




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


MCPB
Item # 2
07/05/07

MEMORANDUM

DATE: June 21, 2007

TO: Montgomery County Planning Board

VIA: Catherine Conlon, Supervisor 
Development Review Division
(301) 495-4542

FROM: Stephen Smith 
Development Review Division
(301) 495-4522

SUBJECT: Informational Maps and Summary of Record Plats for the Planning Board
Agenda for July 5, 2007

The following record plats are recommended for APPROVAL, subject to the appropriate conditions of approval of the preliminary plan and site plan, if applicable, and conditioned on conformance with all requirements of Chapter 50 of the Montgomery County Code. Attached are specific recommendations and copies of plan drawings for the record plat. The following plats are included:

220071170 John C. Wilson Estate

PLAT NO. 220071170

John C. Wilson Estate

Located on the west side of Cameron Street, approximately 250 feet south of Spring Street.

CBD-2 Zone; 1 Parcel

Community Water, Community Sewer

Master Plan Area: Silver Spring CBD

Cameron House Apartments, LLC, Applicant

The record plat has been reviewed by MNCPPC staff and other applicable agencies as documented on the attached Plat Review Checklist. Staff has determined that the plat complies with Preliminary Plan No. 12006018A, and Site Plan No. 820060370, as approved by the Board and that any minor modifications reflected on the plat do not alter the intent of the Board's previous approval of the aforesaid plans.

RECORD PLAT REVIEW SHEET

Plan Name: Cameron House (Amendment) Plan Number: 12006018A
 Plat Name: John C. Wilson Estate Parcel Plat Number: 2-20071170
 Plat Submission Date: 3-19-07
 DRD Plat Reviewer: S. Smith
 DRD Prelim Plan Reviewer: ~~Cathy Galt~~ Dolores Kinney

Initial DRD Review:

Signed Preliminary Plan – Date 10/10/06 Checked: Initial DS Date 5/7/07
 Planning Board Opinion – Date 10/4/06 Checked: Initial DS Date 4-18-07
 Site Plan Req'd for Development? Yes X No Verified By: DS (initial)
 Site Plan Name: Cameron House Site Plan Number: 820060370
 Planning Board Opinion – Date 10-4-06 Checked: Initial DS Date 4-18-07
 Site Plan Signature Set – Date 6-7-07 Checked: Initial DS Date 6-19-07
 Site Plan Reviewer Plat Approval: Checked: Initial PAK Date 6-22-07

Review Items: Lot # & Layout ✓ Lot Area ✓ Zoning ✓ Bearings & Distances ✓
 Coordinates ✓ Plan # ✓ Road/Alley Widths ✓ Easements ✓ Open Space N/A
 Non-standard BRLs N/A Adjoining Land ✓ Vicinity Map ✓ Septic/Wells N/A
 TDR note N/A Child Lot note N/A Surveyor Cert ✓ Owner Cert ✓ Tax Map ✓

Agency Reviews Req'd	Reviewer	Date Sent	Due Date	Date Rec'd	Comments
Environment	<u>A. Lindberg</u>	<u>3-29-07</u>	<u>4-17-07</u>	<u> </u>	<u> </u>
Res. Arch	Bobby Fleury	<u> </u>	<u> </u>	<u>4-2-07</u>	<u>OK</u>
SHA	Doug Mills	<u> </u>	<u> </u>	<u> </u>	<u> </u>
PEPCO	Steve Baxter	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Parks	Doug Powell	<u> </u>	<u> </u>	<u> </u>	<u> </u>
DRD	Steve Smith	<u> </u>	<u> </u>	<u>4-17-07</u>	<u>MARK UP</u>

Final DRD Review:

DRD Review Complete:

(All comments rec'd and incorporated into mark-up)

Engineer Notified (Pick up Mark-up):

Final Mylar w/Mark-up & PDF Rec'd:

Board Approval of Plat:

Plat Agenda:

Planning Board Approval:

Chairman's Signature:

DPS Approval of Plat:

Engineer Pick-up for DPS Signature:

Final Mylar for Reproduction Rec'd:

Plat Reproduction:

Addressing:

File Card Update:

Final Zoning Book Check:

Update Address Books with Plat #:

Update Green Books for Resubdivision:

Notify Engineer to Seal Plats:

Engineer Seal Complete:

Complete Reproduction:

Sent to Courthouse for Recordation:

Initial

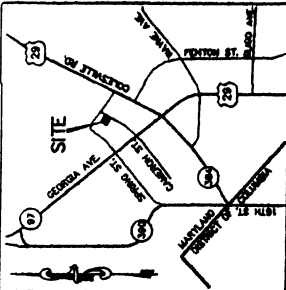
DSDSDSDSDSDS

Date

6-22-075-9-076-14-07 7-5-07 No.

AREA TABULATION

70,462 SQ.FT. OR 1,617.58 ACRES
631 SQ.FT. OR 0.01449 ACRES
71,003 SQ.FT. OR 1,632.07 ACRES



OWNERS CERTIFICATE

[illegible]

**CAMERON HOUSE APARTMENTS JOINT VENTURE
PROPERTY: CAMERON HOUSE APARTMENTS, LLC - A MARYLAND LIMITED LIABILITY COMPANY**

DATE: June 13, 2007 DATE: June 13, 2007
 BY: David Williams, President BY: David Williams, President
 DAVID WILLIAMS DAVID WILLIAMS

NOTES

- 1) THE PROPERTY IS LOCATED ON TAX ASSESSMENT MAP NO. 20-03-02.
- 2) THE HORIZONTAL BOUNDARY IS MONTANA STATE GRID (NAD83/93).
- 3) THIS SUBMISSION RECORD PLAT IS NOT INTENDED TO SHOW EXISTING WATER ATTACHING THE OWNERSHIP AND USE, NOR EXISTING UTILITIES ATTACHING THE OWNERSHIP AND USE OF THE PROPERTY. THE SUBMISSION RECORD PLAT IS NOT INTENDED TO REPLACE AN EXAMINATION OF TITLE OR TO CURE AN AT-TITLE WATER ATTACHING TITLE.
- 4) ALL ERECS, CONDITIONS, LIMITATIONS, AND REQUIREMENTS ASSOCIATED WITH ANY PRELIMINARY PLAT, SITE PLAN, PROJECT PLAN, CONCEPT PLAN, PRELIMINARY PLANNING BOUND, OR ANY OTHER PLAT OF THE PROPERTY, APPROVED BY THE MONTGOMERY COUNTY PLANNING BOARD ARE INTENTIONALLY INCORPORATED BY REFERENCE AND NOT BE CHALLENGED OR SET ASIDE BY THIS PLAT. ANY CHANGES TO THE PLAT ARE APPROVED THROUGH THE OFFICIAL PUBLIC PLAT REVIEW AND RECORDATION PROCESS AND NOT BY THE PLANNING BOARD OR THROUGH ANY OTHER MEANS.
- 5) THIS PLAT IS SUBJECT TO THE USES AND CONDITIONS WITHIN THE WALCAMP/CA PROJECT PLAN #200800334, SUTTED "CAUTION HOUSE", AND THE WALCAMP PLAT #200800340, SUTTED "CAUTION HOUSE". FINAL FORM CONSERVATION PLAN #P-00344 ENTITLED "CAUTION HOUSE" AND THE CURRENT PLAT PLANNING UNIT ENTITLED "CAUTION HOUSE".
- 6) THE APPROVAL OF THIS PLAT IS PREDICATED ON THE AVAILABILITY OF PUBLIC WATER AND SEWER.
- 7) THE PROPERTY SHOWN HEREIN IS SUBJECT TO A REQUISITION OF CONDUITS FOR PRIVATE OPEN SPACE AND STORM DRAINAGE RECORDED IN LATER PLAT #200800340.
- 8) THE PROPERTY SHOWN HEREIN IS SUBJECT TO THE "TODAY OPEN SPACE CONSUANT WITH THE MONTGOMERY COUNTY PLANNING BOARD #200400140 PLAT #200400140 RECORDED IN LATER PLAT #200400140.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE PLAN SHOWN HEREON IS CORRECT; THAT IT IS A PLAN OF ALL OF THE PROPERTY COMESED TO THE ESTATE OF THE LATE JAMES GORDLEY JR. BY HIS DEED DATED AUGUST 5, 1968 AND RECORDED IN DEED BOOK 10, PAGE 100, OF THE COUNTY OF WILSON, STATE OF NORTH CAROLINA; AND ALSO BEING A PART OF THE PLAN SHOWN HEREON AS PLAT 1502 OF THE RECORDS OF THE COUNTY OF WILSON, STATE OF NORTH CAROLINA.

I FURTHER CERTIFY THAT, ONCE BR0UGHT AS DESCRIBED IN THE OWNERS DECLARATION HEREON, ALL MONUMENTS SHOWN IN THIS PLAN, INCLUDING MONUMENTS AND OTHER BOUNDARY MARKERS SHOWN THEREON, ARE TO BE SET AS DELINEATED HEREON IN ACCORDANCE WITH THE SURVEY OF THE PROPERTY SHOWN HEREON.

THE TOTAL AREA OF THE PROPERTY SHOWN HEREON IS 11.035 SQUARE FEET, OR 0.2546 ACRES AND THE TOTAL AREA OF THIS PLAN OF SURVEY SHOWN HEREON IS 11.035 SQUARE FEET, OR 0.2546 ACRES AND THE TOTAL AREA OF THIS PLAN OF SURVEY SHOWN HEREON IS 11.035 SQUARE FEET, OR 0.2546 ACRES.

DATE 12 June 2007

NOTE: _____
IT NO.: _____

FOR PUBLIC WATER AND SEWER ONLY

MARYLAND NATIONAL CAPITAL PARK & PLANNING COMMISSION
MONTGOMERY COUNTY ENGINEERING BOARD

DEPARTMENT OF PERMITTING
SERVICES
MONTGOMERY COUNTY, MARYLAND

APPROVED:

CHAIRMAN SECRETARY - TREASURER
I.C.P. & P.C. RECORD FILE NO.:

DIRECTOR

SUBDIVISION RECORD PLAT

PARCEL "D"

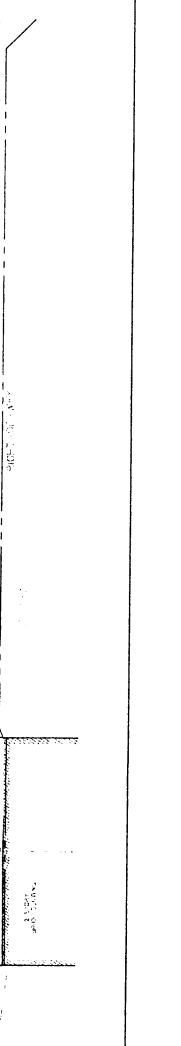
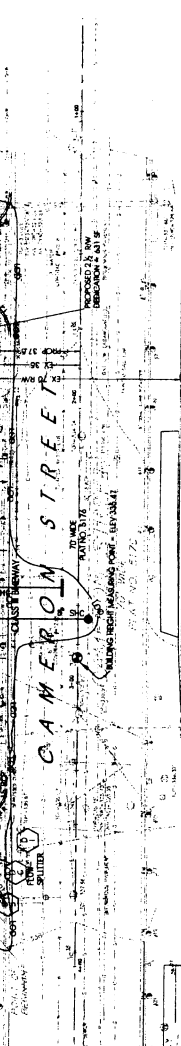
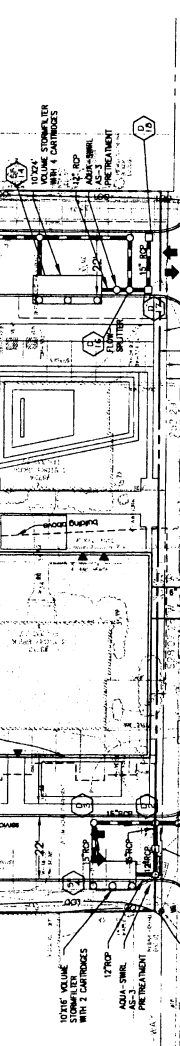
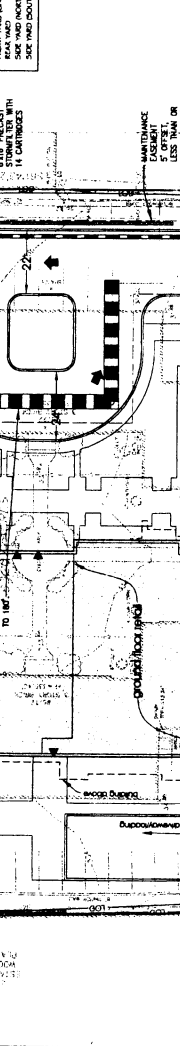
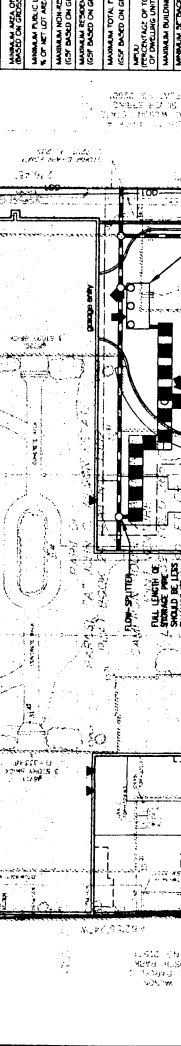
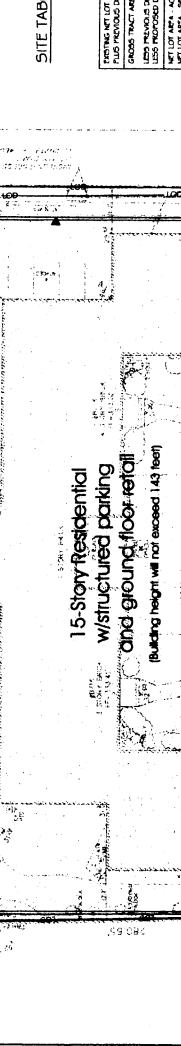
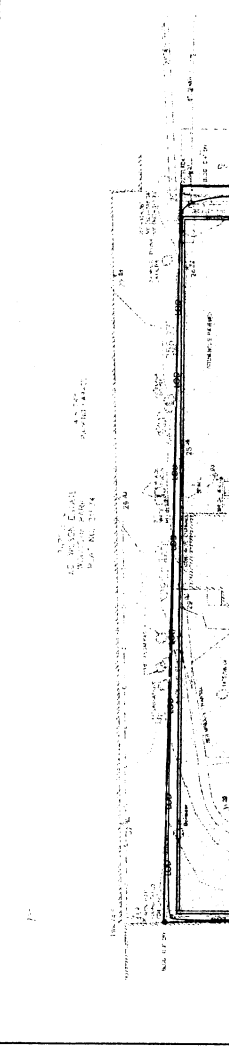
JOHN C. WILSON ESTATE, INC.

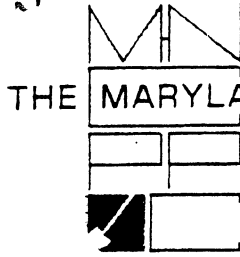
13TH ELECTION DISTRICT

SCALE: 1" = 30' DATE: JUNE 12 2007
MONTGOMERY COUNTY, MARYLAND

DATE: JUNE 12 2007

WKA[illegible][illegible]





THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

Date Mailed: **OCT - 4 2006**

Hearing Date: July 20, 2006

Action: Approved Staff
Recommendation

Motion of Commissioner Bryant,
seconded by Commissioner Wellington,
with a vote of 4-0.

Chairman Berlage and Commissioners
Bryant, Robinson, and Wellington voting
in favor. Commissioner Perdue was
absent.

MONTGOMERY COUNTY PLANNING BOARD

OPINION

Preliminary Plan No. 12006018A (formerly No. 1-06018A)
NAME OF PLAN: Cameron House

*The date of this written opinion is **OCT - 4 2006** (which is the date that this opinion is mailed to all parties of record). Any party authorized by law to take an administrative appeal must initiate such an appeal within thirty days of the date of this written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, Maryland Rules).*

INTRODUCTION

On April 4, 2006, FF Realty, LLC (the "Applicant") submitted an application for the approval of an amendment to a preliminary plan of subdivision of property in the CBD-2 zone. The application proposed to create one (1) lot on 1.77 acres of land located on the west side of Cameron Street, approximately 100 feet south of the intersection with Spring Street, in the 2000 Silver Spring Central Business District and Vicinity Sector Plan area ("Subject Property" or "Property"). The application was designated Preliminary Plan No. 12006018A (formerly No.1-06018A) (the "Amendment"). On July 20, 2006, the Amendment was brought before the Montgomery

County Planning Board ("Planning Board" or "Board") for a public hearing. At the public hearing, the Planning Board heard testimony and received evidence submitted in the record on the application.¹

The record for this Application ("Record") closed at the conclusion of the public hearing, upon the taking of an action by the Planning Board. The Record includes: the information on the Preliminary Plan Application Form; the Planning Board staff-generated minutes of the Subdivision Review Committee meeting(s) on the application; all correspondence and any other written or graphic information concerning the Application received by the Planning Board or its staff following submission of the Application and prior to the Board's action at the conclusion of the public hearing, from the Applicant, public agencies, and private individuals or entities; all correspondence and any other written or graphic information issued by Planning Board staff ("Staff") concerning the Application, prior to the Board's action following the public hearing; and all evidence, including written and oral testimony and any graphic exhibits, presented to the Planning Board at the public hearing.

SITE DESCRIPTION

The Subject Property, identified as Parcel 51, originally was recorded in 1942. The Subject Property is located on the west side of Cameron Street, approximately 100 feet south of the intersection with Spring Street, in the *2000 Silver Spring Central Business District and Vicinity Sector Plan* (the "Sector Plan") area. The Subject Property contains a total tract area of 1.77 acres and is zoned CBD-2. A multi-family dwelling currently existing on the Property will be removed.

PREVIOUS PLAN APPROVAL

On December 8, 2005, the Planning Board approved Preliminary Plan No. 120060180 (formerly No. 1-06018) for the construction of 312 multi-family dwelling units, including 39 Moderately Priced Dwelling Units (MPDUs), with parking facilities and 7,330 gross square feet of retail use. Access to the site will be from Cameron Street directly. The site will generate more than 30 peak hour weekday vehicle trips and therefore is subject to a Local Area Transportation Review (LATR).

The original Preliminary Plan proposed new public open spaces and extensive streetscape improvements. It encouraged the development of active urban streets by providing street-facing retail and easily accessible and highly visible public spaces as activity generators. The minimum required on-site public use space for this project is 14,092 square feet (20 percent of the net lot). The Applicant proposed a total of 16,334

¹ The Planning Board reviewed the Amendment concurrently with Project Plan No. 92006003A (formerly No. 9-06003A) and Site Plan No. 820060370 (formerly No. 8-06037) for the same project at the public hearing.

square feet of on-site public use space, or 23.2 percent of the net lot area. The Applicant also proposed 17,239 square feet of off-site streetscape improvements. Combined, the proposed on-site public use space, amenities, and off-site improvements constitute 33,573 square feet, or 47.7 percent of the net lot area.

AMENDMENT TO THE PRELIMINARY PLAN

The Amendment proposes an increase in the number of project dwelling units from 312 to 325, with a corresponding increase in the number of MPDUs from 39 to 41. The Sector Plan outlines goals for a revitalized Silver Spring, placing emphasis on themes such as "Residential Downtown," "Commercial Downtown," "Green Downtown," and "Pedestrian-Friendly Downtown." The Amendment remains consistent with the goals of the Sector Plan by proposing expanded multi-family housing while continuing to promote the neighboring commercial base through the creation of new retail opportunities and simultaneously encouraging pedestrian activity.

PUBLIC HEARING TESTIMONY

At the public hearing, Staff recommended approval of the Amendment based on the findings and subject to the conditions listed in its memorandum dated June 30, 2006 ("Staff Report" or "Report"). The Applicant, represented by legal counsel, concurred in Staff's findings and conditions.

FINDINGS

Having given full consideration to the recommendations of its Staff, the recommendations of the applicable public agencies,² the Applicant's position, and other evidence contained in the Record, which is hereby incorporated in its entirety into this Opinion, the Montgomery County Planning Board, based on the uncontested evidence of record and with the conditions of approval, finds that:

- a) Pursuant to Code Section 50-35(l), that Preliminary Plan No. 12006018A substantially conforms to the *2000 Silver Spring Central Business District and Vicinity Sector Plan*.
- b) Pursuant to Code Section 50-35(k), that public facilities will be adequate to support and service the area of the proposed subdivision.

² The Application was referred to outside agencies for comment and review, including the Washington Suburban Sanitary Commission (WSSC), the Montgomery County Department of Public Works and Transportation (MCDPWT), the Montgomery County Department of Permitting Services, and the various public utilities, all of which recommended approval of the Application.

- c) Pursuant to Code Section 50-29(a)(1), that the size, width, shape, and orientation of the proposed lot are appropriate for the location of the subdivision.
- d) The Amendment satisfies all the applicable requirements of the Forest Conservation Law contained in Code Chapter 22A.
- e) The Amendment meets all applicable stormwater management requirements and will provide adequate control of stormwater runoff from the site. This finding is based on the determination by the Montgomery County Department of Permitting Services (MCDPS) that the Stormwater Management Concept Plan meets MCDPS standards.
- f) The Record of the Amendment does not contain any contested issues. The Board further finds that any future objection which may be raised concerning a substantive issue in this Amendment is waived

CONDITIONS OF APPROVAL

Finding Preliminary Plan No. 12006018A in accordance with the purposes and all applicable regulations of Montgomery County Code Chapter 50, the Planning Board approves Preliminary Plan No. 12006018A, subject to the following conditions:

- 1) Approval under this preliminary plan amendment is limited to 325 multiple-family dwelling units, including 41 MPDUs, and 7,330 gross floor area of retail use.
- 2) All previous conditions of approval associated with Preliminary Plan No. 120060180 are applicable, with the exception of Condition No. 1 relating to the number of units.

This Preliminary Plan will remain valid for 36 months from its Initiation Date (as defined in Montgomery County Code Section 50-35(h), as amended). Prior to the expiration of this validity period, a final record plat for all property delineated on the approved preliminary plan must be recorded among the Montgomery County Land Records or a request for an extension must be filed.

* * * * *

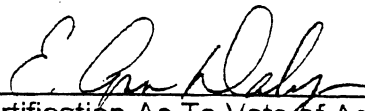
[CERTIFICATION OF BOARD VOTE ADOPTING OPINION ON FOLLOWING PAGE]

APPROVED AS TO LEGAL SUFFICIENCY

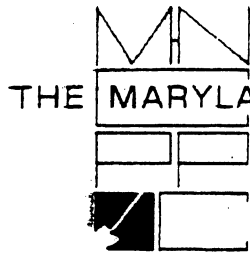
DJP 7/12/06
M-NCPPC LEGAL DEPARTMENT

CERTIFICATION OF BOARD ADOPTION OF OPINION

At its regular meeting, held on **Thursday, September 21, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, **ADOPTED** the above opinion, on motion of Commissioner Robinson, seconded by Commissioner Wellington with Commissioners Bryant, Robinson and Wellington voting in favor and with Chairman Hanson and Vice Chair Perdue abstaining. This Opinion constitutes the final decision of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Preliminary Plan No. 12006018A (formerly No. 1-06018A, Cameron House.**



Certification As To Vote of Adoption
E. Ann Daly, Technical Writer



THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION
8787 Georgia Avenue • Silver Spring, Maryland 20910-3760

DCT 04 2006

MCPB No. 06-29
Site Plan No. 820060370
Cameron House
Hearing Date: July 20, 2006

MONTGOMERY COUNTY PLANNING BOARD

RESOLUTION

WHEREAS, pursuant to Montgomery County Code ("Code") Division 59-D-3, the Montgomery County Planning Board ("Planning Board" or "Board") is required to review site plan applications; and

WHEREAS, pursuant to Code Section 59-D-3.4(b), following a public hearing on the application, the Planning Board must, by resolution, approve, approve with conditions, or disapprove a proposed site plan; and

WHEREAS, Code Section 59-D-3.4(b) defines the required contents of a Planning Board resolution regarding a site plan; and

WHEREAS, the Planning Board, in reaching its decision on a site plan, must determine that the site plan meets the requirements of Code Section 59-D-3.4(c); and

WHEREAS, on April 4, 2006, FF Realty, LLC (the "Applicant") filed an application for approval of a site plan for 380,057 gross square feet of development, including a maximum of 325 residential multiple-family condominium units, of which 41 will be Moderately Priced Dwelling Units (MPDUs), and 7,330 square feet of retail, on 1.6 acres of CBD-2-zoned land ("Site Plan") located at 8710 Cameron Street approximately 100 feet southwest of the intersection of Cameron Street and Spring Street in downtown Silver Spring (the "Property" or "Subject Property"); and

WHEREAS, Applicant's site plan application was designated Site Plan No. 820060370 (formerly 8-06037), Cameron House (the "Application"); and

WHEREAS, following review and analysis of the Application by Planning Board staff ("Staff") and the staffs of other governmental agencies, on July 20, 2006, Staff presented the Application to the Planning Board at a public hearing for its review and action (the "Hearing"); and

WHEREAS, prior to the Hearing, on July 7, 2006, Staff had issued a memorandum to the Board setting forth its analysis of and recommendation for approval of the Application subject to certain conditions ("Staff Report"); and

WHEREAS, at the Hearing, the Planning Board concurrently considered Project Plan No. 92006003A (formerly 9-0603A) and Preliminary Plan No. 12006018A (formerly 1-06018A) for the Subject Property and approved both subject to conditions; and

WHEREAS, at the Hearing, the Planning Board heard testimony and received evidence submitted for the record ("Record") on the Application and approved the Application subject to certain conditions on the motion of Commissioner Bryant, seconded by Commissioner Wellington, with Chairman Berlage and Commissioners Bryant, Robinson, and Wellington voting in favor of the motion, and Commissioner Perdue being necessarily absent.

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the relevant provisions of Code Chapter 59, the Montgomery County Planning Board APPROVED Site Plan No. 820060370 for 380,057 gross square feet of development, including a maximum of 325 residential multiple-family condominium units, of which 41 will be MPDUs, and 7,330 square feet of retail, on 1.6 acres of land in the CBD-2 zone, subject to the following conditions:

1. Preliminary Plan Conformance

The proposed development shall comply with the conditions of approval for Preliminary Plan No. 12006018A.

2. Project Plan Conformance

The proposed development shall comply with the amended conditions of approval for Project Plan No. 92006003A.

3. Site Design

- a. Provide a 22-foot-wide driveway to the parking garage from Cameron Street, subject to the approval of the Department of Public Works and Transportation (DPWT). In the event a 24-foot-wide driveway is required by DPWT, the on-

site amenity space will be reduced by approximately 225 square feet to accommodate the additional pavement.

- b. At the time of certified site plan, the Applicant may relocate the proposed retaining wall along the north side of the driveway circle up to four (4) feet to the north in order to provide sufficient planting area adjacent to the driveway circle for enhanced landscaping and tree planting.

4. Lighting

- a. The Applicant shall provide a lighting distribution and photometric plan with summary report and tabulations to conform to IESNA standards for residential development.
- b. All light fixtures shall be full cut-off fixtures or equipped with shields, refractors or reflectors to negate glare.
- c. Deflectors shall be installed on all fixtures causing potential glare or excess illumination, especially on the perimeter fixtures abutting the adjacent residential properties.
- d. Illumination levels from site-generated sources shall not exceed 0.5 footcandles (fc) at any property line abutting county roads.
- e. The Applicant shall provide detailed specifications of the lighting elements being proposed within the public use areas.
- f. The Applicant shall provide additional building mounted fixtures on the northwestern and western edge of the building to address safety concerns. Lighting provided in compliance with this condition is exempt from the illumination level limitation provided in Condition 4(d).
- g. The up-lighting for the art component within the lawn area of the site shall be allowed lateral flexibility within a foot of the approved site plans to permit final movement, location, and design of the art element.

5. Recreation Facilities

- a. The Applicant shall provide four (4) picnic/sitting areas (10 benches), an indoor community space, an indoor exercise room, and swimming pool.
- b. The Applicant shall provide the square footage requirements for all of the applicable proposed recreational elements and demonstrate that each element is in conformance with the approved M-NCPPC Recreation

Guidelines. The square footage for the recreation facilities shall be provided on a separate recreation facilities plan.

6. Moderately Priced Dwelling Units (MPDUs)

- a. The Applicant shall provide 41 Moderately Priced Dwelling Units (or 12.5 percent of the total number of units) within the building, consistent with Chapter 25A.
- c. The MPDU agreement shall be executed prior to the release of the first building permit.
- d. If all of the required MPDUs are not provided within the proposed building, an amendment to the subject site plan shall be filed by the Applicant and approved by the Planning Board prior to issuance of any building permit.

7. Forest Conservation

The Applicant shall comply with the conditions of approval from M-NCPPC Environmental Planning in the memorandum dated May 22, 2006.

8. Fire and Rescue

The Applicant shall comply with the memorandum dated June 26, 2006, from the Fire Marshall.

9. Stormwater Management

The proposed development is subject to the Stormwater Management Concept approval conditions dated October 14, 2005, or as amended by the Department of Permitting Services (as lead agency).

10. Common Open Space Covenant

Record plat of subdivision shall reference the Common Open Space Covenant recorded at Liber 28045 Folio 578 ("Covenant"). The Applicant shall provide verification to M-NCPPC staff prior to issuance of the final use and occupancy permit that the Applicant's recorded Homeowners Association Documents incorporate by reference the Covenant.

11. Maintenance Responsibility

On-site public open spaces, including the public art, seating areas, landscaping, and lighting, shall be maintained in perpetuity by the Condominium Association

created for the project. Alternatively, an agreement shall be executed with the Silver Spring Urban District for maintenance to be performed by the Urban District.

12. Development Program

The Applicant shall construct the proposed development in accordance with the Development Program. The Development Program shall be reviewed and approved by M-NCPPC staff prior to approval of the certified site plan. The Development Program shall include a phasing schedule as follows:

- a. All site features, including the public art, as defined by the certified site plan shall be installed no later than six months from the issuance of any use and occupancy permit.
- b. Street tree planting and on-site landscaping shall progress as construction of the building is completed, but no later than six months after issuance of the permit.
- c. The recreation facilities located within the building shall be installed no later than six months from the occupancy of the first residential unit.
- e. Clearing and grading shall correspond to the construction phasing, to minimize soil erosion.
- f. Phasing of dedications, stormwater management, sediment/erosion control, public use space, streetscape, recreation, or other features.

13. Clearing and Grading

No clearing or grading prior to M-NCPPC approval of certified site plan.

14. Certified Site Plan

Prior to approval of the certified site plan the following revisions shall be included and/or information provided, subject to M-NCPPC staff review and approval:

- a. Development program, inspection schedule, and Site Plan Resolution.
- b. Limits of disturbance.
- c. All of the items specified in the site design, landscape, lighting, and recreation conditions of approval.

BE IT FURTHER RESOLVED, that all site development elements shown on the Cameron House plans stamped by M-NCPPC on June 14, 2006, shall be required except as modified by the above conditions of approval; 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 the Planning Board's approval of the Application is based on the following findings:

1. *The site plan conforms to all non-illustrative elements of a development plan or diagrammatic plan, and all binding elements of a schematic development plan, certified by the Hearing Examiner under Montgomery County Code § 59-D-1.64, or is consistent with an approved project plan for the optional method of development, if required, unless the Planning Board expressly modified any element of the project plan.*

The Planning Board finds that the Application, as modified by the conditions, is consistent with approved Project Plan No. 92006003A in terms of land use, density, location, building height, and development guidelines.

2. *The site plan meets all of the requirements of the zone in which it is located, and where applicable conforms to an urban renewal plan approved under Chapter 56.*

The Planning Board finds that the Application meets all of the requirements of the CBD-2 zone. In reaching its finding, the Planning Board relied in part on the relevant data table contained in the Staff Report and other uncontested evidence and testimony of record. The development standards approved by the Planning Board are set forth in the table below.

Approved Development Standards

Development Standard	Approved by Planning Board for Site Plan No. 820060370 and Binding on Applicant
Gross Tract Area (square feet)	77,383'
Net Site Area (after dedication, in s.f.)	70,462
Maximum Density	
Max. Non-Residential Density	
FAR	0.095
(s.f.)	(7,330)
Residential Density	
FAR	4.817
(s.f.)	(372,727)
Total Density	
FAR	4.911
(s.f.)	(380,057)
MPDUs (%)	12.5
Number of Units	41
Maximum Building Height (ft.)	143
	(as measured from Cameron Street)
Number of Floors	15
Total Number of Dwelling Units	325
Minimum Building Setbacks (ft.)	
Front Yard (Cameron Street)	2
Rear Yard	0
Side Yard (north)	10
Side Yard (south)	0
Parking (number of spaces)**	
Residential Uses (Mkt. Rate)	
Efficiency @ 1.00 sp./unit (21 x 1.00)	21
1 BR @ 1.25 sp./unit (110 x 1.25)	138
1 BR + Den @ 1.25 sp./unit (43 x 1.25)	54
2 BR @ 1.50 sp./unit (33 x 1.50)	50
2 BR + Den @ 1.50 sp./unit (77 x 1.50)	116
Residential Uses (MPDU)	
Efficiency @ 0.50 sp./unit (3 x 0.50)	2
1 BR @ 0.625 sp./unit (16 x 0.625)	10
1 BR + Den @ 0.625 sp./unit (15 x 0.625)	10
2 BR @ 0.75 sp./unit (3 x 0.75)	3
2 BR + Den @ 0.75 sp./unit (4 x 0.75)	3
Residential Subtotal	407
10% Credit for Residential in CBD	(41)
Required Residential Parking	366
Retail Uses (7,330 qsf @ 5 sp./1000)	37
Total Parking Required	403
Total Parking Provided	434
Public Use Space (% of net lot area)	
On-site	23.2 (16,334 s.f.)
Off-site	24.5 (17,239 s.f.)
Total On- and Off-site Public Use Space	47.7 (33,573 s.f.)

* Includes previous 12,417 s.f. street dedication and 800 s.f. for the proposed Cameron Street right-of-way dedication.

** The Subject Property is located in an Urban Parking District; the proposed development is not required to provide any off-street parking on-site.

3. *The locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.*

The Planning Board finds that the locations of buildings and structures, open spaces, landscaping, recreation facilities, and pedestrian and vehicular circulation systems proposed by the Application, as modified by the conditions, are adequate, safe, and efficient.

a. Buildings and Structures

The proposed T-shaped building is comprised of 15 stories (143 feet) with retail on the ground floor and 325 multi-family units on floors three through 15. A parking garage featuring one below-grade and four above-grade levels will be located primarily in the rear of the site adjacent to the existing public garage. The residential lobby entrance for the building will be located along the Cameron Street frontage and will be recessed approximately 95 feet from the building edge. The retail entrance will be located directly along the Cameron Street frontage as well and also internally along the public use space that facilitates the art component.

b. Open Spaces

The majority of the on-site public use space consists of a plaza, comprised of pavers, a lawn area, and accent planting, located primarily at the northeast corner of the building. The remainder of the on-site public use space is located directly in front of the building, expanding the streetscape of Cameron Street and incorporating public art as an element of the design. The plaza will be interactive for pedestrians, storefront patrons, and residents of the building. The public space also will include benches that emphasize and complement the sculpture blended with landscaping and specialty lighting to accentuate the area. The total on-site public use space to be provided is 16,334 square feet, or 23.2 percent of the net lot area. Overhead utilities will be relocated underground, consistent with the procedures for optional method projects within the Silver Spring Central Business District (CBD).

Off-site modifications will include streetscape improvements along the west side of Cameron Street directly in front of the property and the east side of Cameron Street from the alley entrance of the United Therapeutics site to Georgia Avenue. In addition to the Cameron Street improvements, the Applicant proposes improving the streetscape on both sides of Fenton Street from Cameron Street to Colesville Road. The total provided off-site

improvement area is 17,239 square feet, or 24.5 percent of the net lot area. The combined totals for on- and off-site improvements equal 47.7 percent, which exceeds the requirement of 20 percent in the CBD for optional method developments and matches the combined totals for other projects in the CBD with similar requirements. In addition to the public use space, the Applicant is providing private amenity space for the residents that will consist of a private landscaped terrace on the roof of the proposed garage at the western end of the building.

The urban plaza designed for the front of the building will serve as a vital urban open space link and as additional public use space at the northern gateway to Silver Spring. The outdoor public plaza will form part of an interconnected pedestrian system along Cameron Street that leads to the core area of development in downtown Silver Spring. The plaza will create a focal point at the corner that directly ties into the architecture of the building and also serves as an outdoor seating area with landscaping, varying paver treatments, and artwork. This proposed space will work in concert with the public use space directly across Cameron Street on the proposed United Therapeutics project site. A public art program, developed by Wendy Ross, will include a metal sculpture in the lawn area to reinforce the architecture of the building and accent the public use space.

c. Landscaping and Lighting

The proposed landscaping consists of shade trees at the entrance to the site and along the northern boundary abutting the adjacent proposed United Therapeutics project. The southern boundary includes flowering deciduous trees with underplanting to highlight the separation between the loading area and the adjacent parking garage. The entrance to the residential lobby area is flanked on both sides by flowering trees and groundcover.

A landscaped terrace for the residents will be provided on the top of the five-level garage on the west side abutting the public parking garage. The terrace will be used specifically for the residents on that floor level and will provide a softer appearance for the residents on the upper levels. The terrace contains a retaining wall on the edge for safety that will serve to screen the adjacent parking structure and vehicles.

The lighting plan is comprised of pedestrian level bollards throughout the entire site, specifically surrounding the building frontage and circular drop-off for vehicular circulation. The streetscape is comprised of the standard "Washington Globe" fixture at 60 feet on center between the street trees.

d. Recreation

The Planning Board finds that the Application satisfies recreation demand as depicted in the "Recreation Calculations" table on page 11 of the Staff Report. The Applicant is providing ten picnic/sitting areas, a swimming pool, an indoor community space, and an indoor fitness facility. The recreation amenities and facilities must meet the square footage requirements specified by the M-NCPPC Recreation Guidelines.

e. Vehicular and Pedestrian Circulation

The Application enhances vehicular circulation by improving the right-of-way along the west side of Cameron Street directly along the frontage of the Subject Property. The Applicant will dedicate an additional 2.5 feet along the Applicant's property line, thereby expanding the total right-of-way dedication to 37.5 feet from the centerline. The full width dedication achieves a total right-of-way of 72.5 feet on Cameron Street and will ensure complete accommodation of the optional method streetscape treatment on the Applicant's side of each street. Although the *2000 Silver Spring Central Business District and Vicinity Sector Plan* requires only 70 feet of dedication, the adjacent property to the north also has provided an additional 2.5 feet due to the fact that the Cameron Street right-of-way widens near the intersection with Spring Street.

The entrance to the parking garage is located at the northeastern end of the proposed building near the Property's Cameron Street boundary. The parking garage is a five-level structure, with one level below grade, planned to accommodate 434 parking spaces, of which 397 will be dedicated for use by the residents. The remaining 37 spaces will be dedicated to retail patrons. Signs indicating traffic circulation in and out of the garage will be provided to promote safety for pedestrian activity in the public use space.

The streetscape improvements along Cameron Street and Fenton Street will facilitate the desire for pedestrian connectivity to the bus and metro station. The streetscape improvements will be expanded along both sides of Fenton Street to Colesville Road and along the east side of Cameron Street to Georgia Avenue. The full streetscape improvements along the east side of Cameron Street will complete a portion of the block, opposite the Subject Property, in concert with the streetscape improvements proposed for the United Therapeutics project.

In addition, the Applicant will enter into a traffic mitigation agreement (TMA) with the Planning Board to help the Project achieve the non-driver commuting goal for development in the Silver Spring CBD. The TMA will outline possible transit alternatives, program monitoring, and commuter display information. A draft agreement has been submitted for review by Staff and will be finalized during the record plat phase.

4. *Each structure and use is compatible with other uses and other site plans, and with existing and proposed adjacent development.*

The Planning Board finds that the structures and uses in the project, as modified by the Amendment, remain compatible with other uses and site plans and with existing and proposed adjacent development. The project compliments the commercial and residential characteristics of the surrounding neighborhood. The proposed development is compatible with the existing development occurring in downtown Silver Spring and encourages redevelopment of adjacent properties in the CBD. The building's configuration and placement reflects sensitivity to the adjacent proposed United Therapeutics building, such as through the use of shadow effects cast onto the photovoltaic design proposed for the adjacent rooftop.

The surrounding and adjacent properties are a mix of different uses, from commercial to residential. The height and massing of the surrounding buildings range from two-story to eight-story with various building and architectural types that are integral to the vitality of an urban downtown area, including the proposed United Therapeutics building at the intersection of Cameron and Spring Streets as well as the existing two-story C&P building directly across the street. In addition to the commercial buildings, there is a four- to six-story public parking structure that wraps around the southern and western end of the Subject Property. The buildings on the north side of Spring Street also vary in height from two to eight stories and consist of mixed-use office, retail, and residential uses and are zoned C-O (Commercial Office). Spring Street is the northern boundary for the Silver Spring CBD. The original residential houses at this intersection have been converted into medical office buildings while retaining their residential appearance. However, the buildings range in size and mass and offer a transition from the uses that buffer the adjacent residential neighborhood to the mix of low to high-rise buildings closer toward the core.

The Board finds that the design and scale of the project, pedestrian and vehicular circulation, and improvements to the streetscape promote an enhancing and interactive relationship with the northern boundary of the CBD and downtown Silver Spring.

5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation, Chapter 19 regarding water resource protection, and any other applicable law.*

The Planning Board finds that the Application meets all applicable requirements of Chapters 22A and 19, respectively. The Application satisfies forest conservation requirements through street tree planting credits. The proposed Stormwater Management Concept consists of on-site water quality control via stormfilters and water quality units for pretreatment as well as a waiver of channel protection due to low head conditions and a partial waiver of water quality due to site constraints. On-site recharge is not required since this is a redevelopment project.

BE IT FURTHER RESOLVED, that this site plan shall remain valid as provided in Montgomery County Code § 59-D-3.8; and

OCT 04 2006 BE IT FURTHER RESOLVED, that the date of this written opinion is (which is the date that this opinion 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 written opinion, consistent with the procedural rules for the judicial review of administrative agency decisions in Circuit Court (Rule 7-203, *Maryland Rules*).

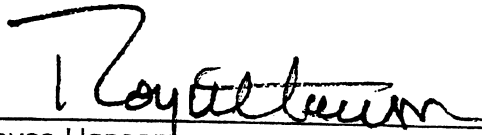
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At its regular meeting, held on **Thursday, September 21, 2006**, in Silver Spring, Maryland, the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission ADOPTED the above Resolution, on motion of Commissioner Robinson, seconded by Commissioner Wellington, and with Commissioners Bryant, Robinson, and Wellington voting in favor, and with Chairman Hanson and Vice Chair Perdue abstaining. This Resolution constitutes the final decision

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of the Planning Board and memorializes the Board's findings of fact and conclusions of law for **Site Plan No. 820060370, Cameron House.**

Adopted by the Montgomery County Planning Board this 21st day of September, 2006.



Royce Hanson
Chairman, Montgomery County Planning Board



Trudye M. Johnson
Executive Director