engle and her daughter Karthryn Engle Etchinson in 1946. Harold and Jean Morris owned the property from 1957 to 1966. Harold Morris was elected to the City Council in 1962 and served as Gaithersburg mayor for a term beginning in 1970. It does not appear the Morrises lived in the building. Augusta W. Bowling, Bobby T. Lee, and Jimmie Deoudes bought the property in 1966 until the Bowling and Lee shares in the property were sold to Deoudes in 1970. He sold the building in 1985 to Charles A. and Joan F. Hayes. It was known as Inns of Court when it was used as law offices (Exhibit 4).

The Planning Commission approved site plan S-504(R) on November 5, 1975, for a change of use of the second floor from residential to office use.

On February 4, 2010, a staff approval application, STF-10-007, was approved to change the roof and add a new set of stairs in the back of the building.

On May 10, 2017, the staff approval application AFP-7596-2017 was approved for the demolition of the exterior siding walls to remove the asbestos insulation and reconstruct the exterior wall with brick.

At its December 20, 2017, meeting, the HDC conducted a courtesy review of AFP-7759-2017, a two-story, 500-square-foot addition. The application was not reviewed by the Planning Commission.

Existing Property Description

The two (2)-story, Queen Anne style frame building measures 2,903 square feet. The façade is clad in brick on all sides, except where only house wrap is present. The wraparound front porch on the north and east elevations was enclosed with brick circa 1980, and windows and doors were installed. A shed-roofed addition was built on the rear elevation at an unknown date. The main entrance is on the west elevation through the enclosed porch. A second entry to the porch is located on the

north elevation. A wooden staircase provides entry to the second floor of the rear elevation, and a ground floor entry is also located on the rear elevation. Windows include replacement vinyl and metal 1/1 sash, 6/6 sash, 16-light fixed, and 1/1 sliding. The gable and shed roofs are covered with shingles. The residence has two (2) brick chimneys.



Exhibit 5. The west and north elevations of 102 South Frederick Avenue (June 2018).



Exhibit 5. The north and east elevations of 102 South Frederick Avenue (June 2018).



Exhibit 5. The east and south elevations of 102 South Frederick Avenue (June 2018).



Exhibit 5. The south and west elevations of 102 South Frederick Avenue (June 2018).

Demolition Permit Analysis

Applicant's Request

The applicant has submitted a Demolition Permit application (DEMO-16655-2018) to demolish the subject building at 102 South Frederick Avenue.

According to the applicant, he purchased the property early last year with the intention of renovating it into an office for his law firm. When installing brick on the exterior, it was revealed that the rear addition did not have a foundation. Staff directed the applicant to demolish the addition and build a new one that met building code requirements.

Late last year, the applicant submitted AFP-7759-2017 to demolish the rear addition, demolish the rear walls, excavate the existing basement, add to the basement, and build a two (2)-story addition. In the process of planning the project, a survey revealed that approximately four (4) feet of the front of the building was located in State of Maryland-owned right-of-way along South Frederick Avenue.

The applicant provided a narrative in which he detailed four (4) reasons why the building should be demolished (Exhibit 2). They are as follows:

1. Present hazardous and dangerous conditions.
2. The approval of the demolition will immediately, easily, and inexpensively resolve the troubling issue of the clouded title between the State of Maryland and I.
3. Cost prohibitive.
4. The existing building has unfortunately lost a great deal of historic value.

The applicant also wrote that if the City of Gaithersburg approves the demolition of the existing building, "I intend to recycle as many of the materials from the interior and exterior of the existing building, such as the metal, asphalt, wood, brick, drywall, copper piping, duct work, glass, and windows."

The applicant has expressed a desire to build a new office building on 102 and 104 South Frederick Avenue, but he has not yet submitted plans for the proposal.

Staff's Comments

A Maryland Inventory of Historic Properties form (M-21-125) was completed for the property in 1983. The recorders, P. Patula and C. MacFarland, wrote, "This building has been greatly modified" (Exhibit 4). The form was updated in 1999 by Judy Christensen. Under the statement of significance, she wrote:

This house was built in 1911 as a prominently visible home on the main street of town. As the highway gained more traffic, the house became less desirable as a residence and is now, with several of its neighbors, is an office serving as a commercial buffer to the neighborhood behind it.

The subject building lacks architectural significance. It is of a simple design and construction and is not unique to the City, state, or nation. The building's exterior has been changed, most notably the incompatible enclosed front porch on the main elevation and the replacement of the clapboard siding with brick.

The subject building was not the site of a significant, single historic event nor is it identified with a person or group of people who influenced society.

The Historic Preservation Element of the 2003 Gaithersburg Master Plan, adopted in 2007, lists 102 South Frederick Avenue on a table that is preceded with the following: "Significant research of these properties has not been conducted or limited information regarding the significance of these properties is currently unavailable. Redevelopment proposals involving the removal or significant alteration of these structures and sites should require and include thorough

research as to the significance of the sites and structures, in addition to the customary reviews any proposal would elicit.”

However, the building was not included in the recently adopted Historic Preservation Element of the 2018 Gaithersburg Master Plan, because of the drastic alterations to the property.

Thus, it is Staff’s opinion that the HDC should not withhold issuance of a demolition permit for 102 South Frederick Avenue because it does not possess a high level of historic significance to warrant historic designation, and it has not retained a high degree of historic integrity.

IV. STAFF RECOMMENDATION

Staff recommends that **THE HISTORIC DISTRICT COMMISSION, BASED ON THE EXHIBITS SUBMITTED THE APPLICANT’S TESTIMONY, AND THE STAFF REPORT, FINDINGS AND RECOMMENDATION, MAKE A DETERMINATION, THAT THE BUILDING OVER 50 YEARS OLD, LOCATED AT 102 SOUTH FREDERICK AVENUE, DOES NOT MEET THE CRITERIA FOR HISTORIC OR ARCHITECTURAL SIGNIFICANCE, AS SPECIFIED IN §24-226 OF THE CITY CODE, AND DOES NOT DIRECT THE CITY MANAGER TO WITHHOLD ISSUANCE OF DEMO-16655-2018 WITH ONE (1) CONDITION:**

1. The applicant shall have all salvageable building materials and appliances removed before demolition.

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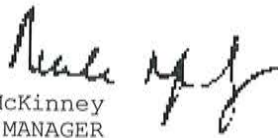
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THE WASHINGTON POST

By


Nicole McKinney
BILLING MANAGER

NOTICE OF PUBLIC HEARING The Mayor and City Council of the City of Gaithersburg, Maryland, will conduct a public hearing on Concept Site Plan SP-8136-2019 on MONDAY JUNE 17, 2019 AT 7:30 P.M. or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland. The applicant requests approval of Concept Site Plan, SP-8136-2019, located at 102 and 104 South Frederick Avenue. The application proposes the construction of a two-story, 5,600 square foot office building. Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday, or by visiting the City's website at: <https://www.gaithersburgmd.gov/government/projects-in-the-city> Jasmine Forbes, Planner planning@gaithersburgmd.gov Planning and Code Administration

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July 3, 2019

Jasmine Forbes
Planner I
Planning and Code Administration
31 South Summit Avenue
City of Gaithersburg, MD 20877

Dear Jasmine,

During our hearing with the City of Gaithersburg, Mayor and City Council on June 17th, 2019 regarding the Concept Site Plan (#SP-8136-2019) for 102 / 104 South Frederick Avenue, a question was raised as to why a more “traditional style” was selected over a contemporary style considering the prominence of the site. Please consider the following as a response to this concern.

It should be mentioned that the owner of the subject property first considered saving the old structure on the site for use as his law offices. After working diligently for more than a year, and after expending significant financial resources, it was determined that a portion of the building was constructed improperly and without permits and in the end was not salvageable. After working with the City staff, it was agreed that the building was not a contributing historic resource and was essentially a hazard. It was ultimately determined, and the City approved, that the building could be demolished.

Following demolition, the design team and client focused on an aesthetic which addressed both the context of the site, the prominence of the site as a gateway and its frontage on a major thoroughfare and the owners desire for his project to relate to the design, materials and detailing of the other adjoining historic buildings (St. Martins School and Church, Duvall’s Funeral Home, etc.).

The decision was made that a Federal style building, one that was carefully planned and detailed, not a, “watered down version,” would both meet the above requirements and worked well in its relationship to the street and in the context of the neighboring buildings in terms of its height, massing and overall proportions.

The design provided is proportioned in the traditional federal style, arranged in the traditional form, utilizes brick on all sides, and incorporates aesthetically consistent details, patterns, and refinements. The anomaly in the true application of a federal design motif is caused by the recessed first floor on the rear side of the building. Many site and programmatic factors led to pushing some of the parking underneath the second floor overhang, however, we feel it has been carefully scaled and detailed so that the rear façade has been integrated into the Federal Style of the building.

While there certainly are modern buildings that house law practice's we believe that a well-formulated Federal Style Building was the is the accurate reflection of our clients' practice. I hope this response letter addresses the concerns of the Mayor and City Council and presents clearly the reasoning for the choice of aesthetic for the new design. If you have any questions or concerns, please do not hesitate to call.

Sincerely,

C. Marty Bates, AIA
Bates Architects, LLC

CC:	Luis Leon	LUL
	Brian Donnelly	MHG
	Ben Bates	BA
	CMB / F	